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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.Jattalyessa	
12.A.Parpilli	
13.G.Behra	
14.P.Ramu	
15.M.Remakrishna	
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

Counsel for the Applicants : Shri S.Kishore

Counsel for the Respondents : Shri Kota Bhaskar Rao, CGSC

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 with all consequential benefits. A reply has been filed in this OA. The main contention of the respondents in this OA is 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 only 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 ⁱⁿ having no contributions from any other organisations. The applicants are being paid from the contributions given by the Sailors. They

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 no master~~
~~between~~
and servant relationship exists ~~in~~ 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 ~~go through~~ ^{call on} the reply given by the Full Bench in OA 260/90 on the file of the Allahabad Bench of the Central Administrative Tribunal that the employees of the Unit run canteen are not central government employees ~~are~~ and ~~not~~ entitled for any protection under Article 311 of the constitution. Therefore, it was held that the Tribunal ~~had~~ ^{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.
KJC
Hence it is held that this Tribunal has no jurisdiction to deal with other cases.

5. In view of the foregoing, the OA be returned back to the applicants' counsel for presenting it before an appropriate judicial forum.

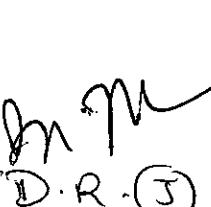

(B.S.JAI PARAMESHWAR)
Member (J)


(R.RANGARAJAN)
Member (A)

13.10.97

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

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D.R. (J)

9/10/97

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

D.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

