

CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD.

O.A.NO.1521 of 1995.

Date of Order :- 9th December, 1997.

BETWEEN :

R. RAVI,
s/o R. Lingam,
Aged about 33 years,
R/o Mettuguda,
Secunderabad.

... APPLICANT

AND

1. The General Manager,
South Central Railway,
Rail Nilayam,
Secunderabad.
2. The Chief Personnel Officer,
South Central Railway,
Rail Nilayam,
Secunderabad.
3. The Chairman,
SC Rly HQ Office,
Staff Canteen,
Rail Nilayam,
Secunderabad.

... RESPONDENTS

COUNSEL FOR THE APPLICANT : MR.P.P.VITTAL

COUNSEL FOR THE RESPONDENTS:MR. D.F. PAUL,SC.

CORAM:

HONOURABLE MR. R. RANGARAJAN, MEMBER (ADMN.)

HONOURABLE MR.B.S.JAI PARAMESHWAR, MEMBER (JUDL.)

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O R D E R (ORAL).

(Per Hon. Mr. R. Rangarajan, Member(Admn.))

1. This O.A. was posted to today in view of the letter of the learned counsel for the applicant dated 2.12.1997 for expeditious hearing of this case. We have asked the learned counsel for the respondents whether he is prepared to argue his case today itself as reply had already been filed. Both sides agreed for final hearing of this case on date. Hence the O.A. is taken up for final hearing and disposal.

2. Heard Mr.P.P.Vittal for the applicant and Mr.D.F.Paul for the respondents. The applicant in this O.A. was engaged as a Casual Cleaner/Supplier in the Cooperative Staff Canteen, S.C.Railway Headquarters, at Rail Nilayam, Secunderabad. He was engaged as such on 16.1.1984 on compassionate ground on the death of his brother in December, 1983.

3. The applicant has filed this O.A. praying for a direction to the respondents to regularise his services as Group D employee in the Headquarters Staff Canteen of S.C.Railway and give him seniority from 1.4.1990, the date on which all other staff of the said canteen were treated as regular railway employees.

4. A reply has been filed in this O.A. The main contention of the respondents is that the applicant though employed in the Non-statutory recognised canteen, he was not paid from the subsidy and hence he is not entitled for regularisation.

5. The ~~employees of the~~ non-statutory canteens are run on cooperative basis. The employees of the



Cooperative canteens are engaged by the Managing Committee running the said canteens. Hence whether the employee is paid out of the subsidy or otherwise is not the relevant point for consideration. The only point to be considered is, whether the applicant was engaged by the Cooperative Canteen Society or not. If he is not employed by them and he works on his own, then the question of not considering him for regular absorption may arise. But in this case, it is not stated that the applicant ^{was} ~~is~~ not employed by the Management of the Cooperative Canteen. We find from the reply that the applicant was engaged by the Managing Committee of the Cooperative Canteen. The question of unauthorised engagement as he was not paid from the subsidy is not a proper reason to reject the prayer of the applicant in this O.A. The applicant was engaged by the Managing Committee of the Cooperative Canteen Society and that itself makes him eligible for regularisation if other conditions are fulfilled.

6. In a similar case in O.A.No.123/94 decided on 19.6.1997 all these points were considered elaborately and a direction was given to the effect that if the applicant in that O.A. was in service as on 1.4.1990 and on that date the total number of posts for regularisation ^{was} ~~is~~ less than the sanctioned strength as on 1.6.1982 for that canteen, then the case of the applicant should also be considered for regularisation in accordance with law as per his turn. That direction holds good in this O.A. Hence the following direction is given.


7. If the applicant as on 1.4.1990 comes within the number of posts sanctioned for the Headquarters Canteen

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at Rail Nilayam, Secunderabad as on 1.6.1982, he should be regularised in his turn as a Railway servant either in that Unit or in the other Unit as the respondents deem fit. If the applicant is absorbed immediately or some time later on the basis of the availability of the vacancy, he is entitled for the fixation of his seniority in Class IV Group D post with effect from 1.4.1990. His benefits in the absorbed cadre shall accrue thereafter on the basis of that seniority.

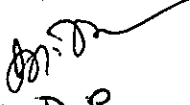
8. The O.A. is ordered accordingly. No costs.


(B.S. JAI PARAMESHWAR)
MEMBER (JUDICIAL)

9.12.97


(R. RANGARAJAN)
MEMBER (ADMINISTRATIVE)

DATED THE 9TH DECEMBER, 1997.
Dictated in the Open Court.


D.R.

DJ/

..5..

Copy to:

1. The General Manager, South Central Railway, Railnilayam, Secunderabad.
2. The Chief Personnel Officer, South Central Railway, Railnilayam, Secunderabad.
3. The Chairman, South Central Railway, HQ Office, Staff Canteen, Railnilayam, Secunderabad.
4. One copy to Mr. P. P. Vittal, Advocate, CAT, Hyderabad.
5. One copy to Mr. D. F. Paul, Addl. CGSC, CAT, Hyderabad.
6. One Copy to D. R (A), CAT, Hyderabad.
7. One duplicate copy.

YLKR

17/12/97

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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: 9/12/97

ORDER/JUDGMENT

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

in
O.A.NO. 1521/95

Admitted and Interim Directions
Issued.

Allowed

Disposed of with Directions

Dismissed

Dismissed as withdrawn

Dismissed for Default

Ordered/Rejected

No order as to costs.

YLKR

II Court

केन्द्रीय प्रशासनिक अधिकरण Central Administrative Tribunal देश/DESPATCH 15 DEC 1997 हैदराबाद न्यायपीठ HYDERABAD BENCH
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