

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

O.A.No.350/99

Date of order: 03.04.2000

Ram Kalyan, S/o Shri Ram Gopal, F/c Ainer Road, Majdoor Road, House No.D-53054, Jaipur last employed as Group-D (Casual Labour) in DFM Office Station Canteen, W.Ply, Jaipur.

...Applicant.

Vs.

1. Union of India through the General Manager, Western Railway, Churchgate, Mumbai.
2. Divisional Railway Manager, W.Ply, Jaipur Divn, Jaipur.
3. Senior Divisional Personnel Officer, W.Ply, Jaipur Divn, Jaipur.

...Respondents.

Mr.J.K.Kaushik) - Counsel for the applicant

Mr.C.B.Sharma)

Mr.R.G.Gupta - Counsel for respondents.

CORAM:

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

PER HON'BLE MR.S.K.AGARWAL, JUDICIAL MEMBER.

In this Original Application under Sec.19 of the Administrative Tribunals Act, 1985, the applicant makes a prayer to quash and set aside the impugned order dated 13.2.98 (Annex.A1) issued by respondent No.2 rejecting the representation of the applicant and direct the respondents to treat the applicant as Railway servant from 1.4.90 and to grant all benefits to the Railway servant, in accordance with the Railway Board's circular issued from time to time.

2. The Western Railway vide its order dated 13.2.98 considered and disposed of the representation filed by the applicant in pursuance of this Tribunal's order dated 15.4.97 passed in O.A No.54/95 filed by the applicant. The said representation was considered and rejected with the observations that the applicant is not entitled to the benefits of the Railway Board's letter dated 18.5.90 and the benefits of M.M.F.Phan's case.

3. No reply has filed on behalf of the respondents.

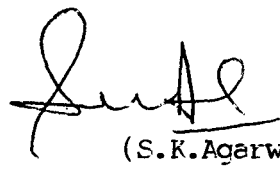
4. Heard the arguments of the learned counsel for the parties for final disposal at the stage of admission and also perused the whole record.

5. The representation in pursuance of the order passed on 15.4.97 in O.A No.54/95 was rejected by the respondents on the ground that the Railway Board's letter No.F(WEL)90CN1-7(11) dated 18.5.90 is not applicable in the case of the applicant as he was never appointed as Railway servant, as per rules. The other grounds

for rejection was that the applicant was appointed as Wash Boy in the Canteen by the Management Committee dehors the rules. The services of the applicant had already been terminated in May 1995, as per rules. Notice was given to the applicant and compensation was also paid to him. It is also stated in the impugned order dated 13.2.98 that the representation dated 10.1.94 was not received by the respondents. Therefore, by a reasoned and speaking order dated 13.2.98, the representation filed by the applicant in pursuance of the Tribunal's order dated 15.4.97 was rejected.

6. A Division Bench of this Tribunal in O.A No.314/95 decided on 8.10.99 adjudicated the ~~whole~~^{Availar} issue and it was held that the applicant has not been able to establish a case for being entitled entitled to the benefit extended to the workers engaged in the non-statutory recognised canteens specially when the benefits were to accrue w.e.f. 1.4.90 and the applicant was not allowed any benefit as laid down in M.M.R.Khan's case as the applicant was not an employee of Railways on or after 1.4.90 and the said O.A was dismissed. The case in hand of the applicant is squarely covered by the decision given in O.A No.314/95.

7. Therefore, looking to the facts and circumstances of the case, I am of the considered opinion that the applicant has no case for interference by this Tribunal. The O.A is dismissed with no order as to costs.


(S.K. Agarwal)
Member (J).