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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

Regn.No. OA-1312/88

Date of decision: 4.3.1992.

Shri Rohtas & Others Applicants

Versus

Director General,
Indian Agriculture Research Institute
& Another Respondents

For the Applicants None

For the Respondents Shri A.K. Sikri, Advocate

CORAM:

The Hon'ble Mr. P.K. Kartha, Vice Chairman(J)

The Hon'ble Mr. B.N. Dhoundiyal, Administrative Member

1. Whether Reporters of local papers may be allowed to see the Judgment? *Yes*
2. To be referred to the Reporters or not? *No*

JUDGMENT

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

The applicants, who have worked as daily-paid labourers in the office of Indian Agriculture Research Institute (I.A.R.I.), have prayed for payment of wages to them at the rate of Rs.30/- per day from the respective dates of their appointment and for their regularisation in regular posts. *an*

2. On 22.7.1988, the application was admitted, when an interim order was passed directing the respondents not to terminate the services of the applicants. The interim order has thereafter been continued, pending further orders on the application.

3. The applicants filed MP-2398/89 for early hearing of the main application. Hon'ble Chairman passed an order on 10.7.1990 directing that the case may be heard expeditiously. The case had appeared on Board for final hearing since 6.6.91. When the case was taken up for hearing on 14.1.1992, 15.1.92, and 24.1.1992, none appeared on behalf of the applicants.

4. We have gone through the records of the case and have heard the learned counsel for the respondents. The applicants claim that they have worked for more than 240 days and that they are entitled to regularisation. The respondents have denied this in their counter-affidavit. According to the respondents, only one applicant was appointed in December, 1984 and the others were appointed in January/February, 1985.

5. The case of the applicants in short is that though regular vacancies exist for their permanent absorption, the respondents are not regularising them with mala fide motive. The mala fides, however, has not been substantiated by them. They have stated that they are being paid Rs. 20/- per day, whereas casual labourers/mazdoors in the C.P.W.D.

are getting more than Rs.30/- per day. The respondents have, however, stated that there are no regular vacancies in which the applicants could be regularised. Apart from this, regularisation is in accordance with the relevant recruitment rules which prescribes the minimum educational qualifications and sponsorship by the Employment Exchange. In case the applicants fulfil the educational and other qualifications, they have, at the most, the right to be considered against regular vacancies as and when the same arise and/or are filled in accordance with the recruitment rules. They have also stated that the applicants are being paid the wages approved by the State Government authorities.

6. We have carefully gone through the records of the case and have considered the rival contentions. In our opinion, the applicants have only the right to be considered for regularisation in case vacancies exist and in accordance with the relevant recruitment rules. They will have preference over outsiders as they have gained experience of having worked in the office of the respondents. In our view, sponsorship by Employment Exchange should not be insisted upon in the case of the applicants, who have worked in the office of the respondents for over a period of 5-6 years. The requirement in this regard in the

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recruitment rules or instructions issued by the respondents, should be waived by them.

7. In the light of the foregoing discussion, the application is disposed of with the following orders and directions:-

- (i) The respondents are directed to continue the applicants as casual labourers in their office so long as they need the services of casual labourers. They should be continued in preference to persons with lesser length of service and outsiders.
- (ii) The respondents shall consider the case of the applicants for regularisation in regular posts, if vacancies exist and in accordance with the relevant recruitment rules. For the purpose of regularisation, the applicants will have preference over outsiders. The respondents shall waive the requirement of sponsorship by the Employment Exchange in the case of the applicants. The age-limit should also be relaxed in their case to the extent of the service rendered by them as casual labourers.

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(iii) The interim order passed on 22.7.1988
and continued thereafter, is modified
accordingly.

There will be no order as to costs.

B. N. Dhundiyal
(B. N. Dhundiyal)
Administrative Member

Agreed
4/3/92
(P. K. Kartha)
Vice-Chairman (Judl.)