

10

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

OA No. 473 of 1997

New Delhi, this the 24<sup>th</sup> day of January, 1998.

Hon'ble Mr. N. Sahu, Member (A)

Surendra Prakash Alias Titu,  
S/o Shri Bhukan  
C/o Kewal Yadav  
R/o Khem Chand  
WZ-48, Khyalagau  
New Delhi

... Applicant

(By advocate : Shri R.K. Shukla)

Versus

Union of India : through

1. The Dy. Director General  
Military Farm  
Army Headquarter  
C.M.G. Branch  
R.K. Puram  
New Delhi

2. D.D. Military Farm  
Director Frijwal  
Project S/O M.P. School  
Research Centre  
Meerut Cantt (U.P.)

3. A.D. Military Farm  
Mawana Raod  
Meerut (U.P.) ... Respondents

(By advocate : Shri S.M. Arif)

ORDER

By Sh. N. Sahu, Member (A) -

This application is directed against the impugned order dated 31.08.1995. By this order the services of the applicant as a Farm Hand have been discontinued. The brief facts leading to the dispute are that the applicant committed admittedly a misdemeanor by spending a night in a house with an outside girl. He broke open the lock of the house. He admitted the above facts. An inquiry was conducted by the Unit Board which after going through his

admission disengaged his services. The Board also found another associate of the applicant, one Shri Pratap S/o Sh. Jagadhari, committing the same offence along with the applicant and recommended action against him.

2. Against this, applicant states that the impugned order has been issued as a measure of penalty without going through the procedure of conducting an inquiry. This casts a stigma on the applicant's career. He secondly urged that another co-accused, Shri Pratap, continued in service and no punishment was meted out to him. He also alleged that the letter of admission was taken from him under pressure.

3. The applicant was a Casual Labourer. He was neither a permanent employee nor a quasi-permanent or a temporary employee. He was also not granted temporary status. He was a daily wage labourer. There is a complaint by the house owner that locks were broken and the applicant along with another has forcibly entered into the house. Secondly, there is a finding that he spent a night with an outside girl and broke the discipline of the locality. Whether it is a termination simpliciter or a termination with stigma is not relevant in the case of a Casual Labourer. That another co-accused continued in service is not relevant in examining the applicant's case. In the circumstances of the case, there is no discrimination involved. There are no guaranteed rights under

Article 311 to a Casual Labourer. The wages are payable on day-to-day basis. Services can be terminated if the employer is dis-satisfied with the labourers performance or conduct. In this case, the applicant is guilty of breaking open the lock of the house. That there was an Inquiry Committee which found him guilty of philandering is sufficient justification to disengage him from services.

4. There is no merit in this OA. It is accordingly dismissed. No costs.

*Narashao Sahu*  
(N. Sahu) 21/01/98  
Member (A)

/Kant/