

Open Court.

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,  
ALLAHABAD.

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ORIGINAL APPLICATION NO. 376 of 2000

this the 20th day of July'2004.

HON'BLE MRS. MEERA CHHIBBER, MEMBER(J)

1. Arvind Kumar Dubey, Casual Worker (Chokidar), PHMC, Majhagawan, presently C/o Anil Kumar Misra, Group IV Camp VI, C.O.D., Agra.
2. Ram Kumar Tiwari, Casual Labour/chokidar, C/o Chhitariya Tiwari, Village Newala Post Jagner, Agra.

Applicants.

By Advocate : Sri M.K. Upadhyay.

Versus.

1. Union of India through Secretary to the Govt. of India, Ministry of Defence, New Delhi.
2. Dy. Director General of Military Farm, Army Headquarter, QMG Branch West Block II, R.K. puram, New Delhi.
3. Director of Military Farm, Headquarter, Central Command, Lucknow.
4. Officer-in-charge, Military, Farm, Lucknow.
5. Officer-in-charge, H.C.C. Majhagawan, Satna.
6. Sri S.S. Bajpai, Supervisor, Military Farm, Lucknow.

Respondents.

By Advocate : Sri M.C. Chaturvedi (Absent)

O R D E R

The short controversy raised by the applicants in this case that the applicant no.1 had been working from December'95 at Hay Collection Centre, Majhagawan, while applicant no.2 had been working at Majhagawan/





Sirgupur Hay Collection Centre w.e.f. September'96. They worked continuously from the said period till 1.5.1999 when their services were terminated without giving them any notice, nor pay and allowance for the month of July'98 onwards, was paid.

2. The respondents have, on the other, submitted that the said Hay Collection Centres were functioning on adhoc basis. There was no permanent establishment authorised. Only seasonal work of Hay harvesting from the forest/jungle bailing and dispatch of hay to other Military Farm ~~was~~ carried-out. They have admitted that the applicants were engaged from November'95, but they have submitted that they had not completed 240 days in any of the calender year, therefore, they are not entitled for temporary status and regularisation as per the G.O. dated 10.9.1993. They have further submitted that the payment for the month of July'98 was cleared to both the applicants on 24.8.1998 as per the records of Hay Collection Centre, Majhgawan and Military Farm, Lucknow. No payment for the period of September 1998 and onwards is due to the applicants, because they were not engaged by the Incharge Hay Collection Centre, Majhgawan/Singhapur, nor other incharge of Military Farm, Lucknow during the said period i.e. from September'99 onwards.

3. Counsel for the applicant has stated that in similar circumstance, number of other persons had approached this Tribunal by filing O.A. no.324 of 1999, which was disposed off on 26.3.2001 holding therein that the respondent could not have terminated the services of the applicants, therein, by oral order. The oral order of termination were quashed and set aside and the respondents were directed to take back the applicants, therein, and to provide them work on prospective basis. It was further held that the applicants, therein, were not entitled for any back wages.

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4. It is submitted by the learned counsel that the applicant have also given a number of representations to the respondents, which are from Annexure A-3 to Annexure A-8 to the O.A., but the respondents have not given any reply thereon. Therefore, this case may also be decided in terms of the judgment dated 25.3.2001 given in O.A. no.324 of 1999.

5. Counsel for the respondents was not present in the Court, therefore, I have gone through the Counter reply. It is not stated by the respondents that <sup>after</sup> September '99 Hay Collection Centre, Majhgawan or Singhapur have been closed totally. All that, they have stated, <sup>is</sup> that after September '99 the applicants were not engaged either at Hay Collection Centre, Majhgawan or Singhapur. In the absence of the counsel for the respondents, I do not know the status of the order passed by the Tribunal in O.A. no. 324 of 1999 as to whether the same was implemented by the respondents or was challenged in the Hon'ble High Court, nor <sup>can be</sup> ~~to~~ cross check from the respondents with regard to the actual working of the applicants, therefore, in these circumstances, I think that ends of justice would be met if the O.A. is disposed off by giving a direction to respondent no.3 to consider the grievances of applicants therein, keeping in view the judgment already given by this Tribunal in O.A. no. 324 of 1999 and to decide their representations within a period of two months from the date of receipt of copy of this order, by passing a reasoned and speaking order under intimation to the applicant <sup>and</sup> Incase Hay Collection Centre, Majhgawan, /Singhapur are still in existence, and need is there to engage casual labourers for seasonal work, they shall re-engage the applicants in preference to outsiders and freshers, otherwise give the reasons as to why they cannot be re-engaged. It is made clear that the applicant would not be entitled for any back wages, as the respondents have stated

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categorically that they have already been paid the wages for the month of July'98 on 24.8.1998 and thereafter they were not re-engaged.

6. With the above directions, this O.A. stands disposed off with no order as to costs.



MEMBER (J)

GIRISH/-