

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

...

O. A. No.060/00568/2015

Date of decision: 21.11.2017

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**CORAM: HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J).
HON'BLE MRS. P. GOPINATH, MEMBER (A).**

...

Harinder Yadav S/o Sh. Lalta Yadav, aged 45 years, working as Daily Wage Worker (Casual Workman) at Military Farm, Ambala Cantt.

... APPLICANT

VERSUS

1. Union of India through Secretary to Government of India, Ministry of Defence, New Delhi.
2. Deputy Director General, Military Farms, Army Head Quarter, R.K. Puram, New Delhi.
3. Director, Military Farms, HQ, Western Command, Chandi Mandir.

... RESPONDENTS

PRESENT: Sh. Rohit Seth, counsel for the applicant.
Sh. K. K. Thakur, counsel for the respondents.

ORDER (Oral)

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SANJEEV KAUSHIK, MEMBER (J):-

1. The applicant has challenged the correctness of order dated 22.05.2015 (Annexure A-17), whereby his claim for regularization has been rejected by the respondents.
2. Sh. Rohit Seth, learned counsel appearing on behalf of the applicant drew our attention to order dated 14.03.1997 in O.A. No.366/HR/1992 (Annexure A-3), wherein a direction has been issued to respondents to consider the claim of the applicants therein including Sh. Harinder Yadav, the present applicant, for regularization as and when vacancies occur after giving due weightage to the service already rendered by them, provided they are otherwise eligible under the extant Rules. He

submits that at that time, vacancies were not available, therefore, applicant's case was not considered but thereafter, respondents have sanctioned 379 vacancies out of which 64 vacancies are for Western Command under which the applicant is working. He, therefore, prayed that since respondents are now having vacancies, therefore, in terms of earlier order respondents be directed to consider his case for regularization.

3. Sh. K. K. Thakur, learned counsel for the respondents fairly submitted that they have already forwarded his case to MoD for favourable consideration.
4. Sh. Rohit Seth, learned counsel for the applicant apprised this Court that since a decision has been taken to close Military Farms by 31.03.2018, therefore, they be directed to consider the case of the applicant for regularization prior to that date.
5. Accordingly, the impugned order is set aside and O.A. is disposed of with a direction to competent authority amongst the respondents to take a view on the claim of the applicant in view earlier decision of this Court in earlier round of litigation. Let the above exercise be carried out within a period of two months from the date of receipt of a certified copy of this order, and the order so passed be duly communicated to him.

(P. GOPINATH)
MEMBER (A)

(SANJEEV KAUSHIK)
MEMBER (J)

Date: 21.11.2017.
Place: Chandigarh.

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