

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

O.A.No.677/98

(16)

Hon'ble Shri Justice V.Rajagopala Reddy, VC(J)  
Hon'ble Shri Govindan S. Tampi, Member(A)

New Delhi, this the 21st day of September, 2000

Shri Anil Kumar Gupta  
s/o Shri R.K.Gupta  
Pulse Research Laboratory  
Genetic Division  
Indian Agricultural Research Institute  
Pusa, New Delhi - 110 012. ... Applicant

(By Mrs. Avnish Ahlawat, Advocate)

Vs.

1. Indian Agriculture Research Institute through its Director (Personnel)  
ICAR, Krishi Bhawan  
New Delhi - 110 001.
2. The Director  
Indian Agricultural Research Institute  
Pusa, New Delhi - 110 012. ... Respondents  
(None)

O R D E R (Oral)

By Justice Rajagopala Reddy:

Heard the counsel for the applicant. None appears for the respondents either in person or through their counsel.

2. When six Scientists were appointed in Indian Agriculture Research Institute had approached the Tribunal in OA No.438/97 (Dr. D.S.Rana and Others Vs. Union of India & Others) in Principal Bench, New Delhi. The Tribunal issued the following directions by order dated 31.3.1997:

"The following conclusions emerged out of the above findings:

- (1) The appointment of the applicant under the so called scheme in accordance with a contract, does not permit the respondents who have a duty to act fairly as a model employer, to terminate the services of applicants without

giving an opportunity to the applicants to show cause why they should not be terminated. As such, the applicants are entitled to notice.

- (2) The applicants are also entitled to consideration against available vacancies both for continuation of the service in another scheme or if vacancies arise, for absorption or regularisation. The services of the applicants cannot be done away with without considering them against all the three possibilities stated above.
- (3) We do not propose to pass a restraint order against the respondents to continue services of the applicants, nor to compel them to continue to pay until suitable scheme is made available to absorb/regularise except for a reasonable period of notice. We would like to leave it do a model employer and who are also expected not to act arbitrarily to exercise the power available to them as a public authority in the right manner and in the light of this judgement. At the same time, it goes without saying that absence of a restraint order does not negate all the rights the applicants are entitled to. The respondents shall consider them for appropriate placement including appointment against a scheme or consideration for absorption of regularisation within two months from today, taking into consideration the past service the applicants have rendered and also granting relaxation of age, which are otherwise normally applicable to such situation, and we must make it clear, that they shall not be made to stand in queue along with the fresh entrants and make them compete as equals among unequals.

With these directions, this Original Application ~~is~~ disposed of. No order as to costs.

3. The applicant herein is also a Scientist and seeks to extend the benefits to him which were earlier granted to the similarly placed Scientists in the above order.

4. Accordingly the OA is disposed of with a direction to the respondents to extend the same benefits which were given in the above Judgement as the applicant is also entitled for the same. No costs.

  
(GOVINDAN S. TAMPI)  
MEMBER(A)

/RAO/

  
(V. RAJAGOPALA REDDY)  
VICE CHAIRMAN(J)