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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

ORIGINAL APPLICATION NO. 724 OF 1996
Cuttack this the 2nd day of May, 2003

Ananga Kumar Samanta ... Applicant(s)

VERSUS

Union of India & Ors. ... Respondent(s)

FOR INSTRUCTIONS

1. Whether it be referred to reporters or not ? no
2. Whether it be circulated to all the Benches of the
Central Administrative Tribunal or not ? no

all
02.05.03
(M.R. MOHANTY)
MEMBER (JUDICIAL)

B.N. SOM
(B.N. SOM)
VICE-CHAIRMAN

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CORAM:

THE HON'BLE MR. B.N. SOM, VICE-CHAIRMAN
AND
THE HON'BLE MR. M.R. MOHANTY, MEMBER (JUDICIAL)

...

Ananga Kumar Samanta, aged about 36 years,
S/o. Late Krushna Ch. Samant - at present working
as P.A., SBCO, Phulbani H.O., Phulbani

... Applicant

By the Advocates

M/s. A. Routray
Mrs. S. Rout

VERSUS

1. Union of India represented through Director General of Posts, Dak Bhawan, New Delhi
2. Chief Post Master General, Orissa, Bhubaneswar
3. Superintendent of Post Offices, Phulbani
4. Senior Post Master, G.P.O., Cuttack

... Respondents

By the Advocates

Mr. B. Dash
Mr. A. K. Bose

ORDER

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MR. B.N. SOM, VICE-CHAIRMAN: In this Application under Section 19 of the A.T. Act, 1985, Shri A.K. Samanta (applicant) seeks two fold reliefs, viz., firstly, that his past service rendered as a Canteen Manager from 1.7.1986 to 18.5.1989 may be counted for the purpose of fixation of pay, pension and other service benefits and, secondly, that the Respondents be directed to disburse the salary for the period from 1.1.1989 to 18.5.1989. The applicant, Shri Samant, was appointed as a Manager of the Departmental

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Canteen at Cuttack G.P.O., where he faced retrenchment w.e.f. 18.5.1989 on abolition of the Departmental Canteen. Being aggrieved, he approached this Tribunal in O.A. No.413/88, wherein the Tribunal was pleased to advise the Postmaster to take a compassionate view in the matter and to make an earnest effort to appoint the applicant in a suitable post, as a result of which the Respondents appointed him in January, 1992 as L.D.C., S.B.C.O. under the Orissa Circle, in relaxation of normal recruitment rules and age relaxation. His offer of appointment (Annexure-2) contains the terms and conditions of service as applicable to similarly appointed Government servants. Then the applicant, in 1993, made representation to Respondent No.1 for counting his past service service. The Res.No.1, after considering the said representation rejected his prayer vide Annexure-R/1 stating that the service rendered by the applicant as Canteen Manager could not be taken into account for the purpose of fixation of pay and pension and other emoluments etc. Being aggrieved by that decision of Res.No.1, the applicant has come up before this Tribunal for redressal of his grievances.

2. We have heard Shri P.K.Padhi, appearing for the applicant and Shri A.K.Bose, learned Senior Standing Counsel on the two issues as raised in this application. On the first issue, we found that the applicant in his past service as Canteen Manager was employed in an organisation, which was outside the Government, although the Government used to support its existence by subsidising its ways and means

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for managing its affairs. The employees of the Departmental
canteens were governed by ^a ~~set of~~ separate rules framed in this
regard, called "Departmental Canteen Employees (Recruitment
and Conditions of Service) Rules, 1980" and did not have
any nexus with the service conditions of the Government
employees. In the circumstances, as per the extant orders
in the matter, such ex employees of the Departmental
canteen are not entitled to claim the past service benefits
on their appointment under the Government, as the past
service was not ~~either~~ either under the Central Government
or under the State Government. In this view of the matter,
the first relief of the applicant is not available
to him.

3. With regard to 2nd relief, we are unable to
help the applicant much as his claim for disbursement of
his salaries for the period from 1.1.1989 to 18.5.1989
is barred by limitation.

4. For the reasons discussed above, we find no
merit in this O.A., which is accordingly dismissed, leaving
the parties to bear their own costs.

M.R. Mohanty
(M.R. MOHANTY)
MEMBER (JUDICIAL)

B.N. Som
(B.N. SOM)
VICE-CHAIRMAN

Biy/