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CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

O.A. No. 938/99

M.A. No. 878/99

New Delhi this the 15th day of January, 2000

HON'BLE MR. KULDIP SINGH, MEMBER (J)

Sl.No.	Name & Father's Name	Date of Appointment	Designation	Residential address
1.	2.	3.	4.	5.
1.	Adesh Seth s/o Shri R.P. Seth	July 1992	Computer operator	A-27, Nehru Colony Dehradun
2.	Rakesh Pant s/o late Shri Shiv Prakash Pant	15.1.1993	-do-	Majri Mafi Mohkampur P.O. I.I.P. Dehradun-248005
3.	Vikram Singh s/o Shri Bhagat Singh Rawat	Dec. 1992	e-do-	F-31, I.I.P. Colony Mohkampur, Dehradun
4.	Pradeep Negi s/o Shri B.S. Negi	11.11.1994	D/Man	Vill Majri Mafi P.O. I.I.P. Mohkampur-248005
5.	Pinmat Singh Pundir s/o Shri C.S. Pundir	1.6.96	Computer operator	258, Balawala Dehradun-248005
6.	Girish Tiwari s/o Shri T.P. Tiwari	16.5.96	Electrician	Vil. Horipur Nawada P.O. I.I.P. Mohkampur-248005
7.	Nayank Mishra s/o Shri R.K. Mishra	11.6.96	-do-	Vill Dhoran, P.O. Gajrora Shahstradhara Road Dehradun-248001
8.	Sudama S. Bicht s/o M.S. Bicht	16.1.93	Helper	Vill & PO Samshergarh Dehradun-248005
9.	Pankaj Maurya s/o Shri Rajendra Maurya	2d.11.9	computer operator	Vill Majri Mafi P.O. I.I.P. Mohkampur Dehradun-248005

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10.	Pooran Singh s/o late Sh. Ganga Singh Aswal	4-4-94	Diesel Mech.	Vill Majri Mafi PO IIP Mohkampur Dehradun-248005
11.	Vivek Singh s/o Shri C.K. Singh	1-1-98	Librarian	IIP Colony Dehradun-248005
12.	Bijendra Dutt s/o Shri B.D. Bahuguna	15.4.96	Helper	Vill & PO Balawala Dehradun
13.	Ms. Reena Sharma D/o Shri N.K. Sharma	8.10.97	Computer operator	160 Kaulagarh Dehradun
14.	Jitendra S. Rawat Shri B.S. Rawat	2.2.96	-do-	Vill Majri Mafi I.I.P. Dehradun
15.	Ajay Pal s/o Shri Ganga Ram	10.8.93	Helper	Vill & P.O. Upper Tunwala Dehradun-248005
16.	Satish Mani s/o late Shri Kendra Mani	9.3.93	Turner	Vill & P.O. Nehrugram-248008
17.	Ms. Hervinder Kaur d/o Shri Devinder Singh	6.3.96	Com. operator	849, Premnagar Doiwala, Dehradun
18.	Shri G.B. Khatri s/o Shri late Sh. K.B. Khatri	8.5.93	Typist	Near Gate-2 (IIP) Dehradun
19.	Virender Kumar s/o Shri Ramesh Chand	3.11.92	Typist	F-32 IIP Colony Dehradun-248005
20.	Rajendra Prasad s/o Shri Rameshwar Prasad	23.5.96	Helper	IIP Colony Dehradun
21.	Ms. Monika Sayal D/o Shri S.S. Sayal	5.9.95	Comp. Operator	97/5 Anand Vihar Dharampur Dehradun
22.	Surendra Singh s/o late Shri Tungal Ram	5.9.95	Diariest	Vill Number pur P.O. Jassowala Dehradun
23.	Ms. Pratima Thapa D/o Shri U.B. Thapa	10.10.95	Comp. Operator	Vill Nawada Dehradun-248005
24.	Sanjeev Kumar s/o Shri Hari Ram	16.6.94	Electrician	315/3 Railway Road Doiwala-248140

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25.	Naveen Kumar s/o Shri S.J.Singh	1.4.96	Electrician	Vill Nachanpur P.O. Nehrugram 248008
26.	Mrs. Bharti Payal W/o S.P. Payal	1.3.95	Despatcher	Garniwas Mohkampur Dehradun-248005
27.	Suresh Chand s/o Shri Sukh Ram	7/88	Helper	Vill Nakronda P.O. Nakronda Dehradun-248008
28.	Rajender Dabral s/o Shri S.B. Dabral		Helper	I.I.P Colony R. No.G-15 Dehradun
29.	Pushpraj Sharma late Budh Raj Sharma	1-7-96	Welder	Vill Majri Mafi Mohkampur P.O IIP - 248005
30.	Jitender S. Negi s/o Shri B.S. Negi	13. 1.6.98	Typist	F-21 IIP Colony Dehradun 248005
31.	Mrs. Anita Devi w/o Shri Mahesh Kumar	8.1.97	Diarist	Wing No.1 Barrack No.4/3 Prem Nagar Dehradun-248007
32.	Rajesh K. Puri s/o Shri Jagannath Puri	Oct. 94	Helper	Upper Mathanpur Nehru Gram.D.Dun
33.	Laxman Singh s/o Sh. P.S. Rawat		Helper	MDA Mohni Road Flat No.24 Dehradun
34.	Jassu Kumar s/o Sh. Govind Ram Sharma	5.3.92	Com. Operator	IIP Mohkampur Dehradun-248005
35.	Naveen Bhat s/o Shri A.P. Bhatt	April 97	Driver	F-33 IIP Colony Dehradun -248005
36.	Ms. Bhawana Rawat D/o Shri N.S. Rawat	2.1.98	Comp. Operator	39 Old Connaught Place, Dehradun
37.	Sh. Shiv Pd.Saklani s/o Shri S.S. Saklani	18-3-98	-do-	c/o KP Dobhal 5 Mitrakol Colony Ballupur Road Dehradun
38.	Ms. Richa Soodan D/o Shri J.N. Soodan	31.3.98	-do-	94, Doon Vihar Takan, Rajpur Road Dehradun
39.	Ms. Kiran Lata W/o Sh.Vijay Kumar	7.4.98	-do-	Prem Nagar Bazar Doiwala, D.Dun
40.	Ms. Pratima Verma D/o Sh.B.S. Verma	4.8.98	-do-	Majri Mafi P.O. IIP Mohkampur Dehradun-248005

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41. Sh. Kedar Dutt s/o Shri B.D. Pandey	1.8.94	Helper	Hakronde-248008 Dehradun
42. Pankaj Bhasker s/o Shri V.K. Bhaskar	1.1.98	Helper	F-25 IIP Colony Dehradun
43. Rakesh Kumar s/o Shri Heera Lal	10/93 to 10/94 3/96 to 10/97 10/97 to 4/98 24.8.98 to till date	Helper	Santosh Nagar Dehradun-248005
44. Sanjay Kumar s/o Shri Mangal Singh	30.9.96	Helper	IIP Mohkampur Dehradun-248005
45. Mohd. Furkan s/o Shri Mohd Usman	April 95	Carpenter	G-39 Nehru Colony Dehradun
46. MS. Kiran Bala w/o Sh. Vijay Singh	Feb 96	Typist	F-19 IIP Colony Dehradun-248005
47. Vishvender Dogra s/o Shri G.R. Dogra	21.1.96	Comp. operator	Tapovan Road near Rajpur Block office, Dehradun-248008
48. Gokul Prasad s/o Shri Santram Maurya	Feb 96	Helper	Mayawala 1 P.O. Harrawala Dehradun-248006
49. Mannu Ram s/o Shri Kashiram	1.1.93	Helper	Santosh Nagar Mohkampur Dehradun-248005
50. Balwant Singh s/o Shri Satte Singh	7.12.94	Helper	P.O. IIP Mohkampur Dehradun-248005
51. Vijay K. Verma s/o Shri Nand Kishore	Nov. 97	Driver	Vill & PO Mohkampur Dehradun-248005
52. Jyoti Pd. Yadav s/o Shri Shyam Lal	April 96	Plumber	Vill & PO Nehrugram Dehradun-248008
53. Bijendra Bisht s/o Sh. S.S. Bisht	23.11.92	Helper	IIP Dehradun-248005
54. Devender Singh s/o Sh. Dalip Singh	18.11.94	Turner	Vill Miyawala PO Harrawala Dehradun

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55.	Pradeep Singh Pundir s/o Shri B.S. Pundir	1.3.96	Helper	Vill Jaintewala PO Ghangora Distt. Dehradun-248141
56.	Sanjay s/o Shri Prem Chand	Dec. 97 24.4.96	Helper	Vill Mathan Pur Distt Dehradun
57.	Ram Kishore s/o Shri Pyare Lal	Dec. 97	Helper	Vill Majari Madi PO IIP M.Pur Distt Dehradun
58.	Manoj Kumar s/o Shri Babu Lal	Jan 96	Helper	Vill Majari Madi PO IIP M.Pur Dehradun
59.	Harjeet Singh s/o Shri Sohan Singh	June 95	Helper	G-56 IIP Colony Mohakampur Dehradun
60.	Dharmender S. Pundir s/o Shri B.S. Pundir	1.6.98	Helper	Vill & PO Nathuwala Dehradun
61.	Kishor Kumar s/o Sh. Gurucharan Singh	Jan 97	Helper	G-13 IIP Colony Dehradun
62.	Navneet S. Rana s/o Sh. Amar Singh Rana	1.12.95	Comp. operator	694 Pragati Vihar Dehradun
63.	Mukul Sharma s/o Sh. P.P. Sharma	24.8.98	Helper	Vill & PO Kanwali Balliwala, D.Dun
64.	Mrs. Aysha Khan w/o Sh. Mohd Afsar	1.6.96	Telp. Operator	14 Darshani Gate Raja Muslim Hotel Dehradun
65.	Sanjay Seth s/o Shri R.P. Seth	1.11.98	Comp. operator	A-27, Nehru Colony Dehradun
66.	Burahuddin s/o Sh Alul Hasan	April 96	Painter	Nehru Colony Dehradun-248001
67.	Sunil Rawat s/o Sh. Pooransingh Rawat	Feb 96	Photographer	175 Dharampur, Dehradun
68.	Surinder Kumar s/o Shri Kallu Ram	April 97	Helper	IIP Colony Dehradun-248005

Applicants

By Advocate Shri B.S. Mainee.

Versus

1. The Secretary,
Ministry of Science & Technology,
1, Rafi Marg,
New Delhi.
2. The Director General,
Council of Scientific and Industrial
Research,
1, Rafi Marg,
New Delhi.
3. The Director,
Indian Institute of Petroleum,
Dehradun. Respondents

By Advocate Shri Manoj Chatterjee.

ORDER

Hon'ble Mr. Kuldip Singh, Member (J)

This is a joint OA filed by 68 persons who are aggrieved by inaction on the part of the respondents to regularise their services or even grant them temporary status.

2. It is stated that the applicants who have been engaged to perform jobs of various nature such as Computer Operator, Typists, Helper, Diarists, Electrician etc, and are working for more than 240 days with the respondents but they are neither granted temporary status nor being regularised as per the law laid down by the Hon'ble Supreme Court in various cases.

3. It is also stated that a consolidated salary is being paid as per the duties performed by each individual and some of them are working even since 1992.

4. It is further stated that CSIR has various constituents, and Indian Institute of Petroleum, i.e. respondents No.3 is also one of the constituent of the

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CSIR. Similarly placed another set of employees of the different constituent, namely, Indian National Scientific Documentation Centre had earlier filed a Writ Petition bearing No. 631/1988 - Kamlesh Kapoor and Others Vs. Union of India in which the Hon'ble Supreme Court had directed the respondent No.2 as well as the constituent to prepare a Scheme for absorption of all the persons who are working on casual basis for more than one year in that particular constituent. Similarly employees of another constituent filed an OA before the Principal Bench of the Central Administrative Tribunal wherein also similar directions were given and the respondents were directed to prepare a scheme on rational basis for the absorption of all persons who have worked on casual or contract basis for more than 240 days in a year. Against that order, SLP was filed before the Hon'ble Supreme Court which was dismissed vide Annexure A-5. and on dismissal of SLP, respondent No.2 prepared a Scheme as directed by the Hon'ble Supreme Court and regularised the casual workers. However, no action has been taken to regularise the applicants.

5. The applicants have also relied upon the judgment in the case of State of Haryana & Others Vs. Piare Singh and Others, SLJ 1992 Vol.3 SC 34 and certain other judgments, which are as follows:-

- (i) Het Ram Vs. U.O.I., ATJ 1993 Vol.1 page 432.
- (ii) V.K. Damodharan Vs. Defence Pension Disbursing Officer, SLJ 1991 (2) CAT 159.
- (iii) Balwant Singh Rawat Vs. U.O.I., ATJ 1992(1) page 217.
- (iv) Durga Prasad Tiwari and Others Vs. U.O.I., ATJ 1990(1) page 233.
- (v) ATC 1996 Vol.33 page 815.

- (vi) Moti Lal Vs. U.O.I., CSJ 1992 Vol. I page 202.
- (vii) Veerpal and Others Vs. U.O.I., ATJ 1996 Vol. II page 128.
- (viii) K. Kamalamma and Others Vs. Superintendent, Postal Stores Depot, ATR 1992 Vol. I page 497.

6. Based on these judgments, the present O.A. has been filed by the applicants wherein it is prayed that the respondents be directed to confer temporary status and also to regularise their services.

7. Respondents contested the application and have stated that the applicants were earlier engaged through contractors but later on they were engaged by respondent Nos. 2 and 3 to work on casual basis from October, 1997 for a project on a consolidated payments of wage. So it is pleaded that since all these applicants were initially engaged on contractual basis ^{and} ~~so~~ they were not employed against any sanctioned regular vacancy, hence they are not governed by any rules and regulations of CSIR and the claim of the applicants for regularisation is not tenable and the present OA is liable to be rejected on this ground alone.

8. It is further pleaded that in pursuance of the orders passed by the Hon'ble Supreme Court in Civil Writ No. 631/88 Kamlesh Kapoor Vs. UOI, the respondents had formulated a Scheme known as 'Casual Workers Absorption Scheme, 1990' but it is submitted that the applicants are not covered under the said Scheme, so could not be considered for regularisation/absorption under the said Scheme.

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9. It is further pleaded that another Scheme for casual workers for absorption was also framed in the year 1995 but it is stated that since the applicants were engaged through contractors, so they are not covered under the said Scheme as the respondents had engaged the applicants only in the year 1997. Besides that, it was also pleaded that the application is premature and liable to be dismissed.

10. I have heard the learned counsel for the parties and have gone through the records of the case.

11. The main plea of the respondents to oppose this application is that the applicants were given employment which ^{was} ~~with~~ co-terminus with the projects and the project labour/workers cannot be regularised since after the project is completed, ~~so~~ no work remains available with the respondents to be provided to the applicants.

12. On the contrary, the learned counsel for the applicants submitted that the nature of the work which is being done by the applicants is of a perennial nature and the CSIR has been created with the particular object to conduct research on various projects and similarly its constituent, i.e., Institute of Petroleum to conduct research and the employees similarly engaged have already been regularised, as per the Schemes promulgated after the decision of the Apex Court in the case of Kamlesh Kapoor (Supra). Not only that as per the admission of the respondents itself that one scheme was promulgated in the year 1990 and then another Scheme was promulgated in the

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year 1995 for different constituents of the CSIR, so on the same lines, a Scheme can be framed for this constituent, i.e., the respondent No.3 by CSIR so that the applicants are also regularised by the constituents under whom they are working.

13. The learned counsel for the applicants has also referred to a recent judgment given in O.A. No. 1292/99 - Mahender Singh Negi and Others Vs. U.O.I. and Others, where another set of employees of the same constituent had filed a different OA and the Co-ordinate Bench of this Tribunal after referring the rival contentions, which are of similar nature, had given the following directions:-

(i) Respondent shall prepare a Scheme on the pattern directed by the Apex Court and shall consider absorption of the applicants in terms of law against regular vacancies as and when they arise.

(ii) If the respondents have vacancies/jobs to offer of the nature the applicants are doing, the latter shall be given preference to over freshers and new comers. Depending upon the requirements, services of the applicants shall be utilised in other projects.

(iii) Respondents shall consider offering opportunities alongwith others to those of the applicants who are eligible and have requisite qualifications for the jobs advertised.

(iv) No costs.

14. I have also considered the rival contentions of the parties and from a perusal of the judgment given by the Co-ordinate Bench, I find that the present case in hand is not different in any manner on facts as well as on law from the facts of the case in OA No. 1292/99 decided on 17.11.1999.

15. It have also gone through the OM No.1016/2/90-Estt.(C) dated 10.9.93 issued by the DOP&T on this subject. The said OM does not make any distinction between casual labour engaged by the various departments and any casual labour engaged for a specific project. It simply says that any casual labour who fulfils the conditions, as stipulated in the OM, gets the right to be conferred with temporary status and for consideration for being regularised. The contention of the respondents that the applicants in this case have been engaged for a specific project, therefore, has no force.

16. Since on the similar facts recently a judgment has been pronounced by the Co-ordinate Bench of this Tribunal in OA 1292/99 and I feel that I have no reasons to differ with the same. So adopting the reasons given in the same judgment, I feel that the OA deserves to be allowed. Accordingly, I allow the present OA and direct the respondents as under:-

(i) Respondent shall prepare a Scheme on the pattern directed by the Apex Court and shall consider absorption of the applicants in terms of law against regular vacancies as and when they arise.

(ii) If the respondents have vacancies/jobs to offer of the nature the applicants are doing, the latter shall be given preference to over freshers and new comers. Depending upon the requirements, services of the

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applicants shall be utilised in other projects.

(iii) Respondents shall consider offering opportunities alongwith others to those of the applicants who are eligible and have requisite qualifications for the jobs advertised.

(iv) No costs.


(KULDIP SINGH)
MEMBER (J)

Rakesh