

CENTRAL ADMINISTRATIVE TRIBUNAL : PRINCIPAL BENCH

OA No. 1538/94

New Delhi this the 14th Day of September, 1995. (6)

Hon'ble Sh. N.V. Krishnan, Acting Chairman  
Hon'ble Smt. Lakshmi Swaminathan, Member (J)

Mangal Singh, Khalasi  
(Workcharged),  
Council of Scientific & Industrial  
Research, Rafi Marg,  
New Delhi. ...Applicant

(By Advocate Sh. R.A. Vashista)

Versus

The Director General, Council of  
Scientific & Industrial Research,  
Rafi Marg, New Delhi. ...Respondent

(By Advocates Sh. A.K. Sikri with Sh. A.K. Rao)

ORDER (Oral)  
(Hon'ble Mr. N.V. Krishnan, Acting Chairman)

The applicant is a casual labourer khalasi under the respondent - the Director General, Council of Scientific and Industrial Research. He was engaged on 29.10.80. He is continuing as such since then. He has not been regularised.

2. On 2.11.93, the respondents considered for regularisation persons who had completed three years' of service. The applicant was ignored then.

3. On 2.12.93 again one more screening was done for regularisation. It appears from the pleadings that the applicant was not considered for regularisation because in terms of the recruitment rules he did not have the necessary educational qualification, which is 8th pass.

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The applicant has sought a direction for regularising him with effect from the date of his appointment, i.e., 29.10.80 and to restrain the respondents from terminating his services.

4. The respondents have filed a reply contesting these claims. It is claimed that not being eligible for regularisation, as the applicant lacks in basic qualification, this OA has no force.

5. However, it was brought to our notice that in a similar matter OA-1694/94 - Mohan Lal Vs. C.S.I.R. and two other cases an order was passed on 4.5.95 in similar circumstances, giving certain directions to the C.S.I.R.

6. We wanted to know whether this OA also should not be disposed of with similar directions. As this is not objected to, we are of the view that this OA should also be disposed of with similar directions. Accordingly, we dispose of this OA with a direction to the respondents to consider again the case of the applicant, in view of his long length of engagement and also the fact that He has passed the primary standard, whether this is not a fit case where the eligibility condition regarding educational qualification should not be relaxed by the governing body in his favour based on the above consideration as well as his performance in the organisation. We make it clear that in case the applicant is still aggrieved, it would open to him to seek appropriate remedy, including on the other grounds raised

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in the OA, which we have not considered on merits. In case the recruitment rules specify a trade test, we make it clear that the applicant should pass the trade test after such relaxation. We however, also make it clear that the applicant has no case, whatsoever, that he should be regularised from the date of his initial appointment viz. 29.10.83. The above order shall be implemented by the respondents within a period of two months from the date of receipt of this order.

7. The OA stands disposed of accordingly.  
No costs.

Lakshmi

(Smt. Lakshmi Swaminathan)  
Member(J)

N.V. Krishnan  
14.9.84

(N.V. Krishnan)  
Acting Chairman

'Sanju'