

**Central Administrative Tribunal
Principal Bench**

OA No .1386/2000

New Delhi, this the 19th day of August, 2010

**Hon'ble Dr. Ramesh Chandra Panda, Member (A)
Hon'ble Dr. Dharam Paul Sharma, Member (J)**

Shri Suresh Kumar,
S/o Shri Chandan Singh,
R/o House No.76, Pochanpur Road,
Palam Village, New Delhi,
Employed with Respondent as 'Typist'.

... Applicant

(By Advocate : None)

Versus

1. Union of India, through,
The Secretary to G/I,
India Council of Agricultural Research (DARE),
Krishi Bhavan,
New Delhi-110001.

2. Director General,
Indian Council of Agriculture Research,
Krishi Anusandhan Bhavan,
Pusa, New Delhi-110012.

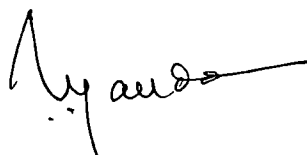
.... Respondents.

(By Advocate : None)

: O R D E R (ORAL) :

Dr. Ramesh Chandra Panda, Member (A)

This OA No.1386/2000 along with 3 other OAs namely OA No.2191/2000, OA No.2278/2000 and OA No.219/2000 were put in a *sine die* list in view of the fact that the Counsel for the Respondents



reported on 3.9.2001 that the similar matters are pending before the Hon'ble High Court of Delhi.

2. Subsequently, in case of the 3 OAs namely OA No.2191/2000, OA No.2278/2000 and OA No.219/2000 we took into account the case of regularization of casual labourers in ICAR as decided by Hon'ble High Court in WP(C) No.848/2003 and WP No.3389/2001. Hon'ble High Court decided the case with the following directions :-

"This writ petition seeks quashing of the order of the Central Administrative Tribunal, Principal Bench, New Delhi, dated 9th March, 2001.

The respondents were engaged as water boys. The service of respondent No.1, Kamal Singh was dispensed with sometime in the year 1992. Similarly, the respondent No.2 & 3 were discharged from service in the year 1996 and in the year 1998 respectively. The respondents being aggrieved by the aforesaid action of the appellant filed O.A., being O.A. No.1618/2000 before the Central Administrative Tribunal. The Central Administrative Tribunal passed the following directions in the O.A. on 9th March, 2001 :

- "i) The respondents shall consider the applicants in preference to the 17 freshers.
- ii) Respondents shall consider engagement of the applicants in accordance with the panel after including the name of applicant No.1. Such inclusion of the applicant No.1 in the panel must be completed within a period of one month from communication of this order.
- iii) No costs."

The appellants, dissatisfied with the aforesaid order of the Central Administrative Tribunal, has preferred the instant writ petition.

The basic contention of learned counsel for the petitioner is that the services of the respondent as water boys were no longer required as the seasonal work of filling the coolers during the summer months has been entrusted to a

My answer

contractor. On the other hand learned counsel for the respondents points out that after the services of the respondents were dispensed with the petitioner engaged 17 persons as peon messengers in the department. According to him since the respondents had earlier been working with the petitioner they ought to have been to be appointed as peon messengers in preference to the fresh appointees.

We have considered the submissions of learned counsel for the parties. It is not disputed that the minimum qualification for the post to which the aforesaid 17 persons have been appointed is 8th standard pass. Except Kamal Singh none of the respondents have the said qualification. The qualification of 8th standard was acquired by Kamal Singh subsequent to his disengagement from the service of the petitioner. It is stated by the learned counsel for the petitioner that in case any vacancy in the post of messenger arises, Kamal Singh shall be accommodated. In view of the fact that none of the respondents except Kamal Singh has the requisite qualification, we do not find their claim to be tenable and the Tribunal was not right in giving the aforesaid direction. In so far as Kamal Singh is concerned, it has been fairly stated that he will be adjusted as peon as and when a vacancy arises. In this view of the matter the writ petition succeeds and is allowed. The order of the Tribunal is set aside. It is made clear that as and when the vacancy in the post of peon arises, Kamal Singh shall be engaged by the petitioner since he has the requisite qualification.

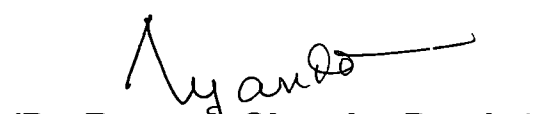
C.W.P. 3389/2001 is disposed of."

In terms of the said judgment those 3 OAs were disposed of.

3. The present OA being similar to the three OAs referred to herein, we dispose of the present OA in terms of the above directions of the Hon'ble High Court. The Respondents are directed to implement the orders of the Hon'ble High Court in case of the Applicants in the present OA.


(Dr. Dharam Paul Sharma)
Member (J)

/pj/


(Dr. Ramesh Chandra Panda)
Member (A)