

(17)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

BOMBAY BENCH

Case No:

199

T.A. NO: 357/86

DATE OF DECISION 17.3.92

Pimpri Dairy Farm Workers Union and others. Petitioner

Advocate for the Petitioners

Versus

Union of India and others Respondent

Shri A.I. Bhatkar. Advocate for the Respondent(s)

CORAM:

The Hon'ble Mr. Justice S.K. Dhaon, 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 ?

nt

S.K.
(S.K. DHAON)
VICE CHAIRMAN

mbm*

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Transfer Application No. 357/86

Pimpri Dairy Farm Workers' Union
 and others. Plaintiff

V/s.

Union of India and others. Respondents.

CORAM: Hon'ble Shri Justice S.K. Dhaon, Vice Chairman
 Hon'ble M.Y. Priolkar, Member (A)

Appearance:

Shri A.I. Bhatkar for Mr.
 M.I. Sethna, counsel for
 the respondents.

ORAL JUDGEMENT

Dated: 17.8.92

(Per Shri S.K. Dhaon, Vice Chairman)

Civil Suit No. 217/85 pending in the
 court of Civil Judge, Senior Division, Pune has come
 to us on transfer.

The plaintiffs are 5 in number. The plaintiff No.1 is Pimpri Dairy Farm Workers Union. Plaintiff No. 2 to 5 are individuals. Plaintiffs' case is that they are casual workers and they are not being absorbed on regular basis. There is a danger of some casual workers, who are junior to the plaintiffs and cited as defendants No.4 to 15, being absorbed on regular basis.

A Number of reliefs have been claimed. The principal relief is that the defendants No. 1 to 3 may be directed to absorb and appoint these plaintiffs as permanent employees with effect from January 1985. The other relief is that the said defendant may be directed to make payments of arrears of difference of wages to the plaintiffs with effect from January 1985.

: 2 :

A reply has been filed on behalf of defendant 1, 2 and 3. Learned counsel appearing on behalf of the said defendants has stated at the Bar that the plaintiffs 2 and 3 have left service. He also states that plaintiffs 4 and 5 have been given regular appointment sometime in May '92. Admittedly the plaintiffs had not been absorbed on regular basis and they were working as casual labour. The question of their being paid emoluments equivalent to those regularly employed could have arisen only if they had been absorbed on regular basis. Therefore the question of their being paid the difference of wages, from back date does not arise.

In view of the statement made by the learned counsel for the defendants, the suit has become infructuous. Accordingly, it is dismissed but without any order as to costs.


(M.Y. PRIOLKAR)
MEMBER(A)


(S.K. DHAON)
VICE CHAIRMAN

NS/