

(V)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

Date of Order : 19.5.2000

OA 549/95

Heera Bai Mathur wife of Shri Rajendra Kumar Mathur,  
Tea Maker, Tiffin Room, Office of the Post Master,  
Kota.

.... Applicant

Versus

1. Union of India through Secretary to the Government of India, Department of Posts, Ministry of Communication, New Delhi.
2. The Chief Post Master General, Rajasthan Circle, Jaipur.
3. The Superintendent of Post Offices, Kota.
4. The Post Master, Kota city, Kota.
5. The Honorary Secretary, Tiffin Room Committee, Office of Post Master, Kota city (Kota.).

.... Respondents

Mr. S.K. Jain, Counsel for the applicant.  
Mr. Hemant Gupta, Proxy counsel for  
Mr. M. Rafiq, Counsel for the respondents.

CORAM

Hon'ble Mr. S.K. Agarwal, Member (Judicial)  
Hon'ble Mr. N.P. Nawani, Member (Administrative)

ORDER

PER HON'BLE MR. N.P. NAWANI, MEMBER (ADMINISTRATIVE)

In this OA filed u/s 19 of the Administrative Tribunals Act, 1985, the applicant, Smt. Heera Bai Mathur, prays that the impugned verbal order dated 31.8.1993 be quashed and direction of the Hon'ble Supreme Court in the matters of the Canteen employees be implemented.

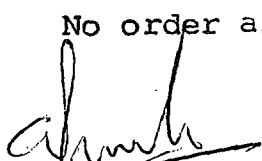
2. The case of the applicant is essentially based on the provisions contained in the O.M. dated 20.3.1997 (Annexure A-10) issued by the Ministry of Personnel Public Grievances and Pension, Department of Personnel & Training (for short, DOPT).

The O.M., in Para 4, that the employees working in unregistered canteens opened before 1.10.1991, will also be declared as Government employees w.e.f. 1.10.1991 provided that the employees were recruited in a proper manner and such recruitment were made on a regular basis. As per para 5 of the O.M., the Ministries/Departments will carry out a review, restart such closed canteens/Tiffin Rooms and also regularise the services of such employees. Para 6 of the O.M. lays down as to how the period, when such employees were not in employment, will be <sup>regulated by</sup> grant of leave due & if not covered by leave due, by E.O.L. The applicant herein was appointed as Tea Maker in a newly created Tiffin Room/Canteen, Kota City on 22.7.1986 and thus satisfies the condition of appointment before 1.10.1991. Jodhpur Bench of this tribunal has also given relief to a similarly placed applicant in OA no. 156/98 by order dated 19.2.98, a copy of which has been given to us by the learned counsel for the applicant.

3. The case of the applicant is squarely covered by the O.M. dated 20.3.1997 mentioned in the preceding paragraph. In fact, in OA no. 235/96 of Nanag Ram Vs. Union of India & Others, this Bench of the Tribunal has also examined and decided a similar controversy and allowed reliefs, similar to what has been prayed by the applicant in this OA. In view of the circumstances, we have no hesitation in allowing this OA with directions similar to OA no. 235/96 of Nanag Ram Vs. Union of India & Others, <sup>as under</sup>

"In view of above, we dispose of this Original Application with a direction to the respondents to consider the case of regularisation of the applicant in terms of the D.O.T Circular No. 19-1/97-WL(T) dated 15.5.1997. This direction may be carried out within six months of the receipt of a copy of this order."

4. No order as to costs.

  
(N.P. NAWANI) —  
MEMBER (A)

  
(S.K. AGARWAL)  
MEMBER (J)