

(29)

QA 1211/92

15.9.2000

HON.MR.JUSTICE R.R.K.TRIVEDI,V.C.

HON.MR.S.DAYAL, MEMBER(A)

We have heard Shri B.P.Srivastava, learned counsel for the applicant and Shri V.K.Goel, learned counsel appearing for the respondents. Order dictated, typed separately.

  
MEMBER(A)

  
VICE CHAIRMAN

Uv./

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

THIS THE 15TH DAY OF SEPTEMBER, 2000

Original Application No.1211 of 1992

CORAM:

HON.MR.JUSTICE R.R.K.TRIVEDI,V.C.

HON.MR.S.DAYAL, MEMBER(A)

Muntaz Ahmed, a/a 45 years, son of  
Shri Asgar Ali, resident of  
Ansari road, Deoria

.... Applicant

(By Adv: Shri B.P.Srivastava)

Versus

1. Union of India through the General Manager  
N.E.Railway, Gorakhpur.
2. Additional General Manager,  
N.E.Railway, Gorakhpur.
3. Chief Personal Officer,  
N.E.Railway, Gorakhpur.

.... Respondents

(By Adv: Shri V.K.Goel)

ORDER(Oral)


(By Hon.Mr.Justice R.R.K.Trivedi,V.C.)

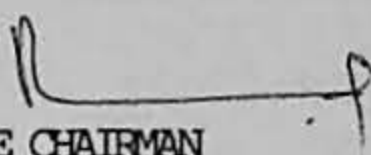
By this application u/s 19 of the A.T.Act 1985, relief has been sought for a direction that a declaration may be issued to absorb the applicant as a Railway employee and to accord the applicant all the benefits and privileges of the continuity of service as being accorded to the similarly situated employees who have been absorbed from the Railway Mens Consumers Co-operative Society, Gorakhpur. This claim is based on the judgement of Hon'ble Supreme Court in M.M.R Khan and Others Vs. Union of India and Others, AIR 1990 SC 937.

The respondents, resisting the claim of the applicant, filed Counter affidavit and denied that the applicant is not entitled for the relief as he was not serving in any canteen. On the contrary, he was serving in the office of the co-operative Society. In paragraph 4.6. of the OA, applicant has clearly admitted that he was an employee of Non-statutory aforesaid Co-operative Society, as such he is an employee of the Railways. We have gone through the judgement of Hon'ble Supreme Court and we do not find that

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employees serving in the office of the Co-operative Society would also be deemed to be the employees of the Railways like employees serving in the Canteens. in the Circumstances, we do not find any substance in the application. The application is dismissed. No order as to costs.

  
MEMBER(A)

  
VICE CHAIRMAN

Dated: 15.9.2000

Uv/