

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA No.124/96

Tuesday, this the 7th day of October, 1997.

C O R A M

HON'BLE SHRI PV VENKATAKRISHNAN, ADMINISTRATIVE MEMBER
HON'BLE SHRI AM SIVADAS, JUDICIAL MEMBER

....

P Muralee, Bearer,
Cannanore Telecom Departmental Canteen,
Cannanore, residing at
Babithanivas, Thottada PO, Kannur.

....Applicant

By Advocate Shri MR Rajendran Nair.

vs

1. Union of India represented by
Secretary to Government,
Ministry of Communications,
New Delhi.
2. The Director of Canteens,
Department of Personnel and Training,
Ministry of Personnel, Public Grievances and Pensions,
Sastri Bhawan, New Delhi.
3. The Chief General Manager, Telecom,
Kerala Circle, Trivandrum.
4. The General Manager, Telecom,
Kannur--2.

....Respondents

By Advocate Shri S Radhakrishnan, ACGSC.

The application having been heard on 7th October, 1997,
the Tribunal on the same day delivered the following:

O R D E R

HON'BLE SHRI PV VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

Applicant, who was engaged as a Bearer in the Cannanore Telecom Departmental Canteen, Cannanore, from 1990 submits that on 31.12.93, he was working as a Bearer as seen from A.3. His grievance is that, while others like him have been granted the status of a Government Servant in terms of the orders in A.2, he

contd.

has been denied that benefit. His representation in this regard was rejected by the impugned order A.1 dated 14.11.95. Applicant prays that A.1 be quashed and that he be declared entitled to be regularised with effect from 1.10.91 as a regular Government servant with consequential benefits. Applicant relies on the order of the Tribunal in OA 1096/94 and OA 1146/94 (A.7) to support his contention.

2. Respondents have stated that A.2 Government order is applicable only to the employees of the Cooperative Canteen, who were appointed in the appropriate scale of pay by the cooperative canteen authorities. The applicant was not employed by the cooperative canteen authorities in any appropriate scale of pay. He was engaged only on casual basis on daily wages and, therefore, he is not entitled to be treated as a Government servant.

3. The question whether a casual mazdoor is entitled for consideration in terms of the scheme for grant of status of a Government servant to persons working in departmental canteens was considered by the Tribunal in OA 1096/94 and OA 1146/94. The Tribunal stated:

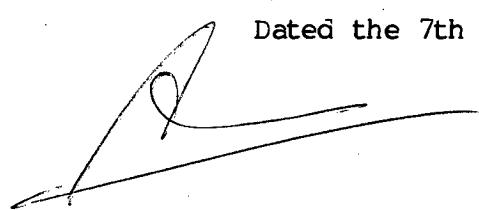
"The order A.1 makes no such stipulation. It only states that:

"employees of non-statutory departmental/Co-operative Canteens/Tiffin rooms should be treated as Government servants with effect from 1.10.1991 and granted all benefits as are available to other Central Government employees of comparable status from 1.10.1991..."

...Whether they are casual employees, ad hoc employees, sponsored by Employment Exchange or not, they have to be treated as Government employees and granted benefits. The grounds upon which rejection is made are untenable and rejection amounts to reading into A.1 elements alien to it."

4. Following the decision of the Tribunal in the above Original Applications, we allow the application, quash A.1 and declare that the applicant is entitled to be treated as a regular Government servant with effect from 1.10.91 and to be granted all benefits as are available to other Central Government employees of comparable status with effect from 1.10.91. Respondents will pass appropriate orders implementing the above declaration within three months of today. No costs.

Dated the 7th October, 1997.



AM SIVADAS
JUDICIAL MEMBER


PV VENKATAKRISHNAN
ADMINISTRATIVE MEMBER

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LIST OF ANNEXURES

1. Annexure A1: True copy of the order No.ST-350/Court Case/11 dated 14.11.1995 issued by Assistant General Manager(Administration) for 4th respondent to the applicant.
2. Annexure A2: True copy of the order No.12/5/91-Dir(6) dated 29.1.1992 issued by 2nd respondent.
3. Annexure A3: True copy of the certificate No.9/Staff/93-94/20 dated 21.1.1994 issued by Secretary, Cannanore Telecom Employee's Co-operative Canteen Limited No.C.883, Telephone Bhavan, Kannur 670 001 to the applicant.
4. Annexure A7: True copy of the order in O.A.1096/94 dated 30.11.1995 by this Tribunal.

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