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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

ORIGINAL APPLICATION NO.419/98

Cuttack, this the 12th day of Feb., 2004

Balaram Mahunta Applicant

Vrs.

Union of India & Others Respondent

FOR INSTRUCTIONS

(1) Whether it be referred to the Respondents or not? *YS*

(2) Whether it be circulated to all the Benches of the Central
Administrative Tribunal or not? *YS*

2/2/04
(M.R. MOHANTY)
MEMBER (JUDICIAL)

B.N. SOM
(B.N. SOM)
VICE-CHAIRMAN

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CORAM:

HON'BLE SHRI B.N. SOM, VICE-CHAIRMAN
&
HON'BLE SHRI M.R. MOHANTY, MEMBER (J)

Balaram Mahunta, aged about 42 years, S/o Agani Charan Mahunta,
Village-Kaudiapal, P.O- Bentalapur, Dist-Bhadrak.

By the Advocate(s) Applicant.
..... Mr. B.K. Rout

-Vrs-

1. Union of India, Represented through the Secretary, Ministry of Defence, New Delhi.
2. Chief Construction Engineer (R&D) MW, Defence Research & Development Organisation, Ministry of Defence, West Block-8, Wing-5, (II nd Floor), R.K. Puram, New Delhi-110 066.
3. Joint Director, P.M.U., CCE (R&D) MD, Proof Gate, OT Road, Balasore-756001.(Orissa).

By the advocate(s) Respondent(s)
..... Mr. J.K. Nayak

ORDRE

SHRI B.N. SOM, VICE-CHAIRMAN: This O.A. has been filed by Shri Balaam Mahunta assailing the impugned order dated 8th august, 1997 terminating his service with effect from 8th August, 1997 by Respondent No. 2. He has also challenged the said order as illegal, arbitrary, unjust, being done in gross violation of the principles of natural justice.

2. The applicant was engaged by Respondent No.2 in the office of Respondent No.3 with effect from 15.11.95 as a driver on casual basis for a project work. His grievance is that some persons junior to him, namely, Bachha Singh, J.S. Panda, Sanjay Kumar, Balakrishnan, Prakash Tarai and others were retained in service while he was asked to go. The applicant being a retired ex-service personnel possessing driving license should have been retained and regularized in the service. He had also submitted a representation to this effect to the Respondent No.2 from 03.10.1997 but to no effect.

3. The Respondents while opposing the application by filing counter have disclosed that the applicant was engaged as a casual worker in the first instance for a period of 89 days for project work and thereafter he had been engaged from time to time as and when need arose. The project work for which the applicant was engaged came to a close with effect from March, 2000 when the permanent staff was merged with the regular establishment and the casual workers were disengaged. They have further submitted that the terms and conditions of service were set forth in the letter of appointment issued by the applicant indicating therein the period of engagement, the condition that such an appointment did not carry any claim to regularization

of service and that the appointment could be terminated without any notice/ assigning any reason. They have denied the allegation of the applicant that persons junior to the applicant were retained in service in preference to him. They have finally submitted that his service was terminated consequent upon the closure of the project work.

4. We have heard Mr. B.K. Rout, Ld. Counsel for the applicant and Mr. J.K. Nayak, Ld. Counsel for the Respondents and have also perused the records placed before us.

5. From the facts of the case it is clear that the applicant was appointed on casual basis for a fixed period of 89 days in several spells by the Respondents. His order of termination (Annexure-1) was issued following the conditions of engagement as contained in the letter of engagement dated 24th February, 1996, a copy of which was placed before us by the Respondent at the time of the hearing of the matter. Further, the applicant could not place any material before us to show that his service was terminated when casual workers juniors to him were retained in service by the Respondents. Admittedly the appointment of the applicant was made in connection with the project work. Hence with the closure of the project the Respondents had to discharge the services of the casual worker.

We see no illegality in the matter. The Respondents, have also drawn our notice to our judgement in O.A. No.89/98 dt. 29th March, 2000 wherein we have held as follows in an identical matter :-

“ Law is well settled that casual workers are appointed for casual/seasonal or intermittent nature of work and the Authorities are at liberty to discharge them when there is no need for their engagement. The only protection they have got that while facing such disengagement, the principle of last come ^{first} go has to be followed. In this case the applicant is a Casual worker and his service has been terminated. He has also failed to prove that any of his juniors have been retained in service. In view of this, we hold that he has not been able to make out a case for the reliefs claimed by him. The Original Application is therefore, held to be without any merit and is rejected. No costs.”

6. We are bound by our earlier decision and accordingly this O.A. is disposed of being devoid of merit. No costs.


12/02/04
(M.R. MOHANTY)
MEMBER (JUDICIAL)


(B.N. SOM)
VICE-CHAIRMAN

CAT/CTC
Kalpeswar