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CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH: NEW DELHI

O.A. No. 988/95

New Delhi this the 4th Day of August, 1997

Hon'ble Dr. Jose P. Verghese, Vice Chairman (J)

Hon'ble Shri K. Muthukumar, Member (A)

1. Ramesh Chand s/o Mr. Bishamber Dayal,  
Vill. & P.O. Isapur, Delhi - 110 073.
2. Anoop Singh s/o Mr. Kedar Singh,  
Vill. & P.O. Isapur, Delhi - 110 073.
3. Inder Singh s/o Mr. Randhir Singh,  
Vill. & P.O. Isapur, Delhi - 110 073.
4. Balwan Singh s/o Mr. Manphool Singh,  
Vill. & P.O. Dhansa, Delhi - 110 073.

... Applicants

(By Advocate: Shri L.C. Goyal with  
Ms. Sweta Bamaza)

Versus

- ① Indian Council of Agricultural Research,  
Pusa, New Delhi - 110 012.
- ② The Director,  
National Bureau of Plant Genetic Resources,  
I.C.A.R., Pusa, New Delhi - 110 012.
3. Ram Phool s/o Mr. Hukam Chand
4. Dilbagh s/o Mr. Sardare.
5. Jaibir s/o Mr. Nafe Singh.
6. Dharambir s/o Mr. Kishan.
7. Ishwar Singh s/o Mr. Mansa Ram.
8. Ram Udgar s/o Mr. Anup Lal
9. Dharambir s/o Mr. Surajbhan
- ⑩ Ramesh s/o Mr. Kartar Singh.
- ⑪ Dharamvir s/o Mr. Kartar Singh.
- ⑫ Satvir s/o Mr. Ram Chandra
- ⑬ Bhim Singh(SC) s/o Mr. Sher Singh.
- ⑭ Dharampal s/o Mr. Budh Ram
- ⑮ Ganesh s/o Mr. Mohan
16. Rohtash s/o Ram Mehar
17. Ravindra s/o Mr. Tara Chand.
18. Krishna Kumar s/o Mr. Fateh Singh

19. Jai Prakash s/o Mr. Anandi Ram
20. Maman Singh s/o Mr. Sukhi Ram.
21. Parmanand s/o Mr. Bhajan Singh.
22. Ravindra s/o Mr. Babu Lal.
23. Jagdish s/o Mr. Lalu Lal
24. Ram Kumar s/o Mr. Shanker
25. Ranbir s/o Mr. Jagpal.
26. Mahaveer s/o Mr. Ratan Singh
27. Bijendra s/o Mr. Ram Narain.
28. Suraj Prakash s/o Mr. Kewal Singh.
29. Rajendrea s/o Mr. Ram Mehaar
30. Hava Singh s/o Mr. Rati Ram
31. Ram Avtar s/o Mr. Jai Narain
32. Krishna s/o Mr. Kali Ram
33. Brahma Prakash s/o Mr. Deep Chandra
34. Suresh Chand s/o Mr. Momal
35. Ram Japati s/o Mr. Dorak Mehta
36. Baldev Singh s/o Mr. Charan Singh
37. Ajit Singh s/o Mr. Vedpal
38. Chand Singh s/o Nafe Singh
39. Rai Singh s/o Mr. Bharat Singh
40. Bharat Singh s/o Ram Swaroop
41. Ramesh Kumar s/o Mr. Balwant Singh
42. Pitambar s/o Mr. Mohan Yadav
43. Suresh Das s/o Mr. Chhatar Das
44. Jai Kishan s/o Mr. Jagpal
45. Shiv Charan s/o Mr. Hoshiyar Singh
46. Vijay Singh s/o Mr. Chandra Bhan
47. Raj Kumar s/o Mr. Munshi Ram
48. Hava Singh s/o ;Mr. Duli Singh
49. Ratan Singh s/o Ram Swaroop
50. Ramvir s/o Mr. Ram Chandra.
51. Baljit s/o Mr. Anand Singh
52. Raj Kumar s/o Mr. Prthvi Singh.
53. Mahavir s/o Mr. Zile Singh
54. Bhagwan Das s/o Mr. Sher Singh
55. Ramesh Chand s/o Mr. Manohar Lal
56. Ram Kishan s/o Mr. Chetu Ram
57. Dharam Singh s/o Mr. Banwari Lal
58. Mir Singh s/o Mr. Ram Mehar
59. Satvir s/o Mr. Bal Mukund
60. Balwan Singh s/o Mr. Ram Jiwan
61. Shri Kishan s/o Mr. Amar Singh.
62. Brijendra s/o Mr. zile Singh
63. Gajey Singh s/o Mr. Dalip Singh
64. Om Prakash s/o Mr. Lakhi Ram
65. Atar Singh s/o not known
66. Sukhvir s/o not known
67. Devendrea Kumar s/o Mr. Qitab Singh
68. Harpal Singh s/o Mr. Daya Chand
69. Rajvir s/o Mr. Balbir Singh
70. Tara Chand s/o Mr. Gyani Ram
71. Manoj s/o Shri Om

72. Satvir s/o Mr. Roop Ram  
73. Surendra s/o Mr. Daya Nand  
74. Dharampal s/o Mr. Chetu Ram  
75. Shri Bhagwan s/o Mr. Sardara Singh  
76. Bijendra s/o Mr. Deewan Singh  
77. Dharam Singh s/o Mr. Jage Ram  
78. Ishwar Singh s/o Mr. Manohar Lal

All through the Director, National  
Bureau of Plant Genetic Resources,  
ICAR, Pusa, New Delhi - 110 012.

..Respondents

(By Advocates; Shri V.K.Rao & Sh.VSR Krishna)

O R D E R (ORAL)  
[Dr. Jose P. Verghese, Vice-Chairman (J)]

This petition has been filed on behalf of some casual labourers and is pending since the year 1995. Respondents have filed a seniority list of casual labourers who have been working for various periods in accordance with their seniority or number of years they have been in service as casual labourers and this list contains the name of 91 persons. Counsel for the petitioner has disputed the seniority position on various ground but on perusal of the said list we are satisfied that none of the contentions against the seniority list is tenable. We are also satisfied that this seniority list is in accordance with the previous orders of this court and the statement that appointment are to be made whenever vacancy arises, will have be made out of this seniority list only.

Learned counsel for the petitioner says that there are two candidates who belong to S.C. community out of the total 91 persons in the seniority list. His contention is that the order passed by this court to prepare the seniority list is also subject to the Constitutional mandate for giving representation to the members of the reserved communities. The counsel for the respondents, on the other hand, points out that they are


bound by the direction of this court to prepare the seniority list and they will not be able to give any preference to the reserved candidates since they are not making any regular appointment. We are unable to accept this contention for the reasons that concession that should be made available to the reserved candidates in accordance with the Constitutional mandate, is not to be confined to regular appointments only just for the reason that there is no rules so far framed for the purpose of giving reservation to the casual labourers while they are engaged against the available vacancies. The Constitutional mandate is clear that the concession by reservation is to be given to the reserved candidates whenever the respondents make appointments, whether it is temporary, regular or casual in nature. Art. 16(4) is reproduced herebelow.

"Nothing in this article shall prevent the State from making any provision for the reservation of appointments or posts in favour of any backward class of citizens which, in the opinion of the State, is not adequately represented in the services under the State."

In view of this, we are of the view that the seniority list prepared in accordance with our previous orders shall be subject to the constitutional mandate and the respondents are bound to implement the rules of reservation and give preference to the reserved candidates from amongst seniority list whenever they appoint any casual labourer as and when vacancy arises.

With these this OA is disposed of. There shall be no order as to costs.

  
(K. Muthukumar)  
Member (A)

  
(Dr. Jose P. Verghese)  
Vice-Chairman (J)

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