

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH, BANGALORE

ORIGINAL APPLICATION NO.170/00241/2017

DATED THIS THE 24TH DAY OF JULY, 2018

HON'BLE DR. K.B. SURESH, MEMBER(J)

HON'BLE SHRI DINESH SHARMA, MEMBER(A)

Smt G.V. Gayathri,
D/o G.R. Venkatappa,
Aged about 59 years,
Working as Office Superintendent,
In the Controllerate of Quality Assurance,
(Radar) (CQAR) under the
Directorate of Quality Assurance,
Ministry of Defence, Government of India,
J.C. Nagar, Bengaluru-560 006.
Residing at No.745/3, 2nd Main Road,
Mattikere,
Bengaluru--560 054.

...Applicant.

(By Advocate M/s Subbrao & Co.)

V/s.

1. The Union of India,
Represented by its Secretary,
Ministry of Defence,
South Block,
New Delhi-110 001.

2.The Secretary,
Department of Defence Production,
South Block,
New Delhi-110 001.

3.The Union of India,
Rep. by its Secretary,
Ministry of Labour,
Sharamika Shakthi Bhavan,
New Delhi-110 001.

....Respondents.

(By Shri J. Bhaskar Reddy, Counsel for R 1 & 2
N. Amaresh, Sr. Panel Counsel for R-3)

O R D E R (ORAL)

HON'BLE DR K.B. SURESH, MEMBER(J)

Heard. The matter is in a very short compass. The question is whether can an Office Superintendent be a member of a Trade Union. As the respondents object to it on the ground that the Office Superintendent being in-charge of certain type of employees, must be held to be part of supervisory agent and management and therefore cannot come under the ambit of Trade Union Act 1926. But then can it be said that if an LDC is in-charge of an establishment, then that particular LDC is in-charge of all the MTS also. Therefore, a supervisory function is attributed to the LDC also and can the LDC be denied the eligibility of being a Member of a Trade Union, obviously it cannot be. Besides, Senior most officers like All India Services also have Unions or Associations as the case may be. Both function in the same way or line. Therefore, there is no relevance or merit in their saying that the Office Superintendent by virtue of being controller of some other employees below her, ceases her right under Trade Union Act, 1926.

2. It is covered by Hon'ble Apex Court rulings in Smt. Damayanti Naranga vs. UOI & ors., reported in AIR 1971 SCC 966, O.K. Gosh & anr. vs. E.X. Joseph, reported in AIR AIR 1963 SCC 812, Kameshwar Prasad & ors. vs. State of Bihar & anr., reported in AIR 1962 SCC 1166, Telco Convoy Drivers Mazdoor Sangh & anr. vs. State of Bihar & ors., reported in AIR 1989 SCC 1565. It is covered in Ram Avatar Sharma & ors. vs. State of Harayana & anr., reported in AIR 1985 SCC 915 and also in Management of Karnataka State

Road Transport Corporation vs. KSRTC Staff & Workers Federation & anr.,
reported in AIR 1999 1059.

3. Therefore, Annexure A-4 is quashed and it is hereby declared that the applicant can while being an Office Superintendent be a member of Trade Union also.

4. The OA is allowed. No order as to costs.

(DINESH SHARMA)
MEMBER(A)

(DR. K.B. SURESH)
MEMBER(J)

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Annexures referred to by the applicant in OA No. 170/00241/2017

Annexure-A1: Copy of office order dated 30.10.2014

Annexure-A2: Copy of order dated 29.12.2014.

Annexure-A3: Copy of the minutes of the meeting held on 2.03.2017 along with typed copy.

Annexure-A4: Copy of the impugned order dated 04.05.2017 along with typed copy.

Annexures with reply statement of R-3

Annexure-RIII-1: Copy of letter No.S-13011/1/2017-IR(PL) dated 16.03.2017

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