

Central Administrative Tribunal
Principal Bench

O.A. No. 2141 of 1998

New Delhi, dated this the 29th September, 1999

Hon'ble Mr. S.R. Adige, Vice Chairman (A)

S/Shri

1. Chander Sekhar Rai,
A-29, J.J. Cluster Inderpuri,
New Delhi-110012.
2. Ram Vashist Rai,
A-29, J.J. Cluster Inderpuri,
New Delhi-110012.
3. Ram Pratap Rai,
A-29, J.J. Cluster, Inderpuri,
New Delhi-110012.
4. Dhaneshwar Rai,
A-29, J.J. Cluster Inderpuri,
New Delhi-110012.
5. Dinesh Rai,
A-29, J.J. Cluster, Inderpuri,
New Delhi-110012.
6. Naval Kishore Mahto,
A-29, J.J. cluster Inderpuri,
New Delhi-12.
7. Gannaur Rai,
A-29, J.J. Cluster Inderpuri,
New Delhi-110012. Applicants

(By Advocate: Shri S.L. Hans)

Versus

1. Union of India through
Director General,
Indian Council of Agricultural Research,
Krishi Bhawan, New Delhi-110001.
 2. Director (Admn.),
Indian Agricultural Research Institute,
Pusa, New Delhi-110012.
 3. The Head, Regional Station,
Indian Agricultural Research Institute,
Pusa (Bihar),
Pincode: 84812. Respondents
- (By Advocate: Ms. Geetanjali Goel)

19

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ORDER

BY HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)

Applicants impugn Respondents' order dated 6.2.97 (Annexure A-1) and seek reengagement as Daily Wage Casual Labourers on continuous basis in preference to juniors and outsiders, and also pray for grant of temporary status and for regularisation.

2. Their case is that they were engaged as Casual Labourers in IARI, Regional Station, Pusa (Bihar) since 1983 and have put in service ranging from 400 days to 932 days.

3. They state that they have prayed for regularisation of their services, but were informed that they could not be regularised because they have not put in 240 days of service in a year.

4. Applicants further state that they were not allowed to complete 240 days of service in one year because they have been subject to artificial breaks in their service. They state that they continued to be engaged as Casual Labourers for 14 years against work of permanent nature and to deprive them of the benefit of temporary status and regularisation is an unfair labour practice which is contravention of Section 25T and 25U read with Schedule V of the Industrial Disputes Act, 1947.

2

5. Respondents in their reply have challenged the OA. Preliminary objections have been raised that as applicants were appointed in IARI, Regional Station, Pusa, Bihar State Jurisdiction lies with the CAT, Patna Bench and not with CAT, Principal Bench, New Delhi. It has also been pointed out that this OA has been filed in November, 1998 against the order dated 6.2.97 and hence the OA is hit by limitation, and not even a petition for condonation of delay has been filed.

6. It has also been urged that this Tribunal has no jurisdiction to adjudicate on the disputes raised under the ID Act as has been held by CAT. Full Bench in Padma Valli's case and further that none of applicants have completed 240 days of service in a year which is essential for grant of temporary status and regularisation. It has also been emphasised that applicants are engaged purely on seasonal basis depending upon the availability of work, and no casual labourer junior to them has been engaged.

7. Applicants have filed rejoinder in which they have denied respondents' contentions and broadly reiterated their own.

8. I have heard applicants' counsel Shri Hans and respondents' counsel Ms. Goel and given the matter my careful consideration.

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9. The photocopies of the statements enclosed with the OA filed by applicants regarding the number of days of service put in by them reveal that none of them have put in the required 240 days' service in a year for grant of temporary status. Applicants have also not cited the names of any casual labourers with lesser number of working days of service who have been engaged by respondents to their own exclusion to claim hostile discrimination.

10. Under the circumstance the OA warrants no interference. It is dismissed. No costs.

Anfolgi
(S. R. ADIGE)
VICE CHAIRMAN (A).

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