

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL,
ADDITIONAL BENCH,
ALLAHABAD

Allahabad this the 21st day of May, 1997

CORAM : Hon'ble Mr. Justice B. C. Saksena, V.C.
Hon'ble Mr. S. Das Gupta, Member-A.

Original Application No. 1431 of 1993.

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1. Bhim Bahadur son of Om Bahadur
2. Leel Bahadur son of Ganesh Bahadur.
3. Krishna Kumar son of Khanjar Prasad.
4. Rajendra Yadav son of Sri Bans Raj Yadav.
5. Vijay Kumar Yadav son of Moti Lal Yadav.
6. Chandra Bhan Sharma son of Sri Ram Autar Sharma.
7. Raju son of Ram Nagina
8. Mohammad Zaki son of Sharfuddin
9. Shivnath son of late Gholai.
10. Satya Narayan son of Ram Awadh
11. Laxman Tiwary son of Late Badri Tiwari
12. Abhimanyu son of Bhullan
13. Ramu singh son of Sri Dukhi Singh.
14. Gopal Sharma son of Bhagwat Sharma.
15. Hemant Kumar Gupta son of Chhedi Gupta.
16. Badal son of Chhote Lal.
17. Pati Raj son of Pawaroo
18. Arjun Kumar son of Sri Banke Prasad.
19. Kanhaiya Lal son of Sri Mativar
20. Jagar Nath Pal son of Ram ~~Haj~~ Pal

All residents of System Technical School,

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North Eastern Railway, Gorakhpur.

....Applicants.

(Through counsel Sri Rajni Kant Chaube)

Versus

1. Union of India through the General Manager, North Eastern Railway, Gorakhpur.
2. Chief Personnel Officer, North Eastern Railway, Gorakhpur.
3. Chief Mechanical Engineer, North Eastern Railway, Gorakhpur.
4. Principal, System Technical School, North Eastern Railway, Gorakhpur.
5. Hostel Superintendent, System Technical School, North Eastern Railway, Gorakhpur.

...Respondents Ist set.

6. Km. Shabnam Srivastava, major d/o. not known, Khalasi, System Technical School, North Eastern Railway, Gorakhpur.

7. Lalji Yadav son of Bijuli, Chaukidar, System Technical School, North Eastern Railway, Gorakhpur.

....Respondents II Ind set.

(Through counsel Sri Govind Saran)

O_R_D_E_R

(By Hon'ble Mr. Justice B. C. Saksena, V.C)

The applicants on their own ~~saying~~ have been working in the mess canteen of System Technical School, North Eastern Railway, Gorakhpur in various capacities. The applicants have clearly stated in para 2 of the O.A. that the present matter is within the jurisdiction

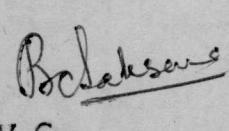
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of this Tribunal. The respondents, in their counter-affidavit have not disputed the same, but after having heard the learned counsel for the parties and from the facts which emerges from the pleadings, it is evident that the applicants were working in the mess of the System Technical School and the said mess cannot be said to be either statutory, non-statutory or recognized ~~institution~~ ^{statutory} ~~or~~ ^{Committee} ~~for~~ ^{for} by the respondents. In their counter-affidavit ~~it is~~ ^{answered} ~~for~~ that the payment of wages to the employees of the mess of the System Technical School was made by out of the collections from the trainees and thus, the respondents have taken the plea that the applicants were only privately engaged by such trainees. Therefore, they can not be given the benefit of the decision of Hon'ble Supreme Court in M. M. R. Khan Vs. Union of India, reported in (1990) 1, U. P. L.B.E.C. 498. In view of the said decision, since the applicants are neither employees of a statutory canteen, much less recognized canteen, we are of the view that they are not holders of civil post and consequently for redressal of their grievances, their O.A. will not be maintainable before this Tribunal in view of provisions of Sections 14 and 16 of the Act.

2. The O.A. is accordingly disposed of as not maintainable before this Tribunal.


Member-(A)


V.C.