

No.12/5/91-Dir(C)
Government of India
Ministry of Personnel, Public Grievances and Pensions
(Department of Personnel & Trg)

New Delhi,
Dated: 29/1/92 January, 1992.

O F F I C E M E M O R A N D U M

SUBJECT: Implementation of Supreme Court judgement in case of Non-Statutory Departmental/Cooperative canteen employees located in the Central Government Offices - Matter regarding.

The undersigned is directed to say that the Ministries are aware that a section of the canteen/tiffin room employees had filed Writ Petitions before the Hon'ble Supreme Court of India seeking parity with the Central Government employees (WP(C) Nos. 6189-7044) and in compliance with the interim order of the Hon'ble Supreme Court dated 26.9.1983 the employees of the non-statutory Departmental canteens/cooperative canteens located in Central Government offices are being paid at the same rate and on par with the Central Government employees of equal status. The instructions contained in this Ministry's letter No.3/2/8/83-Dir(C) dated 3rd November, 1983 refers. The revised pay rules after the implementation of the Fourth Pay Commission report were also made applicable to the employees of these canteens w.e.f. 1.1.1986 vide this Ministry's letter No.3/2/10/86-Dir(C) dated 24th November, 1986.

2. The Hon'ble Supreme Court of India in their judgement delivered on 11.10.1991 in the Writ Petition No.6189-7044 and 8246-55 - C.K. Jha and others and P.N. Sharma and others have since passed the final orders. The relevant para with regard to confirmation of the interim order of Hon'ble Supreme Court as well as granting of further benefits to the canteen/tiffin room employees is re-produced below:

"BY AN INTERIM ORDER DATED 26.9.1983 CERTAIN RELIEFS HAD BEEN GRANTED. IN RESPECT OF THE RELIEFS ALREADY GRANTED THIS ORDER SHALL BE DEEMED TO BE OPERATIVE FROM THAT DATE. IN CASE ANY FURTHER BENEFITS ARE ADMISSIBLE THOSE WILL BE ADMISSIBLE FROM 1.10.1991."

3. Consequent upon the said judgement of the Hon'ble Supreme Court, it has been decided that the employees of the Non-statutory Departmental/Cooperative canteens/Tiffin rooms located in Central Government Offices should be treated as Government servants w.e.f. 1.10.1991. The employees of these canteens may, therefore, be extended all benefits as are available to other Central Government employees of comparable

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status from 1.10.1991 except GPF, Pension and Group Insurance Scheme in respect of which a separate communication will follow.

4. These instructions may be implemented with due care and scrutiny in consultation with the Internal Finance of your Ministry. Due care may be taken so that the benefits of these instructions are granted only to the employees of non-statutory Departmental/Cooperative canteens/located in Central Government Offices to whom the subsidy/loan is being granted by your Ministry. As the pay and allowances of the employees of these Canteens who will be treated as Central Government servants w.e.f. 1.10.1991 will be borne by the Administration the practice of granting a subsidy to meet 70% of the wage bill of the staff of these canteens and the grant of interest free loan to meet 30% balance thereof stands dis-continued from 1.10.1991.

/tiffin
rooms

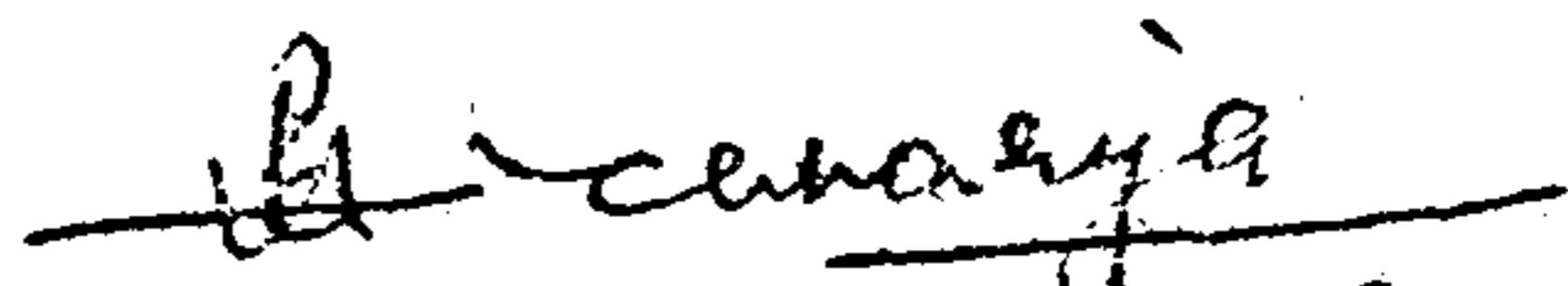
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5. The expenditure on payment of 'Pay and Allowances' to the employees of Canteens is to be booked under a new sub-head 'Departmental Canteens' below minor head "Other Expenditure" under the major head of account to which the revenue expenditure of the related Ministry/Department is ordinarily debited, and exhibited as such in the Detailed Demands for Grants. This expenditure has to be absorbed from within the ceilings of non-plan expenditure approved by the Ministry of Finance. In this regard, a copy of Ministry of Finance (Budget Div) O.M.No.F.2 (26)-B(CDN)/92 dated 24.1.92 is enclosed.

6. This issues with the concurrence of Ministry of Finance (Budget Division) vide their No.2(26)-B(CDN)/92 dated 28.1.92, MHA Finance under their No.S-8/92-Fin.I dated 29.1.92 and Department of Legal Affairs, Ministry of Law and Justice vide their No.5673/91 of 18.12.1991.

7. All the Ministries etc. are requested to implement these orders with immediate effect so as to avoid any contempt proceedings.

8. Please acknowledge receipt.


(R.C. RICHHARIYA)
DIRECTOR(CANTEENS)

TO

1. All Ministries/Departments of the Govt. of India (as per standard list).
2. All Registered Canteens/Tiffin Rooms (as per list attached).
3. Ministry of Finance(Deptt. of Expenditure).
4. Home Finance Division.
5. Director of Audit, Central Revenue, New Delhi,
6. Controller General of Accounts, New Delhi.
7. C.G.D.A, R.K. Puram, New Delhi.
8. A.O(Canteens) - with 500 spare copies.

MOST IMMEDIATE,
BUDGET.

No. F.2 (26) -B (CDM) /92.
Government of India
Ministry of Finance
Department of Economic Affairs
(Budget Division)

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New Delhi, 24.1.1992.

OFFICE MEMORANDUM

Subject: Employees of non-statutory departmental canteens
- treatment of - as Central Government servants
- provisions to be made for their pay and
allowances, etc.

Under the existing financing arrangement, Central Government bears in the normal course 70% of the salary bills of the employees of the non-statutory departmental canteens, by way of subsidy. The balance 30% is met by the canteens themselves from their own resources. Whenever the canteens are unable to meet their share of the expenditure on the salary bills from their own resources, interest-free loans are provided to them by the Government for the shortfall.

2. According to a judgment of the Supreme Court delivered on 11th October, 1991, the employees of the non-statutory Departmental canteens are to be treated as Central Government Servants and will be entitled to all benefits which a Central Government ^{servant} is normally entitled to.

3. Following the judgment of the Supreme Court the entire provision needed for pay and allowance of the canteen employees may be made by the respective Ministries/Departments, in their Demands for Grants, from the Revised Estimates 1991-92, under a distinct subhead "Departmental Canteens" below minor head 'Other expenditure' under the major head of account to which the revenue expenditure of the related Ministry/Department is ordinarily debited, and exhibited as such in the Detailed

Demands for Grants. This expenditure has to be absorbed from within the ceilings of non-Plan expenditure already communicated.

4. As regards pensionary charges of the retiring canteen employees, pending provision for the purpose being made under a distinct subhead, the expenditure may, for the present, be debited to the same head of account under which such charges in relation to the retiring Central Government servants are normally classified, under the composite Demand for Grant for 'Pensions' (Grant No. 28 for 1991-92). Separate orders will be issued by the Department of Personnel & Training in regard to payment of pension to the retiring employees of the departmental canteens.

5. The question whether the expenditure referred to in paragraphs 3 & 4 above will be treated as 'charged' or 'voted' is being examined in consultation with Department of Legal Affairs. Unless otherwise advised, the expenditure may be met from 'voted' grants.

6. The instructions contained in this Ministry's O.M. No. F.2(205)-E(CDN)/91 dated 20.11.1991, in so far as departmental canteens are concerned, stand superseded by this O.M.

P.N. Bhattacharyya
(P.N. Bhattacharyya)
Additional Budget Officer.
Tel.: 3012661.

Financial Advisers of all Ministries/Departments.

CCA/CA of all Ministries/Departments.

Presidents' Secretariat, Vice-President's Secretariat, Prime Minister's office, Lok Sabha Sectt., Rajya Sabha Secretariat, Union Public Service Commission, Election Commission, Supreme Court of India, Railway Board.

Copy forwarded to:

1. Comptroller & Auditor-General of India,
New Delhi.
2. Controller General of Accounts,
New Delhi.
3. Controller General of Defence Accounts,
New Delhi.
4. Finance Secretaries of the Union Territory of
Delhi/Chandigarh/ A & N Islands, Port Blair/
Dadra Nagar Haveli/Lakshadweep/Daman & Diu.
5. Principal Director of Audit - I, Central Revenues,
New Delhi.

P. N. Bhattacharyya
(P.N. Bhattacharyya)
Additional Budget Officer.