

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION NO.595/2000.

Thursday, this the 4th day of January, 2001.

Coram: Hon'ble Shri B.N.Bahadur, Member (A),

Kishore Gajanan Suryavanshi,
Kalewadi,
Nadhe Nagar,
Pimpri,
Pune - 17.
(By Advocate Shri A.B.Dange)

... Applicant.

Vs.

1. Union of India,
through Secretary Military of Defence,
New Delhi - 110 001.
2. Director Military Dairy Farms,
South Block,
New Delhi - 110 001.
3. The Deputy Director Military Farms,
H.Q. Southern Command,
Kirkee,
Pune - 17.
4. The Officer-in-Charge,
Military Dairy Farm,
Pimpri,
Pune - 17.
(By Advocate Shri R.K.Shetty)

... Respondents.

: O R D E R (ORAL) :

{Per Shri B.N.Bahadur, Member (A)}

Learned Counsels, Shri A.B.Dange for the Applicant and Shri R.K.Shetty for the Respondents, have been heard in the matter. I have perused the facts of the case and the other relevant details from the papers filed, and have considered the arguments made by Learned Counsels on both sides.

2. The Applicant comes up before this Tribunal in the present OA seeking the relief that his termination be set aside. No date of termination is given and when asked, during arguments the Learned Counsel for the applicant stated that it was an oral termination on 7.10.199 as stated in para 5 of the OA. The

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B.S.

further reliefs sought are that the applicant be reinstated and regularised as contemplated in the earlier OA filed by him wherein Judgment was delivered on 17.6.1998.

3. On a perusal of facts and the aforesaid order made by a Bench of this Tribunal on 17.6.1998 in OA 532/93 (copy at page 14), I find that the present situation is much the same as it was earlier, on basic issues. In the aforesaid order in OA 532/1993, the Respondents were directed to re-engage the applicant as long as work lasted. It was also ordered that the question of regularisation was left open to Respondents, as per Rules, and that if any junior was considered for regularisation, the applicant should also be considered.

4. The Learned Counsel for the Respondents, even today stated that the Respondents are willing to provide work to the applicant on a casual basis depending on the availability of work and only for limited period. It was alleged that no termination has been made by Respondents, but that the applicant himself does not appear for work regularly and has gone away seeking only regular employment.

5. Finding that the situation is similar as was at the time of last OA, even though a fresh cause of action has arisen, no different order can be made in the present OA either. Thus, in the first instance, it is observed that casual work can be provided as agreed by Respondents as and when work is available. Thus, the applicant is at liberty to approach the Respondents immediately or within a reasonable time. If he so approaches, and work is available, the Respondents shall provide him work on casual basis till the time the work is available.

6. As regards the second issue of regularisation, the

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Respondents in their written statement have denied that any junior to the applicant has been regularised. In fact, the question of junior/senior has been worked out by Learned Counsel for the Applicant as per Annexure -9 at page 20. No evidence of any dependable nature has been produced to show that juniors have been regularised and since the Respondents state in an affidavit that no junior has been regularised, this statement will have to be depended upon and hence no relief in this direction can be provided.

7. The OA is therefore disposed of in terms of the above orders at para 5 ^{and para 6. BoNB} No orders as to costs.

B. N. Bahadur

~~(B.N. BAHADUR)~~
MEMBER(A)

B.

Central Administrative Tribunal
Mumbai Bench

Contempt Petition No.34/2001
in
Original Application No.595/2000

Monday this the 27th August, 2001.

Coram : Hon'ble Mr. Justice Birendra Dikshit, Vice Chairman
Hon'ble Mr. B.N. Bahadur, Member (A).

Kishor Gajanan Suryavanshi,
Residing at Military Dairy Farm,
Pimpri, Pune - 17.

.. Applicant.

(Applicant by Shri A.B. Dange, Advocate)

Vs.

1. Mr. Tirathraj,
The Officer Incharge,
Military Dairy Farms,
Pimpri, Pune.

.. Respondent

(Respondent by Shri R.K. Shetty, Advocate).

O R D E R (Oral)

(Per : Hon'ble Mr. Justice Birendra Dikshit, Vice Chairman).

Heard Mr. A.B. Dange, Counsel for the applicant
and Mr. R.K. Shetty, Counsel appearing on behalf of Officer
Incharge, Military Dairy Farms, Pimpri, Pune.

We have heard Shri Shetty for the reasons that
according to instructions given to him, the Contemner
Respondent, Tirathraj, has Voluntarily Retired as well as
prima-facie we are satisfied that no contempt proceedings
can continue in this case. The reason for coming to such
a conclusion is that there does not appear any direction
in the order, the wilful dis-obedience of which is being
B. Dange

claimed, ^{and} which could be said to be wilfully dis-obeyed. By order in question, the Court has dismissed Original Application and ~~did~~ not grant any relief to the applicant. As no relief was granted to the applicant, no question of wilful dis-obedience could arise. Therefore, the notice to Respondents is discharged and the contempt proceedings are dropped.

The Contempt Petition is dismissed. No order as to costs.

B. Bahadur

(B.N. Bahadur)
Member (A)

B. Dikshit

(Birendra Dikshit)
Vice Chairman.

H.

order/ dt. 27/8/01
to Applicant/Respondent (s)
on 7/9/01

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