

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
CIRCUIT SITTING
AT NAINITAL

Original Application No. 970 of 1998

Nainital this the 25th day of October, 2002

Hon'ble Maj Gen K.K. Srivastava, Member (A)

Jagdish Chandra Nainwal, S/o Late Sri Lokmani,
Permanent r/o village Ginti Gaon, P.O. Kotebagh,
District Nainital, Pin 262520

By Advocates Shri Satish Dwivedi,
Shri Anil Dwivedi

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 Office Incharge, Military Farm, Pithoragarh.

Respondents

By Advocate Shri Satish Chaturvedi

O_R_D_E_R (Oral)

By Hon'ble Maj Gen K.K. Srivastava, Member (A)

In this O.A. filed under Section 19 of the Administrative Tribunals Act, 1985 the applicant has challenged the order dated 31.8.98 terminating the

services of the applicant and has prayed that the same be quashed. The applicant has further prayed that the respondents be directed to re-instate the applicant with all consequential benefits and also to absorb the applicant against the regular vacancy.

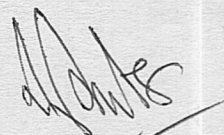
2. As per the applicant, he was engaged as casual labour in Military Farm, Pithoragarh w.e.f. 01.05.1989 and he worked in the respondents establishment without any break upto 31.08.98. He was served with the impugned order dt.31.08.1998 and his services were terminated with immediate effect after payment of salary in lieu of notice and retrenchment compensation. The applicant has pleaded that there is work in the respondents establishment and the order of termination is illegal as it has been passed without any show-cause and without giving any opportunity. The order of the respondents is clearly in violation of principles of natural justice and therefore, is liable to be quashed.

3. Learned counsel for the respondents resisting the claim of the applicant has submitted that due to reorganisation of the Military Farm, the posts have been reduced in consultation with the defence finance. In para-15 of the counter-affidavit, the respondents have given the reasons for reduction of the strength in the establishment and since it was necessary to reduce the strength of Workman, the respondent no.2 had no option but to pass the retrenchment order, not only in respect

of the applicant, but in respect of two other employees also. Learned counsel for the respondents submitted that the similar controversy was raised in O.A.No.1112 of 1998, which has been decided by this Tribunal by order dated 27.11.2001. Perusal of the order dated 27.11.2001 passed in O.A.No.1112 of 1998 leaves no doubt that the present case is squarely covered by that. ^hThe following has been ^hheld in the above mentioned order; ^h

"Therefore, the removal order giving them necessary payments in view of notice as well as for the completed years of service in accordance with circulars of the department is not illegal. The O.A. is accordingly dismissed. No order as to costs.

4. I am in respectful agreement with the view taken in the abovementioned order. In view of this, ^hthis ^hO.A. has no merit and is accordingly dismissed. No order as to costs.



Member (A)

/M.M./