

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

THIS THE 28TH DAY OF NOVEMBER, 2000

Original Application No.948 of 1999

CORAM:

HON.MR.JUSTICE R.R.K.TRIVEDI,V.C.

1. Chandan Singh son of Sri Kamta Prasad
R/o 1076, Chak Niratul, post Office
Tej bahadur Sapru Nagar, District
Allahabad.
2. Sunil Kumar son of Shri Bhai Lal
R/o house No.86, P.O. Chak Niratul
Chauphatka, District Allahabad.
3. Jai Murat son of Sri Lal Chand Yadav
R/o Military Farm, Allahabad
Permanent resident of village and post
Gouspur, district Ghazipur.
4. Rajendra Kumar Singh son of SriShubhagaman Singh
R/o Military Farm, Allahabad permanent
address village & Post Moon Chapra
District Ballia.

... Applicants

(By Adv: Shri 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
3. The Director of Military Farm, H.Q.
Central command, Lucknow -2
4. The Officer Incharge, Military Farm,
Allahabad.

... Respondents

(By Adv: Shri Satish Mandhyan)

O R D E R(Oral)

(By Hon.Mr.Justice R.R.K.Trivedi,V.C.)

By this application u/s 19 of A.T.Act 1985 the applicants have prayed that oral termination order dated 27.5.99 by which applicants have been disengaged may be quashed and respondents may be directed to provide engagement and also to regularise their services. The uncontroverted facts as stated in the application are that applicant no.1 was appointed as casual labour on 1.11.1988. He worked upto

26.5.1999 in various Military Farms. Applicant no.2 was appointed as casual labour on 2.2.1990 and worked upto 26.5.99. Applicant no.3 was appointed in January 1990 and worked upto 26.5.1999. Applicant no.4 also was appointed on 26.12.1989 as casual labour and he worked upto 26.5.1999. For the aforesaid facts applicants have filed certificates. Thus the learned counsel for the applicant has submitted that as applicants had already put in about ten year service they could not be ousted in this fashion by an oral order. Learned counsel for the applicant has also invited my attention to the policy decision contained in letter dated 15.12.1998(Annexure 11) wherein a scheme has been provided for regularisation of those casual labourers who ~~were~~ ^{had} already ~~worked for~~ ^{worked for} 240 days in previous two ~~casual~~ ^{years} i.e. 1996-1997. Under this policy the applicants were entitled to be considered for regularisation. The respondent no.4 however, by oral order dated 27.5.1999 terminated the engagement of the applicants in an arbitrary manner without considering that they are entitled for consideration for regularisation under the order dated 15.12.1998. Learned counsel for the applicant has also submitted that after the termination of the applicant from service respondent no.4 used to engage fresh casual labourers from open market. This averment has been made in para 4.15 of the application which has not been denied.

In short counter affidavit the only justification stated is that in view of the recommendation of the Vth Central Pay Commission a ~~decision~~ ^{diversion} has been ~~undertaken~~ to reduce the strength of Military Farms and while implementing the decision they have been disengaged. I am not satisfied with this explanation. Applicants had already put in about ten years service and if the respondents had decided to disengage the applicants, they ought to have ~~been~~ passed orders in accordance with law in writing. The action of respondent

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no./4 was absolutely illegal and arbitrary and cannot be sustained. It is also a fact that they engaged casual labourers from open market ^{which} has not been denied, which shows that they required hands and applicants were removed under the pretext in an arbitrary manner. In my opinion the applicants are entitled for the relief.

The application is accordingly allowed. The oral termination is set aside. The respondents are directed to take back the applicants in job. However applicants will not be entitled for any back wages. The respondents shall consider the claim of the applicants for regularisation under the order dated 15.12.1998(Annexure 11) within a period of four months from the date a copy of this order is filed. No order as to costs.

VICE CHAIRMAN

Dated: 28.11.2000

Uv/