

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH,
NEW DELHI.

O.A. No. 770/96

New Delhi: May 27, 1996.

(9)

HON'BLE MR.S.R.ADIGE, MEMBER (A).

HON'BLE MRS. LAKSHMI SWAMINATHAN, MEMBER (J)

1. Lahari Singh,
S/o Sh. Piara Lal,
Hishnora,
PO Kheri Mansingh,
Silhindri,
Karnal.

2. Ajmer,
S/o Teluran,
Hishnora,
PO Kheri Man Singh,
Silhindri,
Karnal.

3. Jaimal,
S/o Dharam Singh,
R/o Village Samhora,
Kheri Man Singh,
Karnal,
Haryana.

4. Prem Chand,
S/o Mam Raj,
R/O PO Saga, Vill. Bir Majra,
Distt. & Tehsil Karnal,
Haryana.

5. Balkishan,
S/o Inder Singh
R/o Village Dholgarh
PO Uchana village
District and Tehsil Karnal
Haryana.

(BY Advocate Sh. Anis Suhrawardy)

....., Application

Versus

1. Union of India
through its Secretary
Ministry of Agriculture
Krishi Bhawan
New Delhi.

2. Indian Council of Agricultural Research
Krishi Bhawan
New Delhi.

A

3. Sugarcane Breeding Institute,
(Indian Council of Agricultural Research)
Karnal-132001.

4. Shri Arvind Mishra, Head,
Sugarcane Breeding Institute,
Regional Centre (Indian Council
of Agricultural Research),
Karnal- 132001.

5. Diwan Chand,
S/o Dharan Chand,
Sugarcane Breeding Institute,
(Indian Council of Agricultural Research)
Karnal-132001.Respondents.
(By Advocate: Shri A.K.Sikri)

JUDGMENT

BY HON'BLE MR.S.R.ADIGE MEMBER (A).

The applicants who are Casual Labourers working in the Indian Council of Agricultural Research (ICAR), had initially filed OA 1709/94 and OA 1215/95 against the dis-engagement. After hearing both parties with their consent both the OAs were disposed of by order dated 14.9.95 with a direction to the respondents that subject to the availability of work in the Sugarcane Breeding Institute, Regional Centre, ICAR, Karnal, the respondents will consider engaging the applicants as Casual Labourers in preference to outsiders and those persons with overall lesser length of service.

2. In the background of that order, these applicants were re-engaged for a specified period for seasonal/occasional agricultural work of un-skilled nature at

respondents' Farm. One such specimen re-engagement letter issued to Applicant No. 1 Shri Lahari Singh dated 28.2.96 engaging him for the period from 12.3.96 to 19.4.96 is at Annexure-1. Upon the period of re-engagement coming to an end owing to lack of continued work, these applicants have filed this OA now seeking regularisation of their engagement with retrospective effect.

3. We have heard Shri Anis Suhrawardy for the applicants and Shri A.K.Sikri for the respondents.

4. During hearing Shri Suhrawardy argued that while the applicants were being disengaged, certain persons junior to them were being retained in service by the respondents, including the employees initially appointed for security duties and later on shifted to field work. No names or particulars of any such person were, however, mentioned. In this connection, we note that Shri Suhrawardy had also appeared for the applicants in OAs 170/94 and 1215/95 which were disposed of by order dated 14.9.95 (Supra) but no such argument had been pressed by him at that time. Furthermore, Respondents' counsel Shri Sikri has countered this argument by stating that the persons referred to by Shri Suhrawardy were appointed many years before the present applicants and were thereafter regularised and deputed for security duties, but subsequently because the

security work was contracted out to private parties, these persons were rendered surplus and were called upon to discharge Farm duties. He has emphasised that the applicants being Casual Labourers cannot compare themselves with the regular employees.

5. In the absence of any materials produced by the applicants in support of their contention that they were appointed prior to those who were regularised and subsequently deputed for security duties, and in the light of the failure of the applicants to have pressed this particular argument at the time when OA 1709/94 and OA 1210/94 were heard, it is clear that this argument is an after-thought, and has no basis.

6. It requires no reiteration that regularisation can be made only against regular vacancies provided the persons claiming regularisation are fully eligible in accordance with rules. There is not even a whisper of averment in the applicants' pleadings that there are requisite number of vacancies in Sugarcane Breeding Institute and the applicants possess all the necessary qualifications for posting against those vacancies. No doubt, it is asserted that the respondents have opened a new Farm, known as Breeding Farm, but this contention has been denied by the respondents in their reply to which there is no rebuttal in the rejoinder.

7. The applicants have been unable to put out any case to establish that while they are being disengaged, the persons junior to them

(12)

are being continued to be retained, to invite the charge of discrimination. The impugned re-engagement letter clearly specified that the applicants were being re-engaged on purely seasonal/occasional agricultural work of unskilled nature. Sri Sikri has categorically stated before us that there is no work for which the applicants can continue to be retained, and in the absence of any work for them we cannot compel the respondents to retain the applicants on their rolls.

8. This OA therefore warrants no interference. It is dismissed. Interim orders are vacated forthwith. No costs.

Lakshmi Swaminathan
(LAKSHMI SWAMINATHAN)
MEMBER (J)

Adiga
(S.R. ADIGA)
MEMBER (A).

/ug/