

No.12/3/92-Dir.(C)  
Government of India  
Ministry of Personnel, Public Grievances & Pensions  
Department of Personnel & Training

Lok Nayak Bhawan,  
New Delhi-110003.

Dated: 10 May 96

OFFICE MEMORANDUM

Subject:- Entitlement of Gratuity in the case of employees of non-statutory registered Canteens/Tiffin Rooms located in Central Government Offices.

The undersigned is directed to say that in compliance of the judgement passed by the Hon'ble Supreme Court of India in Writ Petitions Nos.6189-7044 and 8246-55 (Shri C.K. Jha and Others V/s Union of India and Others and Shri V.N. Sharma & Others V/s Union of India & Others) canteen employees working in the Departmental/Cooperative canteens located in Central Government Offices have been declared as Government employees w.e.f. 1.10.91 vide this Department's OM No.12/5/91-Dir.(C) dated 29.1.92 and they are to be extended all benefits as are available to other Government employees of comparable status. Prior to this order, the service conditions of canteen employees were governed by 'Departmental Canteen Employees (Recruitment and Conditions of Service) Rules, 1980' known as GSR-54. These rules have since been repealed vide Notification dated 15.12.94 (F.No.3/1/93-Dir.(C)).

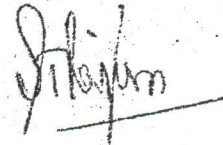
2. With the declaration of canteen employees as Government employees w.e.f. 1.10.91 and repealing of GSR-54 from that date, a doubt has been expressed by certain offices regarding period and rates etc. at which gratuity is to be paid to the canteen employees.
3. It is, therefore, clarified that in case of canteen employees who have retired or died before 1.10.91 their gratuity shall be regulated by Rule 15 of the Departmental Canteen employees (Recruitment and Conditions of Service) Rules, 1980. In case of temporary/quasi permanent or permanent employees who have retired/died on or after 1.10.91, their gratuity shall be regulated by Central Civil Services (Temporary Service) Rules and Central Civil Service (Pension) Rules, 1972, as the case may be. It may further be clarified that for the purpose of reckoning gratuity, they shall be entitled to count their service from the date of their actual appointment in the canteen on regular basis.

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4. As regards entitlement of pension, the same will be settled as per orders already issued vide this Department's OM No.12/3/92-Dir.(C) dated 16 Nov., 92 and OM No.12/3/92-Dir.(C) dated 16 Dec., 93.

5. All the Ministries are requested to bring these instructions to the notice of all Attached/Subordinate offices under them.



(S.T. RAJAN)  
DIRECTOR(CANTEENS)

To

All the Ministries/Departments of the Government of India (As per standard list).