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OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH

ALLAHABAD

Allahabad : Dated this 27th day of November, 2001.

Original Application No.1112 of 1993.

CORAM:-

Hon'ble Mr. C.S. Chadha, A.M.

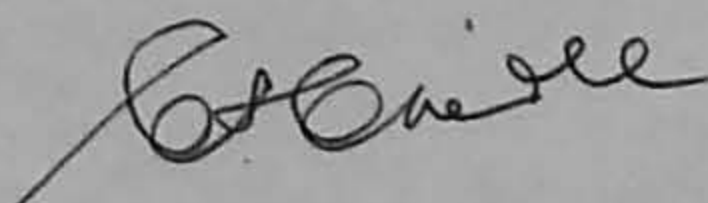
1. Chandra Pal S/o Sri Roshan Lal,
aged about 34 years R/o Village
Lohar Magala P.O. Sothura Sohrah,
Bareilly U.P.
2. Mukesh Kumar S/o Sri Ram Barosey
aged about 28 years R/o 42, Cantt.,
Bareilly Cantt.
3. Ram Baby S/o Sri Prabhu Dayal,
aged about 28 years R/o 534, Sadar,
Bazar, Bareilly Cantt.
4. Jagdish Prasad S/o Sri Mool Chand,
aged about 33 years
R/o Vill Lakhora P.O. Umarsia
Bareilly U.P.
5. Amar Singh S/o Sri Bhim Sen,
aged about 30 years
R/o Vill Jheelgoatia P.O. Chaneheti,
Bareilly U.P.
6. Ram Sewak S/o Sri Rama Shanker aged
about 35 years R/o Vill-Chandeheti
P.O. Chaneheti, Bareilly.

(Sri R.C. Pathak, Advocate)

. Applicants

Versus

1. Union of India through its
Defence Secretary,
Ministry of Defence,
Govt. of India,
South Block, New Delhi-110011
2. The Adjutant General,
Adjutant General's Branch,
Army Headquarters,
Rajaji Marg,
New Delhi-110011
3. The Deputy Director General
Military Farms,
Block No.3, R.K. Puram,
New Delhi.
4. The Director Military Farm,
Headquarters Central Command,
Lucknow



5. The Officer-in-Charge,
Military Farms,
Bareilly Cantt.

(Sri KP Singh, Advocate)

. Respondents

O R D E R (O_r_a_l)

By Hon'ble Mr. C.S. Chadha, A.M.

The case of the applicant relates to non-engagement of casual labour, & later giving temporary status by the Military Farms, Bareilly. Learned counsel for the applicant has stated that they were terminated without following any procedure. On the contrary counsel for the respondents states that one month's payment in lieu of one month notice as per policy was sent to the applicants but they refused to accept it. In proof thereof the originals of the registered letters have been produced in the case. The issue is not one of removal without sufficient cause unless it is proved that there are available vacancies for engaging them. The case of the respondents is that there is no work because the department decided to mechanise the Military Farm and thereafter gave it to a private contractor. The judgement of this Tribunal quoted by the applicant in OA No.1113/1993 passed on 28-11-2001 relates to improper termination of services when there were vacancies. In the present case the department has averred that there are no vacancies for the applicants. The respondents have also stated in the termination order that in case there are vacancies, they will be re-engaged in accordance with seniority. Learned counsel for the applicant states that it is not open to the department to stop work and engage a contractor. I am unable to agree with this argument. 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

B. Chadha

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 circulars of the department is not illegal. The OA is accordingly dismissed. ~~with~~ No order as to costs.

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B. B. S. S.
Member (A)

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