

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.No. 571 of 1989

Date of order: 23-10-1992.

Between

V.V.Ramana Murthy

... APPLICANT

AND

1. The Flag Officer Commanding-
in-Chief, Eastern Naval Command,
Visakhapatnam.

2. The Naval Armament Supply Officer,
Naval Armament Depot,
Visakhapatnam.

... RESPONDENTS

Appearance:

For the applicant

: Sri N.Rama Mohan Rao, Advocate

For the Respondents

: Sri N.R.Devaraj, Addl.CGSC

CORAM:

The Hon'ble Sri A.B.Gorthi, Member (Admn.)

The Hon'ble Sri T.Chandrasekhara Reddy, Member (Judl.)

K

contd...2.

J U D G M E N T

(of the Bench delivered by the Hon'ble Sri A.B.Gorthi, Member/A)

The applicant having been sponsored by the Employment Exchange and having been found suitable was employed in the Canteen of the Naval Armament Depot, Visakhapatnam as a Server-cum-Vendor. Prior to 1980, the employees of the canteen were not Government servants, but with a view to ameliorate their service conditions, a scheme was introduced in 1978 providing for absorption of such canteen employees into regular government service as unskilled labourers. On fulfilling the conditions specified in the scheme, the canteen employees were eligible for direct recruitment in the lower formations of the Defence services. The applicant and several others similarly situated became eligible for recruitment as unskilled labourers under the 1978 scheme. The applicant's claim is for a direction to the respondents to consider the applicant for appointment as an unskilled labourer.

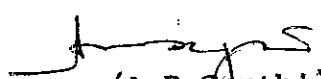
2. The respondents filed a counter affidavit opposing the O.A. It is clarified in the counter that initially the canteen employees were not deemed to be in government service, and as a measure of welfare, it was decided in 1978 to allow those canteen employees who fulfil certain criteria to be directly recruited as unskilled labourers in the lower formations of the Defence services. Subsequently in 1981 another major decision was taken once again with a view to better the service conditions of the

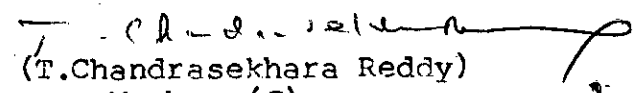
contd...3.

12/02

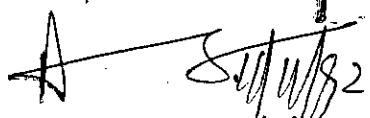
canteen employees, to declare them as in government service. This scheme was given effect from 22-10-1980. In other words, as on 22-10-1980 the canteen employees became government servants. It is contended by the respondents that in view of this development and the fact that the canteen employees like the applicant are in the same scale of pay as that of the unskilled labourers, there is no question of allowing the canteen employees to be absorbed as unskilled labourers subsequent to 22-10-1980.

3. Today we have disposed of another O.A.No. 569/89 in which the facts are similar to the present O.A., with an elaborate order. The questions of fact and law raised in this case are similar to those in the said O.A. and the decision therein squarely covers this O.A. too. For the reasons stated in the O.A.No.569/89, the present O.A. is also dismissed with no order as to costs.


(A.B.Gorthi)
Member (A)


(T.Chandrasekhara Reddy)
Member (J)

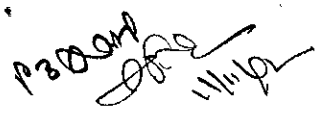
Dated: 23rd day of October, 1992.


Dy.Registrar(J)

Copy to:-

1. ^{mhb/} The Flag Officer Commanding-in-Chief, Eastern Naval Command, Visakhapatnam.
2. The Naval Armament Supply Officer, Naval Armament Depot, Visakhapatnam.
3. One copy to Sri. N.Ram Mohan Rao, advocate, CAT, Hyd.
4. One copy to Sri. N.R.Devaraj, Sr. CGSC, CAT, Hyd.
5. One spare copy.

Rsm/-



OA-571/89

TYPED BY

COMPARED BY

CHECKED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : HYDERABAD

THE HON'BLE MR

A-B-Gosh, Am.

AND

THE HON'BLE MR.

R. BALASUBRAMANIAN:M(A)

AND

THE HON'BLE MR.

T. CHANDRASEKHAR REDDY:
M(JUDL)

AND

THE HON'BLE MR.

C. J. ROY : MEMBER(JUDL)

Dated:

23/10/1992

ORDER/JUDGMENT:

~~R.A. / C.A. / M.A. No~~

in

O.A. No.

571/89.

~~T.A. No.~~

(wp. No)

Admitted and interim directions
issued.

Allowed

Disposed of with directions

~~Dismissed~~

Dismissed as withdrawn

Dismissed for default

M.A. Ordered/Rejected

~~No orders as to costs~~

pvm

