

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH

CIRCUIT SITTING AT NAINITAL

THIS THE 25TH DAY OF OCTOBER, 2002

Original Application No.969 of 1998

CORAM:

HON.MR.JUSTICE R.R.K.TRIVEDI,V.C.

Jeevan Singh Visth, S/o Sri Joga Singh Visth, Permanent resident of village Jaikota, P.O. Kailash Narain Ashram, Tehsil Dharchula, district Pithoragarh.

... Applicant

Versus

1. Union of India through the Secretary, Ministry of Defence, Govt. of India, New Delhi.
2. The Director General of Military Farms, Army Headquarters, West Block R.K.Puram, New Delhi.
3. The Adjutant General, A.G's Branch, Army headquarters, R.K.Puram, New Delhi.
4. The Deputy Director of Military Farms, Central Command headquarters, Lucknow.
5. The Officer Incharge, Military Farm, Pithoragarh.

... Respondents

(By Adv: Shri Satish Chaturvedi)

O R D E R (Oral)

JUSTICE R.R.K.TRIVEDI,V.C.

By this OA u/s 19 of A.T.Act 1985 applicant has challenged the order dated 31.8.1998(Annexure 1) by which applicant was disengaged from the work.



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The facts of the case are that applicant was engaged as casual worker in Military Farm Pithoragarh w.e.f. 1.12.1988. he was conferred temporary status under ^{the} scheme known as casual labourers (grant of temporary status and regularisation) scheme of Govt. of India 1993. However, the services of the applicant were terminated w.e.f. 31.8.1998 by the impugned order, aggrieved by which he has approached this Tribunal. In the impugned order dated 31.8.1998, the reason has been stated that due to reduction/reorganisation of the work the casual employment is terminated. The applicant was given notice and compensation of 15 days salary in the current date for each 240 days attendance.


Resisting the claim of the applicant counter reply has been filed. Reasons have been stated in para 15 of the counter in which it has been stated that the strength of cows have been reduced because the supply of milk of the military farm has been reduced. The milk and milk products of the Military farm ^{are supplied} ~~is supplied~~ to the defence personnel and since the strength of defence ^{personnel} in the area has considerably been reduced, ^{it affected the demand} thus the department has taken a decision to reduce the number of cows, milk and milk products due to less consumption of these items, thus it has become necessary to reduce the strength. It has also been ^{said} that while passing the impugned order the principle ^{of} 'last come first go' has been followed. In the order it has also been said that if the work will be there in future the applicant will be given chance.

Shri Pankaj Srivastava counsel for the respondents placed before me the judgment of this Tribunal in OA No.1112/1993 dated 27.11.01 Chandra Pal vs. union of India and Others. The Tribunal in the similar circumstances held as under:-

"..... It is open for the State to get the work done in any manner it pleases. It is clear that if the department was to do work departmentally then the claim of the applicant would certainly stand. However, in view of the changed policy to get the work done first mechanically and later on through the contractor as a result of which there are no vacancies for the applicant. Therefore, the removal after giving them necessary payments in view of notice as well as for the completed years of service in accordance with the circulars of the department is not illegal. The OA is accordingly dismissed. No order as to costs."

The principle stated in the aforesaid order is squarely applicable in the present case that if there is no work the respondents could remove applicant after giving the necessary payment as compensation under a legal notice which has been complied with in the present case. In the circumstances, the applicant is not entitled for any relief.

The OA is accordingly dismissed. No order as to costs.


VICE CHAIRMAN

Dated: -25th october, 2002