

CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH  
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Original Application No: 781/91  
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Transfer Application No:

DATE OF DECISION: 24.6.1994

J.A.Nagapure & Ors.

Petitioner

M/s.Sarnaik & Patil,  
Union of India & Ors. —

Advocate for the Petitioners

Versus  
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Union of India & Ors.

-----Respondent

Shri R.K.Shetty.

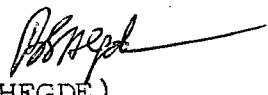
Advocate for the Respondent(s)

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

The Hon'ble Shri M.R.Kolhatkar, Member(A).

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,

BOMBAY BENCH, BOMBAY.

Original Application No. 781/91.

J.A.Nagapure & Ors. ... Applicants

V/s.

Union of India & Ors. ... Respondents.

Coram: Hon'ble Shri B.S.Hegde, Member(J),  
Hon'ble Shri M.R.Kolhatkar, Member(A).

Appearances:-

Applicants by M/s.Sarnaik & Patil,  
Respondents by Shri R.K.Shetty.

JUDGMENT :-

[Per Shri B.S.Hegde, Member(J)] Dt. .6.1994.

The applicants have filed this application under section 19 of the Central Administrative Tribunals Act, 1985 challenging the action of the Respondents in not continuing their services. Accordingly, they urge that a direction may be given to the Respondents to allow them to join their duties as Labourers forthwith and pay back wages etc.

2. Admittedly, the applicants have been appointed as Casual Labourers for a period of 89 days w.e.f. 16.2.1987 to 15.5.1987. Similarly, their appointment has been further extended from 15.5.1987 to 14.8.1987 and thereafter their services had been dis-continued. There is no impugned order by which they are aggrieved but they state that their services have not been continued further.

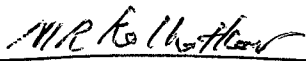
3. The Respondents in their reply have taken a stand that since they were Casual Labourers, there is no termination order and the appointment is for a specified period and after the expiry of the period their services could not be continued. Hence <sup>there is</sup> no cause of action and


they do not have any right to approach this Tribunal. They deny the contentions of the applicants that they have undergone the medical examination and also contend that the Casual Labourer ~~xxxxxx~~ is not a civil employee and they do not get any right to agitate that they should be allowed to continue in service. The respondents have also taken the objection that the application is barred by time inasmuch as <sup>although</sup> their appointment had come to an end on 14.8.1987, they <sup>and</sup> have filed their application only on 1.11.1989 thereby the same is clearly barred by time. The Respondents have further contended that the management has realised that the requirements of maintenance and cleaning of Test Tracks were not adequately satisfied by enga-ging the Casual and Labourers, and accordingly, the department decided to award a contract to a firm for required standard of maintenance. In view of this, the department was not in a position to continue the services of the applicants who were mere casual labourers.

4. Heard the arguments of the counsel and considered the rival contentions of the parties. On a perusal of the records, we find that the casual labourers were appointed for a specified period and their services were not continued on account of the policy decision taken by the Respondents that the said work <sup>to be</sup> was carried out through a reputed firm, with a view to ensure safety of operation, reliability and consistent with trial results, preserving (of) assets created at ~~test tracks~~ test tracks, etc. by the aforesaid arrangement. As a result thereof, and in the interest of ensuring safety of operation, reliability and consistency

of trial results, due to cleaning and maintenance of Test Tracks, the Department decided to award the contract to a firm for required standard of maintenance; thereby they could not continue the services of the applicants. Regarding limitation, we find that the applicants have not filed any condonation petition; admittedly it is a belated one <sup>being</sup> ~~delay~~ for a period of 4 years <sup>with</sup> ~~no~~ explanation ~~is~~ forthcoming from the applicants for the delay in filing the application. Secondly, this application is a joint application, that being so they are expected to file an M.P. under Rule 5(a) of the Central Administrative Tribunal (Procedure) Rules, 1987 seeking permission of the Tribunal to file a joint application which they did not do so in this petition. The Tribunal may permit more than one person to join together having regard to the cause of action and the nature of relief prayed for, that they have a common interest in the matter. Such permission may be granted to an association representing the persons desirous of joining in a single application. This procedure has also not been adopted.

5. Apart from the lacunas pointed out above, the applicants do not have any justifiable case to support their contentions. They do not have <sup>a</sup> legal right to continue in service; even in the initial appointment itself they have been told that their appointment is only for a specified period. In that view of the matter, they cannot agitate that their services should be allowed to continue. Apart from the point of limitation and other irregularities the application is devoid of any merits and the same is dismissed, with no order as to costs.

  
(M. R. KOLHATKAR)  
MEMBER (A)

  
(B. S. HEGDE)  
MEMBER (J).