

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

1 An employee of Rep. 1, -2-
good as any other employees of the Central Government ~~Department~~
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's 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, 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 ~~these~~ ^a 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 Dharmadany)
Judicial Member
1.8.89

(NV Krishnan)
Administrative Member
8.8.89