

Date of Decision: 09.10.96

OA 160/96

Dola Ram, Wash Boy, Telephone Exchange, Dungarpur.

... Applicant

Versus

1. Union of India through the Secretary to the Government of India, Ministry of Communication (Department of Telecom), Sanchar Bhawan, New Delhi.
2. The Chief General Manager Telecom, Rajasthan Circle, Jaipur.
3. The Telecom District Engineer, Banswara.
4. Sub Divisional Officer Telecom, Dungarpur.

... Respondents

CORAM:

HON'BLE MR. GOPAL KRISHNA, VICE CHAIRMAN

HON'BLE MR. S.P.BISWAS, ADMINISTRATIVE MEMBER

For the Applicant

... Mr. Kamal Dave

For the Respondents

... Mr. Sunil Joshi, brief holder for
Mr. J.P. Joshi

O R D E R

PER HON'BLE MR. GOPAL KRISHNA, VICE CHAIRMAN

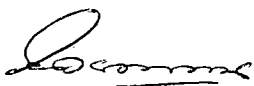
Applicant, Dola Ram, has filed this application u/s 19 of the Administrative Tribunals Act, 1985, challenging the order, at Ann.A-1, dated 16.2.96, and the order dated 16.4.96, at Ann.A-2, by which a notice for termination of his services w.e.f. 15.5.96 was given to him.

2. We have heard the learned counsel for the applicant and Mr. Sunil Joshi, brief holder for Mr. J.P. Joshi, counsel for the respondents, and have carefully perused the records of the case. The learned counsel for the parties have agreed to this matter being decided at the stage of admission.

3. The case of the applicant is that he was selected for appointment as Wash Boy while serving as a Casual Mazdoor vide order dated 27.10.86. A formal order regarding his appointment as Wash Boy was issued on 19.11.86 vide Ann.A-3. The contention of the applicant is that during his long spell of employment in the office of the Sub Divisional Officer Telecom, Dungarpur, his candidature for the post of Regular Mazdoor was not considered on the ground that he was working in the same grade although persons junior to him were selected. It is also stated that the Government of India in the Ministry of Personnel, Public Grievances & Pensions

(Department of Personnel & Training), consequent upon the judgement of the Hon'ble Supreme Court, delivered on 11.10.90, in the Writ Petition No.6189-7044 and 8246-55, C.K. Jha and others and P.N. Sharma and others, have taken a decision that the employees of Non-Statutory Departmental/Co-operative Canteens/Tiffin Rooms located in Central Government Offices should be treated as Government servants w.e.f. 1.10.91 and that the employees of these canteens may, therefore, be extended all benefits as are available to other Central Government employees of comparable status from 1.10.91 except GPF, Pension and Group Insurance Scheme, in respect of which a separate communication will follow. These instructions may be implemented with due care on scrutiny in consultation with the Internal Finance of the concerned Ministry. Due care should be taken so that the benefits of these instructions are granted only to the employees of Non-Statutory Departmental/Co-operative Canteens/Tiffin Rooms located in Central Government Offices and duly registered.

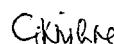
4. It is borne out by the reply filed on behalf of the respondents that the question of regularising the services of the applicant was taken up by the department and since the Tiffin Room of TDE Office, Banswara, and Tea Canteen, Telephone Exchange, Dungarpur, have been closed, a decision was taken to regularise the services of the applicant as a Regular Mazdoor as the applicant was rendered surplus on account of the closure of the Tiffin Room and Tea Canteen. The respondents have now regularised the services of the applicant by appointing him as a Regular Mazdoor in the office of the CTX, Partapur, vide order dated 29.8.96, at Ann.R-1. The grievance of the applicant has, therefore, been redressed. If the applicant wants any benefits to be conferred on him with retrospective effect, he is free to make representation to the concerned authorities. Since the relief claimed has been granted to the applicant by regularising his services as a Regular Mazdoor, the present OA stands dismissed as having become infructuous. No order as to costs.



(S.P.BISWAS)

ADMINISTRATIVE MEMBER

VK


(GOPAL KRISHNA)
VICE CHAIRMAN