

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH
ORIGINAL APPLICATION NO:914/2001
DATED THE 7TH DAY OF JANUARY, 2001

CORAM: HON'BLE SHRI JUSTICE BIRENDRA DIKSHIT, VICE CHAIRMAN
HON'BLE SHRI B.N. BAHADUR, MEMBER(A)

1. Dadu Bhagwat Jhadhav,
Working as Casual Labourer,
with Temporary Status in
Military Farm, Pimpri,
Pune - 411 027.
2. Lahu Anand Shirole,
Working as Casual Labourer,
with Temporary Status in
Military Farm, Pimpri,
Pune - 411 027.
3. Dasharath Bhagaji Ughade,
Working as Casual Labourer,
with Temporary Status in
Military Farm, Pimpri,
Pune - 411 027.
4. Shivnaresh Jagapath Yadav,
Working as Casual Labourer,
with Temporary Status in
Military Farm, Pimpri,
Pune 411 027.

... Applicants

By Advocate Shri S.V. Marne

V/s.

1. Union of India, through
The Secretary,
Ministry of Defence,
South Block,
New Delhi
2. Director,
Military Farms,
Headquarters,
Southern Command,
Khadki, Pune 411 003.
3. The Officer-in-Charge,
Military Farm,
Pimpri, Pune - 411 027.

... Respondents

By Advocate Shri R.K. Shetty

...2.

B. Shetty

(ORAL)(ORDER)

Per Shri B.Dikshit, Vice Chairman

This OA was filed during vacation and an interim order was passed. Shri R.K.Shetty appearing for respondents opposes continuation of Interim Order.

2. The applicant in paragraph 4.5 of his OA is stated as follows:-

"The applicants further state that while the Applicants finished their duty on 15/12/2001, the respondent no.3 called the applicants to his office and informed them that they should not come on duty from the next date. On inquiring with the Respondent No.3, he informed the applicants that he is terminating their services w.e.f. 15/12/2001 and that the applicants will be compensated by payment of compensation. The Respondent No.3 showed the applicants the termination order alongwith a cheque for compensation and asked to accept and acknowledge the same. When the applicants asked the respondents as to what are the reasons for which their services are being terminated, the Respondent No.3 informed them that it is not necessary for him to give the reasons and the reasons are not mentioned in the termination order. The Applicants further state that similar kind of orders were sought to be served on five casual labourers who are being paid on 1/30 wages. The applicants further state that when the applicants and other casual labourers asked the Respondent No.3 as to why their services are being terminated when there is sufficient work on the far was available and also asked him as to who will do their job which they have been performing since 1987-1988. In reply to this query the Respondent No.3 informed the applicants that the jobs which the applicants were performing will be given to applicant only, but on job basis and the applicants should perform the same work on job basis w.e.f. the following day. As the applicant were sought to be served with the orders of termination beyond office hours at 5.30 p.m. the applicants did not accept the termination order. On the following day, i.e. 16/12/2001, when the applicants reported for duty, they were not taken on duty and were not allowed to sign the muster by their respective in charges of sections and were told that they should either accept the termination notices or should go home".

B. Dikshit

2. From the very reading of this paragraphs it is apparent that respondents tried to serve termination notice on applicant which applicant refused to accept. The notice is not before us as the applicant has not filed. We are not inclined to interfere in this matter unless the applicant accepts the notice and produce it before us.

3. The learned counsel for applicant argued that the notice itself was illegal as applicant has attained temporary status and his service cannot be terminated which was being done illegally by an Officer and therefore he was fully justified in refusing to accept the notice. As we are of the view that the applicant should have accepted the notice and then argued his case, we are not inclined to entertain this case. It is open to applicant to file an OA after receiving the notice. The OA is dismissed with above observations. No costs.

B. N. Bahadur

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

B. Dikshit

(BIRENDRA, DIKSHIT)
VICE CHAIRMAN

add

24/11/02
order/Judgement despatched
to Applicant/Respondent (s)
on 22/11/02

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24/11/02