

(5)

Central Administrative Tribunal
Principal Bench, New Delhi

O.A.No.1076/2002

with

O.A.No.1079/2002

O.A.No.721/2002 ✓

Hon'ble Shri Shanker Raju, Member(J)

Thursday, this the 6th day of June, 2002

O.A.No.1076/2002:-

Nagender Kumar
s/o Sh. Ram Milan
c/o Shri Raju
Military Farm Staff Quarters
Military Farm No.II
Meerut Cantt.
Meerut. ... Applicant

(By Advocate: Shri S.K.Gupta, proxy of Shri B.S.Gupta)

Vs.

1. Union of India through
Secretary
Ministry of Defence
South Block
New Delhi.
2. Deputy Director General
Military Farms
QMG Branch, West Block-III
R.K.Puram
New Delhi.
3. Officers Incharge
Military Farms
Mawana Road
Meerut Cantt.
Meerut. Respondents

(By Advocate: Shri A.K.Bhardwaj)

O.A.No.1079/2002:-

Rajesh
s/o Shri Hans Raj Yadav
c/o Shri Gopi Chand
Gali No.3, Kasampur
P.O.Kankarkhera
Meerut Cantt.,
Meerut. ... Applicant

(By Advocate: Shri S.K.Gupta, proxy of Shri B.S.Gupta)

Vs.

1. Union of India through
Secretary
Ministry of Defence
South Block
New Delhi.

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2. Deputy Director General
Military Farms
QMG Branch, West Block-III
R.K.Puram
New Delhi.

3. Director
Frieswal Project
Directorate of Frieswal Project
Grass Farm Road
Meerut Cantt.
Meerut. Respondents

(By Advocate: Shri A.K.Bhardwaj)

O.A.No.721/2002:

Nagender Pal
s/o Sh. Sukh Pal
r/o Village Shobhapur
P.O. Fazalpur, District
Meerut Cantt.
Meerut. ... Applicant

(By Advocate: Shri S.K.Gupta, proxy of Shri B.S.Gupta)

Vs.

1. Union of India through
Secretary
Ministry of Defence
South Block
New Delhi.

2. Deputy Director General
Military Farms
QMG Branch, West Block-III
R.K.Puram
New Delhi.

3. Additional Director/Officer-in-Charge
Military Farm, Mawana Road
Meerut Cantt.
Meerut. Respondents

(By Advocate: Shri A.K.Bhardwaj)

O.R.D.E.R (Oral)

By Shanker Raju, M(J):

As both the counsel said that the claims made in all the aforesaid OAs involves an identical facts and law, the same are being disposed of by this common order.

2. Heard both the counsel.

3. Although no reply is filed, learned counsel for respondents seeks time. As I find that the claim contained in this OAs is squarely covered by the decision of the Apex Court in Union of India & Others Vs. Mohan Pal, etc., 2002(4) Scale 216, wherein it has been observed that the DoPT Scheme of 1993 is not an ongoing one. Admittedly, applicants, in all the aforesaid OAs, are engaged with the respondents after the cut off date, i.e., 1.9.1993, they are not entitled for the benefit of that Scheme.

4. In so far as the relief of re-engagement in preference to their juniors, outsiders and freshers is concerned, in the interest of justice, the OA is disposed of after considering the rival contentions of both the parties, by directing the respondents to consider the engagement of the applicants in preference to their juniors, outsiders and freshers, on availability of work, subject to verification of the applicants' earlier engagement.

S. Raju
(Shanker Raju)
Member(J)

/rao/