



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

ORIGINAL APPLICATION NO.89 OF 1998.

Cuttack, this the 29th day of March, 2000.

Arun Kumar Singh.

....

Applicant.

Vrs.

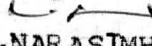
Union of India & Ors.

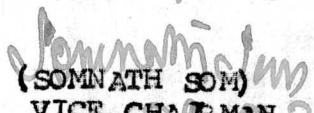
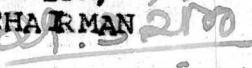
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Respondents.

FOR INSTRUCTIONS.

1. Whether it be referred to the reporters or not? Yes.
2. Whether it be circulated to all the Benches of the Central Administrative Tribunal or not? No.


(G. NARASIMHAM)
MEMBER (JUDICIAL)


(SOMNATH SOM)
VICE-CHAIRMAN


CE NTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

ORIGINAL APPLICATION NO. 89 OF 1998.

Cuttack, this the 29th day of March, 2000.

C O R A M:

THE HONOURABLE MR. SOMNATH SOM, VICE-CHAIRMAN

AND

THE HONOURABLE MR .G .NARASIMHAM, MEMBER (JUDICIAL) .

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Arun Kumar Singh,
S/o. Srihari Shankar Singh,
Vill./PO:Kapurpukari,
Dist: East Champaran(Bihar.) : Applicant.

By legal practitioner: Mr.Bijay Kr.Rout .Advocate .

-Versus .

1. Union of India represented through the Secretary, Ministry of Defence, New Delhi.
2. Chief Construction Engineer(R&D) MW,
Defence Research and Development Organisation,
Ministry of Defence, West Block-8,
Wing-5 (11th Floor), R.K.Puram, New Delhi-66.
3. Joint Director,
PMU,CCE (R&D) ,MW,
Proof Gate, OT Road,
Balasore-756 001 (Orissa);

: Respondents .

By legal practitioner: Mr.S.Behera, Additional

Standing Counsel (Central)

SJM

O R D E R

MR. SOMNATH SOM, VICE-CHAIRMAN:

In this Original Application, u/s.19 of the A.T. Act,1985, the applicant has prayed for quashing the order dated 8.8.1997,at Annexure-1 terminating his service as helper. Second prayer is for a direction to the Respondents to reinstate him in service.

2. For the purpose of considering this O.A. it is not necessary to go into too many facts of this case. It is only necessary to note that the applicant has stated that through a process of interview and selection he was appointed as Helper on regular basis in the pay scale of Rs.750/- + DA & R. Accordingly he joined on 10-12-1996 and continued in service till in order dated 8.8.1997 at Annexure-1 his services were terminated without any reason. Applicant has stated that in the impugned order at Annexure-1 it is mentioned that his services are terminated in terms of the order of appointment but there is no such term in the order of appointment and that is why the applicant has come up in this Original Application with the prayer referred to above.

3. Respondents in their counter have opposed the prayer of applicant. They have denied the averments of applicant that he appeared at an interview at any point of time before being selected for the post. They have stated that no advertisement was issued and no selection was made. Applicant was appointed on casual basis as a casual Helper and when there was no need for his engagement, he was disengaged. Respondents have denied the averments of the applicant that while he was disengaged his juniors have been retained in service. They have on the other hand stated that the applicant has not mentioned the name of any such junior.

-3-

On the basis of the pleadings of the parties it is clear that the applicant was appointed as a Casual Helper. The averments made to that effect by the Respondents in the counter have not been denied by the Applicant. Law is wellsettled that casual workers are appointed for casual/seasonal or intermittent nature of work and the Authorities are at liberty to disengage 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 1st 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.

(G.NARASIMHAM)
MEMBER(JUDICIAL)

(SOMNATH SOM)
VICE-CHAIRMAN
20.3.2010

KNM/CM.