

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH
(CIRCUIT BENCH AT JAMMU)**

O.A.NO.061/00655/2019

Decided on : 12.07.2019

**CORAM: HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J) &
HON'BLE MR.ARADHANA JOHRI, MEMBER (A)**

1. Nazam Din, Farm hand, Aged about 39 years, S/o Shri Beeru Din, R/o Village Hottar, Tehsil Billawar, District Kathua, Pin-184204.
2. Rakesh Singh, Farm hand, aged about 36 years, S/o Shri Prakash Singh, R/o V.P.O., Domana, Tehsil & District Jammu, Pin-181206.
3. Khadim Hussain, Farm hand, Aged about 46 years, S/o Shri Gulab Din R/o Village Kheri Post Office, Maghla, Tehsil Kala Kote, District Rajouri, Pin-185202.
4. Rabella Ram, Farm hand, Aged about 44 years, S/o Sh. Paras Ram R/o V.P.O. Salmerhi, Tehsil & District Udhampur.
5. Madan Lal, Farm hand, aged about 49 years S/o Shri Sandokha R/o V.P.O. Sattani & District Udhampur.
6. Kamaljeet Farm hand, Aged about 44 years S/o Sh. Bhagat Ram R/o V.P.O. Langer, Tehsil Nowshera, District Rajouri.
7. Rakesh Kumar, Farm Hand, Aged about 37 years, S/o Shri Ram Singh, R/o Aima Sajdan, Post Office Narote Jaimal Singh, Tehsil Pathankot, District Gurdaspur, Punjab.
8. Anil Prasad, Farm hand, Aged about 44 years, S/o Shri V.P. Binjola, R/o H.no. 35 Block-A, Pandav Nagar, Meerut Cantt, U.P.
9. Kuldeep Raj, Farm hand, Aged about 40 years, S/o Shri Tula Ram, R/o village Ratanpur, Post Office Koulpur, Tehsil & District Samba.
10. Ramesh Chander, Farm hand, Aged about 40 years, S/o Shri Diwan Chand, R/o Saloni, Post office Chowki Chioura, Tehsil Akhnoor, District Jammu.
11. Jigmit Yangdol, Farm hand, Aged about 35 years, D/o Shri Phunchok Target, R/o Chamrey Post Office Karu, Tehsil & District Leh.
12. Tsering Chuskit, Farm hand, Aged about 36 years, D/o Shri Tundip Tashi, R/o Chamrey Post Office Karu, Tehsil Karu, & District Leh.
13. Tsering Dolkar, Farm Hand, Aged about 40 years, D/o Sh. Rizin Namgyal, R/o Chamrey Post Office Karu, Tehsil Karu & District Leh.
14. Sonam Angchok, Farm hand, Aged about 45 years, S/o Shri Deachan Angdoo, R/o Village Chamrey Post Office Karu, Tehsil Karu, & District Leh.
15. Manoj Kumar, Farm hand, Aged about 44 years, S/o Shri Baleshwar Bhagat, R/o Naya Gaon Post Office Naya Gaon, Tehsil 7 District Chapra, Bihar.
16. Adesh Kumar, Farm hand, Aged about 38 years, S/o Sh. Lal Singh R/o Village Rolichauhan, Post office Abdulapur, Tehsil & District Meerut (UP).
17. Ashok Kumar, Farm hand, Aged about 34 years, S/o Shri Amro, R/o Nud Fatual, Post Office Bomal, Tehsil Akhnoor, District Jammu.
18. Ram Dayal, Farm hand, Aged about 44 years, S/o Sh. Bhoop R/o Village Umapur (Sarora), Tehsil Sidhaura District Sitapur (U.P).
19. Munshi Ram Farm hand, aged about 43 years S/o Sh. Jattu Ram R/o V.P.O. Malhar, Tehsil & District Udhampur.
20. Subhash Chand, Farm hand, Aged about 54 years, S/o Sh. Charan Dass R/o village Dhanori Near PTC Udhampur, Tehsil & District Udhampur.
21. Najinder Kumar, Farm hand, Aged about 46 years S/o Sh. Balkrishan R/o Shivnagar Kapery Udhampur Tehsil & District Udhampur.
22. Umesh Yadav, Farm hand, aged about years S/o Sh., Ram Suchit R/o village Charwah, P.O. Sayedrama, Tehsil Allahabad, District Allahabad (U.P).
23. Jagdish Raj, Farm hand, Aged about 44 years, S/o Shri Munshi Ram, R/o Saloni, Post Office Chowki Choura, Tehsil Akhnoor, District Jammu.
24. Raghbir Kumar, Farm hand, Aged about 37 years, S/o Shri Raj Kumar, R/o Village Selahar, Tehsil Bishnah, District Jammu.
25. Surinder Singh, Farm hand, Aged about 39 years, S/o Shri Nand Lal, R/o Village Gandoh, Tehsil Gandoh & District Doda.

26.Raj Pal Singh, Farm hand, Aged about 45 years, S/o Shri Karan Pal Singh, R/o Post Office Azabpur, Tehsil & District Etawah, Uttar Pradesh.

27.Sonam Chunzum, Farm hand, Aged about 40 years, D/o Shri Tashi Nurboo, R/o Chamrey Post office Karu, Tehsil Karu & District Leh.

28.Sonam Dolma, Farm hand, Aged about 43 years, D/o Shri Tsewant Ganba, R/o Chamrey Post office Karu, Tehsil Karu, & District Leh.

29.Narayan Singh, Farm Hand, Aged about 44 years, S/o Shri Jagdev Singh, R/o Village Dhanu, Post Office Chiryau, Tehsil & District Udhampur.

30.Krishan Singh, Farm Hand, Aged about 40 years, S/o Shri Nandlal R/o Village Jarmara Post office Seen Tharkran, Tehsil 7 District Udhampur.

31.Kiran Pal Singh, Farm hand, Aged about 48 years, S/o Shri Babu Singh, R/o V.P.O. Dashmesh Bihar, Raipur Road, Tehsil & District Dehradun.

32.Dinesh Kumar, Farm hand, aged about 45 years, S/o Shri Bhutto, R/o V.P.O. Malgudhi, Nunaji, District Munger (Bihar).

33.Shiv Bahadur Farm hand, Aged about 47 years, S/o Shri Ram Paras, R/o Village Mathia, P.O. Devagaon, Tehsil Milkpur & District Faizabad (U.P).

34.Tauaifik, Farm Hand, Aged about 49 years, S/o Shri Mohd. Shafi, R/o V.P.O. Purakaji, Tehsil & District Muzaffarnagar (U.P).

35.Sarju Prasad, Farm hand, Aged about 44 years, S/o Shri Ram Loahan, R/o Village Chadha Singh, Tehsil & District Gonda (U.P).

36.Banwari Lal Farm hand, aged about 49 years, S/o Mathura Prasad Singh, R/o Village Gungaka Purva, P.O. Sahgarh, Tehsil Gauriganj, District (Amethi (U.P).

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Applicants

Versus

1. Union of India through its Secretary, Ministry of Defence, South block, New Delhi, Pin-110011.
2. The Quarter Master General, Army headquarter, B-Wing, Sena Bhawan, new Delhi, Pin-110066.
3. The Dy. Director General (MF), Army Headquarter, Farm Branch, West Block No. III, R.K. Puram, New Delhi, Pin-110066.
4. The Director (MF), Headquarter, Northern Command, Pin-908545 C/o 56 APO.
5. The Officer Incharge, Military Farm, Jammu Cantt C/o 56 APO.
6. The Officer Incharge, Military Farm, Udhampur C/o 56 APO.
7. The Officer Incharge, Military Farm, Nowshera C/o 56 APO.
8. The Officer Incharge, Military Farm, Karu (Leh).

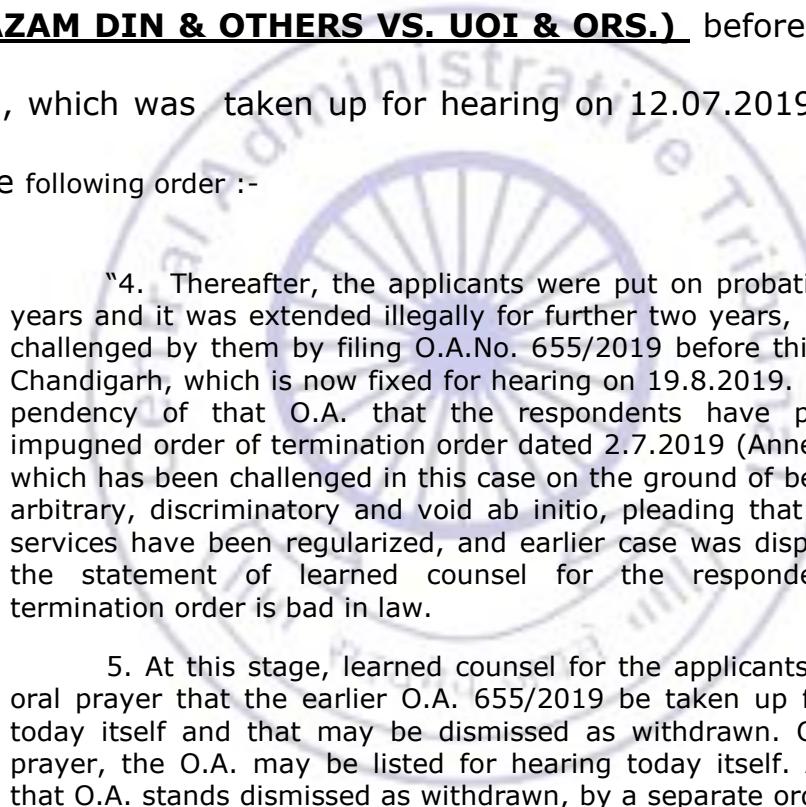
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Respondents

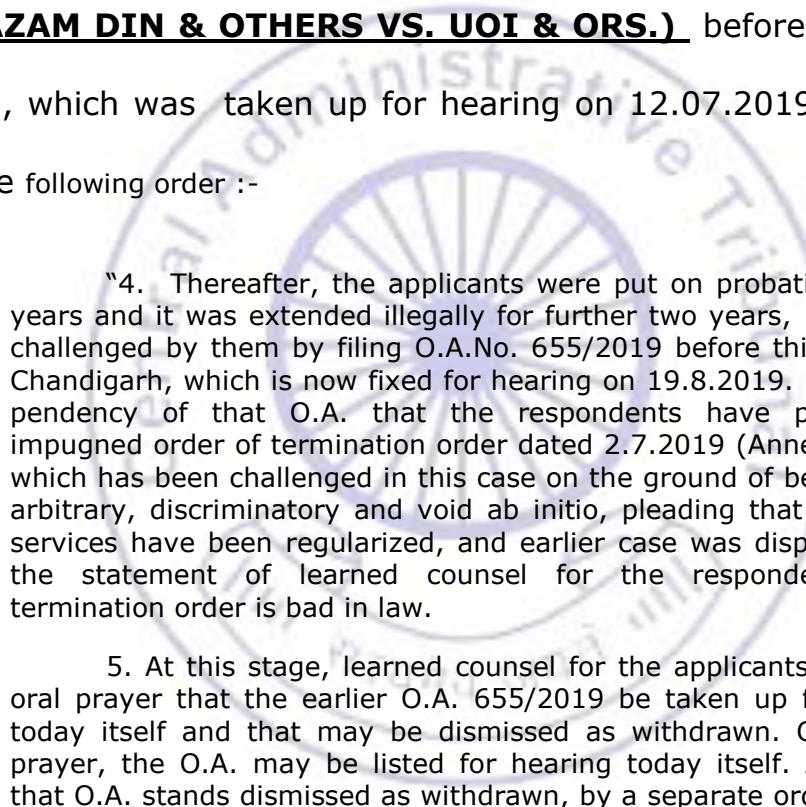
Present: MR. NITIN BHASIN, ADVOCATE, FOR THE APPLICANTS.
MR. RAGHU MEHTA, ADVOCATE, FOR RESPONDENTS.

ORDER (ORAL)
(BY HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J)):

The applicants have invoked the jurisdiction of this Tribunal under Section 19 of the Administrative Tribunals Act, 1985, seeking quashing of the impugned orders dated 9.1.2019 (Annexure A-1) and 19.1.2019 whereby their probation period was extended upto 7.7.2019 and to treat them as confirmed employee on completion of probation period of 2 years.

2. During the pendency of this Original Application (O.A), the respondents have issued fresh orders terminating services of the applicants which have been challenged by filing a fresh **OA No.061/00706/2019** titled **(NAZAM DIN & OTHERS VS. UOI & ORS.)** before the Circuit Court at Jammu, which was taken up for hearing on 12.07.2019, and this Court passed the following order :-


 "4. Thereafter, the applicants were put on probation for two years and it was extended illegally for further two years, which was challenged by them by filing O.A.No. 655/2019 before this Bench at Chandigarh, which is now fixed for hearing on 19.8.2019. It is during pendency of that O.A. that the respondents have passed the impugned order of termination order dated 2.7.2019 (Annexure A-1), which has been challenged in this case on the ground of being illegal, arbitrary, discriminatory and void ab initio, pleading that once their services have been regularized, and earlier case was disposed of on the statement of learned counsel for the respondents, then termination order is bad in law.


 5. At this stage, learned counsel for the applicants makes an oral prayer that the earlier O.A. 655/2019 be taken up for hearing today itself and that may be dismissed as withdrawn. On his oral prayer, the O.A. may be listed for hearing today itself. As prayed, that O.A. stands dismissed as withdrawn, by a separate order of even date."

3. In view of the aforesaid extracted order, this O.A. is dismissed as withdrawn, on the oral prayer of the learned counsel for the applicants. M.A. No.061/01019/2019 for filing joint O.A. also stands disposed of accordingly. No costs.

(ARADHANA JOHRI)
MEMBER (A)

(SANJEEV KAUSHIK)
MEMBER (J)

PLACE: JAMMU
DATED: 12.07.2019

HC*