

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR

Date of order: 29.6.2000

OA No.299/1996

1. Sube Singh S/o Shri Sodan Singh aged around 32 years, presently working as Class IV employee, in the office of Assistant General Manager, Telecommunications, Rajasthan Circle, Jaipur.
2. Bhawani Singh S/o Shri Hamir Singh aged around 34 years presently working as Caretaker, Assistant Engineer Office, E-10-B, Telephone Exchange, Jaipur.

.. Applicants

Versus

1. Union of India through the Secretary, Ministry of Telecommunications, Government of India, Sanchar Bhawan, New Delhi.
2. The General Manager, Telecom District, Telecommunications, Government of India, Jaipur-10.

.. Respondents

Mr. Shiv Kumar, counsel for the applicants

Mr. Hemant Gupta, proxy counsel to Mr.V.S.Gurjar, counsel for the respondents

CORAM:

Hon'ble Mr. S.K.Agarwal, Judicial Member

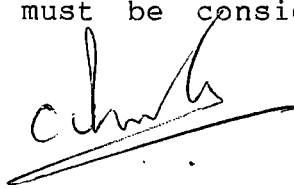
Hon'ble Mr. N.P.Nawani, Administrative Member

ORDER

Per Hon'ble Mr. N.P. Nawani, Administrative Member

In this application filed under Section 19 of the Administrative Tribunals Act, 1985, the applicants seek quashing of the order dated 6.5.1996 (Ann.A1) and further that the applicants be treated as substantive employees.

2. Facts of the case, as stated by the applicants, are that they are canteen employees and so posted since 1.5.1986 (in case of the applicant No.1) and 1.5.1985 (in case of the applicant No.2) and have been continuously working since then in the regular pay scale of Rs. 750-940; that the Central Government issued a circular dated 26.8.1994 stating that employees working in the canteens attached to Central Government offices are Central Government employees w.e.f. 1.10.1991 and their names must be considered for appointment to other posts for which

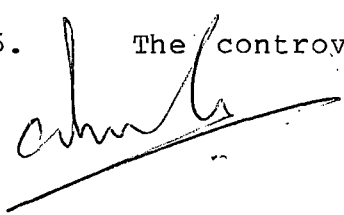


avenues are available; that the Apex Court had held on 11.10.1991 that employees working in such Canteens are Central Government employees and, therefore, the Finance Department of the Government of India had issued an order dated 24.9.1992 to treat them as such, a copy of which is attached as Ann.A2; that the applicants' representation for giving them the benefit was rejected on the ground that the said Canteens were not registered (Ann.A3); that similarly placed two employees had approached the Jodhpur Bench of this Tribunal which vide its order dated 1.2.1994, after noting that respondents in their reply have stated that the applicant is entitled for all the benefits whichever are admissible to the Central Government employees, directed the Department to provide avenue of promotion to the Tea Maker employees of the Departmental Canteens (Ann.A4); that the Telecom District Engineer, Nagaur passed an order dated 23.4.1992/11.5.1992 by which service of one Radhey Shyam working in the Tiffin Room was regularised (Ann.A5) and that the applicants again represented incorporating the aforementioned fact but were informed that they cannot be treated as employees of the Department. The impugned order dated 6.5.1996 was instead passed and feeling aggrieved the applicants had to approach this Tribunal. It has also been stated that persons junior to the applicants (names in Ann.A6) have been retained in service and by Ann.A7, persons working in Tiffin Room have been transferred to other units.

3. A reply has been filed by the respondents resisting the relief sought in the OA. Briefly stated, it has been submitted that the Canteen/Tiffin Room in question have not been registered with Director of Canteens, Department of Telecommunications, New Delhi and, therefore, services of the applicants have rightly been terminated and have submitted Anns.R1 and R2 in support of their contention. It has also been stated that although respondent No.2 made several attempts for registration of the said canteens but the Director, Canteens, Delhi declined. A rejoinder to the reply has been filed by the applicants, which essentially contends that there is no law under which registration of a canteen is necessary.

4. We have heard the learned counsel for the parties and have perused the material on record.

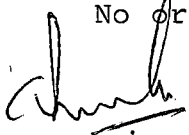
5. The controversy regarding termination of the so called




unregistered Canteens/Tiffin Room in the Department of Telecommunications was examined by this Bench of the Tribunal in OA No.235 of 1996 and it was decided vide order dated 2.5.2000 that in view of the DOT circular dated 15.5.1997 and regularisation of a number of employees working in the Canteens/Tea Rooms, the applicant therein was also entitled to be considered for regularisation. We find that the basic controversy raised in the present OA is similar to the one in OA No. 235/1996 decided by this Bench of the Tribunal on 2.5.2000 and, therefore, come to the same conclusion that the cases of applicants herein also deserve to be considered for regularisation.

6. The impugned order dated 6.5.1996 (Ann.A1) is, therefore, set aside and quashed and the respondents are directed to consider the case of regularisation of the applicants within six months of the receipt of a copy of this order.

No order as to costs.


(N.P.NAWANI)
Adm. Member


(S.K.AGARWAL)
Judicial Member