

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA 3016 of 2004
MA 2534 of 2004

This the 15th day of December, 2005

HON'BLE MR. MUKESH KUMAR GUPTA, MEMEBR (J)

1. Jainand, S/o Sh. Harcharan,
R/o Vill- Palhera, PO-Modipuram,
Meerut.
2. Vijay S/o Sh. Kalwa,
R/o Pabarsa, P.O. Daurala,
Meerut.
3. Jai Prakash, S/o Sh. Tika Ram,
R/o -Ekta Nagar, Roorkee Road,
Dorli Meerut.
4. Rajender Singh, S/o Sh. Gandhile Singh,
R/o Vill - Pabarsa, P.O. Daurala,
Meerut.
5. Chaman, S/o Sh. Gandhile Singh
R/o Vill - Pabarsa, P.O. Daurala,
Meerut.
6. Kishori Lal, S/o Sh. Harchand,
R/o Vill - Sivaya, Modipuram,
Meerut.
7. Sonbir, S/o Sh. Raghbir,
R/o Vill - Dedwa, P.O. Lavand,
Meerut.
8. Suresh Pal, S/o Sh. Sheesh Ram,
R/o Vill - Pabarsa, P.O. Daurala,
Meerut.
9. Rajender, S/o Sh. Harish Chand,
R/o Vill - Meetha Pur, P.O. Lavand,
Meerut.
10. Mukesh, S/o Sh. Mam Chand,
R/o Dulhera, P.O. Modipuram,
Meerut.
11. Mange Ram S/o Sh. Brahm Dutt Sharma,
R/o Vill-Dedwa, P.O. Lavand,
Meerut.

(All the applicants have been serving with the respondents No.3
as Casual Labourers)

(By Advocate: Shri U. Srivastava)

(2)

Versus

1. Union of India through
The Secretary,
Ministry of Agriculture,
Krishi Bhawan, New Delhi.
2. The Indian Council for Agricultural Research, through
Its Director, Krishi Anusandhan Bhawan II,
Pusa, New Delhi-12.
3. The Director,
Central Potato Research Institute,
Shimla, (Himachal Pradesh).
4. The Joint Director,
Scientist Incharge,
Central Potato Research Institute Centre,
Modipuram, Meerut.

Respondents.

(By Advocate: Shri B.S.Mor)

ORDER(ORAL)

MA 2534/2004

1. MA 2534/04 filed under rule 4(5) of C.A.T. Procedure Rule 1985 is allowed, as the cause of action and the nature of relief as prayed for by the applicants is identical.

OA 3016/2004

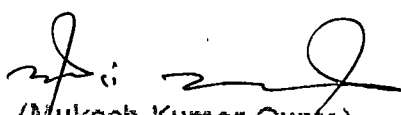
2. By the present OA, applicants seek a declaration that the respondents' action in adopting the practice of engaging them on casual basis through contractor is illegal, unjust, arbitrary and discriminatory. They also seek to quash the order dated 30.1.2004 vide which respondent No. 2 issued orders restraining the respondents No.3 to engage the casual labourer on muster roll. Applicants further seek regularisation of their services in terms of judgement rendered by the Allahabad Bench in OA 589/2002 with consequential benefits.

3. Respondents No. 2- 4 contested the applicants claim stating that the applicants did not fulfill the conditions as laid down in DOP&T OM dated

10.9.1993 on this subject of granting temporary status and regularisation. Since the work is not of perennial nature, the policy decision of the respondents to get the seasonal work of experimentation help and farm management through contractor is legal and justified.

4. I have heard the learned counsel appearing for the parties and perused the pleadings. During the course of hearing, learned counsel for the applicants stated that the applicants would be satisfied if a direction is issued to respondents to engage them by offering any work/job of any nature either directly or through the contractor. This suggestion has been fairly accepted by Shri B.S.Mor, learned counsel appearing for the respondents. Shri U.Srivastava learned counsel for applicants stated that the aforesaid direction is being sought as in an identical case, being OA no. 2269/04, this Tribunal had issued such a direction.

5. On perusal of order dated 29.10.2005 passed in OA 2269/2004, I find that directions were issued therein keeping in view the facts of the said case. Since the respondents have no objection to engage the applicants through contractor, I deem it fit and just to dispose of the present OA with a direction to engage them either directly or through the contractor for any causal or other job, which is being presently carried out or is likely to be available in future, giving preference to rank outsider and those with overall lesser length of service. If the applicants make themselves available or make representation, respondents may take immediate steps to engage them, if otherwise required for such work to be carried out. This exercise shall be completed at the earliest and in any case within a period of one month. Accordingly, OA is disposed of. No costs.


(Mukesh Kumar Gupta)
Member (J)

/kdr/