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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.No.771/91

Date of Order: 15.2.1994

BETWEEN:

- | | |
|------------------------|-----------------------|
| 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 | .. Applicants. |
| 10. P.Nageswara Rao | |

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 Cse.

CORAM:

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

HON'BLE SHRI TECHANDRASEKHARA REDDY : MEMBER (JUDL.)


O.A.No.771/91

Dt. of decision: 15-2-1994

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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. 

2. We have heard Sri ~~T~~^V.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} the subject matter were to ^{come within our} ~~come under~~ the 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

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- (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 ~~unit~~ ^{among them} 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 governing^{ed} 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} ~~in~~ 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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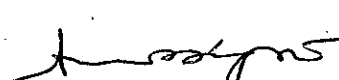
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Central Government and whether there exists a relationship of master and servant between the Central Government and the employees. All these aspects when applied to the instant case would clearly indicate that the employees are not the servants of 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.

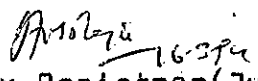
In the result the application is dismissed ~~on the ground~~ ^{for want of} of jurisdiction. No order as to costs.


(T. Chandrasekhar Reddy)
Member (J)


(A.B. Gorthi)
Member (A)

Dt.15-2-1994
Open Court dictation

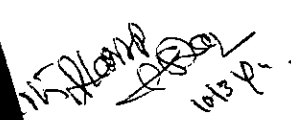
kmv


Deputy Registrar(Judl.)^{oe}

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 Associations, High Court Building, Hyd.
6. One copy to Mr. N.V. Raghava Reddy, Addl. CGSC, CAT, Hyd
7. One copy to Library, CAT, Hyd.
8. One spare copy.

Rem/-


14/3/94

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COMPARED BY

CHECKED BY

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. GORTHY : 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.

T.A.No.

(W.P.No.)

Admitted and Interim Directions
issued.

Allowed.

Disposed of with directions

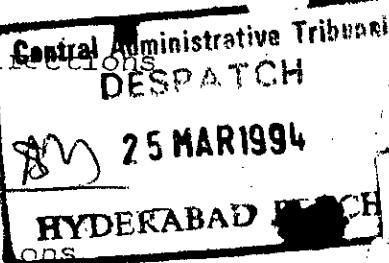
Dismissed.

Dismissed as withdrawn.

Dismissed for Default.

Rejected/Ordered.

No order as to costs.



pvm

17/2
M. Chandra Sekhar name given
Particulars cannot find in Sec 2
given Rule
The standing committee name also
should be given
24/2/94

Correct