

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.No.771/91

Date of Order: 15.2.1994

BETWEEN :

1. M.Srinivasa Rao	11. U.Srinivasa Rao
2. B.V.Pani Kumar	12. M.Bhaskar Rao
3. SPKN.Swamy	13. P.Laxman
4. Smt. V.S.Padmavathi	14. R.Shanker Rao
5. P.Kumari	15. R.Samuel Raju
6. Ch.Appa Rao	16. T.S.Srinivasa Rao
7. B.Ramana Babu	17. A.V.E.Swamy
8. B.Rama Rao	18. K.Rama Rao
9. M.Sudhakar Rao	
10. P.Nageswara Rao	.. Applicants.

A N D

1. Union of India, rep. by the Secretary, Ministry of Defence, New Delhi -1.
2. Chief of Naval Staff, Naval Headquarters, New Delhi.
3. Flag Officer, Commanding-in-Chief, Headquarters, Eastern Naval Command, Visakhapatnam.
4. Officer-in-Charge, Eastern Naval Command, Printing Press, Naval Base, Visakhapatnam. .. Respondents.

Counsel for the Applicants .. Mr T.V.V.S.Murthy

Counsel for the Respondents .. Mr. N.V.Raghava Reddy
Addl. Cuse.

CORAM:

HON'BLE SHRI A.B.GORTHI : MEMBER (ADMN.)

HON'BLE SHRI T.GEHANDRASEKHARA REDDY : MEMBER (JUDL.)

O.A.No.771/91

Dt. of decision: 15-2-1994

(23)

Judgement

(As per the Hon'ble Sri A.B. Gorthi, Member (Admn.))

All the 18 applicants herein are the employees of the Eastern Naval Command (for short ENC) Printing Press, Visakhapatnam. Their claim is for equal wages as are being paid to similarly situated employees of the NSTL Printing Press and Naval Dockyard Printing Press. (Q) (Q) (Q) (Q)

2. We have heard Sri ~~Ta~~ V.S. Murthy, learned counsel for the applicants. The applicants submitted a representation in November 1990 to the Officer-in-Charge and ENC Printing Press requesting for grant of Government pay scales. But their request was turned down. Thereafter, the employees of the ENC Press submitted several other representations to various higher dignitaries but without any success.

3. The first question that comes up for consideration is that of the jurisdiction of the Tribunal in this matter. Payment of equal wages is indeed a service matter, but the employees of ENC must come within the category of persons specified in Sec. 14(b) of the Administrative Tribunals Act, 1985, ^{If} ~~within our~~ if the subject matter were to come ~~under~~ ^{within our} jurisdiction. For easy reference, ~~the~~ Sec. 14(b) is reproduced below:

" All service matters concerning ---

- (i) a member of any All India Service; or
- (ii) a person (not being a member of an All India Service or a person referred to in Cl.(c)] appointed to any civil service of the Union or any civil post under the Union; or

(iii) a civilian (not being a member of an All India Service or a person referred to in Cl.(c)] appointed to any defence services or a post connected with defence.

and pertaining to the service of such member, person or civilian, in connection with the affairs of the Union or any State or of any local other authority within the territory of India or under the control of the Government of India or of any corporation owned or controlled by the Government."

4. In the instant case, we have to examine whether the employees are appointed to any civil service of ~~the Union or~~ ^{the} ~~unit~~ or to any Defence service. The ENC general order No.12/83 to which our attention has been drawn by the learned counsel for the applicant clearly indicates as stated in para.2 thereof that "the press is non-public private organisation, and not a Government press". One of the appointment orders which is at Annexure-A1 shows that the employees were appointed on a consolidated salary of Rs.150/- per month. Yet, another appointment order which is at Annexure-A2 clarifies that the ENC Printing Press is a private press and hence ^{ed} ~~governing~~ by rules framed by the press itself. There is nothing on record to indicate that the employees were being paid from the ~~Public~~ ^{fund} ~~fund~~ ~~Consolidated Fund~~. On the other hand, the material before us clearly indicates that the ENC Printing Press is a private organisation and that the employees were being paid from the income derived by the printing press itself. Under these circumstances, it is apparent that there is no master and servant relationship between the employees ^{and} ~~is~~ the Central Government ~~as such~~. For the purpose of determining whether an employee is a government servant or not, we have to examine whether the employees are paid by the Central Government, whether they are holding any appointment under the

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Central Government and whether there exists a relationship of master and servant between the Central Government and the employees. All these aspects when applied to the instant case would clearly indicate that the employees are not the servants of the Union of India.

5. In this view of the matter, we are supported by the decision of the Supreme Court in Union of India Vs. Tejram Parasharamji Bombhate 1991 (SCC) L&S 809. In the result the application is dismissed ~~on the ground~~ ^{for want of} of jurisdiction. No order as to costs.

T.C

(T. Chandrasekhar Reddy)
Member (J)

thosy

(A.B. Gorthi)
Member (A)

Dt. 15-2-1994
Open Court dictation

kmv

16-2-94
Deputy Registrar (Judl.)

Copy to:-

1. Secretary, Ministry of Defence, Union of India, New Delhi-1
2. Chief of Naval Staff, Naval Head Quarters, New Delhi.
3. Flag Officer, Commanding-in-Chief, Headquarters, Eastern Naval Command, Visakhapatnam.
4. Officer-in-charge, Eastern Naval Command, Printing Press, Naval Base, Visakhapatnam.
5. One copy to Sri. T.V.S. Murthy, advocate, Advocates Assoiations, High Court Building, Hyd.
6. One copy to M. N. V. Raghava Rao, Addl. CGSC, CAT, Hyd.
7. One copy to Library, CAT, Hyd.
8. One spare copy.

Ram/-

16-2-94
163 P.

O A 771/91

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APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE V. NEELADRI RAO
VICE-CHAIRMAN

AND

THE HON'BLE MR. A. B. GORTHI : MEMBER (A)
AND

THE HON'BLE MR. T. CHANDRASEKHAR REDDY
MEMBER (JUDL)

AND

THE HON'BLE MR. R. RANGARAJAN : MEMBER
(ADMN)

Dated: 15/2/1994.

ORDER/JUDGMENT: ✓

M.A./R.A./C.A. NO. _____

O.A. No. _____

in
771/91.

T.A. No. _____

(W.P. No. _____)

Admitted and Interim Directions
issued.

Central Administrative Tribunal
DESPATCH

Allowed.

25 MAR 1994

Disposed of with directions.

HYDERABAD BENCH

Dismissed.

Dismissed as withdrawn.

Dismissed for Default.

Rejected/Ordered.

No order as to costs.

pvm

Pl. check up & name of the
petitioner & name of the 2nd party
after this
the third party
the plaintiff, 2nd party
etc.

✓
Correct