

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH ALLAHABAD.

Original Application No.918 of 1999.

Allahabad this the 08th day of May 2003.

Hon'ble Mr. Justice R.R.K. Trivedi, V.C.

Vindeshwari Prasad
Son of Sri Khunnu Lal
Aged about 28 years,
Resident of Village Maya Ram-Ka-Pura,
Post-Tilhapur, District Kaushambi.

.....Applicant.

(By Advocate : Sri K.P. Singh)

Versus.

1. Union of India
through Secretary
Ministry of Defence,
New Delhi.
2. Union of India
through Dy. Director General
Military Farm, Army Head-Quarters
Q.M.G's Branch, Block No.3,
R.K. Puram, New Delhi-110066.
3. The Director of Military Farm,
Head-Quarters, Central Command,
Lucknow-2.
4. Officer Incharge,
Military Farm,
Allahabad,

.....Respondent

(By Advocate : Sri Rajeev Sharma)

O R D E R

By this O.A., filed under section 19 of Administrative Tribunals Act 1985, the applicant has challenged his verbal termination order dated 11.01.1999 passed by Officer Incharge Military Farm, Allahabad. The applicant has also prayed for a direction to the respondents to regularise the service of the applicant.

2. The undisputed facts ^{are} that the applicant was engaged as Casual Labour on 01.02.1990 by respondent No.4.

The applicant continued in service. He was given temporary status with effect from June 1996 and was also paid house rent allowance w.e.f. June 1996. On the basis of 5th Pay Commission Report, he was paid difference in salary to the extent of 10,000/-. The applicant had completed three years service as temporary status ^{casual labour}. He made an application for regularisation on the said post as per Government's order dated 10.09.1993. However, applicant was not allowed to work by the respondent No.4 from the date on 11.01.1999. Against the illegal action of respondent No.4, the applicant made representation but no action was taken, aggrieved by the illegal action of respondents, applicant filed this O.A.

3. Learned counsel for the applicant has submitted that as the applicant was granted temporary status, his services could not be terminated except by an order in writing. For this reason the verbal termination order is illegal and is liable to ^{be} quashed, the applicant is entitled for the relief.

4. Learned counsel for the applicant has placed reliance on the order passed by this Tribunal on 28.11.2000, ~~passed~~ in O.A. 948 of 1999 Chandan Singh and others Vs. Union of India and others. The learned counsel for the applicant has submitted that the aforesaid order has been confirmed by the Hon'ble High Court by order dated 02.07.2001 passed in Writ Petition No.21497 of 2001.

5. Learned counsel for the respondents submitted that as the strength has been reduced of the employees, the applicant's engagement was dispensed with and there was no illegality.

6. I have carefully considered the submissions of the learned counsel for the parties. The similar defence



was raised before the Hon'ble High Court in writ petition No.21497 of 2001 which was rejected in following words:

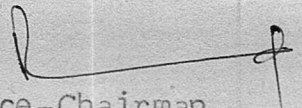
"....The explanation given by the respondents that the termination was necessitated in view of recommendation made by the Central Pay Commission for reduction of the strength of Military Farms was rightly not accepted. The Tribunal has rightly held that if it was necessary to reduce the strength of the employees that could have been done by written order in accordance with law. The oral termination has rightly been held illegal. In view of this we are not inclined to interference in this matter."

The writ petition is devoid on merit and it is dismissed accordingly....."

The aforesaid judgement of Hon'ble High Court is squarely applicable in the present case. The applicant is entitled for the relief.

7. The O.A. is allowed, The impugned oral termination order dated 11.01.1999 is quashed. Respondents are directed to take back the applicant in job. However, the applicant will not be entitled for the back wages. Applicant shall ^{be} continued in service for the purpose of regularisation.

No order as to costs.


Vice-Chairman.

Manish/-