

(Open Court)

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH, ALLAHABAD

Allahabad this the 26th March of 2001

C O R A M :- Hon'ble Mr. Justice R.R.K. Trivedi, V.C.

Orginal Application No. 324 of 1999

1. Prem Narayan Sarivaas S/o Sri B. Prasad

a/a 25 years R/o Vill. Military Farm,

Subedargang, Allahabad

2. Raj Kumar Pal s/o Late Janeshwar Prasad

a/a 24 years. R/o Vill. Military Farm

Subedargang, Allahabad

3. Kamta Prasad S/o Sri Hari Lal a/a 18

Subedargang, choungi Chowk, Near Railway Crossing

Allahabad .

4. Lalji Pal s/o Sri Shivdaani a/a 25 years

R/o Vill.& Post Syed Saranwa, Distt. Kaushambi.

5. Ram Babu S/o Sri Sita Ram a/a 26 years.

R/o Vill. Ismailpur, Kotwa Post. Manuri Distt. Kaushambi.

6. Nand Lal S/o Sri Babu Lal a/a 26 years R/o Vill.

Akbarpur, Post Office- Kasenda Distt. Kaushambi.

7. Dev Raj S/o Sri Rashan Lal a/a 25 years, R/o Vill.

Nayagang, Post Office Manuri, Distt. Kaushambi.

8. Ram Hit S/o Sri Manni Lal a/a 23 years R/o Post Office-

Badi Saurain, Distt. Kaushambi.

.....Applicants

Counsel for the applicants :- Sri K.P. Singh

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1. Union of India through the Secretary
M/o Defence, New Delhi.
2. Union of India through the Dy. Director General
Military Farm, Army Head Quarters, Quarters Master
General Branch, 66- R.K. Puram, 3rd Floor, New Delhi.
3. The Dy. Director, Military Farm, Lucknow
4. The Officer Incharge, Military Farm, Allahabad.

.....Respondents.

Counsel for the respondents :- Sri Rajeev Sharma

O R D E R (oral)

(By Hon'ble Mr. Justice R.R.K. Trivedi, Vice-Chairman.)

These 8 applicants joined services in Military Farm, Allahabad on different dates. The following chart will show their joining :-

	<u>Date of joining</u>	<u>Worked up to</u>
Applicant No.1	November, 1992	19.03.1999
Applicant No.2	July, 1991	19.03.1999
Applicant No.3	January, 1992	19.03.1999
Applicant No.4	July, 1995	19.03.1999
Applicant No.5	October, 1990	19.03.1999
Applicant No.6	March, 1991	19.03.1999
Applicant No.7	June, 1993	19.03.1999
Applicant No.8	April, 1990	19.03.1999

2. The grievance of the applicants is that they have been removed by oral order in arbitrary and illegal manner though they had put in several years of services. Learned counsel for the applicant has invited the attention of this Tribunal to policy decision in the letter dt. 15.12.98 where in the scheme has been ^{provided} for removal

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of those casual labourers who had already worked for 240 days in previous two years i.e. 96-97. Under this policy the applicants were entitled to be considered for regularisation. The respondent No. 4 however, by oral order dt. 19.03.99 terminated the engagement of the applicants in arbitrary manner without considering that they are entitled for consideration for regularisation under the order dt. 15.12.98. It has also been submitted that after termination of the applicants from the service, casual labourers are being engaged from open market.

3. In the S.C.A it has also been stated that in view of the recommendation of 5th Central Pay Commission, the decision has been taken to reduce the strength in the ^{and} Military Farm/while complying the said order; applicants have been dis-engaged. In my opinion, ~~stating~~ ^{considering} this explanation, applicants ^{who} have already put in about 10 years of service in some cases and in other cases more than 5 years and if the respondents had decided to dis-engage the applicants, they ought to have ^{given} ~~given~~ order, in-accordance with law, in writing. The action of the respondent No.4 was absolutely illegal and arbitrary and can not be sustained. It is also stated that respondents are engaging casual labourers from the open market which can not be done and they ^{are} engaging in arbitrary manner. In my opinion the applicants are entitled for the relief.

4. The O.A is accordingly allowed. Oral Termination order is set-aside. The respondents are directed to take ^{and trouble their work on preference basis.} back the applicants in job. Applicants are not entitled for any back wages. The respondents shall consider the case of the applicants under letter dt. 15.12.98 within a period of four months from the date a copy of this order is filed before them.

No costs.

/Anand/

Vice-Chairman.