

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH  
ALLAHABAD.

Dated : This the 08th day of MARCH 2002

Hon'ble Mr. Justice R.R.K. Trivedi, VC  
Hon'ble Maj Gen K.K. Srivastava, AM

Original Application no. 77 of 1994.

1. Vijay Prakash Gupta, S/o B.P. Gupta, R/o 374-B/1, Faithful Ganj, Kanpur, previously employed as Casual labourer in the Army Service Corps Supply Depot, Cantt. Kanpur.
2. Nand Kishore Sharma, S/o late S.L. Sharma, R/o 379, Faithful Ganj, Kanpur. previously employed as Casual Labourer in the Army Service Corps supply, Depot, Cantt. Kanpur.
3. Rajnu Lal Yadav, S/o B. Yadav, R/o H. no. 4, Balla Ki Tatiya, C.O.D. Kanpur previously employed as Casual Labourer in the Army Service Corps Supply Depot Cantt. Kanpur
4. Satish Pal Singh, S/o Sri R.P. Singh, R/o 67/12, Juhi Lal Colony, Kanpur previously employed as Casual Labourer in the Army Service Corps Supply, Cantt. Kanpur
5. Om Prakash Gupta, S/o Late P.L. Gupta, R/o 20, Mirpur Cantt. Kanpur, previously employed as Casual Labourer Army Service Corps Supply, Cantt. Kanpur.

... Applicants

By Adv : Sri N.K. Nair & Sri M.K. Updhayay

Alongwith

Original Application no. 136 of 1994.

Sri Ram, S/o Sri Kalpa Nath, R/o 65, Deviganj Bagin, Chakeri Aerodrome, Kanpur previously employed as Casual Labourer in the Army Service Corps, Supply Depot, Cantt. Kanpur.

...Applicant

By Adv : Sri N.K. Nair & Sri M.K. Updhayay

...2/-



2.

V E R S U S

1. Union of India through the Secretary, Ministry of Defence, Govt. of India, New Delhi.
2. Deputy Director, Supply & Transport, UP Area, HQ Cantt. Bareilly
3. The Director, Supply & Transport, DHQ PO New Delhi.
4. Sub Area Commander, Sub Area Hd. Qrs. (Supply Depot), Cantt. Lucknow.
5. The Station Commander, Station HQ, Cantt. Kanpur
6. Officer Commanding, 46 Coy, Army Service Corps Supply Depot, Kanpur.

... Respondents  
(in both the QAs)

By Adv : Sri R.C. Joshi & Sri VV Mishra

O R D E R

Hon'ble Mr. Justice R.R.K. Trivedi, VC

In both the aforesaid QAs the question of facts and law are similar and they may be decided by a common order against which the learned counsel for the parties have no objection.

2. The applicants have approached this Tribunal for a direction to the respondents to absorb the applicants as Civilian Labourers on regular basis and to reinstate the applicants in employment as Civilian Labourers in the Supply Depot, 46 Coy (Supply), ASC, Cantt. Kanpur with continuity of services and all other benefits.

3. It appears that the applicants joined as Casual Labourers at Supply Depot, Kanpur in 1991. They worked upto 1993 in broken spells. However, w.e.f. 4.9.1993 they were disengaged without disclosing any reasons. Aggrieved by the aforesaid action the applicants filed a representation

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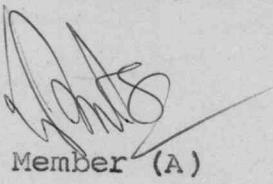
before the superior authority i.e. Station Commander, Station HQs., Cantt. Kanpur, (Ann 15 to 19). The representations were rejected on 5.11.1993 stating that they were never employed as casual labourer, but they were only engaged ~~as~~ <sup>on</sup> daily wages, in view of the work load. It is also alleged ~~in~~ the order that the applicants were not engaged through District Employment Exchange. So far as the payment from May 1993 to August 1993 is concerned it was stated that it is being processed and payment shall be made.

4. The respondents have filed counter affidavit resisting the claim of the applicants. In para 8 of the counter affidavit it was stated that the muster roll shall be produced at the time of hearing. Learned counsel for the respondents has placed before us the muster roll. We have perused the same. On perusal their remains no doubt that the applicants were engaged as casual labourer and paid. The muster roll it self mentions ~~as~~ the status of the applicants. It is also clear that they worked from 1991 to 1993 in broken spells. They were registered in the Employment Exchange and they were interviewed before they were employed. Which has not been denied in the counter affidavit. In the circumstances in our opinion the representations filed by the applicants claiming benefit have not been correctly decided and the matter requires reconsideration by the respondents, particularly in the light of Govt. orders issued from time to time, specially the order dated 10.9.1993. From the muster roll it appears that some of the applicants worked for more than 120 days and they were entitled for benefit of temporary status.

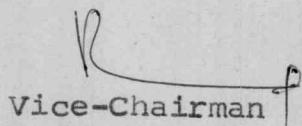
4.

5. For the reasons stated above both the OAs are allowed. The respondents are directed to reconsider the claim of the applicants in the light of the observations made above and the Govt. order dated 10.09.1993 treating them as casual labourer. A reasoned order shall be passed within a period of 4 months from the date copy of this order is filed.

6. There shall be no order as to costs.



Member (A)



Vice-Chairman

/pc/