

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

BOMBAY BENCH

O.A. No. 656/88. 198
T.A. No.

DATE OF DECISION 9.10.1991

S.A.F.Civilian Employees' Union

Petitioner

Shri S.P.Sundararajan

Advocate for the Petitioner(s)

Versus

Union of India & Ors.

Respondent

Shri V.S.Masurkar.

Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. Justice U.C.Srivastava, Vice-Chairman,

The Hon'ble Mr. M.Y.Priolkar, Member(A).

1. Whether Reporters of local papers may be allowed to see the Judgement?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the Judgement?
4. Whether it needs to be circulated to other Benches of the Tribunal?

MGIPRRND-12 CAT/86-3-12-86-15,000

(U.C.SRIVASTAVA)
VICE-CHAIRMAN.

(8)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH, BOMBAY.

Original Application No.656/88.

I.A.F. Civilian Employees' Union
through President.

... Applicant.

V/s.

Union of India & Ors.

... Respondents.

Coram: Hon'ble Vice-Chairman, Shri U.C.Srivastava,
Hon'ble Member (A), Shri M.Y.Priolkar.

Appearances:-

Applicant by Mr.S.P.Sundararajan,
Respondents by Mr.V.S.Masurkar.

Oral Judgment:-

(Per Shri M.Y.Priolkar, Member (A)) Dated: 9.10.1991.

This is an application filed on behalf of
"Civilian Anti Malaria Lascars" who used to ~~be employed~~ accommodate
for a specific period from May to November every year ~~for~~
~~a number of years but~~ the Air Officer Commanding, No.25 ED.Air Force Station,
Deolali, terminated the services of the applicants w.e.f.
15.11.1987. ~~However~~, According to the respondents, on
2.8.1987 ~~the~~ local Employment Exchange was approached for
sponsoring names of eligible candidates for filling up
these posts of Anti Malaria Lascars from 16th May, 1987
to 15th November, 1987. But the applicants' names were
not sponsored by the Employment Exchange with the result ~~that~~
certain other persons came to be appointed for this seasonal
work during that year. The grievance of the applicants is
~~were~~ that since they ~~are~~ being employed for that work for a num-
ber of years earlier and they had performed the work to
the satisfaction of the employer and had acquired sufficie-
nt experience in the work, they had ^{The right} to be given preference
in the employment and it was not necessary to consider only
candidates sponsored by the employment exchange.

2. The learned counsel for the applicant also brought
to our notice a Government of India, Ministry of Defence
G.M. dated 13th November, 1990 conveying the sanction of
~~of India~~ the President for absorption of all ~~seasonal~~ Anti Malaria

Lascars retrenched in IAF units on being rendered surplus on cessation of malaria season during 1989, as a special case under the provisions of Special Army Order 8/s/76. This O.M. also states that the period from the date of retrenchment to the date of absorption against regular vacancy will be treated as dies non. Sanction has also been accorded for regularisation of all past cases for absorption of seasonal anti malaria lascars against regular vacancies under the provisions of the said Special Army Order.

3. Evidently the applicants are also entitled to the benefits of the O.M. dt. 13.11.1990 and ^{it is} was not necessary for the respondents to insist on employment of only candidates sponsored by the employment exchange even for seasonal work ignoring the claims of the applicants who had done this work earlier during the seasons.

4. We accordingly direct that the applicants may be considered for employment against seasonal work as also against any regular vacancy that may arise in which the applicants can be absorbed. Having regard to their qualifications and experience ^{on the same footing} as contemplated in the O.M. of the Ministry of Defence dt. 13.12.1990 for retrenched anti malaria lascars who became surplus in 1989. This application is disposed of with the above direction. No order as to costs.


(M.Y. PRIOLKAR)
MEMBER (A)


(U.C. SRIVASTAVA)
VICE-CHAIRMAN.