

(19)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

RA 212/2000 in
OA 403/1999

New Delhi this the 15th day of September, 2000

Hon'ble Smt. Lakshmi Swaminathan, Member (J)

Union of India through

1. The Secretary,
Ministry of Defence,
South Block, New Delhi.
2. The D.D.G. M.F
Q.M.G. Branch,
Army Head Quarters,
West Block-III, R.K. Puram,
New Delhi.
3. Commandant/Farm Officer
Military Farm School & Research
Centre, Grass Farm Road,
Meerut Cantt, Meerut.

.. Respondents/
Review applicants

(By Advocate Shri A.K. Bhardwaj)

Versus

1. Hari Prasad S/O Sh. Parson,
R/O Flat No. 18,
SBI Flats,
G Block, East of Kailash,
New Delhi.

.. Original
applicant/
respondent

O R D E R (ORAL)

Hon'ble Smt. Lakshmi Swaminathan, Member (J)

I have heard Sh. A.K. Bhardwaj, learned counsel for the applicants (Original respondents) in RA 212/2000 in OA 403/1999 which has been filed by the respondents.

2. In the Review application, the applicants have submitted that the respondent (original applicant) was never engaged by the UOI nor was he ever paid by the Govt. out of public funds. Shri Bhardwaj, learned counsel has submitted that the applicant was engaged only in

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22

Regimental Farm which was not a permanent establishment having any permanent post. He has further submitted that ^a person employed in ^{the} Regimental Farm was paid out of the funds of the Officers Association, contributed by the officers for the Welfare of Association and not paid out of the Govt. funds. He has prayed that these facts could not be sufficiently highlighted when order was passed by the Tribunal on 4.4.2000 in OA 403/1999. He has referred to the reply filed by the respondents in Paragraph 4.2 of the counter reply to OA to substantiate his present submissions in the R.A.

3. I have carefully considered the grounds taken in the RA and the submissions made ^{by} Shri A.K. Bhardwaj, learned counsel.

4. Paragraph 1 of the counter reply filed by the respondents on 1-2-2000 reads as follows:-

".... it is submitted that the applicant was employed as casual labour as and when and where required basis, most of the period in Regimental Farm and very limited in Govt. establishment. ... hence the question of granting temporary status to the applicant does not arise." (emphasis added).

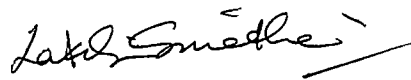
5. From the aforesaid averments of the respondents in the counter affidavit filed by them to the OA, it appears that what has been stated is that the applicant was employed as casual labourer as and when required, for ^{most} of the period in the Regimental Farm and for very limited period in Govt. establishment which does ~~not~~ ^{have} imply that he could ~~not~~ ^{have} been employed elsewhere also. Paragraph 8 of the orders

21

dated 4.4.2000 in OA 403/1999 reads as follows:-

"In the facts and circumstances of the case, the OA is disposed of with a direction to the respondents to grant the applicant temporary status, after ascertaining the necessary facts from their records in accordance with the relevant law and instructions. In case the respondents have need for engagement of any casual labourer to do the work of the nature that the applicant was doing earlier, they shall also consider re-engaging him in preference to freshers, including freshers on contract basis."

6. In Paragraph 7 of the judgement it has also been observed that the actual number of days of working put in by the applicant is a matter of fact for the respondents to verify from their records. Therefore, it is for the respondents to comply with the directions of the Tribunal in order dated 4.4.2000 after verifying the necessary facts from their records in accordance with the relevant law, Rules and instructions. In this view of the matter, I do not find any merit in the RA 212/2000. The same is accordingly rejected.


(Smt. Lakshmi Swaminathan)
Member (J)

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