

7

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

OA 1034/2004

New Delhi, this the 29<sup>th</sup> day of October, 2004

Hon'ble Mr. Justice M.A. Khan, Vice-Chairman (J)  
Hon'ble Mr. S. K. Maihotra, Member (A)

Mr. Deepak Kumar Rajput,  
Senior Research Fellow,  
R/o WZ-131, Dasghara,  
Todapur, New Delhi-12.

...Applicant.

(By Advocate Ms. M. Ray proxy for Dr. Sumant Bhardwaj)

Versus

1. The Council of Scientific & Research  
Through its Director General,  
Anusandhan Bhawan, Rafi Marg,  
New Delhi - 1.
2. Director,  
National Institute of Science Technology,  
And Development Studies,  
Dr. K.S. Krishnan Marg, Pusa,  
New Delhi - 110 012.

...Respondents.

(By Advocate Mrs. K. Iyer)

By Hon'ble Mr. S.K. Maihotra

ORDER

In this OA, the applicant has prayed that the respondents be directed to pass a similar order as in an identical matter in OA 442/2000 dated 1-9-2000 which has been confirmed by the Hon'ble Calcutta Bench of this Tribunal. He has also sought directions for grant of salary to him for March 2004 onwards and the benefit of the Casual Workers Absorption Scheme 1990.

2. The facts of the case in brief are that the applicant was appointed on contractual basis and awarded the work of data compilation and inputting for a period of six months with effect from 17-8-2001 vide order dated 5.9.2001 (Annexure A-7) on a consolidated amount of Rs.26,100/- to be paid in three

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equal instalments under a project titled "Environmental Statistics and Mapping in Delhi – Application of Spatial Technologies". For this purpose he had also entered into an agreement with the respondents. One of the conditions of this agreement was that the term of the contract will not be extended further and can be terminated by the employer. It has been stated by the applicant that the respondent no.1 had formulated a scheme called Casual Workers Absorption Scheme 1990. The Hon'ble Supreme Court had also directed them to implement the Scheme. In an identical matter in OA 442/2000 filed in Calcutta Bench of CAT, the Tribunal in its order dated 1-9-2000 had directed that the case of the applicant should be considered under the Casual Workers Absorption Scheme 1990 (Annexure A-1). The applicant has requested that the same benefit should be given to him also.

3. The respondents have filed a counter reply to this OA in which they have stated that the applicant was engaged on a project work on contract basis, initially for a period of six months for which he had entered into an agreement with the respondent department. His tenure was extended from time to time and was finally extended upto 29-2-2004. As per the terms of the contract, the tenure of the agreement could be curtailed or extended and in any case it was to co-terminus with the project. The tenure of the project ended on 29-2-2004 and full payment as per the contract was made to the applicant. It has been stated that even after completion of the project the applicant has been marking his attendance in the Register in connivance with some personnel of the institute for which an enquiry has been initiated. The question of release of any payment to the applicant for the period beyond February, 2004 does not, therefore, arise. The applicant has made a reference to the number of schemes for regularisation, which had been in operation in CSIR and its laboratories but these schemes have no relevance in so far as his case is concerned. The applicant was

2

engaged for a specific project and after completion of the project, he has no claim either for regularization under any scheme or for payment of any salary beyond that period.

4. The applicant has filed rejoinder to the counter reply filed by the respondents.

5. We have heard the learned counsel for both the parties and have also gone through the pleadings.

6. During the course of the argument, the learned counsel for the applicant drew our attention to the Scheme called "CBRI Contractual Workers Absorption Scheme" (page 77 of paper book), according to which casual/contract workers who have worked with the Institute for more than 240 days in a year can be considered for absorption. He stated that since the applicant has worked for more than three years, the benefit of this Scheme should be extended to him. The learned counsel for the respondents, however, pointed out that in terms of para 3 of this Scheme, this Scheme was a one time measure and was applicable to those workers who were engaged on casual/contractual basis and paid monthly salary by the Institute upto 22-11-1991. The applicant, as mentioned above in the OA, was engaged w.e.f. 17-8-2001 (Annexure A-7) and was paid a lumpsum amount of Rs.26,100/- for the initial period of six months of the project. As such this scheme is not applicable to him. A reference was also made by the learned counsel for the applicant to another Scheme called "Casual Workers Absorption Scheme of CSIR 1995" (page 76 of the paper book). This Scheme was applicable to casual workers engaged prior to 5.12.1988 but had not been regularized for want of regular vacancies. Obviously this scheme is also not applicable in the case of the applicant who was engaged in 2001.

7. During the course of argument, the learned counsel for the applicant referred to the judgement dated 17.11.1999 of the Principal Bench of

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10

this Tribunal passed in OA 1292/1999 in which in similar circumstances, directions were given to the respondents to prepare a scheme on the pattern directed by the Apex Court and consider absorption of the applicants in terms of law against regular vacancies as and when they arise. It was also directed that if the respondents have vacancies/jobs to offer of the nature, the applicants are doing, they would be given preference over freshers or new comers. Depending upon the requirements, the services of the applicant should be utilized in other projects. He stated that the applicant who is similarly placed should be extended the benefit of this judgement.

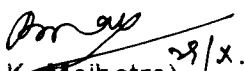
8. On the other hand, the learned counsel for the respondents reiterated that the applicant who is a Senior Research Fellow was not engaged as a casual worker but was doing a specialized job of data compilation and inputting for a specified project. This project came to an end in February, 2004. The respondents did not have any other on-going project in which his services could be utilized. The applicant is also not covered under any of the schemes of regularization formed by the Government. He also brought to our notice that the applicant after finishing this project, had accepted employment in another organization viz. Mewat Development Society (MDS), Chharora, Distt. Gurgaon (Haryana). This fact was supported by a letter dated 22-6-2004 issued by the Vice-President of MDS which certifies that the applicant had worked in that organization during the period from 1-3-2004 to 25-4-2004. He is, therefore, not entitled to any salary beyond February, 2004.

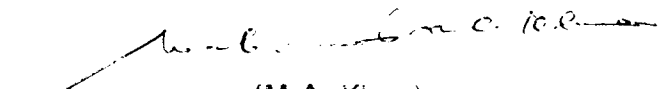
9. After hearing the rival contentions of both the parties, we are of the considered opinion that the applicant is not covered for regularization or absorption under the Scheme of "CBRI Contractual Workers Absorption Scheme" as the Scheme was introduced as one time measure and was applicable only to those workers who had worked for more than 240 days in a year as on 22-11-

2

1991. Similarly the "Casual Workers Absorption Scheme 1990" of CSIR is also not applicable in his case, as already explained above. The applicant was engaged only for a specific project and has no legal right to claim for continuation or absorption after the project was over. He had entered into an agreement to this effect with the respondents, which is binding on him. The Tribunal also cannot direct the respondent department to allow him to continue, irrespective of whether there is work for him or not.

10. In view of the above we do not find any merit in the OA and the same is dismissed without any order as to costs.

  
(S.K. Malhotra) 29/x.  
Member(A)

  
(M.A. Khan)  
Vice-Chairman (J)

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