

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH

ALLAHABAD.

Allahabad this the 16th day of May 2001.

Hon'ble Mr. Justice RRK Trivedi, Vice-Chairman
Hon'ble Maj Gen KK Srivastava, Member-A.

Original Applicant no. 637 of 1993.

1. Lalit Kumar, S/o Raja Ram,
R/o Kalchitra, Bargarh, Banda.
2. Rameshwar Prasad, S/o Har Sahay,
R/o Vill. Murka, Distt. Banda.
3. Jai Narain, S/o Shyam Lal,
R/o Kalchitra, Bargarh, Banda.
4. Indra Pal alias Sadhoo Ram,
S/o Amar Nath, R/o Kalchitra, Bargarh,
Distt. Banda.

... Applicants

C/As Shri Anupam Shukla
Shri KK Mishra

Versus

1. Union of India through Secretary,
Ministry of Defence,
New Delhi.
2. Director, Military Farm,
Army Headquarter,
New Delhi.
3. Dy. Director, Central Command,
Lucknow.
4. Military Dairy Farm Officer,
Allahabad.
5. Officer Incharge, Military Farm,
Depot, Bargarh, Banda.

... Respondents

C/Rs Sri Rajeev Sharma, Sri R.C. Joshi
Sri S.C. Tripathi

...2/-

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Alongwith

Original Application no. 1410 of 1997.

Bodi Ram, S/o late Yamuna Prasad,
R/o Village Maharja, Post Office. Moria,
Distt. Shahuji Maharaja.

... Applicant

C/A Shri KK Mishra

Alongwith

Original Application no. 156 of 1998

1. Indra Pal Yadav, S/o Sri A.P. Yadav,
R/o Village Marha, Via Bargarh,
Distt. Banda/Sahu Ji Maharaj Nagar.
2. Tej Bali Singh, S/o late Shri HS Singh,
R/o Military Farm, Bargarh,
Distt. Banda/Sahu Ji Maharaj Nagar.

... Applicants

C/As Sri KK Mishra

Versus

1. The Union of India through the Secretary
Army Headquarter, New Delhi.
2. The Director General, Military Farm, Army Hqrs,
CMG's Branch, RK Puram, West Block III,
New Delhi.
3. The Director, Military Farm, H Qrs Central Command,
Lucknow.
4. Military Dairy Farm Officer, Allahabad.
5. The Officer Incharge, Military Farm Depot Bargarh,
Banda.
6. Ram Sewak Yadav, C/o Officer Incharge,
Military Farm Depot, Bargarh, Banda.

... Respondents in
OA 1410/97 &
OA 156/98

C/Rs Sri R. Sharma, Sri R.C. Joshi
Sri SC Tripathi

...3/-

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O R D E R (Oral).Hon'ble Mr. Justice R.R.K. Trivedi, V.C.

As the question of facts and law involved are similar in all the OAs, they can be decided by a common order against which the parties counsel have no objection.

2. In the above OAs, the applicants have prayed for a direction to the respondents to regularise their services and give them preference over ~~new~~ ^{the} fresh recruits and the labours provided by contractors. It has also been prayed that till their regularisation they may be paid the same pay and allowances as ~~paid to the~~ regular employees.

3. The facts in short are that the applicants are serving in the Military Farm, Bargarh, for the last many years. Their engagement ^{as} stated in the application, ^{Were} ~~is~~ during the period from 1976 - 1984. The grievance of the applicant is that they were faithfully discharging their duties. There was no complaint against their work and conduct. By an oral order they were terminated from engagement.

4. The respondents have filed counter affidavit and Suppl counter affidavit. They have admitted that the applicants worked with them. However, it has been stated their applications have been under consideration. ⁱⁿ But before their applications ^{could be} ~~is~~ decided, they have rushed to the Tribunal. In para 10 of the Suppl.

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counter affidavit filed on 25.04.2001, it has been
stated as under :-

" That, however, it is stated that as and
when the vacancy would be available in the
department of the respondents, the case of the
applicants would be considered sympathetically
and they would be given preference in the
fresh appointments!"

5. Learned counsel for the respondents has
submitted that at present there is no vacancy. It
has also been submitted that the applicants shall be
provided work when ever it is available in preference
to fresh recruits and the labour provided by any
contractor.

6. In the circumstances narrated above, we
dispose of these QAs finally with the direction/that
the applicants shall be provided work when ever it is
available and their engagement shall be/preferential
basis against fresh recruits or the labour provided
by contractors. Their case for regularisation shall
be considered, when-ever the vacancies become available.

7. No order as to costs.