

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH

Original Application No: 532/93

Date of Decision: 17/6/98

Mr. Kishor Gajanan suryavanshi Applicant.

Shri A.B.Dange Advocate for Applicant.

Versus

Union of India & 3 Ors. Respondent(s)

Shri R.K.Shetty Advocate for Respondent(s)

CORAM:

Hon'ble Shri. Justice R.G.Vaidyanatha, Vice Chairman.

Hon'ble Shri. D.S.Baweja, Member(A).

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

abp.

*R. G. Vaidyanatha*  
(R. G. VAIDYANATHA)  
VICE CHAIRMAN

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

GULESTAN BLDG.NO.6,PRESCOT ROAD, FORT,

MUMBAI - 400 001.

ORIGINAL APPLICATION NO.532/93.

DATED THE 17TH DAY OF JUNE, 1998.

CORAM: Hon'ble Shri Justice R.G.Vaidyanatha, Vice Chairman.

Hon'ble Shri D.S.Baweja, Member (A).

Mr. Kishor Gajanan Suryavanshi,  
Ex employee of Military Dairy Farm,  
Pimpri,  
residing at Plot No.7,  
Military Dairy Farm,  
Pimpri,  
Pune-411 018.

... Applicant.

By Advocate Shri A.B.Dange.

V/s.

1. Union of India,  
through Secretary Ministry of Defence,  
New Delhi-110 001.
2. Director, Military Dairy Farms,  
South Block,  
New Delhi-110 001.
3. The Dy. Director Military Farms,  
H.Q. Southern Command,  
Kirkee Pune - 411 003.
4. The Officer in Charge,  
Military Dairy Farm,  
Pimpri Pune-411 017.

... Respondents.

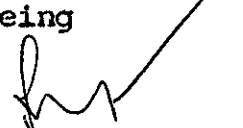
By Advocate Shri R.K.Shetty.

I O R D E R I

I Per Shri R.G.Vaidyanatha, V.C. I

1. This is an application filed by the applicant challenging the order of termination and for reinstatement and regularisation. Respondents have filed reply opposing the application. We have heard the Learned Counsel appearing on both the sides.

2. The applicant was working as a casual labourer in the Military Dairy Farm at Pimpri for loading and unloading grass and some other work from 1986. But his services were orally terminated sometime in October, 91. He has challenged the order of termination as being



illegal. He has therefore filed this OA for setting aside the order of termination and reinstatement and for regularisation of his service.

3. The respondents have filed reply stating that the applicant was taken on work on casual basis whenever there was work in the Military Dairy Farm. But since there was no work, the applicant's services were orally terminated and he was told not to come for duty from the next day. It is therefore stated that the termination of services of applicant is fully justified since there <sup>was</sup> is no work and hence there is no question of either reinstatement or regularisation.

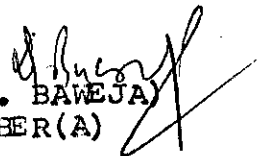
4. At the time of arguments, we made a suggestion to the respondent's counsel whether there is any work now and whether the applicant could be re-engaged. The Counsel for respondents submitted that there is some work existing for some time and the applicant will be engaged on casual basis if he approaches the respondents. The learned counsel for the applicant has agreed to the suggestion. But he prays that applicant's services should be regularised since many of his juniors are still continuing in Dairy Farm.

5. We do not find sufficient material ~~on~~ record to show continuation of applicant's juniors in Dairy Farm, but since there is work now in the dairy farm, we want to give direction to respondents to engage the applicant on same casual basis. The question of regularisation depending on the seniority of the applicant with reference to his earlier service may be considered by respondents as per rules.

6. In the result, the OA is allowed partly. Since it is now represented that there is sufficient work in the dairy farm, we direct the respondents to re-engage the applicant as long as work lasts. The question of regularisation of applicant is left open to be considered by respondents as per rules depending upon the seniority from 1986 onwards. If



any juniors to the applicant have been regularised, then the respondents should consider the applicant's case for regularisation as per rules. The respondents should re-engage the applicant on casual basis within one week from the date of receipt of this order. The applicant should approach the respondents office with a copy of this order. There will be no orders as to costs.

  
(D. S. BAWEJA)  
MEMBER (A)

  
(R.G. VAIDYANATHA)  
VICE CHAIRMAN

abp.