

CENTRAL ADMINISTRATIVE TRIBUNAL: ERNAKULAM

Tuesday the eighth day of August,  
One thousand nine hundred and eighty nine.

Present

Hon'ble Sh NV Krishnan, Administrative Member

&

Hon'ble Sh N Dharmadan, Judicial Member

DA 448/89

TP Kesavan Nair

: Applicant

Vs

- 1 The Union of India rep. by the  
Secretary, Ministry of  
Telecommunication, New Delhi.
- 2 The Chairman, Departmental Canteen  
Telephone Exchange, Boat Jetty,  
Ernakulam
- 3 The Secretary, Departmental Canteen  
Telephone Exchange, Boat Jetty,  
Ernakulam
- 4 The Joint Registrar of  
Cooperative Societies, Ernakulam

: Respondents

Mr Girijavallabhan

: Counsel of Applicant

Mr PV Madhavan Nambiar, SCGSC

: Counsel ( for 1-3)

Notice Served on R-4, but not present.

O R D E R

Shri NV Krishnan, Administrative Member.

This is an application against the alleged retirement of the applicant from service. The applicant claims " that he is an employee under the Departmental Canteen of Respondent 2 & 3 registered under the Travancore Cochin Co-operative Societies Act of 1951". When the application was moved on 31.7.89, the question of maintainability was raised and this matter has been fixed for hearing to-day.

2 The counsel of applicant states that the canteen of which the applicant is an employee in a Departmental Canteen, as commonly understood, even though it is registered as Co-operative Society under the said Cooperative Societies Act. He, therefore, contends that the applicant is as

*U* <sup>-2-</sup>  
*an employee of Rep. 1,*  
good/as any other employees of the Central Government *Depart-  
mental*  
*U canteen* and therefore, he can seek relief from the Central  
Administrative Tribunal.

3 The counsel for Respondents 1-3 draw our  
attention to the Central Government instructions on  
Departmental Canteens (P Muthuswamy's Compilation)  
wherein it is stated under Rule 1.3 of Chapter 1 that  
various categories of canteens might be functioning in  
Government Offices. The first category is a canteen  
run as per the scheme issued by the Department of  
Personnel & ARs. The 2nd is a canteen run by ~~the~~ *the*  
Co-operative Societies of the employees of the Government  
Office/establishment. The applicant is only an employee  
of such a Co-operative Society and he <sup>himself</sup> is not a government  
servant ~~or a Member of the Co-operative Society~~. Therefore,  
the rule also clarifies by way of abundant caution, that  
the statutory rules/conditions of service/ status of civil  
servants as and when granted to the employees of Departmental  
Canteens shall not be applicable to the employees of the  
Canteens run by the Co-operative Societies.

4 We are of the view that it is clearly established  
from the applicant's own averment that he is only an  
employee of a Canteen run by Government employees who have  
formed <sup>a</sup> ~~these~~ Cooperative Societies. That being the case, such  
an employee cannot approach the Tribunal for any relief.  
The application is rejected as not maintainable. ~~and~~ *As* such  
it is not necessary to pass any orders on this MP.

*N Dharmadan*  
(N Dharmadan)  
Judicial Member  
8.8.89

*NV Krishnan*  
(NV Krishnan)  
Administrative Member  
8.8.89