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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
AHMEDABAD BENCH

O.A. No. 401/1987

DATE OF DECISION 4.9.1987

SHRI PRAHLADBHAI CHIMANBHAI & ORS Petitioner

SHRI L.N. MEDIPALLY Advocate for the Petitioner(s)

Versus

THE UNION OF INDIA & ORS Respondent

SHRI J.D. AJMERA Advocate for the Respondent(s)

CORAM : HON'BLE MR. P.M. JOSHI : JUDICIAL MEMBER

The Hon'ble Mr. P.M. JOSHI : JUDICIAL MEMBER

The Hon'ble Mr.

1. Whether Reporters of local papers may be allowed to see the Judgement ? *Y*
2. To be referred to the Reporter or not ? *Y*
3. Whether their Lordships wish to see the fair copy of the Judgement ? *ND*
4. Whether it needs to be circulated to other Benches of the Tribunal. *ND*

Shri Prahladbhai Chimanbhai  
Gujarat Mazdoor Seva Sangh  
Mohan Lodhani Chawl,  
Dudheswar Road, Ahmedabad.

Shri Chandubhai Surtaji,  
Gujarat Mazdoor Seva Sangh,  
Mohan Lodhani Chawl,  
Dudheswar Road, Ahmedabad

Shri Balkrishna Kachrubhai  
Gujarat Mazdoor Seva Sangh,  
Mohan Lodhani Chawl,  
Dudheswar Road, Ahmedabad.

... Petitioners

Versus

The Union of India,  
Through the Secretary to  
the Government of Ministry of Finance,  
New Delhi.

The Central Provident Fund  
Commissioner, Mayur Bhavan,  
9th Floor, New Delhi.

The Regional Provident Fund,  
Commissioner,  
Gujarat State,  
Bhavishyanidhi Bhavan,  
Near Reserve Bank of India,  
Income Tax, Ahmedabad

... Respondents

Coram : Hon'ble Mr. P.M. Joshi

.. Judicial Member

Per : Hon'ble Mr. P.M. Joshi

.. Judicial Member

O R D E R

Dt: 4.9.1987

In this OA/401/87 the petitioners viz;

(1) Shri Prahladbhai Chimanbhai, (2) Shri Chandubhai Surtaji and (3) Shri Balkrishna Kachrubhai of Ahmedabad have prayed that the opponents be directed to pay them according to the Revised Pay scale in accordance with the orders issued by the Ministry of Personnel, Public Grievances and pension, Department of Personnel and Training under its Memorandum dated 24.11.1986 (Annexure 'A') . According to the case set up by them they are currently serving as Tea Makers and are paid at Rs.375 per month by the respondent No.3.

When the matter came up for admission the learned counsel for the applicants Mr.L.N.Medipally was directed to place on record the relevant documents to show whether the petitioners are the employees of the Union of India, in order to attract the applicability of the provisions of the Administrative Tribunals Act 1985. Time was granted as per his request. Later on, he has produced 11 documents as listed in the application dated 28.8.1987. Mr.Medipally relied upon several documents including the letter dated 9.7.1987 addressed to the Secretary of the employees Provident Fund Staff Cooperative Canteen, Ahmedabad by Mr.H.R.Shah, Assistant Provident Fund Commissioner in this regard. It is strenuously urged by him that the canteen in which the petitioners are employed is directly controlled and managed by the respondent authorities. According to him, even the grants are sanctioned by the respondent authorities. It is therefore submitted that the petitioners have been successful in establishing that they are the employees of the respondents and as such, they are entitled to approach this Tribunal for redressal of their grievance. Mr.J.D.Ajmera learned counsel appearing on behalf of the respondents has filed his objections against the admission of the application, wherein it is contended inter-alia that this Tribunal has no jurisdiction in respect of the employees of "the Employees Provident Fund Staff Co-operative Canteen Society".

At the very outset, it may be stated here that there is not iota of evidence brought on record to show that the petitioners are in the employment of the respondents i.e. Union of India. No appointment orders are produced. The extract from the monthly Muster Book, showing the names of the present petitioners as the employees of

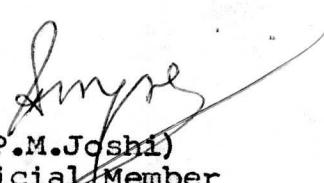
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the canteen is relied upon by the petitioners.

However, <sup>on</sup> the basis thereof, it is not possible to infer that the canteen which is operated in the premises of the Department is managed by the respondents or for that matter, they have any control over the employees engaged by the Society.

It is quite possible that some of the officers of the Department might be the office bearers of the aforesaid society and they might be responsible for managing the affairs of the canteen. But that will not create any relationship of the petitioners as employees of the Respondents. It is borne out from the letters produced and relied upon by the petitioners that the "Society" is receiving certain amounts in the form of subsidy or grant from the department concerned and for that purpose certain audited reports of the society are called for by the Department. In case, the petitioners have any grievances in respect of their claim for revised pay scale, they have certainly a remedy against the society which runs the canteen. But obviously they have no cause to file the present application against the respondents for redressal of their grievances. The documents and the materials placed on record have been perused. Suffice it to state that they do not permit us to hold that the petitioners are the employees of the respondents.

The application is devoid of merits and therefore fails. The application is accordingly rejected in limine.

  
(P.M.Joshi)  
Judicial Member