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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A.Nos.1679, 1695 & 1786 of 2001

Friday, this the 3rd day of August, 2001

Hon'ble Shri S.A.T. Rizvi, Member (A)

OA-1679/2001

Charan Singh
S/O Shri Khubbi
R/O Village Sobhapur
PO Anup Nagar, Fazalpur
Distt Meerut (UP)

...Applicant

(By Advocate: Shri S.K.Gupta)

Versus

1. Union of India
through Secretary
Ministry of Defence
South Block, New Delhi
2. Deputy Director General
Military Farm, QMG Branch
R.K.Puram, Block-III
New Delhi-66.
3. The Director, M.F.
Central Command
Lucknow
4. Officer Incharge
D.A.O.M.F.
Military Farm No.II
Mawana Road, Meerut Cantt.
Meerut.

...Respondents

OA-1695/2001

Suresh
S/O Shri Budh Lal
R/O Military Dairy Farm,
Staff Quarters, Meerut.

(By Advocate: Shri S.K.Gupta)

...Applicant

Versus

1. Union of India
through Secretary
Ministry of Defence
South Block, New Delhi
2. D.O.G.M.F.
Army Headquarter,
QMG Branch, R.K. Puram
New Delhi.

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3. Officer Incharge
Military Farm,
Mawana Road, Meerut Cantt.
Meerut.

.. Respondents

OA-1786/2001

Sunil
S/O Sh. Raju
R/O Staff Quarters, Military Farm
No.2, Mawana Road, Meerut Cantt.

.. Applicant.

(By Advocate: Shri S.K.Gupta)

Versus

1. Union of India
through Secretary
Ministry of Defence
South Block, New Delhi
2. Deputy Director General
Military Farm, QMG Branch
West Block-III, R.K.Puram
New Delhi-66.
3. Officer Incharge
Military Farms
Mawana Road, Meerut Cantt.
(UP)
4. The Director, Military Farms
Central Command
Lucknow-UP.

.. Respondents

O R D E R (ORAL)

Heard the learned counsel for the applicants.

2. All these (three) OAs are taken up together as they raise similar issues of law and fact and seek the same remedy. The grievance raised is also similar.
3. The applicant in OA-1679/2001 was engaged as a daily wager in the respondents' set up in 1996 and has in the years 1997 and 1998 rendered service of 265 and 235 days respectively and including the service of 44 days performed in 1996, the total number of days in his case works out to

544. The other applicant, namely, Suresh in OA-1695/2001 has similarly rendered total service of 661 days with 124 days, 305 days and 232 days respectively performed in 1996, 97 &

98. The third applicant, namely, Sunil in OA-1786/2001 has also in the same fashion performed services of 109 days in 1996, 275 days in 1997 and 207 days in 1998 with a total of 591 days.

4. The services of the aforesaid applicants were terminated by the respondents with effect from December, 1998 by one and the same order (Annexure A-2) which contained a stipulation to the effect that the applicants would be liable to be reconsidered for engagement in accordance with their respective seniority as and when regular vacancies occurred. The same contained a further stipulation to the effect that the applicants could take up work on job basis with the respondents subject to availability of such work. In pursuance of the aforesaid stipulations made in the respondents' retrenchment order dated 31.12.1998 (Annexure A-2), the applicant, namely, Charan Singh was engaged on job basis immediately after his services were terminated in December, 1998. He remained continuously engaged on job basis until 31.5.2001. He has been engaged on job basis again thereafter in the first week of July and has since been continuing without break. The other applicant, namely, Suresh was also similarly reengaged on job basis but remained at work on job basis only upto December, 1999. He has not been reengaged thereafter. The third applicant, namely, Sunil also remained engaged on job basis right upto 31.5.2001 on par with Charan Singh. However, unlike Charan Singh, he has not been engaged thereafter on job basis. The grievance

raised by each of the applicant is that despite having served the respondents for more than 240 days in each of the years 1997 and 1998, temporary status has not been conferred on them in accordance with DOP&T's Scheme of 10.9.1993.

5. The learned counsel appearing on behalf of the applicants has placed before me a copy of an order passed by this very Bench (S.B.) in OA-1053/2001, decided on 3.5.2001 filed by one Shri Suraj similarly employed as the applicants in the present OAs. The name of the aforesaid Shri Suraj also finds place in the same seniority list which has been placed on record by the applicants in the present OAs. He too had rendered services of more than 240 days in each of the years 1997 and 1998 and on that basis, this Tribunal had proceeded to dispose of that OA by a direction to the respondents to consider conferment of temporary status on the applicant in terms of the provisions contained in the aforesaid policy circular of 10.9.1993 and in the light of the facts furnished by the applicant in that OA and also having regard to such other facts as might be brought to the respondents' notice by the applicant on being asked by the respondents to do so.

6. I have considered the matter and find that these OAs can be disposed of similarly without issuing a notice by a similar direction to the respondents with the further stipulation that the matter will be decided by them within a maximum period of three months from the date of receipt of a copy of this order.

7. Since Shri Suresh and Shri Sunil are presently without any job and some others allegedly their juniors are

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working on job basis as stated by the learned counsel, I would like to direct the respondents to consider the claims of the aforesaid applicants also for possible reengagement on job basis subject to availability of work in preference over their juniors/freshers/outsiders.

8. The OAs are disposed of in the aforesated terms. No costs.

9. Registry is directed to send to respondents a copy each of these OAs along with a copy of this order.

10. A copy of this order will be placed on the case file on each of these OAs.

(S.A.T. Rizvi)
Member (A)

/sunny/

Rizvi
Court Officer
Central Administrative Tribunal
Prinsep Ghat, New Delhi
Faridkot House,
Copericus Marg,
New Delhi-110001