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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A. NO.2205/2002

Monday, this the 9th day of September, 2002

Hon'ble Shri S.A.T. Rizvi, Member (A)

1. Shri Vijender Singh
s/o Shri Hari Chand
Village Safia Bad, PO Nathupur
Distt. Sonipat, Haryana

2. Shri Kishan Lal
s/o Shri Mahender Singh
H.No.974, Pana Paposia
Narela, Delhi-40.Applicants
(By Advocate: Shri Rajiv Aggarwal)

Versus

1. The Director
Centre for Biochemical Technology
Mall Road, Delhi-7

2. The Director
Council of Scientific & Industrial Research
Department of Science & Technology
Anusandhan Bhawan, Rafi Marg,
Delhi - 1.Respondents

O R D E R (ORAL)

Initially engaged as Laboratory Attendant (LA) against [redacted] sponsored projects, the services of the applicants were terminated by the Centre for Biochemical Technology (CSIR) on 30.10.1994 in one case and 31.12.1994 in the other, vide letters placed at A-P-3 & P-4. The appointment letter placed on record (A-P-1) in respect of one of the applicants, namely, Vijender Singh clearly shows that his engagement was on contract basis for a period of two years which could be extended or curtailed depending on the status of the sponsored projects. The letter of appointment in respect of the other applicant has not been placed on record, but the learned counsel appearing on their behalf submits that the other applicant, namely, Kishan Lal had also been offered the job of LA by a similar letter. 2

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2. After termination of their services, the applicants, thinking that the CSIR is an industrial body, ~~had~~ approached the Department of Labour, Govt. of NCT of Delhi for adjudication of the dispute. By relying on Tribunal's judgment dated 28.2.1989 in the case of Shri Parmeshwaran Pillai Vs. CSIR & Ors., the aforesaid authority held that the CSIR being a predominantly a Research Institute is not covered by the definition of Industry under the Industrial Disputes Act, 1947. The applicants' claim was accordingly rejected by the competent authority on 1.11.1995. The matter was thereafter taken ~~by~~ ^{before} the competent authority for reviewing the aforesaid decision of 1.11.1995. This was done sometime in October, 1999. A Special Leave Petition against the Tribunal's judgement in the aforesaid case was at that time pending before the Hon'ble Supreme Court. The Supreme Court ultimately decided that the CSIR is covered under the definition of Industry. This meant that the ~~had~~ applicants' claim for a reference to the Industrial Tribunal could not have been rejected. All the same, the Review Petition filed by the applicants has been rejected by the Secretary, Deptt. of Labour, Govt. of NCT of Delhi on 16.7.2001 (A-P-11). The said authority found no merit in the contentions raised on behalf of the applicants.

3. As noticed, the services of the applicants were terminated in October/November, 1994. They have approached the Tribunal by filing the present OA on 19.8.2002. There has ^{been} ~~been~~ a gross delay in approaching the Tribunal. The learned counsel appearing on behalf of

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the applicants submits that the delay is explained ~~away~~ entirely by the processes involved in approaching the competent authority for adjudication of the labour dispute. The competent authority has finally decided the matter only on 16.7.2001 (A-P-11). The applicants could, therefore, according to him, approached this Tribunal only thereafter. The short delay of about 150 days which has taken place even after 16.7.2001 should be condoned in the interest of justice. An application, being MA-1937/2002, has accordingly been filed for condonation of delay.

4. I have considered the submissions made by the learned counsel and find that the delay has been explained ~~properly~~ ^{properly} and adequately. The present OA is, therefore, in order, insofar as the question of limitation is concerned. However, on merits, there is no substance in the submissions made by the learned counsel. The applicants were evidently engaged in sponsored projects which, by the very nature of things, have a limited life. Moreover, in the letters of appointment issued to them, it has been clearly stated that the period of contract is ~~for~~ ^{for} last two years subject to the condition that the said term could be extended or curtailed depending on the status of the sponsored project against which they were appointed. In the case of Shri Vijender Singh, one of the applicants herein, the Office Memorandum dated 31.10.1994 (A-P-3) clearly brings out that the tenure of the project against which he was engaged had been completed and his services were terminated as a result of completion of the project. In

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the other case, namely, that of Kishan Pal, the services appear to have been terminated (A-P-4) on the ground that the project against which he was appointed failed to receive funds from the Department of Biochemical Technology. I find nothing wrong in the termination of applicants' services on the aforesaid basis. After all in the appointment letter also, it is clearly mentioned that the period of contract could be curtailed. This is precisely what has happened in the case of this applicant. Sponsored projects cannot be continued after the source of funds has dried up. In the circumstances, I find that the services of both the applicants have been terminated only in accordance with the letters of appointment issued to them. The present OA, therefore, has no merit and deserves to be dismissed.

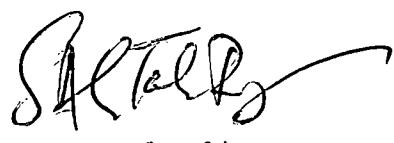
5. The learned counsel appearing on behalf of the applicants submits that in accordance with the practice followed by the CSIR in similar cases, that Organization could and should think of engaging the applicants once again on contract basis or otherwise depending on the availability of posts in other sponsored projects being run under the aegis of the CSIR. One of the applicants, applicant No.2, has served as LA for close to seven years while the other for a period of one and half years or so. Both of them have acquired a reasonable amount of experience of working in sponsored projects. If on this basis and in accordance with the policy followed by the CSIR the applicants could be considered for fresh deployment as LAs, it will be a welcome step as well as desirable ~~in~~ in these days of hardship and growing

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scarcity of employment. I cannot, however, issue a specific direction in this regard and would be content to leave it to the CSIR to consider the matter sympathetically as they deem fit.

6. In the light of the foregoing, the OA is dismissed in limine.



(G.A.T. Rizvi)
Member (A)

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