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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

ORIGINAL APPLICATION NO. 179 OF 2002
Cuttack this the 26th day of July 2004

CORAM:

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

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Sri Khageswar Jena, aged about 40 years
S/o. Sri Gandhi Jena, resident of Village/PO-
Achyutpur, Via-Rajkanika, Dist-Kendrapara, at
present working as Manager, Gr.III, Departmental
Canteen Office of the Deputy Director General,
Geological Survey of India, Nayapalli, Unit-8
Bhubaneswar, Dist-Khurda

By the Advocates

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Applicant
M/s.K.C.Kanungo
S.Behera
R.N.Singh

- VERSUS -

1. Union of India represented through Secretary,
Ministry of Finance, Govt. of India, Central
Secretariat, North Block, New Delhi-1
2. Secretary to Govt. of India, Ministry of
Personnel Public Grievances and Pensions,
North Block, Central Secretariat, New Delhi-1
3. Director of Canteen, Department of Personnel,
Loknayak Bhawan, 3rd Floor, Khan Market, New Delhi-3
4. Deputy Director General, Geological Survey of
India, Nayapalli, Unit-8, Bhubaneswar, Dist-Khurda

By the Advocates

Mr. A.K. Bose, S.S.C.

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O R D E R
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MR.B.N.SOM, VICE-CHAIRMAN : This Original Application
has been filed by Shri Khageswar Jena (applicant)
challenging the order dated 11th April, 2001 (Annexure-1)
passed by Respondent No.3 in which the representation of
the Secretary, All India Central Government Canteen
Employees Workers' Association for upward revision
of the pay scales of canteen employees of all the

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grades was considered in pursuance to the order dated 14.2.2001 in O.A. No.338/2001 filed in the Principal Bench of the Tribunal, but was rejected.

2. It is the case of the applicant that rejection of representation amounts to denial of revision of scale of pay of the post of Manager, Grade-III held by the applicant.

3. The cause of action of the applicant has arisen out of the order dated 11.4.2001 passed by the Department of Personnel & Training, Ministry of Personnel, Public Grievances and Pension, in compliance of the order dated 14.2.2001 passed by the Principal Bench of the C.A.T. in O.A. No.338/2001, copy of which was given to the Secretary General, i.e., the applicant in that O.A. The present applicant was not a party in that O.A. and therefore, he could not have a cause of action/grievance arising out of the order passed by Respondent No.1, as referred to above. In that order the Government has explained the pay structure of the canteen employees as recommended by the 5th Pay Commission, the pay scale enjoyed by those employees before the 5th Pay Commission, the pay scale recommended by the 5th Pay Commission and the scale granted by the Government with effect from 1.1.1996. The Government has made it clear in that order that the revised pay structure notified by the Government on the recommendation of the 5th Pay Commission was arrived at after giving due consideration to the claims of the canteen staff as well as other related aspects having bearing on the pay structure and as such no other revision of the pay structure already prescribed was considered necessary. Obviously, an individual employee

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could not have a grievance arising out of Annexure-1. The applicant has also stated in his application that he had availed of all the remedies available to him under the relevant service rules before approaching the Tribunal. However, during hearing, we were given to understand that the applicant had not actually exhausted the departmental remedy, as referred to above. On the other hand, the learned counsel for the applicant, repeatedly drawing our notice to the letter dated 19.7.2001 (Annexure-10) submitted that the Government, by virtue of that order had decided to vest the canteen manager with certain extra responsibilities for exercising supervisions over the staff working in the canteen for better day to day running of the same. He, therefore, urged that having regard to the higher responsibilities of the post the pay scale attached to it logically calls for upward revision. We see some force in this argument. However, as this letter has been issued after the implementation of 5th Pay Commission recommendations, it is for the applicant to approach the Government through proper channel to find out whether by defining powers of Canteen Manager, as referred to above, it involves extra responsibilities for Manager, Gr. III and on that ground should he not be entitled to extra remuneration.

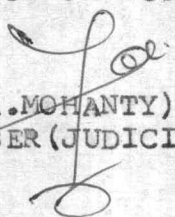
4. Having regard to these facts and circumstances of the case, it would suffice for us if we dispose of the O.A. with a direction that the applicant should, in the first instance, submit a detailed representation to the departmental authorities ventilating his grievance as he has done in this O.A. and should such a representation be filed, the Respondents will be well-advised to dispose

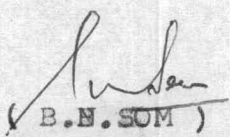
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of the same (by referring the matter to the Anomally Committee) within a period of 120 days from the date of receipt of such a representation from the applicant.

Ordered accordingly.

With these observations and directions, we dispose of the O.A. after hearing the learned counsel of both the sides and taking note of the relevant materials placed on record. No costs.


(M.R. MOHANTY)
MEMBER (JUDICIAL)


(B.N. SOM)
VICE-CHAIRMAN

BJY