

29.10.2009

TA 13/2009 (CWP 1790/1995)

Mr. Ghanshyam Singh, Proxy counsel for
Mr. Mahender Singh, Counsel for applicant.

Mr. Kunal Rawat, Sr. Standing Counsel for
respondents.

Heard learned counsel for the parties.

For the reasons dictated separately, the OA is
disposed of.


(B.L. KHATRI)
MEMBER(A)


(M.L. CHAUHAN)
MEMBER (J)

AHQ

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH

Jaipur, this the 29th day of October, 2009

TRANSFER APPLICATION NO. 13/2009

CORAM:

HON'BLE MR. M.L. CHAUHAN, JUDICIAL MEMBER
HON'BLE MR. B.L. KHATRI, ADMINISTRATIVE MEMBER

1. Ex Sub Maj. CR Dhankar son of Shri Late Shri Daryao Singh
2. Ex Capt. PC Jacob son of Late Shri PC chandi
3. Ex Hav BN Thakur son of Late Shri RC Thakur
4. Ex Sub BS Bhisht son of Late Shri CS Bhisht
5. Ex Sub SS Shekhawat son of Late Shri Nahar Singh
6. Ex Hav Dan Singh son of Shri Bachan Singh
7. Ex NK MG Thomas son of Shri NP George
8. Gopi Nath K son of Shri NK Raman
9. Raghu Raj Singh son of Ex. Capt. Baney Singh
10. NK Jain son of Shri BL. Jain
11. Mohinder Singh son of Shri Devi Singh
12. Nandan singh son of Shri Laxman Singh
13. Rakesh Kumar son of Shri Ram Chander
14. Madan Singh son of Shri Udal Singh
15. Tulsi Das son of Shri Mangtu Ram
16. Kanhaya Lal Saini son of Shri Ganesh Saini
17. S.S. Chauhan son of Shri JS Chauhan
18. Bhanwar Singh son of Shri SN Singh
19. PB Sjahi son of Shri Bhaskaran
20. VK Pandey son of Shri RN Pandey

....APPLICANTS

(By Advocate: Mr. Ghayshyam Singh proxy to Mr. Mahender Singh)

VERSUS

1. Managing Committee, Chinkara Canteen, Sub Area, H. Qrs., Bani Park, Jaipur, through its Chairman.
2. The Chairman, Managing Committee of Chinkara Canteen, Sub Area, H. Qrs. Bani Park, Jaipur.
3. Senior Canteen Officer, Chinkara Canteen, Sub Area, H. Qrs. Bani Park, Jaipur.
4. Canteen Officer, Chinkara Canteen, Sub Area Head Quarters, Bani Park, Jaipur.
5. Commissioner, Commercial Tax Department, Kar Bhawan, Jaipur.
6. Canteen Stores Department (India), "Edelphin", 119, Maharshi Carve Road, Bombay.

.....RESPONDENTS

(By Advocates: Mr. Kunal Rawat, Sr. Standing counsel)

ORDER (ORAL)

The Petitioners have filed the Writ Petition before the Hon'ble High Court, which was registered as CWP 1790/95 thereby praying for the following reliefs:-

- "(a) Respondents no. 1 to 4 may be directed to place on record the documents or orders purporting to re-employ the petitioners w.e.f. 02.04.1995 and in the said documents, may accordingly be declared as unconstitutional, illegal and invalid and may be quashed and set aside.
- (b) The respondents No. 1 to 4 may be directed to treat the petitioners as continuously in employment and to give them all benefits of service arising from such continuity of service.
- (c) The respondents may be further directed to continue the petitioners in service on the respective posts held by them or the posts to which they may be promoted in future till the petitioners attain the age of superannuation.
- (d) The respondent no. 1 to 4 and 6 may be directed to disclose the pay scales and other service benefits made available to employees working at other CSD canteen.
- (e) The respondents may be further directed to accord all benefits of service to the petitioners at par with the benefits so available for other posts of similar nature in other establishments of the same kind run/controlled by the respondent no. 6.
- (f) The respondents may further directed to frame uniform rules/regulations for regulating the conditions of service of persons employed at CSD canteen and other similar establishments.
- (g) In case any adverse order is passed to with the prejudice of the petitioners or any of them during the pendency of the Writ petition, the same may also kindly be declared illegal and may be quashed and set aside.
- (h) Any other appropriate writ order or direction, which should be considered just and proper in the facts and circumstances of the case, may also kindly be passed in favour of the petitioners.

2. Briefly stated facts of the case are that the petitioners are the working on different posts in the Chinkara Canteen, managed and run by the respondents nos. 1 to 4. The grievance of the applicants in this

case is that they have put in number of years service with the respondents but there is no rule/regulation for regulating the service conditions of the applicants who are the employees of the CSD and similar other aspects. The Hon'ble High Court vide its order dated 17.02.2009 transferred the Writ Petition to this Bench of the Tribunal, which was registered as TA 13/2009.

3. As can be seen from the prayer clause, the main grievance of the applicants is regarding to frame uniform rules/regulations for regulating the conditions of service of employees employed at CSD canteen and other similar establishments.

4. The similar issue was also before the Apex Court in the case of **Union of India vs. M. Aslam & Others**, AIR 2001 SC 526, whereby the Apex Court has directed the respondents to frame the Scheme governing the separate service conditions of the employees. Learned counsel for the respondents submits that pursuant to the directions given by the Apex Court, the Scheme was prepared by the Department, which has been approved by the Apex court. Thus, according to the learned counsel for the respondents, the present petition does not survive now.

5. In view of what has been stated above, we are of the view that in view of subsequent development whereby the respondents have framed the Scheme thereby regulating the service conditions of the employees and other similarly situated employees, the grievance of

the applicants does not survive now. Accordingly, the Transfer Application is disposed of with no order as to costs.


(B.L. KHATRI)
MEMBER (A)


(M.L. CHAUHAN)
MEMBER (J)

AHQ