

(13)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
JODHPUR BENCH, JODHPUR

O.A. No. 246/1997  
T.A. No.

199-

DATE OF DECISION : 25.05.2000.

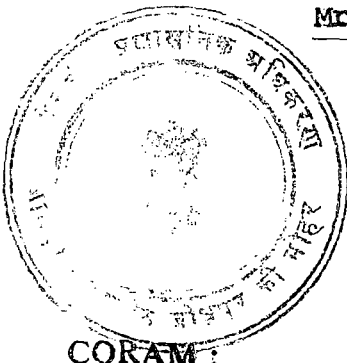
Chuna Ram Petitioner

Mr. S.K. Malik, Advocate for the Petitioner (s)

Versus

Union of India & Ors. Respondent (s)

Mr. Vineet Mathur, Advocate for the Respondent (s)



CORAM:

The Hon'ble Mr. A.K. Misra, Judicial Member,

The Hon'ble Mr. Gopal Singh, Administrative Member

1. Whether Reporters of local papers may be allowed to see the Judgement? *NO*
2. To be referred to the Reporter or not? *Yes*
3. Whether their Lordships wish to see the fair copy of the Judgement? *NO*
4. Whether it needs to be circulated to other Benches of the Tribunal? *NO*

*Gopal Singh*  
( Gopal Singh )  
Adm. Member

*A.K. Misra*  
( A.K. Misra )  
Judl. Member

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JODHPUR BENCH,  
J O D H P U R .

Date of Order : 25.5.2000

O.A. No. 246/1997

Chuna Ram S/O Shri Narayan Ram, aged about 30 years  
R/O Village Khokaria, Post Office Banar, District Jodhpur  
(Ex Cook of Defence Laboratory, Ratanada Palace, Jodhpur.

... Applicant

VS

1. Union of India through Secretary, Ministry of Defence, New Delhi.
2. The Director, Defence Laboratory, Ministry of Defence, Government of India, Ratanada Palace, Jodhpur.
3. Administrative Officer, Defence Laboratory, Ministry of Defence, Government of India, Ratanada Palace, Jodhpur.

... Respondents

Mr. S.K. Malik, Counsel for the Applicant.

Mr. Vineet Mathur, Counsel for the Respondents.

GRAM :

Hon'ble Mr. A.K. Misra, Judicial Member  
Hon'ble Mr. Gopal Singh, Administrative Member

O R D E R

( PER HON'BLE MR. GOPAL SINGH )

Applicant, Chuna Ram, has filed this application under Section 19 of the Administrative Tribunals Act, 1985, praying for a direction to the respondents to engage the applicant in any of the Class IV post with effect from the date persons junior to him have been engaged.

2. Applicant's case is that he has worked as casual labour (Cook) with the respondent-department from 02.6.1986 to 28.1.89 and from 05.6.1989 to 30.9.1989. The services of the applicant

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were dispensed with with effect from 01.10.1989, and thereafter he has not been re-engaged. The contention of the applicant is that he should have been given preference over others in matters of re-employment.

3. Notices were issued to the respondents and they have filed their reply. In reply, it has been submitted by the respondents that :

" Combat Vehicles Res & Dev Establishment (CVRDE), a Department of Ministry of Defence, Research & Development Organisation situated at Avadi, Madras, has to carry out desert trials of MBT prototype Tanks in desert area of Rajasthan. This Department ( i.e. CVRDE, Avadi, Madras) was sanctioned engagement of casual labour (Cook) for the purpose of cooking food for their team camped at Jodhpur. The applicant was taken on casual basis by the trial team of CVRDE, Avadi, Madras. The applicant was neither employed directly by the Defence Laboratory, Jodhpur nor engaged on the work of Defence Laboratory, Jodhpur."

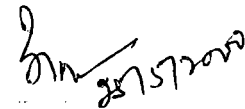


4. We have heard the learned Counsel for the parties, and perused the records of the case carefully.

5. It is a fact that the applicant has not worked for 240 days or more in a year with the CVRDE, Avadi, Madras camped at Jodhpur. Moreover, this Organisation had come to Jodhpur to carry out desert trials and its existence in Jodhpur was not of permanent nature. In the circumstances, we do not consider it appropriate to issue any direction to the respondents for re-engagement of the applicant. In the circumstances, the O.A. deserves to be dismissed.

6. The Original Application is accordingly dismissed with no order as to costs.

  
( GOPAL SINGH )  
Adm. Member

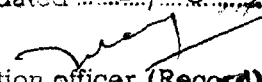
  
( A.K. MISRA )  
Judl. Member

Copy Recd  
J.M.H.

(29-5-2000  
Applicant)

Copy Recd  
by H.S. Jolly  
29-5-2000  
for V.K. Mathur  
for

Part II and III destroyed  
in my presence on 20.12.06  
under the supervision of  
section officer (as per  
order dated 23.8.06)

  
Section officer (Records)