(3)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH, NEW DELHI.

Regn.Nos. OA 1941/89, OA 1989/89 Date of decision: 22.11.1991. OA 1990/89, OA 1991/89 OA 1992/89 & OA 1993/89

(1) <u>OA 1941/89</u>

Shri Shiv Prakash Tyagi & Others .Applicants

Vs.

Central Building Research Institute (CBRI) & Council of Scientific & Industrial Research (CSIR)

..Respondents

2) OA 1989/89

Shri Ashwini Kumar Mishra & Others .Applicants

Vs.

C.B.R.I. & Another

Respondents

(3) <u>OA 1990/89</u>

Shri Om Prakash & Others

Applicants

Vs.

C.B.R.I. & Another

· Frespondents

(4) <u>OA 1991/89</u>

Shri Mam Chand Aggarwal

.Applicant

Vs.

C.B.R.I. & Another

.Respondents

(5) OA 1992/89

Shri Ramesh Chand

..Applicants

Vs.

C.B.R.I. & Another

• Respondents

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OA_1993/89

Shri Sanjay Kumar ... Applicant

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destricted the three equitions there is a coding the contract the

C.B.R.I. & Another

. Respondents

For the Applicants in (1) to Shri B.S. Charya, Counsel (6)

For the Respondents in (1) to Shri A.K. Sikri,

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THE HON BLE MR. P.K. KARTHA, VICE CHAIRMAN(J) THE HON BLE MS. USHA SAVARA, ADMINISTRATIVE MEMBER

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Whether Reporters of local papers may be allowed The tetrapes of the to see the judgment? 40

To be referred to the Reporters or not? rescribed LEO signal redu

JUDGMENT

(of the Bench delivered by Hon ble Mr. P.K. Kartha, Vice Chairman(J) Remerks

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CSIR which is a Society registered under the ar Giller Societies Registration Act has under its control more than 42 constituent units including the CERI located at Roorkee. The applicants in these applications have worked in the CBRI in various projects and in various capacities such as draftsmen, tracers, compounder, LDC, carpenter, helper or peons. They are claiming regularisation in their respective posts and regular pay scales. They have also called in question the practice of inviting quotations/tenders and appointing on contract basis those who quote the lowest ्रिक्री करे हें बहुत है है, देश राजर उद्देश करते हैं , सदा, रे से स्ट्रांस ह

rates. As common questions of fact and law are involved, it is proposed to dispose them of in a common judgment.



There are 17 applicants in OA 1941/89; 3 in 2. OA 1989/89; 5 in OA 1990/89; and 1 each in OA 1991, 1992 and 1993/1989. The applicants in OA 1941/89 belong to the above mentioned categories. The applicants in OA 1989/89 belong to the category of Junior Laboratory Assistant/Tracer. Applicants in OA 1990/89 belong to the category of helper/peon. Applicant in OA 1991/89 belongs to the category of carpenter. Applicant in OA 1992/89 belongs to the category of compounder. Applicant in CA 1993/89 belong to the category of LDC. The period of service rendered by them in the CBRI has been mentioned in these applications. Broadly speaking, the position is as follows:-

इतिहरू स्ट्रिस	MOA No.	Period	he he	marks
	1941/89	1980-1988	wit	h breaks
and a some	1989/89	1981-1984		-do-
		1983-1988		-do-
Gady sind 150	1991/89	1988	THE PERMIT	-do-
Car a Thursday and the		1981		-do -
	1993/89	1988		-do-•.
Contract of	gravi diverti die		A TORNER	

The case of the applicants is that CHAI 等级数点多的指导设备。1992年最 (respondent No.1) undertakes the development of packages ·其於其一位,是各种的學術的學術。 of technology for an integrated approach to improve Rural torigan dense har before his entre Housing and Environment. It also takes up Planning, Design color a red white the color to and Construction of Housing in Urban Areas for Improved and and alternative of the training to the contract of the co Transfer Control Environment and Economy apart from Space Planning, Machine, to proved committee that the constraint and stated to provide Foundation, Corrosion of Materials, Strengthening of Damaged Structures, Fire & Environmental consideration of or in the second of the second of the

stall odlice to ditury etiment to because in land, in the force name

Buildings with reference to Fertiliser Industries.

reactings of the filode excludes a Solitan stable of State (see Early a field of the second Respondent No.1 is also instrumental in setting up ได้สายๆ ซึ่งเครื่องก็เลืองก็เลืองได้ส भारताबीहरू । इंग्लिसी बीर्टिय होता है से स्वाहर होता Architecture and Physical Planning including Planning ard organical darknow diskutorish guidelines of Human Settlement in Relation to infrastructure facilities and the Energy Conservation. With regard to Building Materials, respondent No.1 undertakes development

of bricks and tiles from waste materials, development of a principina destruique contra (chi princi) (low temperature cements, development of Portable Paddle

Type Batch Concrete Mixer, development of Computer

Package for Structural Analysis, development of

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Instrumentation to study wave Propagation in Materials was sure land the first of the social algorithms was tell and other than Concrete, Performance Assessment of Materials,

Structures in Fire, Fire-fighting and Technical Aid to Lock: In accordance of the particular control of the Industries, Housing for Disaster affected areas. cas beitai et al alla dilla dilla di della d

Respondent No.1 also renders Overseas services. It undertakes 中,中国内中国、全国、中国的国际的主义的主义和国际的主义和国际的主义和国际的主义和国际的主义和国际的主义和国际的主义和国际的主义和国际的主义和国际的主义和国际的 different projects involving the aforesaid work and services.

in in the control of the principle of

Rates are quoted by respondent No.1 and upon acceptance of he 学业多的"公安"的第二次企业人 terms and conditions of the agreement including the rates, and light of the call always

> they proceed to take up the work at different stages. The rates quoted by respondent No.1 includes cost of

as filmselfags, dangerfebili as material, expenses on labour and other overhead expenses. s in Fig. 1, 17th of East of a

Respondent No.1 not only handles consultancy services through Stopped and the second of the contraction of the co

Research & Development Section but also undertakes sponsored e of utivers their poliscouplist was co projects for purposes of construction etc. In the year 1987 An deby about an get persent and the east for the control of the second place.

itself, the respondent No.1 had undertaken 40 consultancy and

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sponsored projects and it earned a profit of &s.150 lakhs. va ab care in the Commercial Period Care and Commercial Period Care and Car

In Bhutan, the construction technique evolved by respondent grangifikan di demokabatan rekerinya industriak te No.1, was successfully adopted through Royal Insurance Out to the same of the garan making dalah bermalah dari dalah Corporation, Bhutan. The construction work of large number of usia uanga pobel ng ngapaka banggaraka ing makangalok ilimakan no ngabit ngar buildings was undertaken and respondent No.1 made profits of and the specific for the control of the control of the section of the control of 15% of the total cost in that project.

The light high an incataer single and the

rangiistal 2015 Privil 2 The applicants have stated that the nature of to the second and the second of the second o work performed by the workers including the applicants has and be something a something of the figure of the something of the somethi been as employees/servants. To carry on its activities รดง การสุดแก้วางเริ่มได้เกิดของสุดที่สามารถ การ คุดครั้งสามารถสุดตรมที่ เสียวได้นั้น การสุดรู้สั่ respondent No.1 requires the services of employees as To recognize the second and the second and s ede i oktob tok o voite erroje ok av ar gorde et ut godise i ismuteted. Lab. Asstts., Technicians, Masons, Electricians, Machanics, orang between all the second contraction of the contraction of the month of the property of the contraction Drivers etc. because there is a regular building GO THE STREET OF THE STREET STREET construction activity undertaken by respondent No.1. property the custom are repetable politically leader to be a constant.

None of the applicants can be termed as

independent contractor as is evident from the nature of

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assolvans bas same dinkleret, ens janviolomi kini eleta insustitib service rendered by them and other attendant circumstances. to easy three hour field that it would be better as a section The applicants act under the direct control and supervision is the second and the second and the second of respondent No.1. They are bound to conform [all the Bedeve to restrict the reserver orders given to them from time to time in the course of their work. None of them is like an independent contractor who ិត និងគេ។ ១៩៦៤ ម៉ែងបាន 1、1956年12月1日,1957年11日,1958年11日,1958年11日,1958年11日,1958年11日,1958年11日,1958年11日,1958年11日,1958年11日,1958年11日,1958年1 may be entirely independent of any control or interference වන්දෙන අවතුර විදිවිතුවිර ව අතර අතර අතරවා වරුණා කරන රට රුණ වන්නෙන් අතල අතළ අ or who may merely undertake to produce a specified result energy received and controlled an energy and an energy of the property of the controlled and the controlled employing his own means to produce that result. To a operation of the contraction of Draftsman or tracer, the entire material is provided by respondent No.1. The applicants and other similarly employed persons are required to attend at the place of

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work of respondent No.1 at Roorkee regularly at the specified time or duty hours between 8.45 AM to 5.30PM The attendance record is with 45 minutes lunch break. maintained. In case any of the applicants or others require leave, they have to apply for leave and obtain sanction for that. The applicants have been working under the control of the officials of respondent No.1 not only with regard to the nature of work to be performed by each one of them but also as to the manner in which the concerned applicant The work of Tracer or a has to execute the work. Draftsman is to make out drawings on the specifications and quidelines given by the superior officials. The derks or had avereguired to undertake various types of clerical duties. The Helpers or Peons take up the normal work of despatch of Dak, distribution of dak, taking the files from one table to another and do all other type of work as is normally required to be done by Peon/Helper. His duties are of manual nature. The officials of respondent No.1 exercise the right of supervision and control over the work done by the applicants. The performance of work of the applicants is not restricted to any specified type even though this may be mentioned in the so-called work award document. They are required to do all such work as may be The managesigned from time to time.

According to the respondents, the applicants were engaged on contractual basis to do the specified job/work which had arisen due to the project(s) undertaken by the

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respondent No.1 which are not box part of regular functions of the respondent No.1, but are sponsored projects and funded by the outside agencies. The applicants are not the employees of the respondents. Rather, they are engaged on contract basis to do the specified work and are paid on the basis of amount of work done. For getting the said work done, the respondent No.1 invited the tenders. Most of the applicants submitted their tenders pursuant to the said NIT and on that basis, the applicants were awarded the work which had arisen from time to time. The particular amount of work in a particular duration is awarded to the applicants, who, after completing the work, submit their bills as contractor and are paid according to the said bills. The applicants are, thus, not employees of the respondents and, there is no relationship of employer and employee. They are merely contractors and the question of regularisation of their alleged services does not, therefore, arise.

The respondents have further stated that there is no relationship of master and servant between the parties.

CBAI recruits employees on regular basis against the sanctioned strength, depending on the requirement of the staff for such activities. Apart from these activities on

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regular basis, the CBRI also undertakes sponsored projects for doing research in specified fields as If and when respondent sponsored by the outside agencies. No.1 undertakes such projects, its cost is estimated and informed to sponsoring agency. The said project is to last only for the purpose and duration for which it is In estimating the cost of project for undertaken. intimating the same to the sponsoring agency, cost of labour to be engaged on contract only for the duration of the project is also taken into consideration. Accordingly, on the basis of these estimates, the sanction is given to carryout the work on contract as per the requirements of the project(s). If the work is given to a person on contract as in the instant case, it is only against that particular project and not against the Since the project is of regular R&D activity of CBRI. temporary/specified duration for which requirements are fixed/of temporary nature and the work is to be taken according to the said requirements, there is nothing wrong in awarding the work on contract. Keeping in view, this and Lentire work requirement, generally tenders are issued and on the basis of quotations received the work is awarded. Once the project comes to its end and/or requirement of work is accomplished by the contractor, the contract ceases to exist. As and when there is again rido d'Managi need of getting some specified work/job in that project and/or other project done, the work may be assigned to the during that with the particularly the lar-

same or other contractor, again which is to last for the

period of that contract. This is exactly the position of applicants who were given the work on contract against sponsored projects which is outside the main/regular activity of CBRI and not a part of main/regular R&D activities.

- On 29.9.1989, the Tribunal passed an interim order directing the respondents to maintain status quo as regards the continuance of the applicants in their respective posts. On 16.11.1989, after hearing both parties, the Tribunal modified the interim orders to the effect that the respondents shall consider appointing the applicants in any of the ongoing projects as a first preference to any other persons including their juniors. They were also restrained from retaining any juniors in any of the projects after the expiry of their period of 表现 "我们就是我们的现在分词 engagement. The learned counsel for the applicants had stated that in some cases, the applicants had been disengaged before the expiry of the period of contract and that the employees concerned would be entitled for payment upto the end of the contractual period. The Tribunal observed that this was a point which had to be considered along with the main application at the time of ran enamed the state of the final hearing.
 - 9. The applicants filed MP 2839/89 praying for appointment of a commission for the purpose of visiting Roorkee and examining the records of CBRI, recording the statements of the Director and other concerned

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officials of CBRI, to ascertain all the relevant facts and particulars, to submit a report to this Tribunal in respect of the projects pending with CBRI after 30.11.1989 and prepare a complete list of employees with reference to their initial date of engagement/ appointment. By order dated 12.10.1990, the Tribunal expressed the opinion that this was not a fit case in Cranwis e meet which the Tribunal should issue a Commission, as the issues raised in the main application could be disposed of on the basis of the pleadings of both the parties.

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It was also observed that the appointment of such a PTANGET AND T That we saw Commission would not serve the purpose of expeditious antelle Gentle which the disposal of the main application. THE PERSON SHOULD

of the area field about the a and the records of the case the tribe and claim the paper legs carefully and have considered the rival contentions. medical for the manufaction

We have also duly considered the case law cited on behalf of both parties.* The learned counsel for the

Decisions relied upon by the applicants:

Order dated 5.12.1988 in Writ Petition (Civil)
No.631/88 in Kamlesh Kapoor and Others Vs.
Union of India: 1990 (12) ATC 757; 1990(13) rale segmo e al espolor ATC 478.

The Associated and the second of the respondents:

1988(3) SLJ 175; JT 1991(3) 525; 1989(2)SLJ 658(CAT); 1990(12) ATC 625; 1990(13) ATC 142; JT 1990(3) SC 374; 1986(4) SLJ 917(CAT);

respondents stated such of those applicants who could be retained for work in connection with the ongoing projects have been retained by CBRI and that the applicants who have not been retained will be given employment depending on the availability of work. The learned counsel for the applicants submitted that the work is of a perennial nature and with the completion of some prejects other projects are taken on hand by CBRI.

Il. The learned counsel of the applicants heavily relied upon the following order passed by the Supreme Court on 5.12.1988 in Kamlesh Kapoor and Others Vs.
Union of India & Others:-

"We have heard the petition. The petitioners are working as casual workers in National Scientific Documentation Centre which is a unit of CSIR for a number of years. complaint is that their services have not been regularised even though they have put in sufficiently long number of years of service. Having regard to the facts and circumstances of this case we issue a direction to Indian National Scientific Documentation Centre and CSIR to prepare a scheme for the absorption of all persons who are working on casual basis for more than one year in NSDC and to absorb such of those persons who satisfy the scheme as regular employees in the respective posts held by them. The scheme shall be prepared within one year. Until the scheme is prepared and the question of absorption is settled, the services of the casual workers shall not be terminated and they shall be paid with effect from 1.12.1988 the minimum salary payable to a regular employee in a comparable post on monthly basis subject to the condition that the petitioners work for the same number of days as regular employees. The question whether a writ can be issued to CSIR is however left open. The petition is disposed of accordingly"

12. As against the above, the learned counsel for

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tary strip in at a subjective to the particular The respondents relied upon the following order passed

s to be supreme Court in Dr. V.P. Chaturyedi and Others

vs. Union Of India and Others, 1991(2) SCALE 325:-

Manuscon add to bud Tab The common aspects in all the three proceedings are that the petitioners before the Court are Research Scholars connected with Projects entrusted to different Institutions. They are before the Court for security of employment and improvement of conditions of service.

In Writ Petition 999 of 1988, along with writ Petition No.1043 of 1989 we gave our judgment on March 22, 1990. We then indicated:

The Institute set up by Statute is intended to carry on research in a continuous way to improve the level of medical knowledge. Until the Act the Institute is an autonomous body though the Ghairman thereof is no other than the Union Minister of Health. It is true that were as as as as as sthe Institute is entrusted from time to time with research projects by the World Health the sent sent sent and the Research and other government semi-government The series and of angle abodies. Items appropriate that the Scheme part hadelidesee do sewith the Health Ministry and the Indian Council of Medical Research so that a team of researchers stostore dore meet to be its built up to meet the general requirements of onconstrol stolly bresearch. Ttas quite possible that certain owing the large projects would require specialised hands and on different institutions for a period but to keep up the tempo of research if a team of - researchers is built up, it would be convenient mind a second a surfer the Institute for purposes of discipline and control as also for efficiency. The Health as also for efficiency. The Health and the field of medicine and health and for such purpose several projects should be listed out from time to time and entrusted to the respondent-Institute ascalso a similar and to institutes as and to various and below when set up elsewhere. This would assist in man for north modes and gent to updating relevant medical vinformation and estate sess stages for a lower knowledge, apart from building up a scientific grow bir bds drow domesses tone and temper foregeneral circulation. We the state initiates serious whereing one is our day action in this regard without delay and we suggest that the Ministry of Health and the Indian Council 取りまずしった。graing wather acces 身変 groff Medical Research colleborate with the single brack asia waiv and to Institute to work out the same".

tions wis on the last stables inso the confidence some some size of the collection of the mark partition a mark of incidence prices ent with inquered and Chara straining both and come ence er tre (isrt instant an detais mensi. The Compilities attor til til ett og egene grån bås viltegotruts til en bas til til ten store ett bette store ett bas som ett s

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Fursuant to our observations the Ministry of Health appears to have taken some action and particulars relating thereto have been placed before us. On that occasion we indicated that those who have put in 15 years of research work should immediately be regularised and a core cadre could be built up. The Health Ministry has no objection to a core cadre of researchers being created. The Indian Council of Medical Research ('ICMR' for short) is actually the organisation set up for the research purposes and as we gather the Union of India in the relevant Ministry meets it expenditure on research by funding. The Court does not have the adequate technical knowhow but we are of the view that if appropriate coordination is made and the Health Ministry, ICMR and the Institutes where research is carried on tie up their operations more useful work can be done and simultaneously the researchers would have better terms of employment. All the Institutes where research is carried on may not be at the national capital. What is necessary is the emergence of a small monitoring unit which would finalise the various research projects well in advance and receive offers of projects from organisations like World Health Organisation or other bodies Health Organisation or other bodies.

20 9222 754. No consideration has been given as to why the drug manufacturers in India who have engaged themselves in a very lucrative trade should also participate in research programmes. Quality of work in research institutes specialised in their fields is bound to be better than research carried on by the manufacturers themselves.

A scheme could be evolved by which established drug manufacturers could be required to participate in such programmes by supporting particular research projects which the monitoring body could allot. Continuing research not only keeps up the level of knowledge but also helps the enhancement of efficiency of treatment of mont street to the matter of proving relief to the quality and real spatients.

Mr. Venkataramani seriously presses before us meinovapa lat al 25. 30 that the researchers should have some scheme where within two or three years they could - as in other Government service - be made permanent and given guarantees of service. When we gave our final decision in Writ Petition No. 999/1988 we had no intention of creating a permanent cadre of the type Mr. Venkataramani argues about. In fact project-wise research helps to generate better efficiency than caderised research organisation. Once service guarantees are provided and security of service is available, the flow of inspiration from within perhaps slows down. We had, therefore, thought that those who had put in long period of research work should only be provided security so that in the later part of their service life; they may not be put to inconvenience.

> We have no objection to core cadre being built up and if the Health Ministry is of the view that there should be a core cadre, perhaps, it can quickly be set up and such of the researchers who have put in a more or less continued period of work could be brought into the cadre at the first instance on regular basis. The Committee which the Union of India has perhaps to set up may look into this matter thoroughly and give shape to the idea we have conveyed by our judgment.

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7. The Patel Chest Institute seems to be more or less a permanent feature and researchers therein may be continued against the programmes available. The funding of course has to be ultimately done by the Health Ministry and the manner of funding may be determined by it. The researchers who have worked in the All India Institute of Medical Sciences should be continued upon availability of its programmes but those who have put in longer periods may be absorbed in available vacancies. We are aware of the stand taken by Committee that researchers may be treated as in service candidates when regular vacancies occur for absorption. This has our approval.

we adjourn these matters by two months to receive a comprehensive response from the Union Government in the Health Ministry so that we would have the opportunity of examining the comprehensive scheme and then make a final order.

Call on 4.10.1991.

13. It is worth observing that there is no

allegation by the respondents that the conduct and

performance of the applicants in their respective posts

was not upto the mark. They have worked in the various

projects of CBRI which has mutiferious activity.

The project work of C.B.R.I. is almost continuous.

A Full Bench of this Tribunal has held in Padma

Ravinder Nath & Others Vs. C.S.I.R(Vide judgment dated

25.10.1990 in OA Nos. 1386, 1600, 1602, 1626, 1795

and 2337 of 1988) that the CSIR is an industry within

the meaning of Section 2(J) of the Industrial Disputes

Act. 1947. So far as the constituent units of CSIR are

concerned, the Full Bench has observed that the

determination of the question as to whether or not

a particular unit is an industry shall have to be

determined in the light of the tests laid down by the

Supreme Court in Bangalore Water Supply Sewerage Vs.

A. Rajappa, 1978(2) SCC 213. Since there are different

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categories and classes of employees in the CSIR as also as as a properties in a constituent unit, it was further observed that the J. 12 32 31 question as to whether a particular employee wascovered by the definition of 'workman' given in S_ction 2(s) of the Industrial Disputes Act, 1947, should appropriately be decided by the Bench concerned on the basis of the relevant material and date.

> The reliefs sought by the applicants are for 14. regularisation of their services on completion of 240 days the same speaking such a point experience of service, for granting them pay scales on par with vier idilars bet to esperimetary regular employees and for restraining the respondents i patrou aris artgo dina kar from terminating their services. Though they have referred to the protection under the Industrial ila ka Marasi atgasiT Disputes Act, 1947, in the grounds set out in the A FILL Bernerus turing A applications, no relief has been sought in terms of the Resided & River admires & said enactment. They have also alleged violation of Articles 14 and 16 of the Constitution. opinion, for the purpose of disposing of the present applications, it is not necessary to consider the question whether or not the C.B.R.I. is an 'industry' ieš 1165 ruja "ķedīķeopoci, and the applicants are 'workmen' within the meaning determination and the continuation of of the Industrial Disputes Act, 1947. We are ន្ទាស់ Lorum (សហ ស) ប្រើស្រែ (សម**ៅ**រស់នៃទី១៤) និ principally concerned with the constitutional mandate deceration do the libraries

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enshrined in Articles 14 and 16 of the Constitution and its alleged infrection by the respondents in the instant case.

tenders and awarding contracts to employees on the basis
of competitive rates is a retrograde step, having regard
to the fact that the nature of the activity of the

CBRI and the nature of the work done by the applicants and and which have all the trappings of master/servant relationship.

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The existing practice cannot be said to be fair and just.

There is an element of discrimination in the matter of remuneration for the work done and other conditions of the service between the applicants and regular employees and this has been / for some years by now. We cannot also ignore the human element involved.

Algebra and Land art, artificial including the Despite on the USE Court (in The applicants belong to comparatively lower and the Armonia Fill Charles and the Secretary and the continue of the continu strata of Society. In our opinion, the observations arolicitiides made by the Supreme Court in its order dated 14.8.1991 respondent to the state of the time seed of the in Dr. V. P. Chaturvedi's case, relied upon by the serial content best first and seem of the serial content of learned counsel for the respondents, may not be quite is quidosmets outs ((sibudity), ede potent) (appropriate to the factual situation before us. The i I.A. and stilled the dead liquides also his leader to researchers of the ICMR with which that case dealt रक राज्यभी बहु वक्ष्ये हैं। वह से से हैं है कि अपने कि तो है है है की हुआ है। उन्हों अपने with cannot be treated on par with the low paid employees, a formal least to provide the provide a figuration of the provide for the formal and the figure of the figure of

such as those before us. The applicants are comparable

to the category of supporting staff in a research

establishment dealing with ongoing projects. They have

to not teal monary To be the second to Consider when the live

by now gained adequate experience in the tasks assigned mile allocate and against and by going to the bonds this to them. As a model employer, the CBRI is bound to make कार्यक एक स्वयं कार्य कार्य कार्य कार्य कार्य है। यह स्वयं कार्य कार्य कार्य कार्य कार्य कार्य कार्य कार्य कार्य a realistic appraisal of their requirements of such · St. No. Str. Black supporting staff to assist in the conduct of their various projects and provide security of tenure and other A 到180 200 \$60.00 conditions of service to the applicants and those similarly POST TO THE TOTAL PROPERTY OF THE situated who have worked with them for some years on William & Mariner Land contract basis.

- 17. In the light of the foregoing discussion, the The late of the same of the sa \$ 1.5 applications are disposed of with the following orders and The state of the s directions:-
- We hold that the practice of inviting quotations/ Rejenský žirces gadju The first water with the light decidences tenders from eligible persons and appointing those who quote Care के इतिहास के कारण कर के लेकिन हैं। हिंदी है कि है कि का कि के के कि के कि के कि के कि के कि कि कि कि कि क lower rates as the supporting staff of various categories para control and the first series because and particles and and for assisting in the execution of various projects undertaken positive i date the section that secure by the CBRI on an almost continuous basis is neither fair a despite the secretary and the latest and the late nor just and is violative of Articles 14 and 16 of the Constitution: Pale A Letter Langue Batte

The respondents are directed to prepare a (ii) the state of the s scheme on rational basis for the absorption of all persons the first the country of the control (including the applicants), who are working or have worked ្នាក់ ខ្លួនការស្ថិតកាម ប្រើស្រើកិច្ចស្ថិតស្ថិតស្ថិត និងសេក្សិត ខេត្ត ស្រាក្សិតស៊ិតផ្នូន ស្បុងគ on casual or contractual basis with the CERI for more than and the series are a simple for the first and the second sections of 240 days in a year with a view to their absorption as esegue pre processo establista de la constanta regular employees in the respective posts held by them. For aktioner, nach inger Dieselflisse gift i Gan Fastere gebricht einfahre reckoning the period of 240 days, the breaks in between, enotablement in the transfer confer appear to be opened to be set at a c should be ignored. The scheme shall be prepared within a serasi (resi e la ella esparti prima de prima de libra de la lacada (decada) de la decada de la compansión d period of six months from the date of communication of this

order.

- shall duly take into account the qualifications and experience of the applicants and those similarly situated. The respondents should give them relaxation in age to the extent of the period of service already put in by them in casual or contractual basis. They should also relax the qualifications / experience, if necessary, treating them as forming a separate block for the purpos of regularisation.
- (iv) Until the scheme is so prepared and the question of absorption is settled, the applicants should be accommodated/adjusted in any of the ongoing projects also undertaken by the respondents. They shall/be paid with immediate effect the minimum salary payable to a regular employee in a comparable post on monthly basis.
- (v) The respondents are restrained from engaging persons with lesser length of service or fresh recruits overlooking the preferential claims of the applicants and those similarly situated, for doing similar type of work, till they are regularised in accordance with the scheme. The interim orders already passed are accordingly made absolute.

(41)

Let a copy of this order be placed in all the six case files.

There will be no order as to costs.

(USHA SAVARA) RR-11, 91 MEMBER (A)

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(P.K. KAETHA) VICE CHAIRMAN(J)