

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

Dated this the 18th day of February, 2002

Coram: Hon'ble Mr.Justice Ashok Agarwal - Chairman
Hon'ble Mrs.Shanta Shastry - Member (A)

ORIGINAL APPLICATION NO.650 OF 2001

1. Military Farm Employees Union Deolali,
through its General Secretary
Shri V.C.Prabhakaran,
No.2, Sadar Bazaar, Howson Road,
Deolali, Nashik - 422 401 .
2. Shri Jaykaran Singh,
R/o Staff Quarters No.69/3,
MF Deolali, Nashik.
3. Shri Kailash Sukhram,
R/o Staff Quarters No.69/1,
MF Deolali, Nasik.
4. Shri Ambadas Ramkishan,
R/o Staff Quarters No.29/21,
MF Deolali, Nasik.
(All applicants employed in the
O/o Officer Incharge, Military
Farm, Deolali Camp, Nasik - 422 401).
(By Advocate Shri P.A.Prabhakaran

VERSUS

1. Union of India
through the Secretary,
Ministry of Defence,
South Block, New Delhi - 110 001.
2. Quarter Master General MF,
Army HQ, South Block,
R.K.Puram, New Delhi 110 066.
3. The Dy.Director General MF,
West Block III, R.K.Puram,
New Delhi - 110 006.
4. The Director,
Military Farms,
HQ Southern Command,
Khadkee, Pune - 411 003.
5. The Officer Incharge,
Military Farm, Deolali Camp,
Deolali Nasik - 422 401.
(By Advocate Shri R.R.Shetty on behalf
of Shri R.K.Shetty) - Respondents

ORAL ORDER

By Hon'ble Mrs. Shanta Shastry - Member (A) -

The relief sought by the applicants in this OA is for a direction to the respondents to withdraw or otherwise quash and set aside the impugned notice and other similar notices issued to the members of the Union listed in Exhibit A-1 and others.

2. The applicants are at present working on the Military Farm at Deolali. There are 90 Farm Hands son the regular rolls of the Military Farm at Deolali. This strength as per Peace Establishment has been in operation since 1986 or so. The respondents are now reducing the strength of the Establishment to 49 (see page 75 of the Paper Book - Appendix 'A'). As a result the applicants who have been declared surplus have been asked to give options for being posted to their places of choice. Vide letter dated 23.6.2001. Also they have been given three months notice.

3. According to the respondents the workload at the Military Farm is reduced considerably on account of the mechanisation as well as on account of economic reasons. The cost of milk produced in the Farm is comparatively higher than the market rates and, therefore, they had to reduce the strength of the Farm Hands. However, these surplus Hands are not being retrenched but they are being re-deployed elsewhere. In fact such an assurance has been given by the respondents that they will not be retrenched.

4. The learned counsel for the applicants seeks time to file rejoinder. However in our considered view no further purpose could be served by any rejoinder as the position is very clear

that the respondents have taken a policy decision to reduce the strength of the staff and in any case the applicants are not being retrenched. Therefore, we are proceeding with the disposal of the case.

5. The learned counsel for the applicants submits that on the one hand, the respondents reduced the sanctioned strength of the Farm Hands but on the other hand they are continuing to employ Casual Labourers. In fact according to the applicants there are 33 Casual Employees whose case for regularisation is pending with the Central Government Industrial Tribunal and it is not that production of milk is the only activity. The Farm is very big and there would be enough work available. The applicants are therefore against their re-deployment and also against them being declared as surplus and redeployed.

6. The learned counsel for the respondents has also given details of the staff strength and has also tried to explain how the present Farm has become economically unviable and therefore, it has become necessary to reduce the staff strength.

7. The learned counsel for the respondents makes a statement that the applicants shall not be retrenched. This is confirmed by letter dated 2.5.2001 from the Mukhyalaya Dakshin Kaman, HQ Southern Command, Kirkee, Pune wherein a copy of the SRO dated 25.4.2001 has been reproduced as follows:-

- "1. DDGMF has directed that services of the staff declared surplus though AG's Branch will not be terminated if not adjusted by AG's Branch in other Departments.
2. In view of above, please inform the affected individuals accordingly."

The learned counsel also agrees that the applicants shall not be replaced by freshers though Casual Labourers may be required to be engaged from time to time during seasons when there would be a sudden spurt in workload. In view of these assurances/statements, in our considered view, the apprehension of the applicants are unfounded. So long as they are prepared to join a posting at a different stations as per the re-deployment of the surplus staff rules, they would not be retrenched.

8. We, therefore, dispose of these OAs with a direction to the respondents to ensure that the services of the applicants shall not be terminated if they could not be adjusted elsewhere and that no freshers will be engaged on a regular basis in their place.

9. With the above-mentioned directions, the OA is disposed of. No costs.

Kanta S
(Shantha Shastry)
Member (A)

mb

Ashok Agarwal
(Ashok Agarwal)
Chairman

dt: 18.2.2007
order/Judgement despatched
to Applicant/Respondent(s)
on 28.2.2007

RA
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