

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

O. A. No. 500 of 1991 1991

DATE OF DECISION 10-1-92

V.G. Girija and 2 others Applicant (s)

Shri TP Manilal Advocate for the Applicant (s)

Versus

Staff Officer(Civilians) Respondent (s)  
Headquarters, Southern Naval  
Command, Cochin-4 and 5 others

Mr. P. Sankaran Kutty Nair Advocate for the Respondent (s)  
ACGSC

CORAM :

The Hon'ble Mr. N.V. Krishnan, Member(Administrative)

The Hon'ble Mr. N. Dharmadan, Member(Judicial)

1. Whether Reporters of local papers may be allowed to see the Judgement? *Ye*
2. To be referred to the Reporter or not? *No*
3. Whether their Lordships wish to see the fair copy of the Judgement? *No*
4. To be circulated to all Benches of the Tribunal? *No*

JUDGEMENT

N. Dharmadan, Member(Judicial)

The applicants had been employed as casual workers in the canteen established under the industrial instalation from 1985 to 1987. Their grievance is against Annexure A-2 series notices issued to them by the Captain Superintendent with the following statements:

"..You are hereby informed that your services as Clerk(Casual) in the Industrial Canteen will stand terminated with effect from 02 Mar 91 for the reason that the canteen cannot afford to pay your salary as it is running in loss for quite some time past.

2. You are also hereby informed that the compensation as admissible under I.D. Act will be paid to you at the time of your

retrenchment.

3. You are to acknowledge receipt of this Notice..."

2. The applicants have submitted that they were continuously working as employees in the canteen which is maintained by the Deptt. viz. the second respondent. According to them they are entitled to continue so long as the work is available.

3. While admitting the application on 1-4-91 we also passed an interim order directing the respondents to engage the applicants if work is available, in preference to their juniors and outsiders purely on a provisional basis, subject to the outcome of this application, failing which the <sup>U/wk</sup> respondents ~~are~~ directed not to make any appointments till 9-4-91. This order was later extended until further orders.

4. The learned counsel for the applicant submitted that the applicants have been engaged in pursuance of the interim order of the Tribunal. But the respondents in their reply statement contended that the canteen in which the applicants were working had been closed on account of the reason that the canteen cannot be maintained as it was running at a loss.

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They have further submitted that the applicants were private servants of the Chairman, Canteen Committee and they are not entitled for any regular appointment in Govt.

5. We have heard the arguments and considered the documents. It is well established from the records produced before us that the applicants were employees of the Govt. before they were actually retrenched from service and admittedly they continued for a long period. Under these circumstances their claim for re-engagement is a legitimate one. It is to be considered by the respondents whenever the respondents take a decision to continue running of a canteen at a subsequent stage. From Anx-6 it is seen that the second respondent Captain Superintendent has written to the Flag Officer Command-in-Chief, Southern Naval Command, Cochin requesting immediate action to be taken for the posting of permanent Govt. employee in the industrial canteen. Annexure A-7 further indicates that steps are in progress to make appointments in the canteen but the same are being kept in abeyance due to the pedency of this application in this Tribunal. In the light of the letters at A-6 and A-7 it is clear that respondents are again contemplating to run canteen as a part of the Govt. establishment

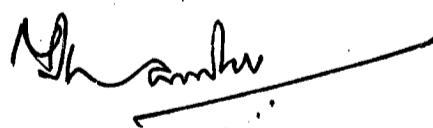
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and decided to engage permanent employees for the proper running of the canteen. Hence under these circumstances it would be fit and proper to re-employ the applicants in case the respondents resume the running canteen and if the applicants are otherwise eligible and suitable for the work of the canteen.

6. In this view of the matter, having regard to the facts and circumstances of this case, we are inclined to dispose of this case in the interest of justice with suitable direction. Accordingly, we direct the additional 6th respondent to consider the claims of the applicants for re-engagement in the canteen attached to the Industrial installation taking into account the prior services of the applicant in the canteen.

7. The Original Application is disposed of as above. There shall be no order as to costs.



(N. Dharmadan)  
Member (Judicial)



(N.V. Krishnan)  
Member (Administrative)

10-1-92

ganga ?

PSHM & ND

(25)

Mr. AX Vaghese by Proxy.

Mr PSK Ram of Respondent.

Learned Counsel for the respondents

Seeks some more time to get instructions.

He may contact the respondents and file a statement regarding compliance of  
the order on 10-1-92 in OA 500/91.

Post on 13/8/92

✓  
ND

✓  
PSHM

30/7/92

PSHM & ND

(13)

Mr AX Vaghese

Mr PSK Ram

Learned Counsel for the respondents.

Prays for time 2 weeks granted Post  
on 27/8/92.

✓  
ND

✓  
PSHM

13/8/92

PSHM & ND

12.

Mr AX Vaghese

Mr PSK Ram

Learned Counsel for respondents prays  
for sometime for filing statement and the statement  
is to be filed ~~as soon as possible~~ before within  
two weeks Post for final hearing on 14.9.92 for admission.

✓  
ND

✓  
PSHM

Adjourned to  
7.10.92 by  
notice  
85

PSHM & ND

(26) Mr AX Varghese  
Mr K R Pandey ~~Agre~~

Learned Counsel for the respondents  
Prays to this Court on 9-10-92.

Mr  
b  
ND

b  
PSHM

7/10/92

PSHM & ND

(13) Mr AX Varghese  
Mr PSK Nair, ACGSC

At the request of the learned counsel for the  
respondents, post on 16.10.92.

Mr  
b  
ND

PSHM

9.10.92

Reply ordered  
on 8/11/92  
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16.10.92 Mr. AX Varghese through proxy  
Mr. Thomas John - rep. Sankarankutty Nair

Heard the learned counsel for both the  
parties. Respondents are directed to either comply  
with the directions of this Tribunal in the judgment  
dated 10.1.92 in O.A.500/91 by 17th November, 1992  
and report compliance on that date or Commdr. J.K.Talwar,  
Chief Staff Officer (Personnel and Administration),  
Head quarter, Southern Naval Command, Cochin to appear  
in person to explain why action under the Contempt of  
Court Act be not initiated against him for noncompliance  
of the directions of this Tribunal.

List the C.P(C) for further directions  
on 17.11.92.

N. Dharmadan

J.M

S.P. Mukerji

V.C.

Recd. today

AGP

M.K.P.

PR

Order dtd. 16/11/92  
Issued

16.10.92

(1) CCP 94/92 in DA 500/91

SPM & ND

(29) Mr AX Varghese  
Mr PSK Nair, ACGSC

Commr. JK Talwar, Chief Staff Officer (Personnel & Administration) Headquarters, Southern Naval Command, Cochin, <sup>who is</sup> present to-day and says that the applicants and other candidates have been called for interview for the post of Canteen Sales-girls on the 23rd November, 1992.

List for further directions on 26.11.92.

Commr. JK Talwar need not <sup>be</sup> present on that day, but the learned counsel for the respondents should be present on that day to indicate about the proceedings of the interview/test to be held on 23.11.1992.

ND

SPM

17.11.92

SPM & ND

Mr AX Varghese  
Mr PSK Nair

Heard learned counsel for both parties. The learned counsel for the ~~xx~~ petitioners conceded that the petitioners were interviewed but only one of them has been selected. We find that our judgment has been fully complied with. If the petitioners have any grievance about their non-selection, they may approach appropriate legal forum <sup>in accordance with law and</sup> if so advised. The CP(C) is closed and the notice of Contempt discharged.

(N.Dharmadān)  
Judicial Member

(S.P. Mukerji)  
Vice Chairman

26.11.92

m VRM  
checked  
9/12