

Central Administrative Tribunal
Principal Bench: New Delhi

OA No.2220/2002

this the day of 6th March, 2003

Hon'ble Sh.Shanker Raju, Member(J)

1. Shri D.K.Saxena, Helper 'B',
2. Shri Vinod Kumar, Helper 'B',
3. Shri Ashok Kumar, Proof Reader,
4. Shri Bhajan Lal, Driver,
5. Shri Khem Chand, Carpenter,
6. Shri Satbir Singh, Electrician,
7. Shri Vijay Kumar, Carpenter,
8. Shri Suraj Pal, Helper,
9. Shri Bhoor Singh, Helper,
10. Shri Rama Nand, Mali,
11. Shri Sukhinder, Mali,
12. Shri Mahinder, Safai Karamchari,
13. Shri Raju, Safai Karamchari,
14. Smt. Rajkali, Safai Karamchari,
15. Shri Kamal, Safai Karamchari,
16. Smt. Geeta, Safai Karamchari,
17. Smt. Mithilesh, Helper.

(All applicants employees of Director,
National Institute of Science Communication,
Dr.K.S.Krishnan Marg, New Delhi-110 012.

(By Advocate: Shri K.N.Bauguna)

Versus

- 1 Council of Scientific & Industrial Research,
'Anusandhan Bhawan, Rafi Marg,
New Delhi-110 001.
through Joint Secretary (Admn.)
2. Director,
National Institute of Science Communication,
Dr. K.S.Krishnan Marg,
New Delhi-110 012. ...Respondents

(By Advocate: Shri Manoj Chaterjee with Ms.K.Iyer)

ORDER(ORAL)

By Hon'ble Sh.Shanker Raju, Member(J)

Applicants impugn respondents OM dated
26.7.2002 wherein in furtherance of Scheme for
Absorption of Contract Workers conferred with
temporary status it has been stipulated that as per
the Scheme if the workers do not avail of the chances

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and remain unsuccessful in two chances would be removed from casual engagement. They have sought implementation of order of this Tribunal dated 11.3.1997 and quashment of OM dated 26.7.2002 with direction to regularise their services on the posts held by them.

2. Applicants, who are Contract Workers, have been conferred with temporary status preferred OA 1597/1997 for regularisation and by an order dated 11.3.1997 directions have been issued to the respondents to consider their cases as per the Scheme and if they are in position as on 01.01.1990, their cases for regularisation should be considered with relaxation in age. Respondents issued OM dated 26.7.2002 to subject applicants to trade test and to avail the same and on remaining unsuccessful on two occasions, their engagements are liable to be dispensed with, giving rise to the present OA.

3. Learned counsel for the applicants, Shri K.N.Bahuguna contended that as per the Scheme for absorption of casual workers and as per Clause 5(e) regarding the terms and conditions of regularisation of casual workers, who do not appear in the test despite age relaxation and are unsuccessful in two chances within a period of six months, will be removed from casual engagement and as per the general conditions laid down in Clause 6 (c) Casual Workers on regularisation will have no right to make claim for appointment only in the same Laboratory/ Institution

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and also would not be entitled for any benefit for the past period of casual service but respondents are bound to explore the possibility of their appointment available in their Laboratory/Institution. By referring to a list of contractual workers, who have been regularised contended that they have been regularised with respondent No.1 and retained at Delhi. Moreover, it is stated that whereas some of the applicants are Carpenter, Electricians and Drivers are being subjected to trade test for the post of LDC and clerical posts in the Laboratories where they are required to pass typing test and as the vacancies notified are not suitable to the work attached with the posts on which they have been working, they would not be able to clear the test and the very purpose of absorption envisaged under the Scheme would get frustrated which have been framed in pursuance of the decision of the Apex Court. In the aforesaid backdrop, it is stated that the panel should be formed, not on a consolidated basis but groupwise and as per the work done by the applicants they be subjected to test against the available vacancies and as far as possible to be deputed and retained at Delhi and in the event vacancies are not available, they be posted outside as well, but keeping in view the trade in which they had worked and subject to the test conducted as per their suitability.

4. On the other hand, respondents' counsel through Shri Manoj Chatterjee appearing along with Ms. K.Iyer contended that the Scheme for casual labour

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absorption is on All-India basis and a list of casual labours has been drawn on general basis. In case, applicants who have been accorded an opportunity to avail chances have refused to participate such as the vacancies have not been notified in the trade to which applicants belong they are free to acquire the qualifications as the minimum qualification is matriculate to which applicants fulfil. It is their option whether to skip chances and to wait till the suitable vacancies are notified whether in Delhi or outside in any of the laboratories and would be considered for regularisation and posted anywhere but however it is contended that till then there is no proposal to dispense with their services.

5. I have carefully considered the rival contentions of the parties and perused the material on record. In the light of the rival contentions, I am of the considered view that it is open for the applicants either to acquire the qualification of typing test and to appear in the test for the post of LDC/clerical grade notified by the respondents. If they are of the view that on working on a post having different nature of work they should be allowed to appear against the vacancies subject to their suitability as and when the vacancies are notified in the trade to which the applicants belong, they shall appear in the test and if found suitable would be regularised. However, they may be posted anywhere in the laboratories of the respondents and be also adjusted in case the vacancies are notified at Delhi

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for the trade to which they belong. Till then applicants shall continue to work in that capacity of casual workers having temporary status.

6. With the above observations, OA is stand disposed of.

S. Raju
(Shanker Raju)
Member(J)