

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI.

(5)

Date of decision: 14.2.92

(1) DA No. 2162/90

Sh. Azad Singh Applicant

Vs.

Union of India through
Secretary, Ministry of Science &
Technology & anr. Respondents

(2) DA No. 1348/91

Shri Suresh Chand Applicant

Vs.

Union of India through
Secretary, Ministry of Science &
Technology & anr. Respondents

CORAM: THE HON'BLE MR. P.K. KARTHA, VICE CHAIRMAN (J)
THE HON'BLE MR. D.K. CHAKRAVORTY, MEMBER (M)

For the Applicants Shri R.D. Sharma, Counsel.

For the Respondents Mrs. Raj Kumari Chopra,
Counsel.

JUDGEMENT

(JUDGEMENT OF THE BENCH DELIVERED BY HON'BLE
MR. D.K. CHAKRAVORTY, MEMBER)

As common questions of law have been raised
in these applications, it is proposed to deal with them
together in a common judgement.

2. Both applicants have worked as casual labourers
in the Department of Biotechnology under the Ministry of
Science and Technology. The applicants in both applications
have worked from 15.12.86 to 30.6.1988. Both of them were
disengaged with effect from 1.7.1988 by verbal orders. No
show cause notice was issued to them or enquiry held against
them before terminating their services. They have prayed
for their reinstatement in service and regularisation.

(b)

3. The respondents have contended that no one junior to the applicants has been retained in service and that there are no vacancies to accommodate them as casual labourers or in which they could be regularised.

4. The applicants have produced a copy of the judgement of this Tribunal dated 31.5.1990 in DA 252/90 (Rajender Singh Vs. Union of India) which also related to the termination of services of a Peon engaged on daily wage basis in the Department of Biotechnology. Shri Rajender Singh was engaged on 7.6.87, i.e., after the date of engagement of both applicants before us on 15.12.86. The services of Shri Rajender Singh were terminated by verbal order on 25.7.89. Allowing the application, the Tribunal held that the termination of services of Shri Rajender Singh was violative of the principles of natural justice and was not maintainable. Accordingly, the respondents were directed to take him back to duty on the same terms and conditions and employ him on the same or similar job which he was performing before he was disengaged on 25.7.89.

5. The case of the applicants before us stand on a much better footing. Shri Rajender Singh is junior to the applicants before us. He had been disengaged on the basis of complaints from his officers about his behaviour and performance. In the instant case, the respondents have not stated that the work and performance of the applicants were not upto the mark.

(A)

6. In the light of the foregoing, we set aside and quash the impugned orders of termination dated 1.7.88 and direct that the respondents shall reinstate the applicants as casual labourers within a period of two months from the date of receipt of this order. We do not, however, direct payment of back wages to them. In case there is no vacancy to accommodate the applicant in the Department of Biotechnology, they may be posted in any of the office under the Ministry of Science and Technology located at Delhi or elsewhere, depending on the availability of vacancies. The respondents shall also consider the regularisation of the services of the applicants in accordance with the administrative instructions issued by the Department of Personnel and Training.

There will be no order as to costs. Let a copy of this order be placed in both the case files.

(D.K.CHAKRAVORTY)
MEMBER(A) 14/2/1992

(P.K.KARTHA)
VICE CHAIRMAN(J)