

6

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

OA-2600/2002

New Delhi this the 8th day of January, 2003.

Hon'ble Dr. A. Vedavalli, Member(J)

Sh. Bimal Krishna Das,
S/o Sh. Radha Ballabh Das,
R/o Q.No. II-2, 140,
Bengali Colony,
Mahavir Enclave,
Palam, Delhi.

.... Applicant

(C/o Sh. Satya Mitra Gang, Advocate, 113-C, DDA LIG
Flats, Motia Khan, Near Jhandewalan, New Delhi-55.)

(through Sh. S.M. Gang, Advocate)

Versus

1. Union of India through
the Secretary,
Ministry of Agriculture,
(Department of Agriculture and
Animal Husbandry and Dairy),
Krishi Bhawan, New Delhi.

2. The General Manager,
Delhi Milk Scheme,
Patel Nagar, New Delhi. Respondents

ORDER (ORAL)
Hon'ble Dr. A. Vedavalli, Member(J)

Heard.

2. The applicant Bimal Krishna Das a daily rated mate who was working under the respondents is aggrieved by the termination of his services by a verbal order of the respondents on 16.3.2000. He seeks the following reliefs in this OA:-

- "(a) call for the records of the case;
- (b) declare that the practice of respondents in giving artificial breaks to the daily rated/Badli workers is illegal and unconstitutional;



(c) declare that the action of the respondents in not transferring the Applicant to the regular establishment immediately on completion of 240 days (including Sundays and other paid holidays) by him and instead of discontinuing his services and further retaining his juniors and employing fresh persons in his place, is not only arbitrary, unjust and violative of Articles 14 and 16(1) of the Constitution but the same also amounts to retrenchment under Section 2(oo) of the Industrial Disputes Act, 1947;

(d) pass an order directing the Respondents to transfer the Applicant to the regular establishment of Delhi Milk Scheme by giving him the benefit of the Certified Standing Orders and the directions issued by this Hon'ble Tribunal by Judgment and Order dated 11th January 1999 in O.A. No. 2958/97 and judgment and order dated 2nd August 1991 in Original Application No. 948 of 1988 etc. and judgment and order dated 10th August 1989 in O.A. No. 37/88 from the date he has completed 240 days (including Sundays and other paid holidays);

(e) pass an order directing the Respondents to accord to the Applicant all benefits/facilities at par with his counter-parts in their regular establishments;

(f) pass such further or other orders which this Hon'ble Tribunal deems fit and proper in the facts and circumstances of the case."

3. When the matter came up for admission today, learned counsel for applicant Sh. S.M. Garg submitted that in similar cases, namely, Surya Narayan Vs. U.O.I. & Anr: (OA-948/88) and other connected OAs (Annexure P-II) decided on 02.08.1991 and Pramod Kumar & Ors. Vs. U.O.I. & Ors. (Annexure P-IV) decided on 10.08.1989 which had become final by the

Apex Court's order dated 05.02.1990 (Annexure P-V), the applicants therein got similar relief. He also submits that a representation dated 01.07.2002 (Annexure P-11) submitted by the applicant to the respondents is still pending and there is no reply or response from the respondents as on date. He prays that the matter can be disposed of at the admission stage with a direction to the respondents to dispose of the said representation within a particular time frame to be fixed by the Court and with liberty to approach the Tribunal against if any grievance survives thereafter.

4. On hearing the learned counsel for applicant and on consideration of the matter, the OA is disposed of at the admission stage itself with the following directions:-

- (1) Respondents are directed to consider the aforesaid representation dated 01.07.2002 (Annexure P-11) treating the grounds taken by the applicant in the present OA also as additional grounds in the light of the relevant rules, instructions and judicial pronouncements on the subject and dispose of the same with a detailed and speaking order in accordance with law under intimation to the applicant within three months from the date of receipt of a copy of this order.



(II) If any grievance survives further thereafter, applicant is granted liberty to approach this Tribunal again in appropriate fresh original proceedings, if so advised, in accordance with law.

(III) Registry is directed to send a copy of the OA alongwith a copy of this order to the respondents.

A Vedavalli

(Dr. A. Vedavalli)
Member (J)

/vv/