

**CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH**

Original Application No. 043/00059/2020

Date of Order: This, the 2<sup>nd</sup> Day of February, 2021

**THE HON'BLE SMT. MANJULA DAS, MEMBER (J)**

**THE HON'BLE MR. NEKKHOMANG NEIHSIAL, MEMBER (A)**



Shri Manmohan Thakur  
Son of Late Vishwa Thakur  
Retd. Temporary Mazdoor  
Indian Council of Agricultural Research (ICAR)  
Residence: Research Complex for NER Region  
Umroi Road, Umiam, Ri-Bhoi  
Pin – 793103, Meghalaya.

**... Applicant**

- Versus -

1. The Union of India  
Represented by the Secretary  
To the Government of India  
Indian Council of Agricultural Research  
Krishi Bhavan, New Delhi, Pin – 110001.
2. The Administrative Officer  
Indian Council of Agricultural Research (ICAR)  
ICAR Research Complex, NER Region  
Umroi Road, Umiam, Meghalaya – 793103.
3. The Finance & Accounts Officer  
Indian Council of Agricultural Research (ICAR)  
ICAR Research Complex, NER Region  
Umroi Road, Umiam, Meghalaya – 793103.

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4. The Sr. Farm Manager  
Indian Council of Agricultural Research (ICAR)  
ICAR Research Complex, NER Region  
Umroi Road, Umiam, Meghalaya – 793103.

**...Respondents.**

For the Applicant : Ms. D. Hazarika.

For the Respondents : Smt. Jupitara Das, ICAR SC

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**O R D E R (O R A L)**

**MANJULA DAS, MEMBER (J):-**

This O.A. has been preferred by the applicant under Section 19 of the Administrative Tribunals Act, 1985 with the following reliefs:-

“8.1 To direct the official Respondents to reconsider the claim of the applicant on the basis of seniority and grant of Temporary Status w.e.f. 01.09.93 and on the basis of the circulars and thereafter to give the status of Skilled Supporting Staff (Grade-I) as given to his juniors;

8.2 To direct the Official Respondents to give pensionary benefit to the applicant on the basis of the circulars and rules and as laid down by the Courts.

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8.3 To pass any other appropriate order (s) as it may deem fit and proper in the facts and circumstances of the case;

8.4 Cost of the application.

8.5 Any other relief (s) that the Applicant may be entitled to."

3. Ms. D. Hazarika, learned counsel appeared for the applicant. None appeared on behalf of the respondents though written statement to the O.A. was filed on 08.01.2020 by the standing counsel for the ICAR.



4. The basic grievance raised by the applicant orally before the Court are:-

- (i) That despite the applicant got conferment of temporary status, however, permanent absorption has not been made;
- (ii) That the juniors to the applicant have been absorbed on permanent basis and got the benefit by depriving the applicant;
- (iii) That if the applicant gets the benefit of this permanent absorption, he would be benefited for pensionary benefits but due to non-consideration of the respondent authorities, the applicant was denied from all the benefits.

5. For proper adjudication, we have perused the written statement filed by the respondent authorities where in para 12, the respondent authorities reiterates

Annexure 'A' to the O.A. which says that - *sufficient opportunities were given to the applicant. The cause of non-selection of the applicant is also mentioned in the said Annexure 'A'.*

6. Then we come to the Annexure-A, page 20 to the O.A. i.e. Reply to CPGRAM complaint made by Shri Manmohan Thakur (applicant) vide Regd. No. PMOPG/E/2019/0150490 and PMOPG/E/2019/0673464 and the same is being reproduced below:-



1. In the year 2006 based on the approval of vacancy of 3 S.S. Gr. I by the Council and standing instruction of the Council, DPC cum Selection Committee was formed wherein they have selected 3 out of 5 eligible TSM at that time.
2. The next interview was called vide RC (R) 18/2005 dated 23.04.2010 for 6 vacant post. In total, 21 candidates were called for an interview based on Council's letter No. 21-30/2006-CDN dated 18.10.2006. Shri Manmohan Thakur was also invited by the duly constituted Selection Committee. And based on performance/merit, the Selection Committee offered appointment to 5 suitable TSM out of 20 applicants appeared.
3. Again, the circular calling for applications from all eligible TSM was circulated vide No. RC(R) 18/2005 dated 27.09.2011. Vide Director's order a Screening cum Selection Committee was constituted on 29.11.2011. The Committee which sat on 10.01.2012 received 17 applications. Out of 17 applicants, 9 have requisite qualification and top 7 were given regularization based on

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notional seniority given as per the available vacant post.

4. In the year 2014 again the Selection Committee sat for regularization of TSM but by that time Shri Manmohan Thakur had already been retired as TSM i.e. on 30<sup>th</sup> September, 2012.

Under the above circumstances, it appears that no injustice has been done to Shri Manmohan Thakur, Ex-TSM of this Institute."

7. In the present O.A., it is also noted that the applicant is praying to reconsider his claim on the basis of seniority and grant of Temporary Status w.e.f. 01.09.1993. Thus, it is candid clear that the applicant was confirmed Temporary Status vide order No. RC(G)25/95 dated 09.01.2002, Annexure-A/5, page 29 to the O.A. which is being reproduced below:-



"The Director, ICAR Research Complex for NEH Region, Umiam is pleased to grant Temporary Status to Shri. Man Mohan Thakur, Casual Labour effect from 1.9.1993.

He is entitled for all the benefits contained in the Appendix of OM No. 51016/2/90-Estt(G) dated 10.9.1993 of Department of Personnel & Training as admissible as per Rules.

Shri. Man Mohan Thakur will be under the administrative control of Senior Farm Manager."

8. Thus from the above facts and circumstances and by taking into account all the relevant points, we

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do not find any injustice done by the respondent authorities towards the applicant. Whatever benefits entitled by the applicant has already been granted to him vide order dated 09.01.2002, as discussed above. Moreover, if there was any further grievance, the applicant ought to have knock and approached before this Tribunal at that relevant time. But after 21 years as well as after retirement of 8 years, the applicant filed the instant O.A. where the grievance of the applicant by way of complaint was also redressed by the respondent authorities.



9. Hence the O.A. is devoid of merit and accordingly, same is hereby dismissed.

10. No order as to costs.

**(NEKKHOMANG NEIHSIAL)**  
**MEMBER (A)**

**(MANJULA DAS)**  
**MEMBER (J)**

**PB**

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