

Central Administrative Tribunal, Principal Bench

O.A.No.1543/96

O.A.No.687/96

Hon'ble Shri R.K.Ahooja, Member(A)

New Delhi, this 7th day of March, 1997

(5)

O.A.No.1543/96:

1. Shri Brij Pal
s/o Shri Charna
r/o Vill. Nagla Shekha
Teh. Meerut.
2. Shri Naresh Kumar
s/o Shri Bishweshwar Nath
MES Godham, H. No.14
R.A. Lines, Meerut Cantt.
3. Smt. Jasoda
w/o Shri Motilal
c/o Phool Chand Sonkar
H.No.990, Jaman Mohalla,
Lal Kurti
Meerut Cantt. ... Applicants

(By Shri Surinder Singh, Advocate)

Vs.

Union of India through

1. The Defence Secretary
Ministry of Defence
South Block
New Delhi.
2. The Director General
Supplies and Transport
Army Headquarters
Sena Bhawan
New Delhi.
3. The Commanding Officer
No.40, ASC Supply Depot.
Meerut Cantt.
4. CDA (M 4 Section)
Meerut Cantt. ... Respondents

(By Shri M.M.Sudan, Advocate)

O.A.No.687/96:

1. Shri Vijay Pal
s/o Chajjan Singh
r/o Pawli Khurud, Meerut
P.O. Modipuram.

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2. Shri Arjun Singh
s/o Shri Ram
r/o Village Sultanpur Biloni
P.O. Rahimkot Distt.
Bulandashahar.

3. Shri Bahadur
s/o Shri Parmeshwar Yadav
r/o H.No.312, Topkhana Bazar
Meerut Cantt.

4. Shri Karam Chand
s/o Shri Kalu Ram
r/o Village Dadwal P.O.Booni
Distt. Hameerpur(H.P.).

5. Shri Lala Ram
s/o Shri Babu Ram
r/o Kothi No.261, Khanna Camp.
Meerut.

6. Shri Kamal Singh
s/o Shri Ram
r/o Sultanpur Biloni
P.O. Raheemkot.

7. Shri Kali Ram
s/o Shri Prithvi Singh
r/o Vill. Bicholi, P.O.Rajpura
Distt. Meerut.

8. Shri Kali Charan
s/o Shri Jai Karan
r/o Village Badhla, Kaithwara
P.O.Sisoli, Dist. Meerut.

9. Shri Anil Chauhan
s/o Shri Ram Singh
r/o H.No.168/1, Nangla Batti
Pragati Nagar
Meerut.

10. Shri Iqlak
S/o Shri Shakur
r/o Kothi No.261, Khanna Camp.
Meerut.

... Applicants

(By Shri Surinder Singh, Advocate)

Vs.

Union of India through

1. The Defence Secretary
Ministry of Defence
South Block
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2. The Director General
Supplies and Transport
Army Headquarters
Sena-Bhawan
New Delhi.

Re:

3. The Commanding Officer
No.40, ASC Supply Depot.
Meerut Cantt.

4. CDA (M 4 Section) ... Respondents
Meerut Cantt.
(By Shri M.M.Sudan, Advocate)

O R D E R (Oral)

Since the subject matter of both the OAs are same,
these are disposed of by this common order.

2. The applicants are engaged as casual workers under the Respondent No.3, Commanding Officer, No.40, ASC Supply Depot., Meerut Cantonment. They have been engaged from various dates from 1993 onwards. In an earlier round they had approached the Tribunal in O.A.No.866/94 decided on 08.01.1995. During the pendency of the OA they were accorded temporary status w.e.f. 15.9.1994. They state that the department in which they have been working was upgraded due to the increase of work but even so due to the policy of the new Commanding Officer they are being afforded lesser opportunity to work at the Depot. Consequently, this has resulted in a loss of emoluments to them. They have now sought a direction to the respondents to provide them full deployment as before the upgradation of Supply Depot. and to allow them all benefits of their status under the orders dated 10.9.1993 or which they say have been denied to them.

3. The respondents in their reply state that conferment of temporary status does not involve any change of responsibility and their engagement is to be on need basis. In other words, if work is not available, they are not required to be engaged as Casual Labour. A strict enforcement and rationalization of work norms has resulted in reduction of deployment of Casual Labour. They also state that the

upgradation of the depot. has no connection with the requirements of additional work for the casual labour. In view of this, they deny the claim of the applicant.

(S)

4. I have heard the learned counsel on both sides. There is no allegation on the part of the applicants that their opportunity to work is being supplanted by freshers or outsiders who have a lesser length of service available to their credit. The only grievance is that their deployment has been reduced even though the category of the depot. has been upgraded primarily on the basis of additional work requirements. The grievance of the applicant on this ground is in my view totally unjustified. It is not for the applicant to judge as to how much work should be done at the Depot. or how much casual labour be deployed by the respondents. It is for the respondents concerned to decide what is their requirement in respect of casual labour. The conferment of the temporary status nowhere compels the employing department to provide any predefined quantum of work. Since there is no allegation that the applicants are being kept out of work due to their replacements by outsiders and freshers, they have no legitimate grievance whatsoever in respect of their deployment.

5. The learned counsel for the applicant has submitted that in case work is not available with the Commanding Officer, No.40, ASC Supply Depot. as per the scheme formulated by O.M. dated 10.9.1993, the respondents may be directed to reassign them to other places so that they can obtain full work and thus have adequate remunerations. Here again no specific directions can be given to the respondents to engage applicants in a particular place, but it is expected

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that in case work is not available in the present Depot., the respondents will consider them for work elsewhere where it may be available.

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6. The learned counsel for the respondents fairly states that the respondents would be ready to consider such a request, and in fact it appears from the statement of the learned counsel for the applicant himself that a representation has since been made and the Director-General (Supply and Transport), Army Headquarters, has agreed to consider the same sympathetically. I have no doubt that considering the long service rendered by the applicants with the respondents, a fair consideration would be given to the representation of the applicant.

7. The learned counsel for the applicants has also pointed out that certain facilities to which the applicants are entitled under the temporary status scheme are not being afforded to them. In particular, he has mentioned the facilities of increment, leave, bonus, etc. The learned counsel for the respondents states that the applicants are entitled to all the facilities which are provided in para 5 of the scheme and in case any specific omission is brought to the notice of the respondents they will take prompt action to rectify the same.

8. In the light of the above discussion, the OA is disposed of with direction that in case a representation regarding non availability of the benefits specified in Para 5 of the scheme is made by the applicants, the respondents will take action and grant the relevant benefits within two months from the date of receipt of such a representation. No costs.

/rao/ ~~Parbat Singh~~
(BIMLA DEVI)
क्रियालय अधिकारी

Rao -
(R.K. AHDOPJA)
MEMBER(A)