

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No. 1141/96

Transfer Application No.

Date of Decision 20.11.1997

V.A.Yadhav & Ors.

Petitioner/s

Shri R.C.Ravlani

Advocate for
the Petitioners

Versus

Union of India & Ors.

Respondent/s

Shri R.K.Shetty

Advocate for
the Respondents

CORAM :

Hon'ble Shri. B.S.Hegde, Member (J)

Hon'ble Shri.

- (1) To be referred to the Reporter or not ?
- (2) Whether it needs to be circulated to other Benches of the Tribunal ?


(B.S. HEGDE)

MEMBER (J)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI

OA. NO. 1141/96

Thursday this the 20th day of November, 1997

CORAM: Hon'ble Shri B.S.Hegde, Member (J)

Vijaysingh Amritlal Yadhav & Ors.
WTR/216, N.D.A. Khadakwasala,
Pune-24.

By Advocate Shri R.C.Raviani

... Applicant

V/S.

1. Union of India
Through the Secretary,
Ministry of Defence,
South Block, New Delhi.
2. The Deputy Director General,
Military Farms, AHQ, QMG's Branch,
West Block-III, R.K.Puram, New Delhi.
3. The Director,
Military Farms, HQ, Southern Command,
Khadki, Pune-411 003.
4. The Officer Incharge,
Military Farm,
Pimpri, Pune.
5. The commanding Officer,
HQ, National Defence Academy,
Khadakwasala, Pune.
6. Shri Ramesh Ramhit, Farm-Hand & 6 Ors.
Military Farm, Pimpri, Pune.

By Advocate Shri R.K.Shetty
C.G.S.C.

... Respondents

O R D E R

(Per: Shri B.S.Hegde, Member (J))

Heard Mr.R.C.Raviani, learned counsel for
the applicant and Mr.R.K.Shetty, learned counsel for
the respondents and perused the pleadings.

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2. The applicants have been working as Farm-Hands on daily wages at Military Farm House, Pimpri. They were subsequently regularised on of pay monthly rate and confirmed as Farm-Hands from 1992. As they became surplus, in view of the CCS (Redeployment of Surplus Staff) Rules, 1990, they have been deployed to NDA, Khadakwasala wherein they have been regularised in Class-IV category since 1995 onwards.

3. The contention of the learned counsel for the applicant Mr. Ravlani is that Respondents No. 6 to 12 were also declared surplus. Being juniors to applicants they have been deployed to Farm Hand again. However, as per Rule 12 of the CCS (Redeployment of Surplus Staff) Rules, 1990, applicants being seniors to Respondents No. 6 to 12, they should have been given option to go back to Farm House. Rule 12 reads as follows :-

"Notwithstanding anything contained in sub-rule (2) of Rule 4, if a regular and long-term vacancy arises in a service, cadre or group of posts, in Group 'C' or 'D', it shall first be offered to the employee or employees declared surplus therefrom during a period of one year preceding the date of occurrence of the vacancy, who has/have been redeployed or readjusted elsewhere or is/are awaiting redeployment."

Accordingly, the applicants in this OA. have prayed for a direction to the respondents to retransfer the applicants and regularise them in preference to the Respondents 6 to 12 and alternatively, to create the vacancies to accommodate the applicants either by transfer of the Respondents 6 to 12 to other Units or by creation of supernumerary posts, etc.

4. The respondents in their reply stated that the applicants being declared as surplus as per their seniority they have been transferred and posted in Class IV post in the office of the Respondent No. 5, NDA, Khadakwasala whereas the Respondents No. 6 to 12 were transferred even before the applicant herein from being declared surplus but they were transferred to the Static Farm in the Military Farm department itself. upon there being a requirement of additional Farm Hand of extra calving and increase in farming activities after the monsoon was over, it was decided to bring back the respondents 6 to 12 to the Military Farm, i.e. office of the Respondent No. 4. The respondents submit that this retransfer after being posted out of these juniors of the applicants is a temporary phenomena and not a permanent one. Once the rainy season begins once again and/or the farming activities reduces, which is most likely in the near future, the private respondents No. 6 to 12 would be bound to go out on transfer once again, whereas the applicants have been appointed as Waiters in a regular Class IV post in the office of the N.D.A., Khadakwasala, the question of redeployment does not arise. In any event, the applicants have better prospects and therefore there is no discrimination.

5. Having regard to the respective contentions of the parties, the question of applicants having regularised as Class IV staff in NDA, Khadakwasala,

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Rule 12 specifically states that if a regular and long-term vacancy arises and the services are being regularised, in that event, the senior persons who are declared surplus to ask them to go back. The applicants have already been regularised in NDA, Khadakwasala, therefore, the rule does not apply to the present case.

6. In the result, I find that the application filed by the applicants is devoid of merit and it is dismissed with no orders as to costs.



(B.S. HEGDE)
MEMBER (J)

mrj.