

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

O.A.NO.409/2000

New Delhi, this the 18th day of December, 2000

Hon'ble Shri Justice Ashok Agarwal, Chairman  
Hon'ble Shri S.A.T. Rizvi, Member (A)

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1. Smt. Kamlesh Kapoor,  
W/O Late Sh. Milap Kapoor,  
R/O B-43, Nanak Pura,  
Moti Bagh, New Delhi-21.
2. Smt. Parveen Bhatia,  
W/O Sh. M.L.Bhatia,  
75-A, Street No.5, A Block,  
Jagat Puri, Krishna Nagar,  
Delhi-51.

Both working as LDCs,  
Central Road Research Institute,  
Delhi-Mathura Road, New Delhi-20.

..Applicants

(By Advocate: Sh. M.K.Gupta)

VERSUS

1. Council of Scientific & Industrial Research  
Through its Director General,  
Anusandhan Bhawan,  
Rafi Marg, New Delhi-1.
2. Central ~~Board~~<sup>ROAD</sup> Reserach Institute,  
Through its Director,  
PO: CRRI, Delhi-Mathura, Road,  
New Delhi-20.
3. Indian National Scientific Documentation  
Centre, 14, Satsang Vihar Marg,  
Special Institutional Area,  
New Delhi-67.

..Respondents.

(By Advocate: Sh. Praveen Swarup)

O R D E R (ORAL)

Hon'ble Shri Ashok Agarwal:-

Applicants<sup>1 & 2</sup> at the material time were working as  
LDC with respondent No.3 on casual basis since 1980 and  
1982 respectively. By the present OA, they seek to  
impugn the Office Memo. of 18/21.2.2000 at Annexure A-1/<sub>13</sub>  
and Office Memo of 18/21.2.2000 at Annexure A-1/ ~~(copy)~~<sup>13A</sup>  
whereby their appointments which were <sup>later</sup> made on regular  
basis have been sought to be cancelled. They further

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(2)

claim a declaration that they are entitled to be regularised in the post of LDC with the respondents.

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2. Short facts which have led to the filing of the petition are as under.

3. Pursuant to an order passed by the Supreme Court in Kamlesh Kapoor & Ors. Vs. Union of India & Ors. (WP(C)No.631/88) dated 5.12.88, the respondents framed a Scheme known as "Casual Workers Absorption Scheme, 1990". Material terms of the Scheme which are relevant for the decision of the present OA are as follows:-

"5. Terms & conditions of regularisation:

- e) Casual workers who do not appear in test and/or interview in spite of age relaxation or who are not successful in two chances in a period of six months, will be removed from casual engagement with one month's notice or payment in lieu thereof.
- (f) Absorption will be as per normal procedure of recruitment prescribed for the post including qualifying in the trade test, if any.

6. General Conditions:-

- (c) Casual workers on regularisation will have no right to make claim for appointment only in the same Lab./Instt. where they were engaged as casual workers. On their regular appointment, they will not be entitled to any benefit for the past period of casual service rendered by them as casual workers. Panels drawn by Lab/Instt. will be circulated to all the Labss/Instt. in order to explore the possibility of their appointment against the suitable vacancies available in their Labs/Instts."

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4. Aforesaid Scheme has been thereafter replaced by a later Scheme called "Casual Workers Absorption Scheme of CSIR 1995" which contained terms similar to the ones contained in the earlier Scheme of 1990.

5. Applicants in terms of the aforesaid Scheme have appeared and passed the written test as also the interview. Based on the same, applicants' ~~services~~ as LDC have been empanelled by an order passed by the respondent No.3 on 5.2.97 (Annexure A-4). The applicants were appointed on regular basis by an impugned Office Memo. issued by the respondent No.2 on 26.7.99 at Annexure A-2. By the impugned order later issued on 18/21.2.2000, aforesaid order of appointment has been sought to be withdrawn and services of the applicants are sought to be reverted to the temporary status casual workers. Aforesaid orders/OM at Annexure A-1 are impugned in the present OA.

6. We have heard the learned counsel appearing for the contending parties and we find that this a fit case where respondents should be directed to strictly comply with their Schemes which have been framed on 4.10.90 and 6.12.95 in terms of the order passed by the Supreme Court on 5.12.88. As far as the applicants are concerned, they had been duly empanelled after having successfully passed the written test as also the interview. Respondents in terms of the aforesaid Scheme are <sup>required</sup> ~~accordingly directed~~ to verify the vacancies <sup>arising</sup> ~~arising~~ in various Labs. being administered by them and assign the applicants as LDC on regular basis wherever vacancies arise. Since the



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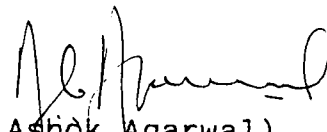
applicants have already successfully passed the written test as also the interview, they will not be liable to be subjected to a further test. They will be entitled to be considered for appointment on regular basis based on the tests which they have already successfully passed. Pending their regularisation, respondents are restrained from terminating their services.

7. Present OA is allowed in the aforestated terms.

No costs.



(S.A.T. Rizvi)  
Member (A)



(Ashok Agarwal)  
Chairman

/sunil/