

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH,
ALLAHABAD.

Allahabad, this the 15th day of Sept., 2005.

QUORUM : HON. MR. A.K. BHATNAGAR, J.M.

HON. MR. D. R. TIWARI, A.M.

O.A. NO. 1648 OF 2001

1. E.P. Walter, son of Sri Peter Walter, R/O B-II-116, Near Telephone Colony, Shastri Nagar, District Bareilly.
2. Islam Mohammad S/O Shri Yaqoob Mohammad, R/O Mohalla Vihar Mau Nagala, P.O. Izat Nagar, Bareilly.
3. Shri Achchey Miyan, S/O Shri Naseer Khan, R/O Mohalla Vihar Mau Nagla, P.O. Izat Nagar, Bareilly.
4. Parameshwari S/O Shri Baboo Ram, R/O Village Ram Nagar, P.O. M.J.P. University, Bareilly.

All are presently working as Tractor Driver.

.....Applicants.

Counsel for the applicant : Shri R.C. Pathak.

Versus

1. Union of India, through Secretary, Indian Council of Agriculture Research ICAR, Krishi Bhawan, New Delhi.
2. The Director General, Indian Council of Agriculture Research, Krishi Bhawan, New Delhi.
3. The Director, Indian Veterinary Research Institute (IVRI) Izatnagar, Bareilly.
4. The Farm Manager O/C (Office Incharge) Farm Section (IVRI), Izat Nagar, Bareilly.

.....Respondents.

Counsel for respondents : Sri B.B. Sirohi.

Am

ORDER (Oral)

BY HON. MR. A.K. BHATNAGAR, J.M.

By this O.A., applicant has prayed for the following reliefs :

- "i) Issue suitable order or direction by way of Mandamus to the respondents to consider the case of the applicants for the appointment/promotion on the post of Tractor Driver with all consequential benefits as they are working since long period on the said post even being Mazdoor.
- ii. Issue suitable order or direction by way of Mandamus to the respondents to pay the allowances to the applicants on the basis of equal pay for equal work since they are working on the post of Tractor Driver even being Mazdoor with arrears and 18% penal interest and other consequential benefits.
- iii. Issue suitable order or direction by way of Mandamus to the respondents to consider the case of the applicants for appointment/ promotion on the vacant post lying vacant since long period.
- iv. Issue suitable order or direction as this Hon'ble Tribunal as deem fit and proper in the circumstances of the case of the applicants."

2. The facts giving rise to this O.A. as per the applicants are that the applicants are at present working as Tractor Drivers. The applicants were working in the respondents' establishment as Supporting Staff, Grade-I (SS Gr.I). Being driving license holders, the services of the applicants are being utilized by the respondents on the incentive

W

of Rs.2/= per day as per sanction letter dated 17.10.1984 issued by the Respondent No.4 on incentives of Rs.2/=, 3/= and 4/= for extra work. According to the applicants, they had been working on the post of Tractor Driver since 1984, 1990 and 1992 details of which have been filed as Annexure A-2 to the O.A.

3. The only grievance of the applicants is that neither their services are being regularized by the department as Tractor Drivers nor they are being paid the pay of the Tractor Drivers. Counsel for the applicant submitted that a letter No.17-1/97-E-IV dated 22.1.1999 was issued by Indian Council of Agricultural Research, Krishi Bhawan, New Delhi-I in which it is clearly mentioned that "A Considered view was taken that while revised qualifications under technical category have invariably to be applied in the cases of new entrants the matter with regard to such class-IV, group 'D' employees, who were uninterruptedly deployed on driving duties for long periods and were so deployed on the date of reclassification may be examined sympathetically for relaxation in their case to apply pre-revised qualifications ----against regular quota whenever exists along with others (Annexure RA-1).

4. During the course of arguments, counsel for the applicant submitted that the respondents have not shown any progress regarding the matter after issuing this letter. The applicants will be satisfied if they are granted time for filing a detailed representation to the Competent Authority in the department which could be decided in the light of letter dated 22.1.1999. On this point, Sri B.B. Sirohi, learned counsel for respondents has also no objection if the representations of the applicants are decided by the department as per rules keeping in view the instructions issued in the letter dated 22.1.1999 of I.C.A.R.

Xm

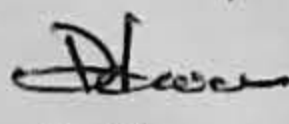
5. We have heard counsel for the parties and perused the records.

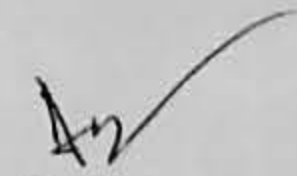
6. Under the facts and circumstances, we are of the view that the interest of justice shall better be served if the applicants are granted time for filing the detailed representations and the same are decided by the respondents within a specified period.

7. Accordingly, applicants may file a detailed representation as prayed for within a period of 15 days from the receipt of a copy of this order and the Competent Authority i.e. Respondent No.2, Director General, I.C.A.R., R.K. Puram, New Delhi shall decide the same by a reasoned and speaking order keeping in view the instructions given in the order dated 22.1.1999 within a period of four months from the date of receipt of a copy of this order along with the representations.

8. The O.A. is disposed of finally in terms of the above direction.

No cost.


A.M.


J.M.

Asthana/