

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

Original Application No: 794 OF 1998.

Date of Decision: 01.04.1999.

Anant P. Darde,

Applicant.

Shri R. N. Pandya,

Advocate for
Applicant.

Versus

Union Of India & 2 Others,

Respondent(s)

Shri V. S. Masurkar,


Advocate for
Respondent(s)

CORAM:

Hon'ble Shri. D. S. Baweja, Member (A).

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- (1) To be referred to the Reporter or not? Y
- (2) Whether it needs to be circulated to other Benches of the Tribunal? A


(D. S. BAWEJA)
MEMBER (A).

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CENTRAL ADMINISTRATIVE TRIBUNAL

MUMBAI BENCH

ORIGINAL APPLICATION NO.: 794 OF 1998.

Dated this Thursday, the 1st day of April, 1999.

CORAM : HON'BLE SHRI D. S. BAWEJA, MEMBER (A).

Anant P. Darde,
Ram Narai Chawl,
Duttwadi, Kurli Village,
Malad (East), Mumbai.

... Applicant

(By Advocate Shri R.N. Pandya)

VERSUS

1. Union Of India through
The General Manager,
Western Railway,
Churchgate,
Mumbai - 400 020.

2. The Divisional Rly. Manager,
Mumbai Central DRM Office,
BCT, Mumbai Central,
Mumbai.

3. Sr. Manager,
Printing & Stationary,
Western Railway Press,
E Moses Road, Mahalaxmi,
Mumbai - 400 011.

... Respondents.

(By Advocate Shri V.S. Masurkar)

OPEN COURT ORDER

{ PER.: SHRI D. S. BAWEJA, MEMBER (A) }

This application has been filed by the applicant stating that he was working in Statutory Canteen, Printing Press, Mahalaxmi, Western Railway. The applicant is claiming the relief of granting of benefit of the decision of the Hon'ble Supreme Court



in the case of M.M.R. Khan V/s. Union Of India and the Railway Board Circular dated 18.05.1990 issued thereof. The applicant has also claimed payment of arrears as become due with interest at the rate of 18% per annum.

2. The applicant has submitted that he was engaged by the Chairman of the Canteen Committee on payment of consolidated amount of Rs. 200/- per month as wages with 8 hours working per day from 01.05.1984 onwards and he continued as such till September, 1997, when his services have been orally terminated.

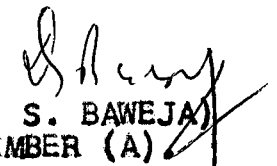
3. The respondents have filed written reply opposing the application and the applicant has filed the rejoinder reply for the written statement. Heard ^{Learned} the arguments of/Counsel of the applicant and respondents.

4. On going through the pleadings on record, it is noted that the applicant claims to be working in the Statutory Canteen provided at the Printing Press at Mahalaxmi. On his own statement, the applicant had been engaged by the Canteen Committee at a consolidated wages of Rs. 200/- per month. The applicant has not brought on record any documentary evidence to show that he was appointed on a regular basis in the Canteen. The main plea of the applicant is, that he is entitled for the benefits as granted by the Hon'ble Supreme Court in the case of M.M.R. Khan V/s. Union Of India. The applicant has brought on record an extract of the Headnote of this judgement as appearing in 1991(16) ATC 541. Referring to para 31 of the judgement, it is noted that the Canteen Employees of the Statutory Canteens



in Railways have been declared as Railway Employees from 22.10.1980. In view of this, the contention of the applicant that he is entitled for benefits in terms of the judgement in M.M.R. Khan's case and Railway Board Order dated 18.05.1990 is not tenable, as even in 1984 when the applicant claims to have been engaged by the Canteen Committee, the canteen staff were railway employees. From this fact, it is quite obvious that the applicant has not been engaged as a railway employee in the Statutory Canteen by the Railway. If at all the claim of the applicant is accepted, his engagement has been done by the Canteen Committee and, therefore, as rightly contended by the Respondents, they have no concern with the same and not entitled for any benefits as claimed.

5. In view of the above consideration, there is no merit in the application and the same is dismissed. In view of this order, the M.P. No. 248/99 does not survive. No order as to costs.


(D. S. BAWEJA)
MEMBER (A)

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