

No.3/4/96-Dir(C)
Government of India
Ministry of Personnel, Public Grievances & Pensions
(Department of Personnel and Training)

3rd Floor, Lok Nayak Bhawan

Dated the 20th March, 1997

OFFICE MEMORANDUM

Subject:- Regularisation of unregistered Canteens/Tiffin Rooms- Matter regarding.

The undersigned is directed to refer to this Department's O.M.No. 12/5/91-Dir(C) dated 29.1.92 and other relevant OMs whereby the employees serving in non-statutory departmental Canteens/Tiffin Rooms located in Central Government Offices and registered with the office of Director of Canteens were declared as Central Government employees and were extended all benefits as are available to other Central Government employees of comparable status.

2. In accordance with the provisions of the O.M. dated 29/1/92, the advantage of Supreme Court judgment dated 11.10.91 in W.P.Nos 6189-7044 and 8246-55 (C.K.Jha and others and P.N.Sharma and Others V/s UOI and others) were extended to employees working in Canteens/Tiffin Rooms registered with the office of the Director (Canteens).

3. Recently the CAT, Ernakulam Bench, while deciding 9 applicants filed before them had ordered that such Canteen employees who were working in unregistered Canteens were also Government employees w.e.f. 1.10.91 in terms of the Apex Court's orders in MMR Khan's case/C.K.Jha and others case. The CAT, Ernakulam Bench had further questioned the need for registration and the cut-off date after which the system of registration of Canteens ceased. An SLP was therefore filed against the above CAT order. The SLP has now been dismissed by the Supreme Court. As a result, the petitioners in the 9 affected cases have been ordered to be reinstated in service and treated as Government employees.

4. On the above analogy, it has now been decided that all canteens which were opened before 1.10.91 but could not be registered by the cut-off date due to various reasons, be allowed to continue to function as before. The employees working in such canteens will also be declared as Government employees w.e.f. 1.10.91 in terms of the instructions issued vide Department of Personnel and Training O.M.No. 12/5/91-Dir (C) dated 29.1.92. However, the above benefits will accrue to the canteens on fulfilling following conditions:-

- (a) That the Canteen/Tiffin Room was set up by departmental authorized before 1st October, 91; and
- (b) That the employees in the Canteen/Tiffin Room were recruited in a proper manner and such recruitment was made on a regular basis,

5. In accordance with the above, concerned Ministries/Departments may immediately review the cases of the undersigned Canteens/Tiffin Rooms functioning in the establishments under their control and restart such of the closed Canteens/Tiffin Rooms and also regularized the services of the employees who were borne on the rolls of such Canteens/Tiffin Rooms as on 1.10.91 on regular basis, and declare them as Government employees in terms of ibid instructions dated 29.1.92. After regularization of the services of such employees, they will be entitled to get all related benefits as are being accorded to those employees whose services were earlier regularised by virtue of working in registered canteens.

6. The period when the affected persons were not in employment due to the closing down/disbandment of the concerned Canteen/Tiffin Room will be regulated by grant of leave of the kind due and admissible. The period not covered by any kind of leave may be regularized by grant of E.O.L.

7. A list of such of unregistered Canteens/Tiffin Rooms and the details of employees whose services have been regularized will be furnished as per annexed Performa to this Department by 31.5.97

8. Needless to add that the concerned Ministry/Department should take utmost care in examining the claims of the unregistered departmental Canteen/Tiffin Rooms functioning under them and declared them as regular canteens, only after ensuring that the above stipulated conditions have been met in each and every case. The bonus for executing the above decision in respect of individual cases will directly rest with the concerned Ministry/Department.

9. In case any doubt regarding the applicability of these orders in respect of a particular Canteen/Tiffin Room the position there on may be get clarified from this Department.

Sd/
(S.T.Rajan)
Director (Canteens)

To

(Director/Deputy Secretary in-charge of Administration)
All Ministries/Departments of the GOI (as per the standard list.)

