

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Original Application No. 12 of 1999

Dated: This the 06th day of August, 2004

Hon'ble Mrs. Meera Chhibber, Member-J

Lakhan Singh Parihar Son of
Siya Ram Parihar aged 25 years
resident of Village - Simraha
PO - Bhattagaon, District,
Jhansi U.P.

.....Applicant.

By Advocate: Shri G.P.Sharma

Versus

1. Union of India, through the Deputy
Director, Military Dairy Farms,
Central Command, Lucknow.
2. Officer Incharge, Military
Dairy Farm, Jhansi.

.....Respondents.

By Advocate : Shri R. Sharma

O R D E R

By Hon'ble Mrs. Meera Chhibber, JM

By this O.A. applicant has sought the following
relief(s):

"8i. Direct the respondent No.2 to provide
permanant status and regularisation in
group D category of post at part with
other 24 co-workers of the applicant
granted benefit in Jan.96.

8ii. To issue any other order and direction
as considered fit in the facts and
circumstances of the applicants case.

8iii. To award cost of the application."

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.....pg 2/-

2. The brief facts stated by applicant are that he had worked ~~as~~ as a daily rated casual labour under Officer Incharge, Military Dairy Farm, Jhansi from 01.8.89 to end of year 1993, therefore, he was entitled to get temporary status as he had completed 240 days regularly as was granted to other 4 workers in January 1996. He had never left job on his own accord and application dated 26.5.1993 was submitted for giving experience certificate for finding better future prospects. Applicant further submitted that since ~~his~~ all other 4 co-workers have already been made permanent in the year 1996, he could not have been discriminated against. As such, the relief(s) claimed may be granted in his favour.

3. Respondents have opposed this O.A. by stating that applicant had worked only upto July, 1992, therefore, he is not entitled to any benefit flowing from the scheme of regularisation and grant of temporary status. As the said scheme is applicable ~~XXXXXXXX~~ only to such casual employees, who were in service as on 10.9.1993 and had rendered continuous service of one year with 240 days or 206 days in a year. Since applicant had already left the employment on his own way back in July, 1992 itself, he is not entitled to any relief as claimed in the O.A.

4. They have taken the preliminary objection to the maintainability of the O.A. on the ground that the O.A. is barred by limitation ~~whereas~~ ^{may be} he has filed the present O.A. only in the year 1999 and no explanation has been given for the intervening period of five years. They have, thus, prayed that this O.A. ~~is liable to be~~ ^{may be} dismissed on the ground of limitation itself.

5. They have ^{stated} ~~said~~ that applicant had ~~have~~ a better

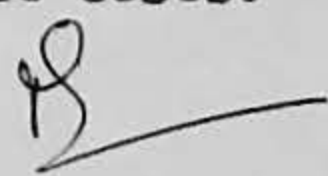
job in L.I.C., Kanpur, therefore, he cannot be allowed to turn around and seek the relief as it is a closed chapter. There is no question of discrimination because those, who are working as on 10.9.1993, were regularised while applicant was not even in service as on that date. They have, thus, prayed that the O.A. may be dismissed.

6. Respondents have subsequently filed a supplementary Counter Affidavit also wherein they have ^{explained B} said that M.F. Jhansi is having 25 Farm land surplus at present due to reduction of P.E. on the recommendation of Fifth Pay commission Prem Sagar committee report Non fighting force and reduction in the manpower policy introduced in the department after the modernisation and reorganisation of farms. The services of these 25 farmlands are presently being utilised till they are posted into other department for seasonal work in cultivation section. They have said that since there is no vacancy in the office of the respondents, therefore, he cannot be given the reliefs as prayed by him. However, as and when the vacancy falls vacant, the case of applicant will be sympathetically considered keeping in mind the number of years put in by him.

7. Perusal of Annexure- A-I shows that applicant's advocate was informed vide letter dated 23.09.1998 that due to reduction of PE, the permanent staff of this farm has been declared surplus and as per latest policy of Government no casual labour will be employed in this farm. Perusal of Annexure-A 2 shows that applicant had himself given a letter on 26.5.1993 that he had applied for a post of Chowkidar in L.I.C., Kanpur, therefore, he may be given experience certificate. He himself requested that he may be given experience certificate from August 1989 to

July, 1992 as he had worked for this period at Military farm, Jhansi. This clearly shows that applicant had worked with the respondents only till 1992 whereas the Govt. of India scheme came into being w.e.f. 01.10.1993. In the said scheme it was made clear that ^{only if} ~~in which~~ such of the casual labours will be given the benefit of said scheme, who are in employment as on 10.9.1993. Since as per applicant's said letter he had worked till July 1992, naturally he would not be entitled to get the benefit of the O.M for temporary status and regularisation issued by Govt. of India. As far as the workers, who were in employment as on 1993, if they were given regularisation in 1996, applicant cannot have any grievance because he was not in the employment in 1993, which is evident from his own letter annexed as Annexure A-2. In any case respondents have already accepted in their supplementary affidavit that as and when vacancy falls vacant,, the case of applicant will be sympathetically considered. ^{d.K} Keeping in mind the number of years put ⁱⁿ by him in the Military Farm, no further orders need to be passed in the present case.

8. The O.A. is accordingly dismissed being devoid of merits. There will be no order as to costs.


Member-(J)

Brijesh/-