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CENTRAL ADMINISTRATIVE TRIBUNAL LUCKNOW BENCH LUCKNOW

Original Application No. 519 of 1991

Jagat Applicant

Versus

Director, Military Farm, Lucknow, through
Farm Officer and others.

Hon'ble Mr. Justice U.C. Srivastava, V.C.

Hon'ble Mr. K. Obayya, Member (A)

(By Hon'ble Mr. Justice U.C. Srivastava, V.C.)

As the pleadings are complete, the case is being heard and disposed of finally. The learned counsel for the applicant states that he will not file rejoinder-affidavit.

2. The applicant was employed as a casual labour in July 1987 by Farm Officer, Military Farm, Dilkusha, Lucknow and was paid Rs. 20/- per day and since then, he has been working as such. According to him, it is because of annoyance, his services were terminated on 3.11.1991, ~~xxxxxx~~ although, 20 juniors' names ~~of~~ ^{were} have been given are still working and even though, the posts are available, yet his services have been terminated.

3. The respondents have opposed the application and have pointed out that as the Military Farm Lucknow cantt has been suffering financial loss and they are not in position to engage any more monthly rated pay employees. The present authorised sanction of the employees in the Military Farm Lucknow Cantt is only 194 against which 187 employees are already working as such only 7 authorised sanctioned posts are lying vacant and are not being filled due to paucity of fund. The applicant has only worked for 53 days in 1987, 149 days in 1988, 235 days in 1989,


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200 days in 1990 and 232 days in 1991. His name has not been sponsored by the Employment Exchange, which is the condition precedent. It may be, his name may or may not be sponsored by the Employment Exchange, but once the applicant was appointed in 1987 and continued to work as such, there appears to be no reason, whenever, the vacancy is available, why he will not be given appointment. If any person junior to the applicant is working, the respondents are obliged to give appointment to the applicant first, then any other outsider. Accordingly, with the directions that the case of the applicant shall be considered in this light and if any junior is working, the applicant shall be preferred, than any outsider and if the vacancy is available the applicant will be given appointment taking into consideration the seniority and the working days and in case any person, who could be said to be junior is working, the applicant shall be given priority and preference, even otherwise, also, he will get priority and preference ^{only} ~~with~~ any outsider. If the case of similarly placed ~~workers~~ workers for regularisation is considered in this stage, the applicant's case shall also be considered for regularisation. Plea raised by the respondents with the reference to the case of Kaushal Kishore Shukla is out of tune and requires no consideration in this case. With the above observations, the application is disposed of finally. No order as to costs.


Member (A)


Vice-Chairman

Lucknow Dated: 29.4.1993.

(RKA)