

(20)

**Central Administrative Tribunal  
Principal Bench**

**OA No.2278/2000**

**OA No.2190/2000**

**OA No.2191/2000**

*Nyand*

**New Delhi, this the 26<sup>th</sup> day of July, 2010**

**Hon'ble Dr. Ramesh Chandra Panda, Member (A)**

**Hon'ble Dr. Dharam Paul Sharma, Member (J)**

**OA No.2278/2000**

Shri Mohit Sharma,  
S/o J.C. Sharma,  
R/o Qtr. No.387, Block-85,  
Sec.-I, D.I.Z. Area,  
Gole Market, New Delhi-01.

... Applicant

(By Advocate : Shri Dev Dutt)

**Versus**

Union of India, through,

The Secretary,  
Indian Council of Agricultural Research,  
Krishi Bhavan, New Delhi-01.

.... Respondent

(By Advocate : Ms. Mamta Chaudhary for Shri Praveen Swaroop)

**OA No.2190/2000**

Shri Ajay Singh,  
S/o Shri Vijay Singh,  
R/o 77/343, Gali No.1 B,  
Sheopur, Sagarpur West,  
New Delhi-46.

... Applicant

(By Advocate : Shri Dev Dutt)

*Nyand*

Versus

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Union of India, through,

The Secretary,  
Indian Council of Agricultural Research,  
Krishi Bhavan, New Delhi-01.

.... Respondent

(By Advocate : Ms. Mamta Chaudhary for Shri Praveen Swaroop)

**OA No.2191/2000**

Shri Rama Kant Shukla,  
S/o Daya Ram Shukla,  
R/o C-60, Krishi Vihar,  
New Delhi-48.

... Applicant

(By Advocate : Shri Dev Dutt I)

Versus

Union of India, through,

The Secretary,  
Indian Council of Agricultural Research,  
Krishi Bhavan, New Delhi-01.

.... Respondent

(By Advocate : Ms. Mamta Chaudhary for Shri Praveen Swaroop)

**: O R D E R (ORAL) :**

**Dr. Ramesh Chandra Panda, Member (A)**

Heard the counsel for the parties.

2. This is a case of regularisation of casual labourers in ICAR and four OAs being similar in nature were to be listed on *sine-die*, as the case was pending in the Hon'ble High Court in WPC No.848/2003.



The Hon'ble High Court of Delhi in its order dated 12.07.2004 and earlier in WPC No.3389/2001, in similar issues decided as follows :-

"This writ petition seeks quashing of the order of the Central Administrative Tribunal, Principal Bench, New Delhi, dated 9<sup>th</sup> 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 9<sup>th</sup> 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 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 8<sup>th</sup> standard pass. Except Kamal Singh none of the respondents have the said qualification. The qualification of 8<sup>th</sup> 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

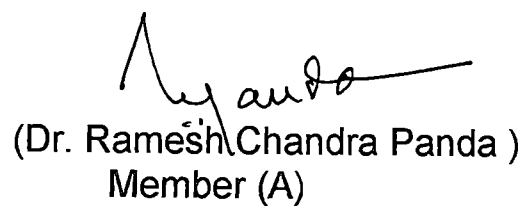
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vacancy in the post of peon arises, Kamal Singh shall be engaged by the petitioner since he has the requisite qualification.

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

3. These OAs are disposed of in terms of the above directions of the Hon'ble High Court and the respondents are directed to implement the orders of the Hon'ble High Court in the case of the applicants in these OAs. Let a copy of the order be placed in each of the OAs.

  
(Dr. Dharam Paul Sharma)  
Member (J)

  
(Dr. Ramesh Chandra Panda)  
Member (A)

/rk/

Resh. MA direct 10/7