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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD

ORIGINAL APPLICATION NO.567/94

DATE OF ORDER : 13-10-97

Between :-

- |                   |                   |
|-------------------|-------------------|
| 1. A.Behra        | 26.M.Ramulu       |
| 2. S.S.Kumar      | 27.N.Ramana       |
| 3. K.Chanti       | 28.D.Bhaskara Rao |
| 4. S.Ramana       | 29.V.Srinu        |
| 5. E.Atchuta Rao  | 30.P.Eswara Rao   |
| 6. K.Narayana Rao | 31.T.Ramu         |
| 7. Shaik Ali      |                   |
| 8. K.Kanaka Rao   |                   |
| 9. P.Naidu        |                   |
| 10.K.Suryaprakash |                   |
| 11.A.Jattalysea   |                   |
| 12.A.Parpilli     |                   |
| 13.G.Behera       |                   |
| 14.P.Ramu         |                   |
| 15.M.Ramakrishna  |                   |
| 16.B.Ramana       |                   |
| 17.C.V.Ramana     |                   |
| 18.M.Jai Raju     |                   |
| 19.Y.Durga Rao    |                   |
| 20.B.Appa Rao     |                   |
| 21.G.Raju         |                   |
| 22.K.Tata Rao     |                   |
| 23.John Victor    |                   |
| 24.M.Raju         |                   |
| 25.G.Sombabu      |                   |

.... Applicants

And

1. Officer-in-Charge,  
ENC Sailors Institute,  
Naval Base, Visakhapatnam-14.
2. President,  
ENC Sailors Institute,  
INS Satavahana,  
Naval Base,  
Visakhapatnam-14.
3. Chief of Naval Staff,  
Sana Bhavan, Naval Headquarters,  
New Delhi.
4. The Flag Officer,  
Commander-in-Chief,  
Naval Command,  
Visakhapatnam.

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5. The Secretary,  
M/o Defence,  
New Delhi.

... Respondents

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Counsel for the Applicants : Shri S. Kishore

Counsel for the Respondents : Shri Kota Bhaskar Rao, CGSC

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CORAM:

THE HON'BLE SHRI R. RANGARAJAN : MEMBER (A)

THE HON'BLE SHRI B. S. JAI PARAMESHWAR : MEMBER (J)

(Order per Hon'ble Shri R. Rangarajan, Member (A) ).

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(Order per Hon'ble Shri R.Rangarajan, Member (A) ).

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None for the applicant. Heard Sri Kota Bhaskar Rao, standing counsel for the respondents.

2. There are 31 applicants in this O.A. They are employed in the Sailors Institute, Naval Base, Visakhapatnam as Head Cook, Assistant, Bearer, Attendant, Salesman and Mali. It is stated that they have worked for more than a year at the time of filing this O.A. in the Institute. Hence they request for regularisation of their services as they are employed by the Naval organisation at Visakhapatnam.

3. This OA is filed praying for a direction to the respondents to regularise their services in the post in which they are now serving and also for payment of scale of pay attached to that post withall consequential benefits. A reply has been filed in this OA. The main contention of the respondents in this OA <sup>is</sup> ~~are~~ that the Sailors Institute is to provide recreation to the Sailors. This Institute is not ~~being~~ run ~~and~~ by the Government of India and is <sup>only</sup> open to the Sailors of Indian Navy. Further Sailors Institute is an independent organisation being sustained mainly on the contributions from the Sailors of the Eastern Naval Command. The payment of salary to the applicants in this O.A. are made out of the funds contributed by the Sailors. No Government grant or any other aid is being received by the Institute. It is an independent Institute <sup>not</sup> having no contributions from any other <sup>Govt</sup> organisations. The applicants are being paid from the contributions given by the Sailors. They

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further state that the organisation is similar to EMC Printing Press. That staff also filed OA 771/91 on the file of this Bench, which was dismissed on 15-2-94 on the basis that ~~there is~~ <sup>between</sup> no master and servant relation-ship exists ~~in~~ <sup>between</sup> the applicants of that OA with the Naval Organisation. The present case is also similar to that case and on that basis this application is also liable to be dismissed

4. In this connection we will also like to <sup>call on</sup> ~~go through~~ the reply given by the Full Bench in OA 260/90 on the file of the Allahabad Bench of the Central Administrative Tribunal <sup>wherein it was held</sup> that the employees of the Unit run canteen are not central government employees <sup>are</sup> and <sup>L</sup>not entitled for any protection under Article 311 of the constitution. Therefore, it was held that the Tribunal ~~had no~~ has no jurisdiction to hear the Unit run canteens. The applicants in this OA are placed in a similar position as employees of the Unit run canteens. <sup>KVC</sup> Hence it is <sup>L</sup>held that this Tribunal has no jurisdiction to deal with <sup>L</sup>these cases.

5. In view of the forgoing, the OA <sup>L</sup>be returned back to the applicants' counsel for presenting it before an appropriate judicial forum.

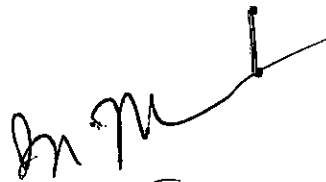
  
(B.S. JAI PARAMESHWAR)  
Member (J)

  
(R. RANGARAJAN)  
Member (A)

13.10.97

Dated: 13th October, 1997.  
Dictated in Open Court.

avl/

  
D.R. (J)

22/10/97  
TYPED BY  
COMPARED BY

CHECKED BY  
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD

THE HON'BLE SHRI R.RANGARAJAN : M(A)

AND

THE HON'BLE SHRI B.S.JAI PARAMESHWAR :  
M (J)

Dated: 13/10/97

ORDER/JUDGMENT

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

in

B.A.NO. 567/94

Admitted and Interim Directions  
Issued.

Papers Returned back

Allowed

to the applicant's Counsel.

Disposed of with Directions

Dismissed

Dismissed as withdrawn

Dismissed for Default

Ordered/Rejected

No order as to costs.

YLKR

II Court

