

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH, NEW BOMBAY.

ORIGINAL APPLICATION NO. 56 OF 1986.

Shri R.P. Saxena
'ADELPHI' 119,
M.K. Road,
Bombay-400 020.

.. Applicant.

V/s.

Shri Vidya Sagar Bahri,
Asstt. General Manager,
Canteen Stores Department,
'ADELPHI' 119, M.K. Road,
Bombay-400 020.

Secretary, Board of Control,
Canteen Services, L-II,
Hutments Brassey Avenue,
Church Road,
New Delhi-1.

.. Respondents.

Coram: Hon'ble Member(J), M.B.Mujumdar.

Hon'ble Member(A), S.P.Mukerji.

Tribunal's Order: Per Member(J), M.B.Mujumdar.

Dated: 24-10-1986.

Heard the applicant in person & Mr. Atre, Advocate for the Respondents. We have read the papers carefully. The facts are these:- The applicant is serving as Upper Division Clerk in the Head Office of the Canteen Stores in Bombay. He is also the Secretary of the Canteen Stores Department Employees Union. By a Memorandum dated:21.5.1985 the Government had introduced a five days week in Administrative Department. The same memorandum was applied to the Canteen Stores also. But subsequently this was changed and again 6 days week was introduced in this department.

This is Challenged by the applicant before us filing this application under Section 19 of the Administrative Tribunal's Act, 1985.

The respondent have resisted this application by filing the affidavit of one Mr. N. Punniakotti, Assistant General Manager, of the Canteen Stores Department

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After hearing the applicants and Mr. Atre and after considering the facts and circumstances, we find that the Department and the work which is being done by the department is of a Commercial nature and not of an administrative nature. The department has to purchase goods from the Trade for supply to Troops. This work cannot be properly done during five days only as the Trade goes on for six days. Moreover, the working hours Viz 37½, are kept the same while reverting to six days week. We feel that it will be for the Government and the department to decide which should be the working hours and also the days on which employees should work in a week, taking into consideration the nature of the work and other circumstances. Hence we feel that the respondents cannot be said to have violated any provision of law or the principle of natural Justice in reverting to 6 days week in this department.

We may point out here that the applicant had moved the Bombay High Court under Article 226 of the constitution by filing Writ Petition No.1851 of 1985. It was dismissed on 13.9.1985 (by Mrs. Sujata Manohar, J.). The applicant preferred appeal against that order, bearing Appeal No.851 of 1985. It was dismissed on 3.10.1985 by the Division Bench consisting of (Mr. P.B. Sawant and Mr. V.S. Kotwal, JJ), again after hearing both the sides.

The applicant's grievance before us was that the writ petition & appeal were dismissed without giving reasons, and hence the decisions are not binding on him or on this Tribunal.

But even after hearing the applicant and considering the facts, we find that the Respondents have not committed any wrong in reverting to the 6 days week.

We therefore find that this application is devoid of any merit and hence dismiss it. No order as to costs.

True Copy

Prepared by *[Signature]*

Compared by *[Signature]*

10/3/87

SECTION OFFICER
CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH,
NEW BOMBAY 400 614