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Central Administrative Tribunal
Principal Bench

O.A.No.1606/99

Hon'ble Shri Justice V.Rajagopala Reddy, VC(J)
Hon'ble Shri R.K.Ahooja, Member(A)

New Delhi, this the 2nd day of August, 1999

Shri Inder Pal Singh
s/o Shri Khushal Singh
r/o BH-599C, Shalimar Bagh
Delhi - 110 052.
also working as LDC/Typist
in the National Institute of Science
Technology and Development Studies
Dr. K.S.Krishnan Marg
Pusa
New Delhi - 110 012. ... Applicant

(By Shri K.N.Bahuguna, Advocate)

Vs.

1. Council of Scientific &
Industrial Research
'ANUSANDHAN BHAWAN'
Rafi Marg
New Delhi - 110 001.
2. Director
National Institute of Science
Technology and Development Studies
Dr. K.S.Krishnan Marg
Pusa, New Delhi - 110 012. ... Respondents

O R D E R

Hon'ble Shri R.K.Ahooja, Member(A)

The applicant claims that he has been working with Respondent No.2, i.e., Director, National Institute of Science Technology and Development Studies, Pusa, New Delhi, since December, 1992 for about seven years without any break in service as a Data Entry Operator/LDC. He now apprehends that the respondents propose to terminate his services in terms of the directive received by them from the CSIR, i.e., Respondent No.1, which is the controlling authority of Respondent No.2.

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2. We have heard the learned counsel on admission. The applicant seeks a direction to Respondent No.2 not to terminate his services as Data Entry Operator/LDC. The argument advanced by the learned counsel is that Respondent No.2 receives a number of projects which are externally funded. It is a continuous process and since the Institute requires services of Data Entry Operator/LDC on perennial basis, steps should be taken by the respondents to regularise applicant's services as he has already rendered seven years continuous service with him.

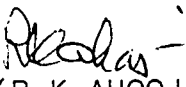
3. We find that no direction can be given to the respondents to regularise the services of the applicant as it has not been indicated that any regular vacancies are available. Admittedly, the projects on which the applicant has been working are externally funded. Therefore there is no certainty about the continuation or future availability of such projects. Such projects are by their nature limited in scope and in time. Therefore unless Respondent No.2 has permanent work for which vacancies have been created on regular basis, the claim of the applicant cannot be considered.

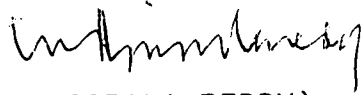
4. The learned counsel next argued that Office Memorandum dated 30.6.1999, Annexure-A1, will result in termination of the services of the applicant even though externally funded projects are available with the Institute. We have considered the O.M. and find that the Institute, Respondent No.2 have been directed to carry out the work of externally funded projects as far as possible through the regular staff

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of the Institute. If that is possible, it can only be assumed that there is no work available for an outsider and hence no direction can be given to the respondents to keep the applicant in engagement. The learned counsel then expressed an apprehension that as per the said OM, even if the applicant is retained by the Institute, it will be on a job contract basis and not on regular basis. Here again we are of the view that no direction can be given to the respondents to utilise the services of the applicant in a certain manner. If the respondents do not have need of a worker on full time basis, and the job can be done more efficiently by awarding the work on contract basis, they cannot be asked to keep the applicant in engagement on a full time basis.

5. In the result, finding no scope for interference in the matter, the OA is dismissed at the admission stage itself.


(R.K.AHOOJA)
MEMBER(A)


(V.RAJAGOPALA REDDY)
VICE-CHAIRMAN(J)

/RAO/