

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Second Floor,
Commercial Complex,
Indiranagar,
BANGALORE- 560 038.

Dated: - 4 Nov, 1994

APPLICATION NO: 790 of 1993 & 1171 to 1175 of 1994

APPLICANTS:- Shri. V. Babukrishnan & 5 ors.

V/S.

RESPONDENTS:- General Manager, S. Rlys, Madras & another.

- I.
1. Shri. Ganapathi Hegde
Advocate,
No. 184, Link Road, (III cross)
(Above Hotel Gurupriya)
Malliswaram, Bangalore.
 2. Shri. N.S. Prasad,
Advocate
No. 29, 5th Main Road,
Gandhinagar, Bangalore - 560009
 3. The Divisional Personnel Officer
Southern Railways
Bangalore - 560023.

Subject:- Forwarding of copies of the Order passed by the
Central Administrative Tribunal, Bangalore.
--xx--

Please find enclosed herewith a copy of the ORDER/
~~STAY ORDER/INTERIM ORDER/~~ passed by this Tribunal in the above
mentioned application(s) on 26th October 1994.

o/c
issued on 4/11/94
for

[Signature]
4/11/94
DEPUTY REGISTRAR
JUDICIAL BRANCHES.

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH, BANGALORE

ORIGINAL APPLICATION NOS. 790/93 & 1171 TO 1175/94

WEDNESDAY THIS THE TWENTY SIXTH DAY OF OCTOBER, 94

MR. JUSTICE P.K. SHYAMSUNDAR

VICE CHAIRMAN

MR. T.V. RAMANAN

MEMBER (A)

1. V. Babukuttan
S/o K. Vasudeva Pillai
2. Mariappa
S/o Chinnayya
3. Elumalai
S/o K. Ganeshan
4. R. Raja
S/o Ramaswamy
5. Mani
S/o Muniswamy
6. T. Narayanappa
S/o Thimmaiah

Applicants

(All the above applicants
are working under C/o
Bangalore Jilla Hotel
Karmikara Sangha, No. 1-56,
K.V. Temple Street, Sultanpet
Bangalore-560053)

(By Advocate Shri Ganapathi Hegde)

v.

1. Union of India
by its General Manager,
Southern Railway,
Madras - 3
2. The Divisional Railway Manager,
Southern Railway,
Bangalore Division,
Bangalore - 560 023

Respondents

(By learned Standing Counsel)
Shri N.S. Prasad

O R D E R

MR. JUSTICE P.K. SHYAMSUNDAR, VICE CHAIRMAN

We have heard the learned counsel for
the applicants and the learned Standing Counsel



- 2 -

for Railways Shri N.S. Prasad in these applications wherein the grievance of the applicants, who are nearly six in numbers, is that although working in the Railway Canteen at Subhash Nagar, Bangalore, for nearly a decade, they have been treated as mere vermin by the Railway Administration who have not thought it fit to give them the status to which they were entitled to as regular employees of the Railways. Reliance, in this connection, is placed on a decision of the Supreme Court in the case of M.M.R. Khan v. Union of India - AIR 1990 SC 937 and reliance is also placed on the decision of the Ernakulam Bench of the Central Administrative Tribunal in O.A.No.375/91 disposed of on 28.12.92. Undoubtedly, the two decisions do bear on the controversy raised in this contentious issue application but we do not have the necessary factual matrix with the result the controversy raised herein tends to be a *matter* which cannot be decided in the absence of appropriate material.

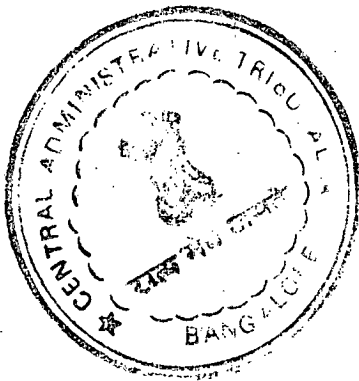
2. On behalf of the Railway Administration, it is pointed out that the canteen management had never claimed the benefit of cash subsidy for these applicants whereas it has been claimed on behalf of 11 others. It is pointed out that the canteen authorities had also certified that it had on its pay roll only 11 employees and nothing more. In that circumstances, we are asked how if 11 was the

declared staff strength, can anyone assert that the total strength was not 11 but it was something more.

3. It seems to us, however, valid the contention raised by the applicants. May be, it does need more material for a just and proper disposal of the claim put forward on behalf of the applicants. We are not in a position to brush aside the claim of the applicants and we are also not in a position to accept it as well. We feel that there should be some more material on record for an appropriate decision and in that view of the matter, we think it appropriate to direct the Railway Administration viz. the Divisional Personnel Officer or anybody else authorised by him to hold an enquiry into the status of these applicants and more particularly into the question whether they had been working in the canteen establishment for the past decade as claimed and to also ascertain in what capacity they were working, how they came to be appointed and, more importantly, how they had been treated by the Railways. On the basis of such a report, Railway Administration will take an appropriate decision in reckoning the status of these applicants and decide whether they should be treated as employees of the Railways or otherwise. The aforesaid enquiry to be held and concluded within 3 months from the date of this order subject, of course, to the applicants' cooperation with the



Inquiry Officer. We also direct the Divisional Personnel Officer or anyone who holds the enquiry to issue notices to the applicants to the addressees furnished in this O.A. Send a copy of this order to the Divisional Personnel Officer for information. No costs.



Sd-

(T.V. RAMANAN)
MEMBER (A)

Sd-

(P.K. SHYAMSUNDAR)
VICE CHAIRMAN

TRUE COPY

Section Officer

Central Administrative Tribunal
Bangalore Bench
Bangalore

ua