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Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH  
ALLAHABAD

Original Application No. 1266 of 1997

Allahabad this the 15th day of May, 2001

Hon'ble Mr.S.K.I. Naqvi, Member (J)

1. Om Prakash aged about 26 years, Son of Shri Sukroo resident of Military Farm Complex, Jhansi.
2. Mahendra, aged about 25 years Son of Shri Lakhee resident of village Gajarra Kalan, Post Kumaharra, District Tikamgarh(M.P.)

Applicants

By Advocate Shri Ram Kumar Nigam

Versus

1. Union of India through Secretary, Defence, Ministry of Defence, New Delhi.
2. Officer I/C Military Farm, Jhansi.
3. Dy. Director, Military Farm, (Central Commandant) Lucknow.

Respondents

By Advocate Shri Satish Chaturvedi

ORDER ( Oral )

By Hon'ble Mr.S.K.I. Naqvi, Member (J)

The applicants-Om Prakash and Mahendra have come up seeking relief to the effect that the respondents be directed to quash the oral termination of the petitioners <sup>by</sup> ~~from~~ 01.8.97 and to re-engage them in the employment in Group 'D' daily rated labour in Military Farm, Jhansi. The applicants have made this request on the strength of having worked for more than

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240 days in an year with the respondents establishment and thereby they become entitled to the benefit of ratio in A.I.R.1976 S.C.C.1111 State Bank of India Vs.R.Sundramani. In support of their contention, there is annexure-2 to verify that the applicant-Om Prakash worked for 41 days during October, 1991 and November, 1991. He also worked for 262 days during the period from 01.1.1995 to 30.11.1995, whereas the other applicant-Mahendra has worked for 233 days during 01.1.95 to 30.9.95.

2. The respondents have contested the case with the mention that the respondents department being the quasi commercial in nature and due to reduction in PE in the farm activities, the casual labourers working as substitute on leave vacancies are not being required from 01.8.97, and due to reduction in the strength of animal and re. organisation of farm activities, the strength of leave substitute has also been cut down and, therefore, the applicant cannot be engaged.

3. Heard counsel for the parties and perused the record.

4. It is not a case of the applicants that they were regularly appointed casual labourers, but at the same time it can also not be denied that they remained engaged with the respondents for sufficiently long time and, therefore, some right accrued to them to have preference over new faces or fresh engaged persons, but the respondents have a different story that due to reduction in number of animals and ~~EA~~..pg.3/-

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re-organisation of the farm, they have reduced the strength of casual labours and, therefore, the applicants cannot be engaged.

5. For the facts, as above, it is quite evident that no establishment can be forced to engage or employ the persons over and above their requirement and the sanctioned strength and, therefore, no direction is legally possible, as sought for by the applicants <sup>in the</sup> ~~as per~~ present O.A., but it is provided that whenever occasion arises and the casual labourers are engaged, due priority be given to the applicants, keeping in view the days they have worked in the respondents establishment. The O.A. is decided accordingly. No cost.

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Member (J)

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