

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD

ORIGINAL APPLICATION No.771/1998

FRIDAY, THIS THE 5th DAY OF MAY, 2006

HON'BLE MR. JUSTICE KHEM KARAN .. VICE CHAIRMAN

1. Harvir Singh,
S/o Shri Ram Bharose Lal,
R/o Village & Post Office Sarai Talfi, (Khas),
District Bareilly.
2. Shyam Singh,
S/o Shri Ram Bharose Lal,
R/o Village & Post Office Sarai Talfi, (Khas),
District Bareilly.
3. Indresh Singh,
S/o Shri Devendra Singh,
R/o Mohalla Sanjay Nagar,
District Bareilly.
4. Afsar Khan,
S/o Shri Darbari Khan,
R/o Mohalla Delapeer,
P.O. Izzat Nagar,
District Bareilly.
5. Pooran Lal Kashyap,
S/o Shri Bholey Ram,
R/o Village Sunaur,
P.O. Sundari,
District Bareilly.
6. Kunwar Pal,
S/o Shri Ramesh Chandra Rathore,
R/o Kishor Sadan Central Jail,
Izzat Nagar, Bareilly.
7. Bhuwan Prakash,
R/o Village Ghatampur,
P.O. C.B. Ganj,
District Bareilly.
8. Ali Asghar Khan,
S/o Shri Ali Ahmad Khan,
R/o Mohalla Delapeer,
P.O. Izzat Nagar,
District Bareilly.

9. Kanhai Lal,
 S/o Midhai Lal,
 R/o Village Vichpuri,
 P.O. Rohilkhand University,
 Bareilly.

10. Maya Ram,
 R/o Village Tituliya,
 P.O. C.B. Ganj,
 Bareilly.

11. Dharam Pal,
 R/o Village Hameerpur,
 P.O. C.B. Ganj,
 Bareilly.

12. Om Prakash,
 R/o Village Nawada Imamabad,
 P.O. Quoladiya,
 District Bareilly.

13. Julfikar Ali Khan,
 S/o Shri Anwar Ali Khan,
 R/o Village Dharupur Thukuram,
 P.O. Khas,
 District Bareilly.

Applicants

(By Advocate Shri R.C. Pathak)

Vs.

1. Union of India,
 through the Secretary,
 Ministry of Agriculture,
 Krishi Bhawan,
 New Delhi.

2. The Director General,
 Indian Council of Agricultural Research,
 I.C.A.R, Krishi Bhawan,
 New Delhi.

3. The Director,
 Indian Council of Agricultural Research,
 I.C.A.R, Izzat Nagar,
 Bareilly (U.P.).

4. The Senior Administrative Officer (Contract),
 Indian Veterinary Research Institute (I.V.R.I.),
 Izzat Nagar,
 Bareilly.

Respondents

(By Advocates S/Shri B.B. Sirohi and D.P. Tripathi)

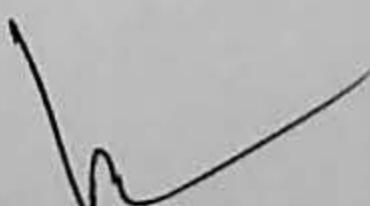


O R D E R

Heard Shri R.C. Pathak, the learned counsel for the applicant.

2. The applicants ^G have come with a case that they worked as Casual Labourers under the Indian Veterinary Research Institute, Izzat Nagar, Bareilly for a considerable period as shown in paragraphs 4(i) and (ii) in 1080s and 1990s, ^G but, with a view to frustrate their claim for regularization, the respondents introduced a system of taking work on contractual basis and thus ousted the applicants from the job. It is said that they raised their grievance against their disengagement and against reverting to taking of work on contractual basis, ^G but, the authorities did not accede to their request and so they have come to this Tribunal. Their prayer is that the respondents be directed to discourage and abolish the practice of taking work at IVRI from the alleged contractors and ^G necessitate to take work from the applicants.

3. The respondents resisted the claim of the applicants by filing the written statement. A perusal of this reply indicates that their defence ^{that it is} ^G is the prerogative of the establishment/ organization concerned as to how it will get the work done whether by employing the casual labourers or on contractual basis. They say that it is not



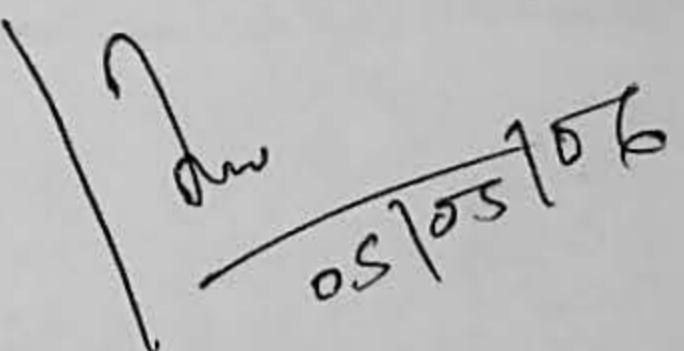
correct to say that the system of taking work on contractual basis has been introduced with a view to frustrate the claim of the casual labourers for regularization. It has been stated in paragraph 10 of their reply that license to engage labour contract has been issued in view of Section 10 of the Contract (Labour and abolition) Act. Several other pleas have also been taken with a view to show that the applicants have no claim and their application is misconceived.

4. The applicants have filed rejoinder to this reply and have reiterated the same pleas which they took in their original application.

5. Shri Pathak has not been able to convince this Tribunal as to how a labourer or a casual labourer working under such establishment/organization, can prevent the organization from switching over to take work on contractual basis. He has drawn attention of this Tribunal to the office order issued in 1997 (Annexure-2) so as to say that it was decided by the organization itself to take the work from the casual labourers already working under it. It is true that this order from the authority concerned provides that work should be taken from the manpower already available in the division and should not be taken on contract basis. But, to say that it gives certain right to the casual labourers to claim continuation

or regularization ^{wis} ~~may~~ not be correct. After the recent constitutional Bench decision of the Apex Court in **SECRETARY, STATE OF KARNATAKA Vs. UMA DEVI & ORS. 2006 AIR (SCW) 1991**, such casual labourers as in the present case have no claim so as to get reemployed or reengaged or to compel the department or organization to do one thing or the other in relation to their engagement or employment. The O.A. has got no force and deserves to be dismissed.

6. It is accordingly, dismissed with the observation that in case, the department/organization concerned decides to switch over to taking work from labourers or workers of its own, it will take care of these applicants and others who worked with them for some time.


(JUSTICE KHEM KARAN)
VICE CHAIRMAN

psp.