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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

ORIGINAL APPLICATION NO. 729 OF 1995

DATE OF ORDER : 25-6-1998

BETWEEN :

1. The Accountants' General Office Co-operative Credit Society Ltd., Employees' Union, regd. under the Indian Trade Unions Act, 1926, having its Reg. No. B-2204, Khairatabad, Hyderabad represented by its president Shri S. Gopala Krishna Rao	
2. P. Kesava Rao	14. S. Prabhanjan Kumar
3. S. Gopala Krishna Rao	15. P. Subba Rao
4. Ch D.V. Prasada Rao	16. A. Bhaskar
5. V. Santhi Sri	17. P. Solomun
6. B. Prasada Rao	18. M. Balamani
7. L. Syam Prasad	19. N. Srinivasa Rao
8. M.V. Narasimha	20. Y.V. Chandra Mohan
9. V. Babu Rao	21. Bikshapathi
10. K. Sukrutha Devi	22. K. Sri Ramulu
11. J. Subba Lakshmi	
12. M. Ramesh Babu	... Applicants
13. D. Nava Mohan	

AND

1. Controller and Auditor General of India Bahadur Shah Jaffar Marg New Delhi	
2. Principal Accountant General Office of the Accountants' General Saifabad Hyderabad	
3. The Accountant's General Office Co-operative Credit Society Ltd. Represented by its Secretary O/O The Accountant General, Hyderabad.	... Respondents

Counsel for the Applicants : Shri P. Krishna Reddy

Counsel for the Respondents : Shri G. Parameswara Rao

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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)

None for the Applicant. Heard Ms Shakti for Shri G. Parameswara Rao for the Respondents. There are 22 Applicants in this O.A. They are working in the Co-operative Credit Society in the Accountants' General Office, Hyderabad. Relying on the judgement of the Madras Bench of this Tribunal in O.A. 305/88 and also O.A filed in this Bench, namely, 743/90, the Applicants submit that they are to be treated as ^{the} employees of R-2 and thus they should be treated as Government employees.

This O.A is filed praying for a direction to the Respondents to absorb all the employees of the Ist Applicant Union as regular employees of the Accountants' General Office, direct the respondents to consider the entire service of the employees of the Ist Applicant Union as service in Accountants' General Office, Hyderabad for the purpose of granting retirement benefits, including pension, arrears of salary and other benefits. // The Hon'ble Supreme Court had held that the employees of the Railway Copperative Society are not Government servants and they cannot be treated as Railway Employees in the reported case 1996 SCC(L&S) 558 UOI (Railway Board) & Others Vs J.V. Subhaiah & Others. Hence, reliance on the judgement of this Tribunal in O.A 743/90 and the judgement of the Madras Bench of this Tribunal in O.A. 305/88 do ^{not} come to the rescue of the Applicants in granting their prayer.

The Applicants in this O.A are working in the Cooperative Society which is formed as a welfare organisation for the purpose of helping the employees of R-2. Such an organisation cannot be

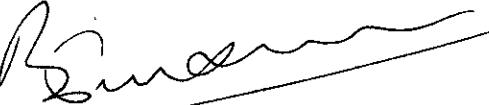
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considered as a departmental organisation. This is the view taken by us also in the case of canteen employees of the Defence Services.

In view of what is stated above, we find no merit in this O.A. Hence, the O.A is dismissed.
No. costs.


(B.S. JAI PARAMESHWAR)

MEMBER (J)

25-6-98


(R. RANGARAJAN)

MEMBER (A)

DICTATED IN OPEN COURT

DATED : 25-6-1998

...js/-

DA.729/95

Copy to :-

- ~~1. The Accountants' General Office Co-Operative Credit Society Ltd., Employees' Union, regd. under the Indian Trade Unions Act, 1926, Reg. No. B-2204, Khairatabad, Hyderabad, rep. by its President Shri S. Gopala Krishna Rao.~~
1. The Controller and Auditor General of India, Bahadur Shah Jaffar Marg, New Delhi.
2. The Principal Accountant General, O/o The Accountants' General, Saifabad, Hyderabad.
3. The Accountant's General Office, Co-Operative Credit Society Ltd., Rep by its Secretary, O/o The Accountants General, Hyderabad.
4. One copy to Mr. P. Krishna Reddy, Advocate, CAT., Hyd.
5. One copy to Mr. G. Parameswara Rao, Addl. CGSC., CAT., Hyd.
6. One copy to D.R.(A), CAT., Hyd.
7. One duplicate copy.

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6/7/95
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II COURT

TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

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

AND

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

DATED: 25/6/95

ORDER/JUDGMENT

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

in
D.A.NO. 729/95

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

DISMISSED FOR DEFAULT

ORDERED/REJECTED

NO ORDER AS TO COSTS.

YLR

केन्द्रीय प्रशासनिक अधिकार अधिकार
Central Administrative Tribunal
DESPATCH / DESPATCH

2 JUL 1995

हैदराबाद स्पायसीट
HYDERABAD BENCH