

CENTRAL ADMINISTRATIVE TRIBUNAL  
JABALPUR BENCH

OA No. 854/03

*(Circular)* this the 8<sup>th</sup> day of *December* 2004

CORM

Hon'ble Mr.M.P.Singh, Vice Chairman  
Hon'ble Mr.Madan Mohan, Judicial Member

1. Sukhram Gupta  
S/o Shri Dhanna Lal Gupta  
Manager
2. Shrigopal  
S/o Shri Shankarlal Kaushal  
Cook
3. Prakash Vani  
S/o Shri Sukhram Gupta  
Cashier
4. Sumer Singh  
S/o shri Hargovind Yadav  
Salesman.

(All are working in Central Railway  
Staff Canteen, Loco Shed, Bhopal.)  
(By advocate None)

Applicants.

**Versus**

1. Union of India through  
Secretary  
Railway Department  
Rail Bhavan  
New Delhi.
2. General Manager  
West Central Railway  
Jabalpur.
3. General Manager  
Central Railway  
Mumbai.



4. General manager  
North Central Railway  
Allahabad.

5. Divisional Rail Manager  
Jhansi, North Central Railway.

6. Divisional Rail Manager  
Bhopal, West Central Railway.

7. Senior DPO  
DRM office, Bhopal  
West Central Railway.  
(By advocate Shri S.P.Sinha)

Respondents

ORDER

By Madan Mohan, Judicial Member

By filing this OA, the applicants have sought the following reliefs:

(i) That the wages of the applicants as mentioned on the respective posts they are working during the period shown therein till date as per Annexure A4 be given to the applicants.

(ii) That the applicants be given the service in the Railway Department as per the order of the Apex Court mentioned in A-5 which is a letter of Govt. of India, Ministry of Railways with all back wages to the applicants.

2. The brief facts of the case are that the applicants are workers of the Central Railway Staff Canteen Loco Shed, Bhopal. Applicant No.1 is in possession of Railway Free Pass documents of 1987 and 1988. the applicants through their Manager of the Central Railway Staff Canteen made correspondents with respondents No.6&7 to ensure facilities of wages and free pass benefits and other facilities in accordance with Railway Board's direction and be regularized in the railway service. The applicants who were running the staff canteen paid Rs.7928/- towards water bill from 1987 to 1995 (Annexure A9). Applicant No.1 is not being



given wages since 1989 and for other applicants no payment has been given though they are working since last so many years in the Central Railway Staff Canteen. Therefore, applicant No.1 on behalf of the applicants gave notice under Section 80 CPC dated 11.10.99 to General Manager, Central Railway, Mumbai (Annexure A15) but no relief has been granted by the respondents so far.

3. None for the applicants. Hence the provision of Rule 15 of CAT (Procedure) Rules, 1987 is invoked.

4. Heard the learned counsel for respondents. The counsel argued that a private canteen was started by some Railway employees. No permission was ever accorded by the Railway Administration to open the said canteen. This it is a non-recognized and non-statutory canteen. The Railway Administration has no control over the canteen in any manner. Hence there is no question of regularization of the applicants as railway servants. The dates of appointments as alleged by them are denied. The applicants have not filed any documents relating to their appointment by the respondents. The learned counsel for the respondents has drawn our attention to OA No.256/2000 decided on 8.4.2004. The facts of that OA are similar to the facts in this OA and that OA was dismissed as the applicants in that OA were not railway employees.

5. After hearing the learned counsel for respondents and a careful perusal of the material brought on record, we find that the applicants could not prove that the canteen was ever recognized by the respondents or it was a statutory canteen. The applicants have not filed any appointment letter issued by the respondents in favour of them. The



respondents have denied that the applicants had ever been their employees. A private canteen was started by some railway employees. We have perused the order dated 8<sup>th</sup> April 2004 passed by the Tribunal in OA 256/2000 – Arun Chandra Shukla and 12 ors. Vs. UOI & ors. Similar matter was considered in the aforesaid OA and the OA was dismissed. The alleged canteen was neither a statutory nor a recognized one and the provisions of factories Act do not apply in the present case. Hence the argument advanced on behalf of the respondents that this OA is not maintainable is tenable as the applicants <sup>are</sup> working in a private canteen which was not subsidized and also not recognized.

6. After considering all the facts and circumstances of the case, we are of the opinion that this OA has no merit. Hence the OA is dismissed. No costs.

(Madan Mohan)  
Judicial Member

(M.P.Singh)  
Vice Chairman

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पृष्ठांकन सं. ओ/लज्जा  
प्रतिलिपि द्वारा दिया गया:- जलालुर, दि.....  
 (1) सचिव, जनरल एडमिनिस्ट्रेशन, जलालुर  
 (2) अधिकारी एवं विधायक, जलालुर के लाइसेन्स  
 (3) प्रधारी एवं विधायक, जलालुर के लाइसेन्स  
 (4) चांदपाल, कोडपाल, चांदपाल विधायक, सूचना एवं अधिकारी एवं विधायक द्वारा (ज.प.)  
 D.K. Panigrahi Dr. D.B. Deka  
 S.P. Singh Dr. S.B. Singh  
 उप रजिस्ट्रार