

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No. 2756/1999

New Delhi, this 10th day of April, 2001

Hon'ble Shri M.P. Singh, Member(A)

Somni Lal & 48 others
as per details given in memo of parties
to the OA .. Applicants

(By Shri S.L.Hans, Advocate)

versus

Union of India, through

1. Secretary
Indian Council of Agricultural Research
Krishi Bhavan, New Delhi
2. Director(Admn.)
Indian Agricultural Research Institute
Pusa Complex, New Delhi-12 .. Respondents

(By Ms. Anuradha Priyadarshini, Advocate)

ORDER(oral)

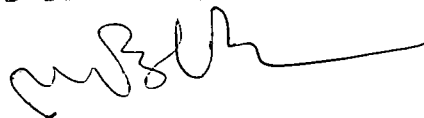
1. Applicants, 49 in number, have filed this OA under Section 19 of the Administrative Tribunals Act, 1985 seeking directions to the respondents to re-engage them as daily wagers in preference to outsiders and in order of their seniority.

2. The facts of the case are that the applicants have worked as daily paid labours (DPLs, for short) under the respondent-Indian Agricultural Research Institute (IARI, for short) during the period between 1975 and 1992. Their services were discontinued by the respondents. Thereafter, R-2 issued public notice calling for details of attendance record etc. of such workmen who had worked in IARI with a view to compile seniority list of DPLs. As such DPLs whose services were discontinued and who were trying to get engagement outside Delhi were



deprived of the opportunity to apply for no fault of theirs. Again on 6.9.95, R-2 issued a circular directing 59 DPLs having worked for less than 240 days to contact the Personnel Section of IARI. Again in 1998, respondents have called for particulars of attendance records, employment exchange cards etc. from DPLs for onward transmission to Head Office. When the applicants came to know of the requirement of the respondents they started applying to the respondents praying for issue of attendance certificates for submission of applications to Personnel Section. According to the applicants, while respondents had accepted applications in some cases, they did not do so in many other cases. It is stated by them that the respondents have issued directions to the respective sections/Divisions not to issue attendance certificates and many DPLs have been deprived of receipt of attendance certificates. Aggrieved by this, they have filed this OA. (17)

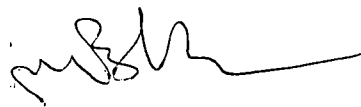
3. Respondents have contested the case and have stated that R-2 issued press notification dated 14.9.93 through leading newspapers inviting applications from DPLs who had worked at the respondent-Institute on casual basis from time to time for inclusion in the seniority list. These applications together with the experience certificates were to be submitted on or before 31.10.93. Names of DPLs who applied on or before this date in response to the advertisement together with the experience certificates were included in a seniority list based on the initial date of engagement. Obviously names of the DPLs who did not submit their applications were not entered in the seniority list. To this effect



acknowledgements were issued to all those DPLs who had applied in time. Since the applicants did not apply for inclusion of their names in the seniority list, their names could not be included in the seniority list. Thus the names of the persons whom the applicants claim to be junior to them were included in the seniority list since they had submitted their applications within the specified period. Respondents have also stated that at the time of preparation of the seniority list, there is no question of junior or senior DPLs and the seniority list was prepared after considering the names of DPLs who had submitted their applications within the specified period. Applicants failed to have their names included in the seniority list due to their failure to submit the applications in response to the advertisement and now they cannot be allowed to take advantage of their own wrong. Hence the OA is liable to be dismissed.


4. Heard the learned counsel for the applicant and perused the records.

5. During the course of the arguments, learned counsel for the applicants drew my attention to a catena of judgements including the judgement of the Supreme Court in the case of Central Welfare Board Vs. Ms. Anjali Bepari & Ors. II 1226(8) SC 1. The apex court in this case has held that "As and when vacancies would arise, such persons whose services have been dispensed with will be taken back without following the practice of requisitioning the names of candidates from the employment exchange. They would be regularised only when regular posts are available and in accordance with



the order of seniority". Learned counsel also relied upon the judgement of the coordinate Bench of this Tribunal in OA No.1965/97 dated 9.10.97. On a perusal of this judgement I find that the present case is squarely covered by this judgement. In this case the Tribunal has directed the respondent-IARI to consider the applicants for re-engagement in preference to those outsiders as casual labours in case work is available.

6. In view of the judgements cited above, I find it a fit case to issue directions to the respondents to re-engage the services of the applicants. In the result, the OA is allowed with the directions to the respondents to consider the applicants for their re-engagement in preference to their juniors and outsiders as casual labours in case work is available. However, it may be made clear that the applicants will not have any claim for preference over those who have already been granted temporary status and are working with the respondents. No costs.


(M.P. Singh)
Member(A)

/gtv/