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CENTRAL ADMINISTRATIVE TRIBUNAL : PRINCIPAL BENCH

OA 1814/2004

New Delhi, this the 29th day of July, 2004

Hon'ble Sh. Sarweshwar Jha, Member (A)

1. Sh. Arun Kumar
S/o Sh. Suresh Kumar
R/o E-47, Kidwai Nagar (East)
New Delhi - 23.
2. Sh. Vinod Kumar
S/o Late Sh. Bachhan Singh
R/o 33/4 Sector-1, Pushp Vihar
M.B.Road, New Delhi - 17.
3. Sh. Visharnu Gopal
S/o Sh. Hari Shankar
R/o A-491, Minto Road
Near Govt. Press
New Delhi - 2.

...Applicants

(By Advocate Sh. Surinder Singh)

V E R S U S

Union of India through

1. The Secretary
Ministry of Small Industries & ARI
Udyog Bhawan, New Delhi - 110 001.

...Respondents

O R D E R (ORAL)

Heard the 1d. counsel for the applicant.

2. This OA has been filed against the orders of the respondents dated 23-6-2004 whereby the services of the applicants have been terminated. The grievance of the applicants is that inspite of the fact that they have rendered service since 1-1-2003, 1-8-2002 and 1-11-2002 respectively and have also completed 240 days of service in two consecutive years and have as such become eligible for regularisation of their services and also while their juniors have been continued in service, as submitted in paragraph 4.6 of the OA, their services have been terminated without assigning any reason. In fact, their services have been terminated only by verbal orders.

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3. They have also submitted a representation to the Union Minister for Small Scale Industries, New Delhi on 7-7-2004. They have, however, not received any reply to the said representation. Of course, it is a little early for the applicants to have rushed to the Tribunal seeking relief when the matter is pending with the respondents since the said date only. Ld. counsel for the applicants has, however, contended that the applicants have no alternative but to approach the Tribunal, as they are out of jobs and are facing extreme hardship. Ld. counsel for the applicants has cited the decisions of the Hon'ble Supreme Court in **Ghaziabad Development Authority & Ors. v. Vikram Chaudhary & Ors.** (1995 (5) SCC 210), in which, among other things, the principle of "last come first go while effecting termination and to give preference to displaced employees for re-employment" has been upheld. Reference has also been made to the Hon'ble Punjab & Haryana High Court's decision in **Sardar Masih v. Presiding Officer, Labour Court, Amritsar** (2004 (1) SLR 386), in which, among other things, it has been held that "employer is duty bound to comply with the rule of 'last come first go' enshrined in Section 25-G of the Industrial Disputes Act.

4. Having heard the ld. counsel for the applicants and also having perused the facts of the matter as submitted in this OA and particularly the fact that some of the juniors as named in para 4.6 of the OA have been retained by the respondents and also that a representation has been filed by the applicants and which is pending with the respondents, I am of the view that the ends of justice shall be met if this OA is disposed of, at the admission stage itself, with a direction to the respondents to consider the representation of the applicants in the light of the facts particularly that

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they have completed 240^h of service in two consecutive years and also that they claim to be fulfilling the other conditions as laid down in the OM of the DoPT dated 7-6-88, keeping in view the decisions of the Hon'ble Supreme Court and the Punjab and Haryana High Court as referred to hereinabove and to dispose of the matter by issuing a reasoned and speaking order within one month from the date of receipt of a copy of this order. Ordered accordingly.


(Sarweshwar Jha)
Administrative Member 

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