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CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

OA 3017/ 2004  
MA 2540/2004  
MA 880/2005

This the 15<sup>th</sup> day of December, 2005

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

1. Anusuya Prasad, S/o Sh. Shyam Lal,  
R/o P-329, Pallavpuram, Phase-II,  
P.O. Modipuram, U.P.
2. Omi, S/o Sh. Kalua,  
R/o -Vill Pabarsha, P.O. Daurala,  
Meerut, U.P.
3. Shree Om Sharma, S/o Sh.Ramesh Chandra,  
R/o -LB-59,Pallavpuram, Phase-II,  
P.O. Modipuram, U.P.  
(All the applicants have been working with the respondents as Casual  
Labourers).  
(By Advocate: Shri U.Srivastava)

Versus

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

(By Advocate: Shri B.S.Mor)

ORDER(ORAL)

MA 2540/2004

1. MA 2540/04 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 3017/2004

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 ICAR declined to allow the Central Potato Research Institute to engage casual labourer on muster roll, which orders endorsed by the aforesaid Institute to the Joint Director, CPIRC, Modipuram on 11.2.2004. Further challenge has been made to order dated 18.9.2004 whereby the Principal Scientists/ Incharge CPIRC, Modipuram informed the applicants that entire work has been given on contract and they can be in touch with the said contractor for such engagement. 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

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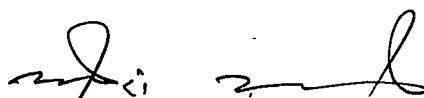
(3)

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.

MA 880/2005

By this MA applicants had sought certain interim relief, which was not granted. Since main OA itself is being disposed of, as noticed hereinabove no further order is required on this MA.

  
(Mukesh Kumar Gupta)  
Member (J)

/kdr/