

CENTRAL ADMINISTRATIVE TRIBUNAL

PATNA BENCHCIRCUIT BENCH AT RANCHIOA/051/00664/2018Date of Order :- 14.09.2018C O R A M

HON'BLE MR. A.K.PATTNAIK, MEMBER (JUDL.)
 HON'BLE MR. PRADEEP KUMAR, MEMBER (ADMN.)

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1. Mulchand, aged about 42 years, S/o Late Siyasan Rai, resident of Namkum Khatal, PO-Namkum, District-Ranchi-834 010.
2. Bira Singh, S/o Late Cheeni Singh, C/o Sri Aamira Rai, resident of Jorar, PO-Namkum, District-Ranchi-834 010.
3. Ramdhun Yadav, S/o Late Arjun Rai, resident of Sanitorium, Namkum Godown, PO-Mahilong, District-Ranchi-835 103.

.....Applicants.By Advocate:- N o n e.

Vs.

1. Union of India through the Secretary, Govt. Of India, Ministry of Defence, Sena Bhawan, New Delhi-110 011.
2. The Union of India through the Secretary, Govt. Of India, Ministry of Labour Employment, Shram Shakti Bhawan, New Delhi-110 001.
3. The Deputy Director General, Military Farms, MF 1, Integrated HQ of MoD (Army), Adjutant General's Branch, West Block III, R.K.Puram, New Delhi, SDS-900 108, C/o 56 APO.
4. The Director of Military Farms, Headquarters, Central Command, Lucknow-2, SDS-900 450.
5. The Officer in Charge/Farm Officer, Military Farm, Namkum, PO-Namkum, Ranchi-834 010.

.....Respondents.By Advocate:- Mr. H.K.Mehta, Sr.Standing Counsel.O R D E R (ORAL)

A.K.Pattnaik, Member (Judl.) :- This application has been filed by the applicants under Section 19 of the A.T.Act primarily for a direction to the respondents to pay the admissible compensation amount to applicant's and/or to provide alternate jobs to applicants' for their

rehabilitation, subject to the decision of the Hon'ble High Court of Delhi in Writ Petition(C) No.9380/2017 and the decision of the Hon'ble High Court of Judicature at Bombay in W.P.No.9150/2017.

2. The applicants, who are daily wage casual labourers/workers, on job basis, and have been working as such for last many years in the Military Farms, are aggrieved by letter No.7(1)2016/D(QS)/2017 dated 20.07.2017 issued by the Ministry of Defence, whereby a decision has been taken for closure of thirty nine military farms within a period of three months.

3. Being aggrieved, the applicants have preferred this OA praying therein for a direction upon the respondents not to take any coercive action against them in respect of their occupation in Military Farm, Namkum in view of Bombay High Court's order dated 14.08.2017, passed in W.P.No. 9150 of 2017. The applicants have also sent a legal notice dated 23.07.2018 (Annexure-5)through their Advocate addressed to the Officer-in-Charge/Farm Officer, Military Farm, Namkum, Ranchi highlighting their difficulties in case the Military Farm is closed as they shall be jobless after rendering about twenty three years of service at Military Farm, Namkum.

4. On being questioned, the learned counsel for the applicants fairly submitted that legal notice dated 23.07.2018 as at Annexure- 5 of the OA, is still pending consideration and they would be satisfied if a direction is given to the concerned respondent to consider their pending representation, along with this OA treating it as part of

representation, and to pass speaking and reasoned order within the stipulated period.

5. In view of above, we dispose of this OA without entering into the merits of the case with direction to respondent no.4 (Director of Military Farms, Headquarters, Central Command, Lucknow-2, SDS PIN-900 450) that if any such representation has been preferred on behalf of the applicants and the same is still pending consideration, then the same may be considered, along with the OA treating it as part of their representation. After such consideration if the applicants' grievance is found to be genuine and covered under the order dated 14.08.2017 passed by the Hon'ble High Court of Bombay in W.P.No.9150 of 2017, then the respondent no.4 is directed to consider their case for payment of admissible compensation amount and/or to provide alternate jobs to them, and pass a reasoned and speaking order within a period of six weeks from the date of receipt of this order.

6. With the aforesaid observation and directions, the OA stands disposed of.

Sd/-
(Pradeep Kumar)
Member(Admn.)

Sd/-
(A.K.Pattnaik)
Member(Judl.)

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