

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

THIS THE 15th DAY OF DECEMBER, 1994

HON. MR. JUSTICE B.C. SAKSENA, V.C.

HON. MR. S. DAS GUPTA, MEMBER(A)

Original Application No. 1336 of 1993

1. Munna Lal (SC) son of Shri Har Charan Lal, resident of 674, Subhash Nager, Bareilly, U.P. presently working as Casual Majdoor under kind control of the Incharge Experimental Broiler Section, Central Aviation Research Institute, Izatnagar, Bareilly (U.P.)
2. Ramesh Chandra, son of Shri Khargi (SC) r/o House No. 212, Madhi Nath, Bareilly U.P. presently working as Casual majdoor under kind control with Sri L.P. Nautiyal Incharge Production Research (C & B) Indian Veterinary Research Institute, Izatnagar Bareilly.
3. Malahu Prasad (SC) son of Sri Ram Surat r/o R.P.F Line, Izatnagar, Bareilly, presently working as Casual Majdoor under kind control with Sri L.P. Nautiyal Incharge, L.P.R (Livestock Production Research) Indian Veterinary Research Institute, Izatnagar, Bareilly (U.P.)
4. Harish Baboo (SC), son of Shri Ganga Ram, resident of village Bhagnapur, P.S. Bhuta District Bareilly, presently working as casual Majdoor under kind control of Sri M.C. Yadav, Incharge EMBRYO TRANSFER LAB Indian Veterinary Research Institute Izatnagar, Bareilly.
5. Lala Ram son of Shri Nathoo Lal (SC) resident of village Mallahpur Tehsil Faridpur, Bareilly presently working as casual Majdoor under kind control of Sri L.P. Nautiyal Incharge Livestock Production, Research (C&B) Indian Veterinary Research Institute, Izatnagar, Bareilly.
6. Jawahar Lal (SC) son of Shri Ram Charan Lal resident of village Patti Beharipur District Bareilly presently working as Casual Majdoor under kind control of Sri L.P. Nautiyal Incharge, Livestock Production Research (C&B) Indian Veterinary Research Institute, Izatnagar, Bareilly.

BY ADVOCATE SHRI V.K. GOEL

Versus

....Applica...

...p2

1. Union of India through Secretary, Agriculture, Ministry of Agriculture Government of India, Krishi Bhawan, New Delhi.
2. The Director, Indian Veterinary Research Institute Izat Nagar, Bareilly(U.P.)
3. The Director Central Avian Research Institute (CARI), Izatnagar, Bareilly(U.P.)
4. Shri L.P. Nautiyal
The Incharge, Livestock Production Research Institute, Izatnagar, Bareilly (U.P.)
5. Shri D.K. Dharti
The Incharge, Parakhetra Avian Sampada Anubhag, Central Avian Research Institute, Izatnagar, Bareilly(U.P.)
6. Shri Sukh Deo
The Incharge (Pige)
Livestock Production Research Institute (I.V.R.I) Izatnagar, Bareilly
7. Dr. N.M. Pandey
The Societies Incharge Farm Indian Veterinary Research Institute (I.V.R.I), Izatnagar, Bareilly
8. Shri V.K. Verma,
The Farm Manager, (Hort)
Indian Veterinary Research Institute (I.V.R.I) Izatnagar, Bareilly
9. The Officer Incharge, Experiment Broiler Section, Central Avian Research Institute (C.A.R.I) Izatnagar, Bareilly
10. Shri M.C. Yadav,
EMBRYO TRANSFER LAB,
Indian Veterinary Research Institute (I.V.R.I) Izatnagar, Bareilly

..... Respondents

BY ADVOCATES SHRI J.N. TEWARI/
RAKESH TEWARI

Recd

:: 3 ::

Alongwith

2.

Original Application No.640 of 1994

1. Shishu Pal, s/o Shri Pooran Lal aged about years r/o village Adilpur, Post Bahari Bareilly presently working as casual Mazdoor under kind control Head Division of Animal Reproduction Indian Veterinary Research Institute (I.V.R.I) Izatnagar, Bareilly (U.P.)
2. Krishna Kumar, s/o Manohar Lal aged about 27 years r/o 487 Chaupula Bareilly presently working as a casual mazdoor under kind control of M.P. Bansal, Scientist Incharge, Immunology Section, I.V.R.I., Izatnagar, Bareilly. U.P. 243122.
3. Maya Ram s/o Mohan Lal aged about 26 years r/o village Hamerpur District Bareilly presently working as a Casual mazdoor under kind control of Dr. H.N. Pandey, Scientist Incharge (Farm) I.V.R.I Izatnagar, Bareilly 243122
4. Vinod E. Singh s/o Shri Inder Singh aged about years r/o H. Type Q. No.55 class IV I.V.R.I Izatnagar District Bareilly presently working as Casual cook, under kind control of Dr. D.K. Bharti Prabhari Adhikari Prikshetra Avam Sampada Anubhag, I.V.R.I Izatnagar, Bareilly.

..... Applicants

Versus

1. Union of India through the Secretary for Agriculture Ministry of Agriculture, Govt. of India Krishi Bhawan, New Delhi.
2. The Director, I.V.R.I, Izatnagar District Bareilly
3. The Director, Central Avian Research Institute (C.A.R.I), Izatnagar, Bareilly
4. Shri L.P. Nautiyal, Prabhari Adhikari Animal Nutrition Division, I.V.R.I Izatnagar, Bareilly (U.P.) 243122
5. Shri K.L. Sahni, Head, Division of Animal Reproduction (I.V.R.I) Izatnagar, District Bareilly (U.P.) 243122
6. The Vibhagadhyaksha Pashu Posharan Vibhag I.V.R.I, Izatnagar, Bareilly

:: 4 ::

7. Shri M.P. Bansal, Scientist Incharge Immunlogy Section, I.V.R.I, Izatnagar Bareilly.
8. Dr. H.N. Pandey Scientist Incharge (Farm) I.V.R.I, Bareilly
9. Dr. A. Gopala Reddy, Mess Secretary Hostel No. 1 Mess. No.2 I.V.R.I, Izatnagar, Bareilly
10. Shri H.B. Joshi, Hostel Warden I.V.R.I, Izatnagar, Bareilly
11. Shri B.B. Mahapatro, Master of Halls I.V.R.I, Izatnagar, Bareilly
12. Dr. D.K. Bharti, Prabhari Adhikari Parichetra Avam Sampada Anubhag C.A.R.I, Izatnagar, Bareilly.

..... Respondents

3. Original Application No.641 of 1994

1. Durg Vijay, s/o Shri Chandrika Gupta, Q.No.344 aged 23 years, r/o Q. No. 344 C Hailway New Model Colony, District Bareilly presently working as a Casual Mazdoor under kind control of Shri Mahendra Salhotra, Administrative Officer, Central Avian Research Institute (C.A.R.I), Izatnagar Bareilly (U.P.) 243122
2. Mahendra Pal son of Shri Ram Charan aged about 20 years r/o village Faridapur Ram Charan District Bareilly, presently working as a Casual Mazdoor under the kind control of Dr. H.N. Pandey, Scientist Incharge (Farm) I.V.R.I, Izatnagar, Bareilly.

..... Applicants

Versus

1. Union of India through the Secretary for Agriculture, Ministry of Agriculture Govt. of India, Krishi Bhawan, New Delhi
2. The Director, I.V.R.I, Izatnagar, Bareilly (U.P.) 243122
3. The Director, (C.A.R.I), Izatnagar, Bareilly (U.P.) 243122
4. Shri L.P. Nautiyal, Livestock Production Research (C&B) I.V.R.I Bareilly, U.P.

...p5

:: 5 ::

5. Dr. H.N. Pandey, Scientist Incharge (Farm) I.V.R.I, Izatnagar, Bareilly (U.P.) 243122.
6. Shri S.D. Ahuja, H.D/PHM Poultry Housing Management, (C.A.R.I) Izatnagar, Bareilly.
7. Shri Harendra Salhotra Administrative Officer (C.A.R.I), Izatnagar, Bareilly (U.P.)

..... Respondents

4. Original Application No. 642 of 1994

1. Km. Raj Kumari, d/o Shri Ram aged about 25 years, r/o C-15 Sahadana Colony (Model Town) Bareilly, presently working as Casual officer Helper (Typist) under the kind control of Head of Division G&B Section (C.A.R.I), Izatnagar Bareilly.
2. Shri Hasm Uddin, s/o Shri Babu aged about 22 years, r/o village Peer Bahora, Izatnagar Bareilly presently working as a Casual Officer Helper (Typist) under kind control of Incharge Stores (C.A.R.I) Izatnagar, Bareilly.

..... Applicants

Versus

1. Union of India through the Secretary for Agriculture Ministry of Agriculture Govt. of India Krishi Bhawan, New Delhi.
2. The Director (C.A.R.I), Izatnagar, Bareilly (U.P.) 243122.
3. Shri H. Salhotra, Administrative Officer (C.A.R.I), Izatnagar, Bareilly (U.P.)
4. Shri B.R. Arya, Administrative Officer, (C.A.R.I) Izatnagar, Bareilly
5. The Incharge Stores (C.A.R.I) Bareilly

.... Respondents

5. Original Application No. 580 of 1994

1. Shri Sewa Ram, s/o Sri Bela Ram aged about 21 years, r/o village Tuliya, District Bareilly, U.P. presently working under the kind control of Dr. H.N. Pandey, Scientist Incharge (Farm) I.V.R.I, Izatnagar, Bareilly U.P. 243122.
2. Shri Dharm Pal, s/o Sri Nathoo Lal aged about 21 years r/o village Hameerpur P.O. Tuliya

...p6

BC2

:: 6 ::

District Bareilly, presently working under kind control of Dr. H.N. Pandey, Scientist Incharge (Farm) I.V.R.I Izatnagar, Bareilly

... Applicants

Versus

1. Union of India through the Secretary of Agriculture Ministry of Agriculture Govt. of India, Krishi Bhawan, New Delhi
2. The Director, I.V.R.I, Izatnagar, Bareilly.
3. Dr. H.N. Pandey, Scientist Incharge (Farm) I.V.R.I, Izatnagar, Bareilly.

... Respondents

6. Original Application No. 579 of 1994

1. Ganpat Ram, s/o Sri Ram Lal aged about 21 years r/o village Balliya P.O. Madhouli District Bareilly presently working as a Casual Mazdoor under the kind control of Dr. H.N. Pandey, Scientist Incharge (Farm) I.V.R.I, Izatnagar, Bareilly (U.P.) 243122
2. Lala Ram s/o Shri Ram Lal aged 22 years r/o village Balliya, P.O. Madhouli, District Bareilly presently working as Casual Mazdoor under the kind control of Dr. H.N. Pandey Scientist Incharge (Farm) I.V.R.I, Izatnagar, Bareilly, U.P. 243122.

... Applicants

Versus

1. Union of India through the Secretary of Agriculture Ministry of Agriculture Govt. of India, Krishi Bhawan, New Delhi
2. The Director, I.V.R.I, Izatnagar, Bareilly U.P. 243122.
3. Dr. H.N. Pandey, Scientist Incharge (Farm) I.V.R.I, Izatnagar, Bareilly

... Respondents

7. Original Application No. 531 of 1994

1. Kalicharan, s/o Sri Teeka Ram aged about 26 years, r/o village Vasan Dadi, P.C. Nagerganj, District Bareilly (U.P.) presently working under the kind control of Anubhag Adhikari (Incharge) Layer Anubhag C.A.R.I, Izatnagar, Bareilly.

For

... p7

2. Jhamman Singh, s/o Sri Cheda Lal aged about 25 years, r/o village Khidaipur, P.O. Punka, District Bareilly(U.P.) Presently working under the ~~hand~~ control of Anubhag Adhikari(Incharge) Layer Anubhag, C.A.R.I, Izatnagar, Bareilly.

.... Applicants

Versus

1. Union of India through the Secretary for Agriculture, Ministry of Agriculture Govt. of India, Krish Bhawan, New Delhi
2. The Director, C.A.R.I, Izat Nagar, Bareilly
3. The Director, I.V.R.I, Izat Nagar, Bareilly
4. The Anubhag Adhikari/Administrative Officer (Incharge) Layer Anubhag, C.A.R.I, Izatnagar, Bareilly
5. Dr. H.N. Pandey, Scientist Incharge (Farm) I.V.R.I, Bareilly, U.P.
6. Dr. L.P. Nautiyal, Incharge Livestock Product Research(C&B) I.V.R.I, Izatnagar, Bareilly
7. Dr. Sukh Veer Singh Verma, Nutrition Avian Poshak Technology, C.A.R.I Izatnagar, Bareilly
8. The Officer Incharge, Farm Machinery and Power Section, I.V.R.I, Izatnagar, Bareilly
9. The Farm Manager (Hort), I.V.R.I Izatnagar, Bareilly
10. Shri A. Sadashivan, Officer-in-Charge Engineering Section, I.V.R.I, Izatnagar, Bareilly.
11. The Asstt. Engineer(Civil), Engineering Section, I.V.R.I. Izatnagar, Bareilly.
12. The Officer Incharge, Experimental Boiler Section, C.A.R.I, Izatnagar, Bareilly.
13. Dr. D.K. Bharti, Avai Anuvanshiki Avam Prajaran Department, C.A.R.I, Izatnagar, Bareilly.
14. The Incharge Hatchery, C.A.R.I, I.V.R.I Campus, Izatnagar, Bareilly.

.... Respondents

:: 8 ::

8. Original Application No. 777 of 1994

1. Km. Sunita Sidana, d/o Shri Chander Prakash A-89, Avas Vikas Colony, Rajender Nagar, Bareilly (U.P.) presently working under the kind control of Shri H. Salhotra, Admn. Officer (C.A.R.I) Izatnagar, Bareilly as a Casual Office helper (Typist).

2. Applicant

Versus

1. Union of India through Secretary for Agriculture Ministry of Agriculture Govt. of India Krishi Bhawan, New Delhi
2. The Director, (C.A.R.I), Izatnagar, Bareilly.
3. The Administrative Officer (C.A.R.I) Bareilly, U.P.
4. Shri Harendra Salhotra, Administrative Officer (C.A.R.I), Izatnagar, Bareilly.

.... Respondents

9. Original Application No. 771 of 1994

1. Km. Meenakshi Srivastava, d/o Salet Shri J.B. Srivastava aged about 30 years 231 Kunwar Pur Bareilly worked as a Tech. Asstt. on adhoc basis Highly skilled worker under kind control of Shri Prem Shanker Asstt. Administrative Officer, I.V.R.I Izatnagar, Bareilly.

.... Applicant

Versus

1. Union of India through Agriculture Secretary, Ministry of Agriculture, Govt. of India, Ministry of Agriculture Krishi Bhawan, New Delhi
2. The Director (I.V.R.I), Izatnagar, Bareilly.
3. Officer Incharge, National Library of Veterinary Science (IVRI) Izatnagar, Bareilly.
4. Sri Prem Shanker, Asstt. Admn. Officer (I.V.R.I) Izatnagar, Bareilly.
5. Shri S. Karamat Ali, Asstt. Registrar (I.V.R.I), Izatnagar, Bareilly
6. Shri S.N. Mishra, Asstt. Admn. Officer (I.V.R.I), Izatnagar, Bareilly.

bcr

...p9

:: 9 ::

7. Shri R. Swaroop, Asstt. Admn. Officer
(I.V.R.I.), Izatnagar, Bareilly.

.... Respondents

10. Original Application No. 953 of 1994

1. Rakesh Kumar, s/o Shri Hari Prasad Mahala Kanoongoyan Bhoor Bareilly(U.P.) working as a Casual mazdoor daily rated under kind control of Br. Sushil Kumar Principal Scientist, Investigator of Project LPT Division (I.V.R.I) Izatnagar, Bareilly.
2. Shri Puttan Khan s/o Shri Jamil Mohalla village Kasampur Izatnagar, Bareilly(U.P.) working as a Casual Mazdoor under the kind control of Shri D.C. Johri, Head, Department of A.G. and Breeding, (C.A.R.I), Izatnagar Bareilly.
3. Nand Ram, s/o Dori Lal village Kaharwa P.S. C.B. Ganj Bareilly working as a casual Mazdoor under the kind control of Farm Manager, Sampada Anubhag, I.V.R.I, Izatnagar Bareilly.

.... Applicants

Versus

1. Union of India through Agriculture Secretary, Ministry of Agriculture, Govt. of India, Ministry of Agriculture, Krishi Bhawan, New Delhi.
2. The Director(I.V.R.I), Izatnagar, Bareilly
3. The Director(C.A.R.I), Izatnagar, Bareilly.
4. Shri A.K. Singh, Asstt. Admn. Officer (I.V.R.I), Izat Nagar, Bareilly
5. The Vibhag Adhyaksh, Pashu Posharan Vibhag, I.V.R.I.
6. Dr. Sushil Kumar, Principal Scientist Principal Investigator of Project LPT Division(I.V.R.I)
7. Dr. Anne S.R. Agrinejula, S.R. Scientist Human Hospital(I.V.R.I)
8. Shri D.C. Johari, Head, Deptt. of A.G&Breeding (C.A.R.I), Izatnagar, Bareilly.
9. Shri G.V. Rao, Project Leader Indigenous Germ Plesem(Fowl)(C.A.R.I) Izatnagar, Bareilly.

1/82
...plO

:: 10 ::

10. The Farm Manager, Sampada Vibhag (I.V.R.I.)
11. Shri S.B.Singh, Farm Manager, Estate Section, I.V.R.I.
12. Shri D.S. Ram, Incharge, Feed Technology Unit, I.V.R.I.

.... Respondents

11. Original Application No. 923 of 1994

1. Noor Ullah, son of Habib Ullah, village Raipur Chaudhari P.S. Izatnagar Bareilly presently working as Casual Mazdoor under kind control of Shri S.B. Singh, Dairy Manager (Milking Section) Livestock Production Research (C & B) I.V.R.I.
2. Kunwar Sen, son of Ram Swaroop, r/o village Bhoora P.O. Bilwa district Bareilly, presently working as Casual Mazdoor under the kind control of Dr. H.N. Pandey, Scientist Incharge (Farm) I.V.R.I.

.... Applicants

Versus

1. Union of India through Secretary Agriculture Ministry of Agriculture, Govt. of India, Krishi Bhawan, New Delhi
2. The Director, I.V.R.I.
3. Dr. H.N. Pandey, Scientist Incharge (Farm) I.V.R.I.
4. The Farm Manager (Farm Section) I.V.R.I.
5. Shri L.P. Nautiyal, Incharge Livestock Production Research (C&B), I.V.R.I.
6. Shri S.B. Singj, Dairy Manager, Livestock Production Research (C&B) Milking Section (I.V.R.I.)
7. H.S. Pandey, Scientist Incharge S-2 Livestock Production Research (C&B) I.V.R.I.

.... Respondents

bdr

...pl

:: 11 ::

12. Original Application No. 922 of 1994

1. Lalita Prasad, s/o Uttam Singh village Mahlau, Izatnagar, Bareilly worked as a Casual Mazdoor under kind control of Dr. H.N. Pandey, Scientist, Incharge (Farm) I.V.R.I.
2. Mahendra Pal, s/o Nathoo Lal, r/o Hameerpur P.O. Tuliya Bareilly, worked as casual Mazdoor under kind control of Dr. H.N. Pandey, Scientist Incharge (Farm) I.V.R.I.
3. Rajendra Prasad, s/o Sri Shanker Lal, r/o Hameerpur P.O. Tuliya District Bareilly worked as Casual Mazdoor under kind control of Dr. H.N. Pandey, Scientist Incharge (Farm) I.V.R.I

.... Applicants

Versus

1. Union of India through the Secretary for Agriculture Ministry of Agriculture Govt. of India, Krishi Bhawan, New Delhi.
2. The Director, I.V.R.I
3. The Incharge, Livestock Production Research (C&B) I.V.R.I
4. Dr. H.N. Pandey, Scientist Incharge (Farm) I.V.R.I

... Respondents

13. Original Application No. 1177 of 1994

1. Mangal Das, son of Noni Ram aged about 27 years r/o village Choti Bihar, Bihar Kalan District Bareilly presently working as Casual Mazdoor under kind control of Shri L.P. Nautiyal, Incharge, Livestock Production Research, I.V.R.I

.... Applicant

Versus

1. Union of India through the Secretary for Agriculture Ministry of Agriculture, Govt. of India, Krishi Bhawan, New Delhi
2. The Director, I.V.R.I
3. The Director (C.A.R.I), Izatnagar Bareilly.

Recd

...pl2

:: 12 ::

4. Shri L.P. Nautiyal, Incharge Livestock Production Research (C&B) I.V.R.I.
5. Incharge, Department of Farm&Estate (C.A.R.I.), Izatnagar, Bareilly
6. The Administrative Officer, C.A.R.I Izatnagar, Bareilly.
7. Scientist S-2, Farm Manager, Broiler Farm, Deptt. of Genetics & Breeding, (C.A.R.I) Izatnagar, Bareilly.
8. Head Division, Technology Transfer (C.A.R.I), Izatnagar, Bareilly.
9. S. Karamat Ali, Asstt. Registrar (I.V.R.I.) Izatnagar, Bareilly.
10. The Asstt. Administrative Officer For Director, I.V.R.I., Izatnagar Bareilly.

.... Respondents

14. Original Application No. 1264 of 1994

1. Smt. Raj Kumari, d/o Vidya Ram aged 31 years r/o House No. 70Koharapir, Bareilly, presently working under the kind control of Shri L.N. Singh, Head Division of Biochemistry & Food Science, Proteen Research Lab, I.V.R.I. Izatnagar, Bareilly as a S.S. Grade I (Lab) on adhoc basis.

.... Applicant

Versus

1. Union of India, through Secretary, Agriculture, Ministry of Agriculture Govt. of India, Krishi Bhawan, New Delhi
2. The Director, I.V.R.I. Izatnagar, Bareilly
3. Shri L.N. Singh, Scientist Incharge Proteen Research Lab, I.V.R.I
4. Head, Division of Biochemistry & Food Science, I.V.R.I, Izatnagar, Bareilly.
5. Shri S. Karamat Ali, Asstt. Registrar I.V.R.I.
6. The Administrative Officer/Asstt. Admin Officer, I.V.R.I.
7. Shri S.N. Mishra, Asstt. Admin. Officer, I.V.R.I.
8. Shri P.C. Mishra, Admin. Officer I.V.R.I

.... Respondents

scr ...p13

13 ::

15. Original Application No. 1891 of 1993

1. Shri Zakir Ali, s/o Shri Phool Khan aged about 23 years, r/o Delapeer P.O. Izatnagar, Bareilly working as Casual Mazdoor under the kind control of Pradhana Adhyaksha, Utpadana-Uprant, Takniki Prabhag, C.A.R.I., Izatnagar, Bareilly.

.... Applicant

Versus

1. Union of India through Agriculture, Secretary Ministry of Agriculture Govt. of India, Krishi Bhawan, New Delhi
2. Director, C.A.R.I., Izatnagar, Bareilly
3. The Director, I.V.R.I.
4. The Adminnistrative Officer, C.A.R.I. Izatnagar, Bareilly.
5. The Farm Manager (Hort), I.V.R.I. Izatnagar, Bareilly
6. Dr. P.L. Yadava, Head, Division of Livestock Production Technology, I.V.R.I.
7. Dr. D.K. Bharti, Prabhari Adhikari Parichetra Avam Sampada Anubhag C.A.R.I., Izatnagar, Bareilly
8. Incharge Hatchery, Experimental Bater Farm Section, C.A.R.I., I.V.R.I.
9. The Farm Manager, Pakshi Anubhansik Avam Prajanan, C.A.R.I., Izatnagar, Bareilly.
10. Pradhana Adhyaksha, Utpadana Uprant Takniki Prabhag, C.A.R.I., Izatnagar Bareilly.

.... Respondents

16. Original Application No. 954 of 1994

1. Shri Nem Pal s/o Shri Pritam Lal aged about ... years r/o village Umarisia District Bareilly worked as Highly skilled Casual Plumber under kind control of Shri R.K. Singh, Asstt. Engineer (Civil) Engineering Section Indian Veterinary Research Institute (IV.R.I) Izatnagar, Bareilly (U.P.)

Recd

...pl4

:: 14 ::

2. Mohd. Islam s/o Mohammad Israyal R/o village Chaupara Bhojeepura District Bareilly works as casual labour under the kind control of the Prabhari Adhikari, Farm Machinery Avam Power Section, Indian Veterinary Research Institute, Izat Nagar, Bareilly
3. Jog Raj son of Mangali Ram r/o village Bhoora, post office Bilwa District Bareilly, worked as casual labour under the kind control of Farm Manager, Farm Section, I.V.R.I.

.... Applicants

Versus

1. Union of India throught the Secretary for Agriculture, Ministry of Agriculture Govt. of India, Krish Bhawan, New Delhi
2. The Director, I.V.R.I.
3. Sri A. Sadashivam, Officer Incharge Engineering Section I.V.R.I
4. Shri S.K. Verma Supdt. Hostel, I.V.R.I
5. Shri B.B. Mahapatro Master of Halls, Hostel Section I.V.R.I
6. Shri P.N. Khanna, Incharge Madular Laboratory Building(MLB), I.V.R.I
7. Shri R.K. Singh, Asstt. Engineer(Civil) Engineering Section, I.V.R.I
8. The Prabhari Adhikari Farm Machinery Avam Power Section I.V.R.I
9. The Farm Manager, Farm Section I.V.R.I.
10. Shri S.R. Kashyap, Registrar Hostel Section, I.V.R.I.
11. Shri P.C. Tiwari, Asstt. ALM Officer, I.V.R.I

.... Respondents

17. Original Application No.817 of 1994

1. Banwari Lal, s/o Shri Shyam Lal aged 25 years, village Nagia Nawabganj, Bareilly worked as a casual Mazdoor under the kind control of Farm Manager, Farm Section I.V.R.I.

...p15

:: 15 ::

2. Dhan Pal, s/o Shri Vikram aged 22 years R/o village Dharampur Tehsil Faridpur District Bareilly worked under Shri L.P. Nautiyal, Incharge, Livestock Production Research(C&B) I.V.R.I.
3. Rajendra Singh, S/o Shri Dev Singh aged 24 years, R/o Aheer Mohalla Sadar Bazar H.No. 527 Cantt. Bareilly worked as a Casual Mazdoor under the Farm Manager, Farm Section I.V.R.I
4. Ram Gopal s/o Shri Nanki Lal aged 20 years village Shikarpur Chaury, Izatnagar, worked as Casual Mazdoor under Shri L.P. Nautiyal Incharge Livestock Production Research(C&B) I.V.R.I
5. Kirpal Singh, s/o Shri Nathoo Lal aged 20 years R/o Shikarpur Chaury, Izatnagar, worked as Casual Mazdoor under Shri L.P. Nautiyal, Incharge Livestock Production Research I.V.R.I.
6. Jai Pal s/o Bhim Singh, aged 20 years r/o Nagaria Parikshit Izatnagar, worked as a Casual labour under Dr. H.N. Pandey, Scientist Incharge (Farm) I.V.R.I.
7. Jog Raj, s/o Nathoo Lal aged about 18 yrs R/o Shikarpur Chaury Izatnagar worked as a Casual Mazdoor under Shri L.P. Nautiyal, Incharge Livestock Production Research, I.V.R.I.

... Applicants

Versus

1. Union of India through Secretary for Agriculture, Ministry of Agriculture Govt. of India, New Delhi
2. The Director, I.V.R.I.
3. The Farm Manager, Farm Section I.V.R.I.
4. L.P. Nautiyal, Incharge, Livestock Production Research, I.V.R.I.
5. Dr. H.N. Pandey, Scientist Incharge (Farm) I.V.R.I.
6. The Medical Officer, I.V.R.I.

... Respondents

Bd

...p16

:: 16 ::

18.

Original Application No.1409 of 1994

1. Bundan, son of Shri Ali Husain aged 24yrs R/o Pratappur Chaudhari, P.S Izzatnagar presently working as a Casual Mazdoor under Prabhari Adhikari, Prayagatamic Broiler Parichetra C.A.R.I

... Applicant

Versus

1. Union of India through Secretary, Agriculture Ministry of Agriculture, Govt. of India Krishi Bhawan, New Delhi.
2. Director, C.A.R.I.
3. The Prabhari Adhikari
Prayogatamic Broiler Prechetra
C.A.R.I
4. The Incharge Hatchery, C.A.R.I
5. Shri D.K. Bharti, Preichetra Prabhandhak
C.A.R.I

... Respondents

19.

Original Application No.1703 of 1992

1. Hukum Singh(Casual Mazdoor) s/o Shri Kalyan Singh, aged about 27 years, r/o village Chaneta, Post Chaneta, District Bareilly lastly working with the Officer-in-charge Broiler Farm Department of Genetics & Breeding, C.A.R.I.
2. The Director, I.V.R.I
3. The Incharge, Livestock Production Research(pig) I.V.R.I.
4. The Head, Division of Livestock Products Technology, I.V.R.I
5. The Incharge
Livestock Production Research(C&B)
I.V.R.I.
6. The Farm Manager, Estate Department
I.V.R.I.
7. The Officer-in-charge, Broiler-Farm Department of Genetics & Breeding, C.A.R.I

.... Respondents

Re

...p17

:: 17 ::

10. Original Application No. 1765 of 1992

1. Hari Shanker s/o Shri Summare Ram aged about 26 yrs, r/o Mohalla Chak Purana Shahar, District Bareilly lastly worked as casual mazdoor under the Scientist Izatnagar, I.V.R.I.

... Applicant

Versus

1. Union of India through Agriculture Secretary, Ministry of Agriculture Govt. of India, New Delhi
2. The Director, I.V.R.I.
3. The Farm Manager, ~~Ranawik~~ I.V.R.I. Farm Section.
4. The Scientist Incharge (Farm) I.V.R.I.

... Respondents

21. Original Application No. 51 of 1993

1. Hari Shanker, s/o Shri Nathoo Lal aged about 28 years, r/o village Dheerera Mafi Post Office Bihar Kala, worked as casual highly skilled worker under the Officer-in-charge Farm Machinery and Power Section I.V.R.I.

... Applicant

Vs.

1. Union of India through Agriculture Secretary Ministry of Agriculture, Govt. of India Krish Bhawan, New Delhi
2. The Director, I.V.R.I.
3. The Farm Manager, Farm Section, I.V.R.I.
4. The Officer-in-charge, Farm Machinery and Power Section I.V.R.I.
5. Prabhari Adhikari, Farm Machinery Avam Power ~~Adhikari~~ Anubhag Bhartiya Pashu Anusandhan Sansthan, Izatnagar, Bareilly.

... Respondents

22. Original Application No. 1460 of 1993

1. Pooran Lal s/o Shri Ram Dass r/o village Girdharipur, Izatnagar, presently working as a casual mazdoor under Prabhari Adhikari Broiler Section, C.A.R.I.

... p¹

:: 18 ::

2. Banwari Lal, s/o Shri Ved Ram r/o village Mavai, Bohit District Bareilly aged about 24 years presently working as casual mazdoor under Shri H.N. Pandey, Scientist Incharge (Farm) I.V.R.I.
3. Shri Ram Murti, s/o Shri Angan Lal, r/o village Bhoora P.O. Bilwa District Bareilly, presently working as Casual Mazdoor under Shri H.N. Pandey Scientist Incharge (Farm) I.V.R.I.
4. Om Prakash s/o Shri Khargi r/o village Bhoora P.O. Bilwa presently working as Casual Mazdoor under Shri H.N. Pandey Scientist, I.V.R.I
5. Sunil Kumar, s/o Shri D. Benjamil, r/o Q.No. 340 B New Model Colony Izatnagar, presently working as Casual Mazdoor under Shri S.S. Verma Head Division of Post, Harvest Technology C.A.R.I

... Applicants

Versus

1. Union of India through Secretary Agriculture Ministry of Agriculture, Govt. of India, Krishi Bhawan, New Delhi
2. The Director, I.V.R.I
3. The Director C.A.R.I
4. Shri Kedar Nath, The Head Division of Animal Nutrition Division, I.V.R.I.
5. Shri D.R. Bhartiy, The Incharge, Prechitra Avam Sampada Anubhag(C.A.R.I) C.A.R.I
6. Shri D.R. Nautiyal, The Incharge, Livestock Production Research(C&B)
7. The Officer Incharge, Broiler Farm, Department of Genetics & Breeding(C.A.R.I)
8. The Security Officer, I.V.R.I.
9. Shri H.S. Pandey, Senior Scientist Livestock Production Research(C&B) I.V.R.I.
10. Incharge (Hort) Section, I.V.R.I.
11. The Incharge Head Division of Livestock Products Technology
12. The Farm Manager, Farm Section, I.V.R.I.
13. Dr. H.N. Pandey, Scientist Incharge (Farm) I.V.R.I.

Bch

...plc

:: 19 ::

14. Dr. Jagannadhan Challa, The Secretary Games & Sports Committee (I.V.R.I.)
15. The Incharge Embryo Transfer, I.V.R.I.
16. Shri H.B. Joshi, The Officer Incharge Farm Machinery & Power Section (I.V.R.I)
17. Shri Har Pal Singh Arya, Head of Deptt. The Veterinary Science Section, I.V.R.I.
18. Shri S.S. Verma, Head Division of Post Harvest Technology Central Avion Research Institute, Izatnagar, Bareilly.

.... Respondents

23. Original Application No. 1066 of 1994

1. Om Prakash Pal, son of Shri Narottam Lal R/o Ambedkar Nagar, Haziapur Bareilly presently working under Professor & Head, Section of Immunology, I.V.R.I
2. Shri Anil Kumar, son of Ram Narain, r/o House No. 282 Near Poshaki Lal Dharamshala Gulab Nagar Bareilly presently working under Dr. H.N. Pandey Incharge, Farm Section, I.V.R.I.
3. Dilip Kumar son of Shri Tulsi Ram aged 28 yrs House No. 252 Gulabnagar, Bazaria Bareilly presently working under Shri L.P. Nautiyal Incharge, Livestock Production Research (C&B) I.V.R.I.
4. Rajeeb Kumar Sharma son of Shri Jitendra Kumar Sharma, Near Police Checki, Kanoongoyan Joshitola Bhoora Bareilly presently working as casual mazdoor under Asstt. Engineer (Elect) Engineering Section I.V.R.I.

... Applicants

Versus

1. Union of India through secretary, Agriculture Ministry of Agriculture Govt. of India, Krishi Bhawan, New Delhi.
2. The Director, I.V.R.I.
3. The Director G.A.R.I
4. The Professor & Head, Section for Immunology I.V.R.I
5. Dr. H.N. Pandey, Incharge Farm Section I.V.R.I.
6. Shri L.P. Nautiyal, Incharge Livestock Production Research Institute (C&B)

bd

7. The Asstt. Engineer(Elect)
Engineering Section, I.V.R.I.
8. The Farm Manager, Farm Section
I.V.R.I.
9. Head, Deptt, of Avian Genetics & Breeding
C.A.R.I
10. Head Division of Biological Product,
I.V.R.I.

2B. Original Application No. 1136 of 1994

1. Krishna Yadava, s/o Shri Raja Yadava
R/o Kati patti District Dewaria presently
working as casual Mazdoor under L.P. Nautiyal
Incharge, Livestock Production Research(C&B)
I.V.R.I.
2. Pothi Ram, s/o Shri Jodhey Ram, r/o Udalapur
P.O. Hiaizganj, Bareilly presently working
under Shri Gaj Raj Singh, Incharge Centre for
Wild life, Indian Veterinary Research Institute
3. Bhagwan Das son of Narain Dass R/o Wakar Nagar
Post C.B. Ganj, District Bareilly(Sunarasi)
District Bareilly presently working as casual
Mazdoor under Dr. H.N. Pandey Scientist Incharge
(Farm) I.V.R.I.
4. Harsh Pal son of Shri Faguni Ram R/o Piyarey
Lal, Colony House No.8 Izatnagar presently working
as casual mazdoor under Shri H.G. Joshi,
Prabhari Adhikari Farm Nachinery Avam Power
Section, I.V.R.I.
5. Shri Krishna son of Shri Shyam Lal R/o vill:
Bhoora P.O. Bilwa Bhojipura presently working as
casual mazdoor under Shri G.N. Sharma, Asstt,
Engineer(Elect) Engineering Section, I.V.R.I.
6. Champat Lal son of Shri Mewa Ram, R/o Waker Nagar
Sunarasi, C.B. Ganj, District Bareilly presently
working as a casual mazdoor under Dr. H.N. Pandey
Scientist Incharge (Farm) I.V.R.I.
7. Mirtanjali Kumar, son of Shri Ravindra Kumar, R/o
Q. No.365 C New Model Colony Izatnagar presently
working under Shri L.P. Nautiyal Livestock
Production Research Institute (I.V.R.I.)
8. Om Prakash, s/o Shri Mangali Ram R/o Tulasherpur
P.O. Izatnagar presently working as a casual
mazdoor under Dr. D.S. Ram Feed Technology Unit
Indian Veterinary Research Institute.

:: 21 ::

9. Tej Pratap son of Shri Samjhawan R/o Q, No. 3 Labour Line, I.V.R.I. working under Shri V.K. Verma, Farm Manager (Hort) as casual Mazdoor, I.V.R.I.

vs.

... Applicants

Versus

1. Union of India through Secretary Agriculture Ministry of Agriculture, Govt. of India, Krishi Bhawan, New Delhi.
2. The Director, I.V.R.I
3. The Director, C.A.R.I.
4. Shri L.P. Nautiyal, L.P.R (C&B) I.V.R.I
5. Shri Gaj Raj Singh, Centre for Wild Life I.V.R.I
6. Dr. H.N. Pandey, Scientist Incharge (Farm) I.V.R.I
7. Shri Hem Chander Joshi, Prabhari Adhikari Farm Machinery & Power Section, I.V.R.I
8. Shri G.N. Sharma, Asstt. Engineer (Elect) Engineering Section, I.V.R.I.
9. Dr. D.S. Ram, Feed Technology Unit I.V.R.I.
10. Shri V.K. Verma, Farm Manager (Hort) I.V.R.I.
11. Farm Manager, Farm Section, I.V.R.I
12. Technical Officer, Engineering Section I.V.R.I
13. Incharge Hort. Section, I.V.R.I
14. Shri M.S. Shastri, Officer Incharge (Hort) I.V.R.I.
15. Farm Manager, Sampada Vibhag I.V.R.I
16. Incharge, Dairy Technology Section I.V.R.I
17. Head Division, Dairy Technology Section Livestock Production Technology Production Division, I.V.R.I.

... Respondents

Reh

... p22

:: 22 ::

25.

Original Application No.1407 of 1994

1. Om Pal Singh Verma s/o Shri Khoob Chand aged about 24 years r/o Tulsi Sthal Mandi Alakhnat Mandir Post quilla Bareilly presently working as a casual laboratory Helper under kind control of Shri S.D. Ahuja Head Division section of Poultry Housing & Management Central Avian Research Institute (C.A.R.I.), Izatnagar, Bareilly

.... Applicant

Versus

1. Union of India through Secretary, Agriculture Ministry of Agriculture Govt. of India, Krishi Bhawan, New Delhi
2. The Director, C.A.R.I
3. Shri A. Devraj, Administrative Officer C.A.R.I
4. Sri Veerashami/H. Salhotra Administrative Officer, C.A.R.I
5. Dr. P.K. Dass, Head, Avian Medicine Section C.A.R.I.
6. Shri S.D. Ahuja Head Division, Section of Poultry Housing and Management, C.A.R.I.

.... Respondents

26.

Original Application No.1408 of 1994

1. Shyam Behari(Backward) son of Shri Ram Prasad aged about 23 years r/o village Mathurpur, P.O. District Bareilly presently working as casual Mazdoor under Dr. H.N. Pandey Scientist Incharge (Farm) Farm Section, I.V.R.I.
2. Shri Narendra Pal Singh (SC) son of Shri Gopal Singh r/o village Chakdha Bhagwatipur Post of Dhaunra Tanda district Bareilly presently working as casual Mazdoor under Dr. H.N. Pandey, Scientist Incharge, (Farm) Farm Section, I.V.R.I

.... Applicants

Versus

1. Union of India through Secretary, Agriculture Ministry of Agriculture, Govt. of India Krishi Bhawan, New Delhi
2. The Director, I.V.R.I
3. Dr. H.N. Pandey, Scientist Incharge (Farm) Farm Section, I.V.R.I.

Recd

...p23

4. Shri H. Singh, Farm Manager (Farm Section)
Sampada Vibhag, I.V.R.I.
5. Farm Manager, Farm Section, I.V.R.I.

.... Respondents

27. Original Application No. 1411 of 1993

1. Anokhey Lal (SC) r/o village Veerpur District Bareilly presently working as casual Mazdoor under Dr. H.N. Pandey, Scientist Incharge (Farm) I.V.R.I.
2. Data Ram, s/o Shri Hira Lal r/o village Mohanpur Bareilly presently working as Casual Mazdoor under Dr. H.N. Pandey, Scientist Incharge (Farm) I.V.R.I.
3. Ram Chander (SC) s/o Roop Lal, r/o village Veerpur Bhakruka, P.O. Surla district Bareilly presently working as a casual mazdoor under Dr. H.N. Pandey Scientist Incharge (Farm) I.V.R.I.
4. Suraj Pal s/o Shri Sita Ram, r/o village Veerpur Bhakruka P.O. Surla district Bareilly presently working as casual Mazdoor under Dr. H.N. Pandey Scientist Incharge (Farm) I.V.R.I.
5. Shri Baboo Ram s/o Sri Ram Bharosey Lal r/o village Veerpur Bhakurka, P.O. Surla district Bareilly presently working as casual mazdoor under Dr. H.N. Pandey, Scientist Incharge (Farm) I.V.R.I

... Applicants

Versus

1. Union of India through Secretary Agriculture Ministry of Agriculture, Govt. of India, Krishibhawan, New Delhi
2. The Director, I.V.R.I.
3. Dr. H.N. Pandey, Farm Section, I.V.R.I

... Respondents

28. Original Application No. 1263 of 1994

1. Satya Pal, s/o Ganesh Ram aged 29 yrs r/o village Sardar Nagar P.S. Bhamora district Bareilly under Shri L.P. Nautiyal, Incharge Livestock Production Research (C&B), I.V.R.I.
2. Jai Pal son of Shri Mukund Ram r/o village Girdharpur, P.O. Binabar district Badaun presently working as casual mazdoor under Dr. H.N. Pandey Scientist Incharge (Farm) Farm Section, I.V.R.I.

... Applicants

Bdr

... p24

2.

1. Union of India through Secretary, Agriculture Ministry of Agriculture, Govt. of India Krishi Bhawan, New Delhi
2. The Director, I.V.R.I.
3. Shri L.P. Nautiyal, Incharge Livestock Production Research(C&B) I.V.R.I.
4. Dr. H.N. Pandey, Scientist Incharge (Farm) Farm Section, I.V.R.I.

... Respondents

29.

Original Application No. 1266 of 1994

1. Jhankari Lal(SV) s/o Shri Kundan Lal r/o Kuan Tanda Kurmiyan P.O. Balipur district Bareilly presently working as casual mazdoor under Shri L.P. Nautiyal, Incharge Livestock Production Research(C&B) I.V.R.I.
2. Om Prakash(SC) s/o Sri Tilak Ram r/o Nekpur Nai Basti Bareilly presently working as casual mazdoor under the Vibhagadhyaksh, Livestock Production Research(C&B) I.V.R.I.
3. Chunni Lal s/o Shri Khem Karan r/o Kharwa Nadosi district Bareilly presently working as casual mazdoor under Dr. H.N. Pandey, Scientist Incharge, (Farm) Farm Section, I.V.R.I
4. Shyam Behari s/o Shri Roshan Lal r/o village Kanwa Kalan P.O. Bithiri Chainpur district Bareilly, presently working as casual mazdoor under Dr. H.N. Pandey Scientist Incharge (Farm) Farm Section I.V.R.I.
5. Man Singh(SC) s/o Ganga Ram r/o village Dhampur Thakuran Post Thiriya Mohanpur district Bareilly presently working as casual Mazdoor under Dr. H.N. Pandey Scientist Incharge (Farm) Farm Section I.V.R.I.

... Applicants

Versus

1. Union of India through Secretary Agriculture Ministry of Agriculture Govt. of India, Krishi Bhawan, New Delhi
2. The Director, I.V.R.I.
3. Shri L.P. Nautiyal, Incharge, Livestock Production Research (C&B), I.V.R.I.
4. Shri A.K. Singh, Asstt. Administrative Officer, I.V.R.I.
5. Dr. H.N. Pandey, Scientist Incharge (Farm) Farm Section, I.V.R.I

...p25

:: 25 ::

6. Incharge, Dairy Technology, Livestock Production Technology Division, I.V.R.I.
7. Shri Sushil Kumar, Principal Scientist Livestock Production Technology Division I.V.R.I.
8. Vibhagadhyaksha, Livestock Production Research Institute, I.V.R.I.

.... Respondents

30.

Original Application No.1302 of 1994

1. Benchey Lal (SC) s/o Shri Janki Prasad, r/o village Lalpur P.O. Rohilkhand, University District Bareilly presently working as casual mazdoor under Shri H.N. Pandey, Scientist Incharge (Farm) Farm Section, I.V.R.I.
2. Ramu s/o Munshi Lal r/o House No.48 A Lokat Line Cantt Road, district Bareilly presently working as a casual mazdoor under Vibhagadhyaksha Pasu Posharan Vibhag, I.V.R.I.
3. Bir Pal (SC) s/o Dharam Dass r/o village Lalpur Rohilkhand University district Bareilly, presently working as casual mazdoor under Dr. H.N. Pandey Scientist Incharge (Farm) Farm Section, I.V.R.I
4. Bhagwan Dass (SC) s/o Shri Liladhar r/o village Balpur P.O. Rohilkhand University district Bareilly presently working as casual mazdoor under Dr. H.N. Pandey, Scientist Incharge (Farm) Farm Section, I.V.R.I.
5. Shyam Lal, s/o Shri Janki Prasad r/o village Lalpur P.O. Rohilkhand University district Bareilly presently working as casual mazdoor under Dr. H.N. Pandey, Scientist Incharge, (Farm Section) I.V.R.I.
6. Chandra Pal, s/o Dod Ram (SC) r/o village Lalpur P.O. Rohilkhand University District Bareilly presently working under The Farm Manager Farm Section, I.V.R.I.
7. Rajendra Pratap (SC) s/o Shri Gaindan Lal r/o village Lalpur P.O. Rohilkhand University district Bareilly under Dr. H.N. Pandey, Scientist Incharge, Farm Section, I.V.R.I.
8. Pratap Singh, s/o Shri Babu Ram (SC) r/o village Lalpur P.O. Rohilkhand University district Bareilly presently working as casual mazdoor under Dr. H.N. Pandey, Scientist Incharge (Farm) Farm Section, I.V.R.I
9. Nazir Husain son of Shri Alla Noor r/o village Bhoora P.O. Bilwa district Bareilly presently working as casual mazdoor under Farm Manager Farm Section, I.V.R.I

For

...p26

:: 26 ::

10. Jai Vir s/o Shri Nathoo Lal r/o village Hurhuri Tehsil Merganj district Bareilly presently working under Shri A.K. Singh, Asstt. Administrative Officer, I.V.R.I

... Applicants

Versus

1. Union of India, through Secretary Agriculture Ministry of Agriculture, Govt. of India, Krishi Bhawan, New Delhi
2. The Director, I.V.R.I.
3. Dr. H.N. Pandey, Scientist Incharge (Farm) Farm Section, I.V.R.I.
4. The Vibhagadhyaksha, Pasu Posharan Vibhag I.V.R.I.
5. The Farm Manager, Farm Section I.V.R.I.
6. Shri A.K. Singh, Asstt. Administrative Officer I.V.R.I.
7. Shri V.K. Verma, Farm Manager, I.V.R.I
8. Shri Sushil Kumar, Principal Scientist P.I. Project, Division of Livestock Production Technology Project, I.V.R.I

... Respondents

30. Original Application No. 1401 of 1994

1. Nankoo, s/o Shri Sukh Lal r/o village Prem Nagar Urla Jagir P.O. Padarathpur district Bareilly presently working under Dr. H.N. Pandey, Scientist, Incharge (Farm) Farm Section I.V.R.I.
2. Veer Pal s/o Shri Duli Ram r/o village Premnagar Urla Jagir Padarathpur district Bareilly presently working as casual mazdoor under Shri L.P. Nautiyal Incharge, Livestock Production Research (C&B) I.V.R.I.
3. Raj Pal s/o Shri Budhi Ram village Bhoora P.O. Bilwa presently working as casual mazdoor under Shri V.K. Verma, Farm Manager (Hort) I.V.R.I.

.... Applicants

Versus

1. Union of India through Secretary, Agriculture Ministry of Agriculture, Govt. of India, Krishi Bhawan New Delhi
2. The Director, I.V.R.I.

For

... p27

:: 27 ::

3. The Director, C.A.R.I
4. Dr. H.N. Pandey, Scientist Incharge (Farm)
Farm Section, I.V.R.I.

... Respondents

32. Original Application No. 05 of 1994

1. Sharafat Khan, s/o Sri Ashraf Khan r/o
village Bihar Kalan P.O. Izatnagar Bareilly
presently working as casual daily rated
mazdoor with the Incharge, Post Harvest
Technology (P.H.T.) C.A.R.I

... Applicants

BY ADVOCATE SHRI V.K. GOELAK

Versus

1. Union of India through Secretary Agriculture
Ministry of Agriculture, Govt. of India
Ministry of Agriculture, Krish Bhawan
New Delhi.
2. The Director, C.A.R.I.
3. The Director, I.V.R.I.
4. The Farm Manager, Farm Section, I.V.R.I.
5. Dr. L.P. Nautiyal, Incharge, Livestock
Production Research (C&B) I.V.R.I.
6. Incharge Parichetra and Sampada Anubhag
C.A.R.I.
7. Shri Harendra Malhotra, Administrative Officer
C.A.R.I.
8. The Incharge, Post Harvest Technology (P.H.T.)
C.A.R.I.

... Respondents

BY ADVOCATES SHRI J.N. TIWARI/RAKESH TIWARI

33. Original Application No. 1346 of 1994

1. Janardan Yadav, s/o Shri Ram Awadh Yadav,
P.O. Bhti Rawat, district Gorakhpur
2. Raghunath Yadav s/o Shri Gajraj Yadav, r/o
village Bhawanipur, P.O. Gangi Bazar
District Maharajganj
3. Ram Gyan Yadav s/o Shri Prabhunath Yadav
r/o village & P.O. Kertahari, distt. Gorakhpur

1/for

..p28

BY ADVOCATE SHRI SHESH KUMAR

Versus

1. Union of India through Secretary
Indian Council of Agricultural
Research, New Delhi
2. Director, I.V.R.I.

... Respondents

BY ADVOCATE SHRI RAKESH TIWARI/J.N. TIWARI

34. Original Application No. 468 of 1994

Puran Lal Kashyap s/o Bholey Ram r/o village
Sunder P.O. Sundari district Bareilly

... Applicant

BY ADVOCATE SHRI P.K. KASHYAP

Versus

1. Union of India through Director General
Indian Council for Agricultural Research
Krishi Bhawan, New Delhi
2. Director I.V.R.I.
3. Prabhari Adhikarim, I.V.R.I.

... Respondents

35. Original Application No. 589 of 1994

1. Islam Khan son of Shri Chhotey Khan, r/o
village Khajuria, P.O. Mudiya Ahmad Nagar
District Bareilly
2. Sati Prasad son of Shri Bhikam Lal, r/o
village and P.O. Umarsia, Bareilly
3. Ram Vir son of Shri Rameshwar Dayal, r/o
village Milak Mazar, P.O. Lajuria, district
Bareilly
4. Jahid Khan, son of Sri Nathu Khan, r/o
village Kalahari, P.O. Mudia Ahmad Nagar,
District Bareilly

... Applicants

BY ADVOCATE SHRI I.M. KUSHWAHA

Versus

1. Union of India through Secretary, Indian
Council of Research Agriculture, New Delhi
2. The Director, I.V.R.I.

Recd

...p29

:: 29 ::

3. The Farm Manager/Line Stock Manager
I.V.R.I.

... Respondents

36. Original Application No. 337 of 1994

1. Om Prakash, son of Luxman Prasad, r/o
village Bilwa, district Bareilly

.... Applicant

BY ADVOCATE SHRI V.K. SRIVASTAVA

Versus

1. Union of India, through Secretary, Indian
Council of Agricultural Research, New Delhi
2. The Director, I.V.R.I.
3. Asstt. Engineer(Electrical)
Engineering Section, I.V.R.I.

.... Respondents

37. Original Application No. 507 of 1994

1. Devendra Shankar, son of Genda Ram, r/o
330/D New Model Railway Colony, Izatnagar
presently working as Daily rated casual
labour under Farm Section, I.V.R.I.

.... Applicant

BY ADVOCATE SHRI D.C. SAXENA

Versus

1. Union of India, through the Secretary,
Agricultural Ministry, Krishi Bhawan,
New Delhi
2. Indian Council of Agricultural Research
through its director, Library Avenue,
New Delhi
3. Farm Manager, Block 'B'
Farm Section, I.V.R.I.

.... Respondents

38. Original Application No. 1809 of 1992

Sultan Mohammad son of Shri Farooq, r/o
village Vihar Kalan P.C. Izatnagar, Bareilly

... Applicant

BY ADVOCATE SHRI K.A. ANSARI

...p30

SCR

:: 30 ::

Versus

1. Union of India, Ministry of Agriculture, through Secretary, New Delhi
2. The Director, I.V.R.I.
3. Sri A.K. Singh, Asstt. Administrative Officer I.V.R.I.

.... Respondents

39. Original Application No. 6 of 1993

1. Veer Pal son of Shri Lakhram, r/o village Ballia Faridapur Ram Charan, P.O Mandhauri district Bareilly

BY ADVOCATE SHRI K.A. ANSARI

.... Applicant

Versus

~~Ans~~

1. Union of India Ministry of Agriculture, through Secretary, New Delhi.
2. The Director, I.V.R.I.
3. The Farm Manager, Farm Section, I.V.R.I.

.... Respondents

40. Original Application No. 1598 of 1993

1. Pritam Lal s/o Sri Lochan Lal, r/o village Bakar Nagar Sundarasi, P.O. Civiganj, Bareilly
2. Kalimuddin, s/o Baijuddin, r/o Mohalla Peerbara Pilibhit road, Post Izatnagar, Bareilly

.... Applicants

BY ADVOCATE SHRI A.K. SRIVASTAVA

Versus

1. Union of India through Secretary, Indian Council of Agricultural Research, Ministry of Agriculture Govt. of India, Krishi Bhawan New Delhi
2. Director, Central Avian Research Institute, Izatnagar, Bareilly

.... Respondents

41. Original Application No. 102 of 1994

1. Hasmuddin son of Sri Jamaluddin, r/o village Peer Bahora, Post Izatnagar district Bareilly

.... Applicant

BY ADVOCATE SHRI A.K. SRIVASTAVA

.... p31

Bd

:: 31 ::

Versus

1. Union of India through Secretary, Indian Council of Agricultural Research, Ministry of Agriculture, Govt. of India, Krishi Bhawan New Delhi.
2. Director, Indian Veterinary Research Institute Bareilly

... Respondents

42. Original Application No. 814 of 1994

Praavesh Giri s/o Shri Mitthu Giri, r/o village Chaupua, Post Bhojipura, Bareilly

k.

.... Applicants

BY ADVOCATE SHRI R.R. SHUKLA

Versus

1. Union of India through Director General I.V.R.I. Krishi Bhawan, New Delhi
2. Director I.V.R.I.
3. Incharge F.M.P., I.V.R.I.

... Respondents

43. Original Application No. 566 of 1994

Krishan Pal, s/o Late Mahi Lal, casual worker, I.V.R.I.

... Applicant

BY ADVOCATE SHRI P.P. Agrawal

Versus

1. Union of India through the Director General, Indian Council of Agricultural Research Krishi Bhawan, New Delhi
2. Director I.V.R.I.

44. Original Application No. 1148 of 1994

1. Lalita Prasad son of Shri Har Dayal, r/o village Ledpur Mundiyian, P.O. Sonha, Tehsil Faridpur, Bareilly

... Applicant

BY ADVOCATE SHRI ASHOK BHUSHAN

Versus

1. Union of India through the Secretary of Agricultural Research, Govt. of India, New Delhi

..p32

1/82

:: 32 ::

2. The Director, C.A.R.I.

... Respondents

45. Original Application No. 518 of 1994

1. Jitendra Pal Singh, son of Sri Yadupal Singh,
r/o village & Post Chawbari, Bareilly

... Applicant

BY ADVOCATE SHRI ASHOK BHUSHAN

Vs.

... Respondents as above

46. Original Application No. 963 of 1994

1. Ram Das, s/o Roshan Lal, r/o Kataki Bharat
P.O. Naurangpur, Bareilly

.... Applicant

BY ADVOCATE SHRI KRISHNA MOHAN

Vs.

1. Union of India through Secretary,
Indian Council of Research Agriculture
New Delhi
2. The Director I.V.R.I.
3. The Farm Manager/Line Stock Manager
I.V.R.I.

.... Respondents

47 Original Application No. 597 of 1994

Tora Ram, son of Kundan Lal, r/o village
Kalar P.O. Mudia Ahmadnagar, Bareilly

~~Versus~~

BY ADVOCATE SHRI O.P. GUPTA

Versus

1. Incharge Livestock Production Research
(C&B) I.V.R.I.
2. Union of India through Secretary Ministry
of Agriculture Govt. of India, New Delhi.

.... RESPONDENTS

BY ADVOCATES SHRI J.N. TIWARI/RAKESH TIWARI

Bcl ...p32

:: 32 ::

48.

Original Application No. 06 of 1994

1. Bhoop Ram s/o Shri Jamuna Prasad r/o mohalla Nabada Shekhan, Post Old city Bareilly presently working as Casual Mazdoor under Dr. H.N. Pandey The Farm Manager, Scientist Incharge, Farm Section, I.V.R.I.

... Applicant

Vs.

1. Union of India through Secretary of Agriculture Ministry of Agriculture, Govt. of India, Krishi Bhawan, New Delhi.
2. The Director, I.V.R.I.
3. The Farm Manager, Farm Section, I.V.R.I.
4. The Incharge, Horticulture Section I.V.R.I.
5. Dr. H.P.S. Arya, Head Division of Animal Science I.V.R.I.
6. Head, Division of Animal Science Extension I.V.R.I.
7. Dr. M.S. Shastri, The Officer Incharge (Horticulture) I.V.R.I.
8. Dr. H.P.S. Arya, Head Division of Extension Education, I.V.R.I
9. Dr. V.K. Verma, Farm Incharge (Horticulture) I.V.R.I.
10. The Asstt. Administrative Officer, I.V.R.I.
11. Dr. H.N. Pandey, The Farm Manager, Scientist Incharge, I.V.R.I.

... Respondents

49.

Original Application No. 408 of 1994

1. Sia Ram, s/o Sri Govind Ram aged 25 years r/o village Sundarasi, P.O C.B. Ganj, Bareilly presently working as casual labour under Dr. Sukh Deo Scientist S-3 Incharge, Livestock Product Research L.P.R (PIGS) I.V.R.I

... Applicant

Versus

1. Union of India through Secretary for Agriculture Ministry of Agriculture, Govt. of India, Krishi Bhawan, New Delhi
2. The Director, I.V.R.I.

... p36
B.C.

:: 34 ::

3. Dr. Sukh Deo, Scientist S-3, Incharge
Livestock Product Research L.P.R(Pigs)
I.V.R.I.

.... Respondents

50. Original Application No. 445 of 1994

1. Radhey Shyam s/o Sri Shiv Dayal r/o village
Bhoora, P.O. Bilwa Bareilly presently working
as casual daily rated mazdoor with Dr. H.N.
Pandey, Scientist Incharge, I.V.R.I(Farm)

... Applicant

Versus

1. Union of India through Agriculture Secretary
Ministry of Agriculture, Govt. of India,
Ministry of Agriculture, Krishi Bhawan
New Delhi.
2. Director I.V.R.I.
3. Dr. L.P. Nautiyal, Incharge Livestock Production
Research(C&B) I.V.R.I.
4. Dr. H.N. Pandey, Scientist Incharge (Farm)
I.V.R.I.

51. Original Application No. 530 of 1994

1. Kunwar Pal Singh Rathore, spo Ramesh Singh
Rathore, r/o ~~xxxkage~~ Central Jail Izatnagar
Bareilly working under Dr. H.N. Pandey, Scientist
Incharge (Farm) I.V.R.I.

BY ADVOCATE SHRI N.K. GOEL Applicant

Versus

1. Union of India through Secretary for Agriculture
Ministry of Agriculture Govt. of India, Krishi
Bhawan, New Delhi
2. The Director, I.V.R.I.
3. Dr. H.N. Pandey, Scientist Incharge (Farm)
I.V.R.I.

.... Respondents

BY ADVOCATES SHRI J.N. TIWARI/RAKESH TIWARI

... P35

Recd

52. Original Application No.1654 of 1992

1. Lala Ram (Casual Tractor Driver), s/o Shri Badri Prasad aged about 26 years r/o village and Post Chaneta District Bareilly (Last working in Section Asstt Agriculture Engineer Farm Machinery and Power Section I.V.R.I, Izatnagar, Bareilly

.... Applicant

BY ADVOCATE SHRI M.K. GOELAK

Versus

1. Union of India through Agriculture Secretary Ministry of Agriculture, New Delhi
2. The Director, I.V.R.I.
3. The Farm Manager, Farm Section, I.V.R.I.
4. The Officer-in-charge, Farm Machinery and Power Section I.V.R.I.
5. The Asstt. Agriculture Engineer, Farm Machinery and Power Section, I.V.R.I.

.... Respondents

BY ADVOCATE SHRI J.N. TIWARI

ORDER

JUSTICE B.C. SAKSENA, V.C.

The 52 O.A.s indicated hereinabove involve almost identical facts and questions of law. O.A. No. 1336/93 Munna Lal and Ors. Vs. Union of India and Ors is being treated as the leading case of this bunch and all the aforesaid O.As are being decided through this common judgment which will govern all the cases bunched together.

2. O.A. 1336/93 is being treated as the leading case, since a detailed amendment application filed during the pendency of the O.As was allowed. The applicants of the remaining O.As filed a misc. application indicating that they are poor class IV

Recd

...p36

daily wagers and are not in a financial position to file detailed amendment application as had been filed by their colleagues in O.A. No. 1336/93. The said applicants, therefore, sought permission to adopt facts mentioned in paragraph 3 of the amendment application made in O.A 1336/93 and requested that the said facts may be read as part of each of the other O.As. By an order passed on 8.11.94 on those applications in the various other O.As we had rejected the applications. We had noted that no doubt the Tribunal is not hampered by any procedural rules, It can lay down its own procedure but if the prayer in the application is granted it will lead to a very strange procedure and therefore we did not think it proper to grant the request.

3. We, in our order further indicated that all the other O.As involve similar facts and seek almost similar reliefs as in O.A. 1336/93 and the whole bunch has been taken up for hearing and O.A. 1336/93 can be taken to be the leading case for the purposes of a common judgment which may be pronounced disposing of the other connected matters. We had also indicated in our order dated 8.4.94 that on the basis of the facts indicated in the amendment application certain legal propositions will be given rise to. On the basis of the pleadings already made by the parties in each of the other O.As we, in our aforesaid order had indicated that if we feel satisfied that the applicants of the other O.As are similarly circumstanced as the applicants of O.A. 1336/93, there would be no difficulty in adjudicating their rights in the light of the legal principles and propositions which

may find as arising while deciding the leading O.A. In view of the facts above, for purposes of common judgment O.A. 1336/93 is being treated as leading case.

4. We have heard the learned counsel for the applicants in each of the cases as also Shri J.N. Tiwari the Senior counsel representing the respondents.

5. The applicants claim that they were engaged to work as Casual Mazdoors in the Indian Veterinary Research Institute, Izatnagar, Bareilly, to be referred in short as (I.V.R.I.) or the Central Avian Research Institute, Izatnagar, Bareilly in short (C.A.R.I) in their various projects. It is not relevant to indicate which of the applicant was working with which section or project of the I.V.R.I. or C.A.R.I. The applicants have given out a period during which they have worked and under which of the respondents.

6. The applicants allege that they are engaged as daily rated casual mazdoors and have put in continuous service for considerable number of days ranging between 426 to 1135 days. They claim that the Ministry of Labour, Govt. of India has framed Model Standing Orders, copy of which has been filed as Annexure 55 to the leading O.A. They claimed their regularisation in service on the basis of the provision in Cl. 15 of the said Model Standing order. They, interalia, seek the following reliefs;

"~~Quashing~~ Quashing of various termination orders in respect of the applicants or a direction to the Respondents 4 to 10 to withdraw/cancel the said termination orders and to regularise the applicants in services as Mazdoor workers with effect from certain dates indicated by

them, when they have completed the requisite period provided in Cl.15 of the Model Standing Order contained in Annexure 55 of the leading case".

In the alternative, also seek a relief that the respondents be directed to frame a rule or scheme providing for regularisation of services of casual workers on the basis of length of service only irrespective of the number of years.

The applicants have also claimed that the respondents be directed to pay to the applicants on the principle of 'Equal Pay for Equal Work' to them at the rate of regularly employed workmen on identical posts on each of the applicants is paid by the respondents 4 to 10."

7. To the amended O.A, a counter affidavit was filed on behalf of the respondents by the Supdt(Legal Cell) in the office of the I.V.R.I., Izatnagar, Bareilly. A separate counter affidavit was filed by the Supdt.(C.A.R.I) to meet the averments made in respect of such of the applicants who have been working in that Institute. After the amendment a counter affidavit to meet the ^{amended} _{old} paras was also filed to which the applicants filed rejoinder affidavit. With a view to avoid adding to the bulk of this order, we do not consider it necessary to give out the detailed pleadings of the parties. We proposed to consider the pleadings while considering the pleas based therein of the respective parties.

8. Shri V.K. Goel, learned counsel for the applicants in the leading O.A. as also many other connected O.A.s thereto, submitted that the aforesaid 2 Institutes are 'Industrial Establishments' as defined to mean in Sec. 2(e) of the Industrial Employment (Standing Orders) Act 1946). The said provision reads as under:-

2(e) "Industrial Establishment" means-

- (i) An Industrial Establishment as defined in Cl.(ii) of Sub-sec(2) of the Payment of Wages Act, 1936 (40 of 1936), or;
- (ii) A Factory as defined in Cl.(m) of Sub-sec(2) of the Factory's Act 1948 (63 of 1948), or
- (iii) A Railway as defined in Cl.4 of Sub-sec(ii) of Indian Railways Act 1890 (9 of 1890), or;
- (iv) The Establishment of a person who for the purposes of fulfilling a contract with the owner of any Industrial Establishments Employees workmen.

9. Shri V.K. Goel, learned counsel for the applicants conceded that for our purposes only sub-clauses (1) and (2) of Sub-sec(e) are only relevant. He submitted that the Model Standing order, copy of which has been filed as Annexure 55 to the leading O.A., especially Cl.15 thereof will apply and govern the Casual workers, as the applicants, who have been working in the 2 Institutes.

Recd

...40

10. Before entering into a detailed analysis of the provisions of the Industrial Employment (Standing Orders Act 1946) and determining the question of the applicability of the same, we may first indicate the genesis of the Model Standing Order Annexure 55. It has been averred in the amended paras of the O.A. that the Govt. of India, Ministry of Labour formulated the Model Standing order for bringing about qualitative improvement in the working conditions of casual labourers under Central Govt. Department/Offices. It has been averred that the aforesaid standing order was circulated and sent to all the Ministries concerned for its implementation on 1.4.92. It ~~was~~ also provided that the said Model Standing order formulated by the Ministry of Labour Govt. of India may prominently be displayed by each Unit/Department of Central Govt and Public Undertakings. If any major changes are considered necessary, the Model Standing orders to meet the specific ^{in exigencies} orders may be sent to Ministry of Agriculture, Govt. of India for obtaining concurrence to Ministry of Labour.

11. As noted hereinabove, reliance is placed on Cl.15 of Annexure 55, the Model Standing Order framed by the Ministry of Labour, Govt. of India as alleged.

Cl.15 thereof reads as under:-

Cl.15-Regularisation

(i) a casual workman who has completed six months continuous service in the same establishment or under the same Employer within the meaning of Sub-cl. (b) of Cl.2 of Sec. 25(B) of the Industrial Dispute Act 1947, shall be brought on to the regular

strength of the Establishment and his pay shall be fixed at the minimum in the time scale of pay applicable to the work he has been doing as a Casual Workman.

(ii) A casual workman who has completed 90 days of continuous service in the same Establishment or under the same Employer, shall be given preference for such Casual employment in that Establishment or under the same Employer over a workman who has not completed his period of 90 days.

12. Paragraph 1/contains the definition and indicates that the word ~~Industrial Employment~~ ^{as} the "Act" means the Industrial Employment(Standing Orders Act 1946). Cl.(b) provides that the Industrial Establishment would have the same meaning as given to in sub-sec.(2) (a) of the Act. Casual labour is defined in Cl.(d) and states that it refers to labourer whose employment is seasonal, intermittent, sporadic or extends over short period. Annexure 55 has filed does not show either the date of its issuance or the fact that it was issued by the Ministry of Labour, Govt. of India. At the end it bears no signatures, designation of the officer who has issued it. As noted hereinabove, the assertion of the applicant is that it has been issued by the Ministry of Labour, Govt. of India.

13. The applicants further case is that the Ministry of Defence through its letter dated 22.3.82 issued a memorandum, copy of which is Annexure 56. The same is on the subject of Model Standing orders for casual labourers in Central Govt. This shows that Ministry of Labour has formulated Model Standing orders in the Central Govt and that Ministry has requested that the Standing Orders may be adopted with suitable modifications if considered necessary, for all casual labourers whether employed directly or through contractors or through any other means. The said Memorandum contains a decision to adopt the said Model Standing orders by the Ministry of Defence in all its Units/Establishments. Further correspondence by the Ministry of Defence and the fact whether any of the Unit/Establishment of the Ministry of Defence were sent to the said Ministry for onward transmission to the Ministry of Labour, has not been placed on record.

14. The respondents in their counter affidavit in reply have categorically stated that the Ministry of Agriculture under which the 2 Institutes come has not adopted the so called Model Standing orders formulated by the Ministry of Labour and thus they deny the applicability of the same to the casual workers of the Institutes concerned.

15. In the Rejoinder affidavit the applicants have not indicated anything to rebut the categorical assertion that Model Standing Orders Annexure 55 has not been adopted by the Ministry of Agriculture or the 2 Institutes. It has only been pleaded that since the 2 Institutes are under the Govt. of India, the applicants are entitled to be regularised as per the Model Standing Order.

Recd

... p 43

16. We now proceed to analyse the various provisions of the Industrial Employment (Standing Order Act 1946), to adjudicate on the question whether on the basis of Cl.15 of Annexure 55 the applicants have a right for regularisations/fulfilment and they the conditions enumerated in Cl.15 aforesaid. Sub-sec.(g) of the Standing Orders Act defines the term Standing orders to mean Rules relating to matters set out in the schedule. Various provisions of the said Act show that the employer within six months from the date on which the Act became applicable to an Industrial Establishment shall submit to the Certifying Officer 5 copies of the Draft Standing Orders proposed by him for adoption in his Industrial Establishment. Sub-sec. (2) of Sec. 3 provides that provision shall be made in such draft for every matter set out in the schedule which may be applicable to the Industrial Establishment and ^{where} ~~open~~ Model Standing Orders have been prescribed, shall be so far as is practicable, in conformity with such model. Admittedly, the Authorities of the 2 Institutes have not submitted any draft Standing orders nor have they adopted the Model Standing orders, copy of which has been filed as Annexure 55. Thus we find that no certified Standing Order governing the 2 Institutes are there.

17. Sec. 15 of the Standing Orders Act provides that an appropriate Govt. may, after previous publication, by notification, in the official gazette, make rules to carry out the purposes of the said Act. Sub-sec(2) further provides that in particular and without prejudice to the generality on the foregoing power, such rules may prescribe additional matters to be included in the schedule and the

procedure to be followed in modifying the Standing orders certified under Act in accordance with any such addition. Cl. (b) of Sub-sec. (2) of Sec. 15 empowers the appropriate Govt. to set out Model Standing Orders for the purposes of this Act.

18. As noted hereinabove, Sub. Cl. (g) of Sec. 2 of the Act defines the Standing Orders to mean Rules relating to matters set out in the schedule. The Schedule framed under Sec. 2(g) and 3(2) indicates any specific matters besides any other matter which may be prescribed as the 11th item to be provided in the Standing Order under the Act. Items from 1 to 10 do not relate to regularisation. As far as Item no. 11 of the schedule is concerned any other matter which may be prescribed can be discerned from the Industrial Employment (Standing Order Central Rules) by notification dated 18.12.1946, the Central Govt. had indicated few other items after Item No. 10 of the schedule, as 10-A and 10-B. Item 10-A of the schedule deals with additional matters to be provided in the Standing orders relating to all Industrial Establishments, in Coal Mines. Therefore item no. 10-A of the schedule is not attracted. Item 10-B provides additional matters to be provided ~~the~~ ^{by} in the standing orders relating to all Industrial Establishments. 8 additional matters have been indicated in item no. 10-B of the schedule. They also do not relate regularisation of casual workers.

19. Schedule 1 lays down the Model Standing orders in respect of Industrial Establishments, not being Industrial Establishments in Coalmines. Though Model standing order indicated in schedule 1 gives the classification of workman and includes casual workman. All the same, even after

:: 45 ::

repeated perusal of the Model standing orders, as given in the said schedule, we do not find that there is any provision for regularisation of casual workers. Evidently therefore, the Model standing order, copy of which is Annexure 55 is not a Model standing Order prescribed under the Industrial and Establishment, therefore, cannot be treated as a Standing order defined under the Act and the Rules. Schedule 1-B framed under the Industrial Employment (Standing Order Central Rules also indicates the Model Standing order on additional items applicable to all industries. This contains@ no clause/similar to Cl. 15 of Annexure 55.

20. The upshot of the discussion hereinabove, is that Annexure 55 filed to the leading O.A cannot be treated as the Model Standing order prescribed under the various provisions of the Industrial Employment (standing orders Act 1946) or the Central Rules framed thereunder. Evidently also there is no certified standing order which can be said to have been certified by the Certifying officer to govern the casual workmen in the 2 Institutes, where the applicants have been engaged.

21. In the light of the conclusions recorded hereinabove, it is wholly irrelevant to deal and analyse the various decisions cited by Shri R.C. Pathak to show that the Institute answers the definition of the term 'Industrial Establishment' under the Standing Orders Act in clauses 1 and 2 of Sec. 2, sub-sec(2) of the said Act. The decisions cited are:- 1960 A.P. 147, 1962 S.C. Page 29, 1977 L.I.C 616 and 1978 S.C. 548. It was urged that by these decisions the concerned Establishment was adjudicated to be an Industrial Establishment as defined in Cl.2 of Sec. 2 of the Payment of Wages Act or a Factory as defined in Cl.(m) of Sec.2

1
B.C.

.. p46

of the Factory's Act 1948.

22. The learned counsel for the applicants further invited our attention to Sec. 12-A of the Standing orders Act. The said Sec. provides as follows:-

" Notwithstanding anything contained in Sec. 3 to 12, for the period commencing on the date on which this act becomes applicable to an Industrial Establishment and ending with the date on which the standing order as finally certified under this Act come into operation under Sec. 7 in that Establishment, the prescribed Model standing orders shall be deemed to be adopted in that Establishment, and the provisions of Sec. 9, sub-sec(2) of Sec. 13 and Sec. 13-A shall apply to such model standing orders so certified.

On the basis of this provision the learned counsel urged that even if it be that the 2 Institutes have not adopted the Model Standing order as evidenced by Annexure 55, the said Model Standing order will still apply till any standing order is certified for the Establishments in question. This submission does not appeal to us. The crucial word in Sec. 12-A is 'the prescribed Model standing order'. We have already held for the detailed reasons given hereinabove, Annexure 55 cannot be held to be 'the prescribed Model standing order'. Since it is not in accord with the Model standing order in schedule 1 and schedule 1-B. We have also held that Cl.15 of Annexure 55 is not an item in the schedule or even under

the additional matters in item 10-B of the schedule.

23. The learned counsel for the applicants in the alternative submitted that the 2 Institutes would be 'State' within the meaning of the said term under Art. 12 of the Constitution of India. It has been indicated that the counsel of Scientific and Industrial Research in short C.S.I.R has been held by the Apex Court to be a 'State' within the meaning of Art. 12 in a decision reported in 1984 S.C pg. 541. For our purposes it is not necessary to analyse in any detail this submission. The purpose of showing that the 2 Institutes are 'State' within the meaning of Art. 12 is to build a further argument that ^{right} regularisation is a fundamental/flowing from Art. 14 & 21 of the Constitution of India.

24. The right to regularisation in these O.As is based on Cl. 15 of the Model Standing order Annexure 55 to the leading O.A. The second ground in support of the claim for regularisation is based on a few decisions of the Hon'ble Supreme Court and decisions of the High court and the Benches of the C.A.T.

25. Before proceeding to analyse the decisions relied upon, it would be necessary to indicate the pleadings of the parties with regard to the factum of the applicants appointment, nature of their duties etc. In O.A. 1336/93 there are six applicants and in para 4(1) the details of the number of days on which each of the applicant has worked had been indicated. Admittedly, none of the applicants in these O.As have completed 240 days of continuous service in each two consecutive years which is the criteria provided by the Office Memorandums filed as Annexures 1 and 2 to the

Recd

...p48

to the counter affidavit. We will advert to this aspect of the matter later. At this stage, we may indicate that in the counter affidavit the number of working days of each of the applicants as claimed has been denied and Annexure 3 alongwith the counter affidavit is a chart indicating the break-up of the work done by the applicants 2 to 6. As far as applicant no.1 of the leading O.A is concerned, viz Munna Lal, in the counter affidavit it has been averred that he is neither an employee of the answering respondent/institute/ and is also not working as casual ^{i.e. I.V.R.I.} ~~and~~ ^{or} labourer in the Institute. In the O.A it has been alleged that he is working under the Incharge Experimental Broiler Section, C.A.R.I. In the rejoinder however, the averment ~~and~~ ^{bcz} made in the O.A in regard to Munna Lal have only been reiterated. This is no disputed question of fact and we find no good reason to reject the categorical averment on behalf of the respondents no.6 and other respondents that the applicant Munna Lal has not worked and is not working.

26. In the counter affidavit filed on behalf of Respondents no. 3,5, and 9 in respect of Munna Lal it has been indicated that he was working under respondent no.9 and his services came to an end on 20.2.93 and he has not been engaged under any of the department of C.A.R.I. after the said date which fact was to show that services of applicant came to an end much before filing of the O.A. In these circumstances, Munna Lal is not entitled to a direction for regularisation of his services. ~~cccccccccccccccc~~ ^{bcz} Such a right may arise on his fulfilling the conditions of regularisation after his re-engagement according to the guidelines given in Annexures 1 and 2 of the counter affidavit.

BCR

27. We are not entering into the total number of working days of each of the applicants. From Annexure 3 to the counter affidavit of the leading O.A the services of ~~the~~ some of the applicants shown to have come to an end on 10.6-93 and because of the interim order they have been allowed to continue.

28. In the counter affidavit it has been indicated ~~were not~~ that the applicants names/sponsored by the Employment Exchange ~~Ac~~. They have not completed the requisite 240 days continuous service in each two consecutive years and they are not entitled to the benefit of regularisation. It has been further indicated that the casual labourers are engaged depending upon the exigency and the availability of casual mazdoors. It has further been indicated that the casual mazdoors do not discharge the responsibility ~~end~~ work that are shouldered and discharged by a regular incumbent. It has also been stated that breaks in service of the applicants cannot be termed as technical breaks. These breaks in service occurred due to non availability of work. On behalf of the I.V.R.I. in the counter affidavit, it has been pleaded that it is a Research Institute and casual employees are required for casual/seasonal, intermittent period on farms and project from time to time. The stand of the respondents is that casual labourers are engaged just to clear of extra work load if there is increase for a particular period and once the particular period expires, the services of the casual labourers automatically comes to an end. Thus in short, the stand of the respondents with regard to the claim for regularisation is that the applicants have not been sponsored by the Employment Exchange. They have been engaged for seasonal/intermittent period. There is no sanctioned posts in the regular cadre

:: 50 ::

against which they can claim absorption/regularisation. Further they do not fulfill the criteria for regularisation, provided in Annexures C.A-1 and 2 as none of them ~~is~~ has completed 240 days of continuous service in each two consecutive years.

29. Here, we may note the circulars filed as Annexures C.A. 1 and 2. C.A. 1 is the copy of the Office Memorandum dated 13.10.83 issued by the Ministry of Home Affairs, Department of Personnel and Administrative Reforms, Govt. of India. The Office Memorandum is on the subject of 'regularisation of casual employees in group 'D' posts'. This office Memorandum after referring to the instructions issued by the said department from time to time notes that casual employees recruited before 21.3.79 in various Ministries/Departments and attached in subordinate offices of the Govt. of India may be regularised in group 'D' posts subject to the following conditions:

(i) A daily wage worker should have put in at least 240 days of service as such (including broken period) of service during each of the two preceding years (4 years in the case of part-time casual labourer) on the date of appointment against the regular group 'D' posts.

(ii) a daily wage worker should be eligible in respect of maximum age limit on the date of appointment to the regular post for this purpose. The periods spent by him as daily wage worker is ~~deducted~~ deducted

Bch

from his actual age.

(iii) a daily wage worker should possess the minimum educational qualifications prescribed for the posts.

The instructions contained in the O.M. dated 21.3.79 which provided that there was a ban on recruitment of casual employees for regular nature of work and as such, the various Ministries were advised not to engage persons on daily wages basis against regular posts. The O.M. dated 13.10.83, reiterates that the said instructions are still in force and they may be followed scrupulously by all concerned. Annexure 2 to the counter affidavit is a letter dated 29.3.84 issued by the Indian Council of Agricultural Research. This circular after referring to the Govt of India, Ministry of Home Affairs O.M. dated 12.2.66 ~~read with~~ O.M. dated 12.2.69 points out the casual labourers who have been initially recruited through the Employment Exchange and have put in 2 years or atleast 240 days of service in each two consecutive years of service (including broken periods) are eligible for appointment to Class IV posts on regular basis against regular vacancies, if otherwise eligible in terms of age, qualifications and other requirements as prescribed under the Recruitment Rules applicable to these posts.

30. Certain other guidelines indicating some difficulties which arise because of casual labourers being over age for the purposes of appointment at the time of selection for casual appointment ~~it was provided that it~~ be ensured that they would be within the maximum age limit prescribed for making appointment to Class IV posts on regular basis and also

fulfilled all other conditions prescribed for the posts against which they are to be regularised except on appointment -s on compassionate grounds.

31. In view of the categorical averment and in fact admission on all hands, none of the applicant are eligible to be considered for regularisation in terms of the provisions of the aforesaid two circular letters, since none of them has put in 240 days of continuous service in each of two consecutive years.

32. The learned counsel for the applicant urged that the respondents have been adopting a policy of 'Pick & Choose' and has manouvered to ensure that none of the casual labourer working in the two Institutes complete the requisite period indicated above. It is urged that this action of the respondents is arbitrary and is being resorted to defeat the right to claim regularisation. On the material on record, we are in no position to adjudicate on the plea of arbitrariness/ discrimination.

33. The learned counsel for the applicants in the leading O.A on the basis of the pleadings tried to show that the respondents have been terminating the services and engaging other casual labourers. The averments in the O.A on this aspect has been suitably replied to. In the counter affidavit, it has been indicated that casual labourers are engaged for seasonal basis and to cope up with the extra work load which arises for intermittent period and as soon as the work and for the period for which they are engaged is over, their services came to an end automatically. No arbitrary action has been resorted to and keeping in view the work load and the exigencies the respondents state that they have taken care to ensure that engagement is made and work

is provided as far as possible to the casual labourers on the basis of number of days put in by them.

34. At the bar, the learned counsel for the respondents categorically stated before us that the respondents are not engaging any fresh hands as casual labourers and have resolved not to engage any fresh hands till after regularisation of all the casual labourers who have worked with them from the initial period of inception of the Institutes till date. The learned counsel for the respondents also submitted that the provision for regularisation is there in Annexures 1 and 2 to the counter affidavit and the respondents are agreeable to any other scheme which may be suggested by the applicant consisted with the rights of other casual labourers who have worked with the Institutes apart from the applicants in the O.A.s filed before this Tribunal.

35. As noted hereinabove, the applicants have prayed for relief for a direction to absorb them on the basis of length of service only irrespective of the number of years. At this stage, we wish to observe that there appears to be a great misconception about regularisation. The Supreme Court has in several decisions has clarified the said position. The said decisions are:-

(1) State of Mysore Vs. S.B. Narayanappa
(1967) 1 S.C.R 128

(2) R.N. Nanjudappa Vs. T. Tihmmiah reported
in (1972) 2 S.C.R 799

These two decisions were followed by a 3 Judge Bench of the Hon'ble Supreme Court in' B.N. Nagarajan & Ors Vs

State of Karnataka, reported in A.I.R 1979 S.C 1676.

36. In R.N. Nanjudappa's case (Supra), the Supreme Court held that if the appointment is made in infraction of the rules or if it is in violation of the provisions of the Constitution, such appointment being illegal, the same cannot be regularised. It was further held that ratification or regularisation is possible by an act which is ~~possible~~ within the power or province of the authority but where there has been some non-compliance with the procedure or manner which does not go to the root of the appointment, it was held;

"regularisation cannot be said to be a mode of Recruitment".

To accede to such a proposition would be to introduce a new head of appointment in defiance of the Rules and it may have the effect of setting at naught of the rules. In B.N. Nagarajan's case (Supra) it was held;

"it was argued that the regularisation on promotion gave it ^{the} glamour of permanency and appointments of the promotees as Asstt. Engineers must, therefore be deemed to have made substantively right from 1.11.56.

The argument is however, unacceptable for aforesaid 2 reasons. The word 'regular' do not 'regularisation' connote permanence.....

Recd

...p5

These words are meant to cure only such defects as are attributable to the methodology followed in making the appointments. They cannot be construed so as to fix an idea of the nature of tenure of appointment. As we shall presently see in none of the cases referred by the learned counsel for the applicants aforementioned authoritative pronouncement of the Supreme Court which have defined the term 'regular' 'regularisation' were taken into consideration. The decisions cited by the learned counsels have to be considered from that angle. Thus regularisation of casual labourers do not mean that they can be permanently absorbed in the service irrespective of the fact there exists any vacancy or not.

37. Shri V.K. Geel on behalf of the applicants whom he represents has cited the following decisions in support of the plea for regularisation of the applicants.

(1) (1990) 13 A.T.C 478 'Raj Kamal Vs.

Union of India and Ors. (P.B.)

(2) (1993) 25 A.T.C 421 'A. Mohanan Vs.

S.D.O.T. Palgaon (Ernakulam Bench)

(3) (1990) 1 CAT ATR 422 (Ernakulam)

38. The judgments marshalled by the learned counsel in support of the case of the applicants have to be viewed in the context of as to what constitute a binding precedent which must be followed by the court in a given situation. We may advert to the settled law of precedents in 'Prakash Amir Chand Shah Vs. State of Gujarat and Ors (1985) S.C 465, the Supreme Court has

1
BSC

held:-

" a decision ordinarily is a decision on the case before the court while the principle underlying the decision would be binding as a precedent in a case which comes up for decision subsequently. Hence, while applying the decisions to a later case, the court which is dealing with it should carefully try to ascertain the principle laid down by the previous decision.

A decision often takes its colour from the questions involved in the case in which it is rendered. The scope and authority of a precedent should never be expanded un-necessarily beyond the needs of a given situation".

39. The Apex court in another decision reported in A.I.R 1985 S.C 218 'Amarnath Om Prakash and Ors Vs. State of Punjab and Ors had pointed out that a case is only an authority for what it actually decides and not what logically flows from it.

40. In Srinivas General Traders Vs. State of Andhra Pradesh (A.I.R) 1983 S.C 1246 dealing with the observations relied upon as precedent said:-

ReL

...p57

" with utmost respect these observations of the learned Judge are not to be read as Euclid's theorems nor as provisions of the statute. These observations must be read in the context in which they appear."

41. The Supreme Court in another decision in 'Krishna Kumar and Ors Vs. Union of India and Ors ATR 1990(2) SCC 555 after referring to certain decisions observed that "every decision of a court cannot be regarded as laying down as a precedent. The decision is undoubtedly binding on the parties to the decision. But if the said decision has to be followed as a precedent, we have to ascertain the whether ratio decidendi, and/ the decision has laid down a principle of law, that can be relied upon as a precedent. There is a clear distinction between a decision which is rendered having regard to the particular facts and circumstances and a decision which lays down a principle of law of general application. Hence when a decision is pressed into service as a precedent, it becomes the duty of the Tribunal to ascertain carefully if any principle of law of general application has to be followed as a precedent."

42. It is against the above backdrop, that we proceed to examine decisions cited by Shri V.K. Goel, counsel for the applicants in considerable number of O.A.s in this bunch.

43. The first case 'Raj Kamal and Ors Vs. Union of India and Ors ~~which~~ was rendered by a Division Bench of

the Principal Bench while considering the cases of casual labourers in the Ministry of Department of and Civil supplies where also the applicants sought a direction to be issued to the respondents to regularise their services and to quash the order for termination of their ad hoc appointment. The case of the applicants therein was that they had worked for several years in the office of the respondents and that they are entitled to regularisation of their services. A large number of decisions were cited and relied upon in support of the said claim. In the said decision the D.B took note of the policy regarding engagement of casual labourers in Central Govt. offices and considered certain demonstrative instructions issued by the Department of Personnel and Administrative Reforms through their O.Ms dated October 26, 1984 and June 7, 1988. The Division Bench came to the conclusion that the existing instructions would result in inequity and injustice in several cases and consequently, directed that since the Department of Personnel and Training is monitoring the implementation of the instructions issued vide O.M. dated June 7, 1988, the Union of India through that department should undertake to prepare a suitable scheme for absorbing such casual labourers in various Ministries/Department subordinate and attached offices other than the Ministry of Railways and the Ministry of Communications. The D.B also directed that the absorption of the casual labourers should be on the basis of total number of days worked by

the persons concerned. Those who have worked for 240 days/206 days (in the case of 6 days/5 days week respectively), in each of the 2 years prior to June, 7 1988 will have priority over others in regard to absorption. It has also been directed that those who have worked for lesser period should also be considered for absorption but they will be entitled for the wages for the period they actually worked as casual labourers. No fresh engagement of casual labourers against the regular vacancies shall normally be resorted to before absorbing the surplus casual labourers.

44. It was also provided that the fact that some of them although may not have been sponsored by the Employment Exchange should not stand in the way of their absorption. Similarly, they should not be considered ineligible for absorption if at the time of initial engagement, they were within the prescribed age limit. These were the guidelines on which the department of Personnel and Training was required to draw a scheme.

45. We find that pursuant to the judgment in Raj Kamal and Ors. Vs. Union of India, the Govt. of India, Department of Personnel and Training has issued a scheme through O.M. dated 10.9.93. Though the learned counsel for the applicant cited the decision of the P.B in 'Raj Kamal and Ors' (Supra) he has not set up the claim for regularisation of the applicants on the basis of the scheme formulated in the aforesaid O.M. dated 10.9.93. We, therefore, do not consider it appropriate to direct the respondents to act in accordance with the said O.M. unless the same has been endorsed and sent to the Indian Council of Agricultural Research for its implementation by the various Institutions under it. We leave the matter at that. We also find that at the

end of the O.M it has been indicated that the Department of Personnel and Training will have the power to make amendment or relax any of the provisions in the scheme that may be considered necessary from time to time. This is another reason why we are resisting from directing implementation of the scheme prepared by the said O.M. dated 10.9.93.

46. As noted hereinabove, the respondents have pleaded that they are presently carrying out the provisions of the O.M. dated 13.10.93 issued by the Ministry of Home Affairs, Department of Personnel and Administrative Reforms. In Raj Kamal's case, we do not find a reference having been made either to this O.M. or the Memorandum dated 21.3.79 on the basis of which the instructions contained therein were issued.

47. The next decision in 'A. Mohanan is a decision of the Ernakulam Bench. The applicants in the said case were casual labourers in the Department of Post and Tele-Communication. It appears that the original appointments of the applicants in some cases was made on casual basis some 10 to 25 years ago and in some other cases only recently. On the basis of the facts of the said case, 8 issues were framed and have been answered. The said decision does not lay down a binding principle of general application and as would be evident the directions therein proceeded on the particular facts and circumstances of the cases before the Division Bench.

48. The last decision is also by the Ernakulam Bench of the C.A.T. The parties names are 'Francis Xavier Vs. Union of India and Ors.' is dealing with the claim of a casual mazdeer discharging the duties of a driver as early as from 1985. His name was placed in the Muster Roll from 1.4.87 to 31.3.88. This decision also therefore, lays down no binding principle of general applications, but

decided the case on the basis of the facts and circumstances pleaded therein.

49. The learned counsels for other applicants not represented through Shri V.K. Goel and Shri R.C. Pathak Advocates have virtually adopted the submissions made by Shri V.K. Goel and ~~has~~ ^{have} not cited any particular decisions in support of their submissions. Shri P.P. Agrawal, appearing for the applicant in the O.A 566/94 has submitted that the plea of the respondents that the subject matter of the petition is beyond the ambit of service matter defined under Administrative Tribunals Act as pleaded in para 4 of the counter affidavit and further that the applicant is not holding a civil post and as such, the application is not maintainable, submitted that the pleas are untenable. He submitted that the Administrative Tribunals Act and the rules held there under have been applied to the I.C.A.R and its subordinate offices w.e.f 15.5.87 by a Govt. of India notification issued Under Section 14 of the said Act. We uphold the submission made by Shri P.P. Agrawal and hold that the matter raised in the O.A is cognizable by this Tribunal. Shri P.P. Agrawal further contested the plea raised on behalf of the respondents that the casual labourers are not engaged on jobs of permanent nature ~~but~~ ^{are} engaged against seasonal nature of works. He submitted that the two institutions have the Dairy and agricultural farms and have quite a large number of animals. The farms have to be tended so also the livestock. On the basis of this, he submits that the nature of the job being performed by the applicant it cannot be said that he is not engaged on a job of permanent nature. We have already analysed the respective

pleadings on this aspect of the matter. Admittedly, the applicant whom Shri P.P. Agrawal represents has been engaged as a casual labourer. He has not been engaged against any sanctioned permanent post. Therefore, the claim of this applicant also for regularisation will be governed by the discussion hereinabove, as also the net result of the O.A.s.

50. On the other hand, Shri J.N. Tiwari learned counsel for the respondents has cited the following decisions

(1) (1994) 24 A.I.R pg. 148 'Ram Ashrey and Ors Vs. State of U.P. and Ors

This decision is by a learned Single Judge of the Allahabad High Court. The three petitioners in the said petition have been working and performing the duties of malis on daily wages under the District Udyayan Adhikari, Allahabad. They sought issuance of a writ in the nature of mandamus directing the respondents to regularise their services on the post on which they have been allegedly working since July 1989, July 1986 and January 1986 respectively. In the said case ~~also~~ the defence set out in the counter affidavit was that the petitioners therein were engaged from time to time on daily wages depending upon the increased work load from July to October each year and they were paid wages in accordance with the Govt. Order enforced on this subject. It was also pleaded by the respondents in the said case that the engagements of the petitioners being casual in nature and there were no vacancy in the regular cadre of service, they are entitled neither to claim regularisation nor parity with the members of regular cadre in respect of pay and

B.C.R

...p63

other benefits. The learned Single Judge after holding that the petitioners have not been able to invite attention to any rule, ~~that~~ statutory or non statutory, nor even a policy decision formulated in tune with the principles of equality justice and fairness on the basis and in accordance with which they claim/regularisation ^{for} ~~no~~ direction could be issued. The learned Single Judge referred to the Supreme Court decision in 'Delhi Development Horticulture Employees Union Vs. Delhi Administration Delhi and Ors, A.I.R 1992 S.C. 789. In the said decision, it was noted, that the Hon'ble Supreme Court although observed that broadly interpreted and as a necessary legal corollary, the right to life would include the right to livelihood and therefore, the right to work but ~~no~~ Their lordships further observed that this country has not found it feasible to incorporate the right to livelihood in the Fundamental right in the Constitution because it so far as not attained the capacity to guarantee it and that the State is only enjoying with a duty, under Art. 41 of the Constitution, to make effective provision for securing the same within the limit of its economic capacity and development.

51. In the context of the fact and the nature of the scheme under which the casual employment was given, the Supreme court, the learned Single Judge noted; had observed

It is
" /not possible to acced to the request of
the petitioners that the respondents
therein be directed to regularise them."

The learned Single Judge further noted the decision of the Supreme Court in 'State of Haryana and Ors. Vs. Piara Singh A.I.R 1992 S.C 2130. The learned Single Judge in the facts and circumstances of the case held that the petitioners therein have not conclusively established that the duties

Recd

...p64

performed by them are all the year round or that there is a regular need of regular malis and yet the respondents are deliberately taking from the petitioners on daily wages so that they may not get the benefit of the regular service. The writ petition was dismissed with the observation that dismissal of the petition would not preclude the respondents to formulate a policy consistent with the rule of equity, justice and fairness for regularisation of the services of the daily rated/casual employees working in the Udhyan Vibhag for a fairly long spell and to consider the petitioners case for regularisation in accordance with such policy/rule.

52. The next decision is a decision of the learned Single Judge of the Allahabad High Court reported in 1994 (69) F.L.R pg 118 'Ravindra Pal Singh Vs. State of U.P. and Ors. In the said case the provisions of Govt. order dated 25.10.89 was analysed. It was held that the petitioner did not satisfy the requirements of the aforesaid order since he has not completed 3 years till 11.10.89. The said decision therefore is not helpful. The learned Single Judge referred to the observations of the Apex court in the case of 'State of Haryana Vs. Piara Singh and Ors' where it was observed that "the court must, while giving direction for regularisation of services, act with due care and caution. It must ascertain the relevant facts and must be cognizant of several situations and eventualities that may arise on account of such directions. A practical and pragmatic view has to be taken inasmuch as every such direction not only tells upon the

public exchequer but has also the effect of increasing the cadre strength of a particular service nature or category".

53. The third decision cited by the learned counsel for the respondents is reported in 1994(69) F.L.R page 104 By a Division Bench of the Allahabad High Court in a special appeal between Allahabad Development Authority and State of U.P. & Ors. In the said decision it was held that prescribing a particular date by which the specified period of service ought to have been put for purposes of regularisation of service was neither arbitrary or unreasonable. The said decision also turned on its own facts and does not lay down a binding rule of general application.

54. The IVth decision cited by the learned counsel for the respondents is reported in 1994 L.I.C 859 Maharashtra State Co-Operative Cotton Growers Marketing Federation Vs. Maharashtra State Co-operative Cotton growers Marketing Federation Employees Union and another. In the said case order No. 4-B of the Model standing orders of Co-operative Marketing Federation requiring employees who have put in 240 or more days of service should be made permanent was held to be applicable to perennial employees and not to seasonal employees. On analysis of the award in question viz Patankar Award and the provisions of Model Standing order No. 4-B in the light of the pleadings in that case it was held in paragraph 9

Per

...pg

" Model standing order do not apply
to seasonal employees."

The appeals were allowed and the decisions of the Industrial court and of the High court were set aside. We have not been able to discern any binding principle of general application laid down in the said decision. The said decision was on the particular facts and circumstances of the case.

55. The last decision cited by the learned counsel for the respondents is a decision by the Apex court in appeals Madhyamik Shiksha Parishad U.P. Vs. Anil Kumar reported in 1994 L.I.C 1197. A perusal of the decision shows that the the respondents thereto had been engaged in the year 1986 by the appellant for the work of preparing certificates to be issued to the successful candidates at the examination conducted by it. The respondents were being paid lastly at the rate of Rs.20/- for 100 certificates. There was a backlog of certificates to be cleared and the respondents were engaged to clear that backlog on payment ad-quantum. The backlog having been cleared preparation of the certificates in future having been computerised, the ~~compt~~ services of the respondents were not continued. The respondents had filed a writ petition and the High court was persuaded to the view that the respondents were casual workman who had completed 240 days of work and for other reasons & held that discontinuance of their services was not legal and they were entitled to reinstatement. The Apex court held that the completion of 240 days work

does not under the Industrial Disputes Act import the right to regularisation. It merely imposes certain obligation upon the employer at the time of termination of the service. It further held that it is not the appropriate to import and apply that analogy in an extended ~~order~~ enlarged form. In the said case the Apex court also held that since there was no sanctioned post in existence to which the respondents could be said to have been appointed, the order for their reinstatement could not be upheld. It was also held that the assignment was an ad hoc one which anticipatedly spent itself out and therefore it was difficult to envisage for them the status of workman on the analogy of the provisions of the Industrial Disputes Act importing the incidents of completion of 240 days work.

56. One other question remains to be decided. The applicants represented by Shri V.K. Goel have also raised a plea that they are entitled to the same salary and allowances as paid to regularly employed workman on identical post, ^{since} ~~similar~~ nature of work is ^{being performed by} the applicants ~~occupational~~ ^{for} under respondents 4 to 10.

57. The respondents in their counter affidavit to the amended paras of the petition have indicated in paragraph 8 that apart from the building and land appurtenant the answering institute has stables, sheds, pens, sty, for keeping the animals. The Institute has also small farms of different types for the purposes of growing fodder and feed scientifically for the animals for research purposes.

It is further stated that in each of those small farms fodder and feed is grown in a scientific manner in order to see its effect upon animals. The feed and fodder on project is grown scientifically under the direction of eminent scientists with the help of regular employees of the Institutes. The casual employees are engaged only to level the land, cutting and weeding grasses, removing khar, pathwar, removing cowdung to pit, cutting and stocking crops when ready, digging pits for making fertilizers from cowdung and rotten leaves and vegetables etc and such other works of casual nature. It has categorically been denied that work of casual nature lasts throughout the year.

58. The respondents have further stated that the work of casual nature is not done by regular employees and the work of regular employees is not done by any casual labourers. Accordingly the nature, duties and responsibilities of casual workers are different. They are unskilled labourers whereas the regular employees performed their jobs scientifically according to the research need of the scientists. It has further been stated in the counter affidavit that the predominant and scientific work of the Institute pertains to research on animals and ^{development} ~~development~~ ^{for} of vaccines etc. The I.V.R.I. is not engaged in any plantation work and there is no question of engagement of casual labourers in the institute for the same.

The respondents have further pleaded that if the

...p69

Bch

casual labourers who have worked in the institutes for some time are directed to be regularised by the Tribunal, the Institute would be ever staffed and has no funds for such huge wage burden on account of mass regularisation of casual labourers. It has also been pleaded that the respondents would be duty bound to also consider regularisation of such other casual workers who may have worked for number of days than the applicants who have approached this Tribunal, their rights have also to be kept in view.

59. It has further been pleaded that the scheme/policy of regularisation of casual employees is already contained in the Administrative instructions issued from time to time and no separate scheme is required to be formulated.

60. In the light of the pleadings noted in the preceding paragraphs we hold that the applicants have failed to prove that they are as seasonal and casual labourers discharging the same duties and responsibilities as are discharged by regular employees. Thus the claim for 'Equal pay for Equal work' has not been substantiated.

61. In view of the discussion hereinabove, we arrive at the following conclusions.

(i) That 'Model Standing Order', copy of which is Annexure 55 to the leading O.A, for the reasons indicated above cannot be construed as a prescribed Model Standing order under the provisions of the Industrial Employment Standing Orders Act and the Rules framed thereunder: Thus the claim for regularisation

Per

...p70

on the basis of provision contained in
Cl. 15 thereof cannot be given effect to:

- (ii) The respondents have proved to our satisfaction that the claim for regularisation can only be applied on the basis of the provisions of Office Memorandum dated 13.10.83 issued by the Ministry of Home Affairs, Department of Personnel and Administrative Reforms, copy of which is Annexure C.A 1 to the Counter affidavit filed on behalf of the I.V.R.I. The circular letter dated 29.3.84 contained in Annexure C.A 2 will also govern the claim for regularisation of casual labourers, as the applicants.
- (iii) The scheme prepared by the Govt. of India, Deptt. of Personnel and Training through O.M. dated 10.9.93 pursuant to the decision of the Principal Bench in the case of 'Raj Kamal and Ors Vs. Union of India and Ors has been noted by us, Since no claim for regularisation on the basis of the scheme formulated by the said Office Memorandum have been pleaded by the applicants and thus the stand of the opp. parties in respect to the applicability of the said Office Memorandum having not been made known, we are not inclined to direct the respondents to act in accordance with the said Office Memorandum. We leave it to the respondents to determine whether the said Office Memorandum is applicable to the applicants in these O.As depending on the question whether the same has been endorsed and sent to the Indian

Reh

...p71

Council of Agriculture & Research for its implementation by the various Institutes under it. Our observations in paragraphs 45 and 46 of our judgment will govern this matter.

- (iv) Keeping in view the fact that the applicants appointment was seasonal and casual nature and such appointments automatically come to an end after the casual work for which they are engaged, we are of the opinion that it would not be proper to direct their regularisation even though they admittedly do not fulfill the eligible criteria for regularisation lay down in the Office Memorandum and Circular letters filed in Annexure C.A-2 to the Counter affidavit filed on behalf of the I.V.R.I.
- (v) The argument about artificial break is misconceived in view of the nature of the appointment and duration of the appointment of the applicants. Ordinarily in cases of appointments/daily wage basis whether a break in service can be said to be artificial or not depends upon the facts and circumstances of each individual case and required to be decided on the basis of evidence adduced and materials placed on record by the parties. Such questions of fact are not usually decided by the Tribunal which exercises the same jurisdiction as the High Court exercises its extra ordinary jurisdiction under Art. 226 of the Constitution of India.

1/ *Rs*

62. This Tribunal not only decides the O.A.s on the basis of pleadings and affidavits of the parties and not on the basis of the oral evidence adduced and cross-examination of the witness. The question of artificial break involves a question of fact which is not on the material on record capable of being adjudicated. The claim for 'Equal Pay for Equal work' has also not been substantiated.

63. The opp. parties have indicated that they are implementing the Office Memorandum and circular letters contained in Annexure CA-1 and C.A-2. The position with regard to the Office Memorandum dated 10th September 1993 issued in pursuance of the Principal Bench in 'Raj Kamal Vs. Union of India and Ors, our observations in paragraphs 45 and 46 shall apply. However, if the said Office Memorandum has been endorsed to the Indian Council of Agricultural Research and they are required to follow the provisions of the said Office Memorandum, nothing in our order may be construed as preventing or obstructing the respondents from giving effect to the said Office Memorandum. For the present, we, are satisfied about the stand of the respondents that they are required to follow and are following the guidelines contained in the Office Memorandum and circular letters filed as Annexures CA-1 and CA2 to the counter affidavit. We further hold that on the basis of the circumstance that none of the applicants qualify for regularisation under provisions of the said documents since they have not completed more than 240 days of continuous service in two consecutive years is not sufficient to hold that the provisions in the said two documents is in any manner arbitrary or violative of Article 14 and 21 of the Constitution.

Boch

...p73

64. Such of the applicants whose services came to an end on completion of the work/project for which they have been engaged but by reason of the interim order they have been allowed to continue will have no right to continue. The interim order was subject to the decision of the O.A. and since the O.As are being dismissed, the interim order stands vacated.

65. The O.As are devoid of merit. The pleas raised on behalf of the applicants are not tenable, the O.As are accordingly dismissed with the observations made hereinabove. The parties shall bear their own costs. Copy of this common judgment shall be placed on the file of each of the O.As which have been clubbed together and have been disposed of by this common judgment.

SDG
(S. DAS GUPTA)
MEMBER (A)

B.C. SAKSENA
(B.C. SAKSENA)
VICE CHAIRMAN

DATED: 15th DEC: 1994

/Uv/