

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Original Application No. 1940 of 1993

Allaha-bad this the 08th day of August, 2000

Hon'ble Mr. S.K.I. Naqvi, Member (J)

Hon'ble Mr. M.P. Singh, Member (A)

Mohammad Haseen Khan, aged about 34 years, S/o Shri Mohammad Zahoor Khan, R/o Village Rampura P.O. Shahi District Bareilly U.P. worked as a CASUAL TRACTOR DRIVER under kind control Shri H.C. Joshi, Officer Incharge, Farm Machinery and Power Section, Indian Veterinary Research Institute, (I.V.R.I.) Izzatnagar, Bareilly (U.P.) 243122.

Applicant

By Advocate Shri R.C. Pathak

versus

1. Union of India through Secretary, Agriculture Ministry of Agriculture, Government of India, Krishi Bhawan, New Delhi.
2. The Director, Indian Veterinary Reserach Institute (I.V.R.I.) Izzatnagar, Bareilly (U.P.) 243122.
3. The Farm Manager, Farm Section, Indian Veterinary Reserach Institute (I.V.R.I.), Izzatnagar, Bareilly (U.P.) 243122.
4. Shri H.C. Joshi, Officer Incharge, Farm Machinery, and Power Section, Indian Veterinary Reserach Institute (I.V.R.I.), Izzatnagar, Bareilly (U.P.) 243122.

Rakesh Tiwari

By Advocates Shri R.C. Pathak

Shri N.P. Singh

O R D E R (Oral)

By Hon'ble Mr. S.K.I. Naqvi, Member (J)

The applicant-Mohammad Haseen Khan has come up seeking following reliefs;

- (i) issue a suitable order or direction to respondent no.2 to 4 to withdraw/cancel illegal and unlawful agreement dated 12.2.1992 and the aforesaid union agreement annexure A-1 be got registered by the concerned authorities for its implementation to regularisation the Casual services of the applicant on the post of Tractor Driver in the Indian Veterinary Research Institution (I.V.R.I.) Izzatnagar, Bareilly U.P. as the applicant worked with Respondent no.2 to 4 continuously and regularly since 09.9.1986 to 26.8.1988 more than 6 months and the service of the applicant be regularised as per Hon'ble Supreme Court of India and Central Administrative Judgment on 25.12.1989 in Writ Petition no.1078 and 100 of 1988 in the case of Bhagwati Prasad versus Delhi State Mineral Development Corporation in Judgment Today Supreme Court page 541 and 542 and Francis Xavier versus Union of India and Others A.H.R.1990 (1)C.A.T.442(Ernakulam) and N.R.Niak and others versus Union of India A.I.R. 1992 (1) C.A.T.365 (Circuit Bench Goa).
- (ii) Issue suitable order or direction to the respondents no.2 to 4 to regularise the services of the applicant working since 19.9.1986 as a Casual Tractor Driver and according to PROVISIONS OF INDUSTRIAL EMPLOYMENT (Standing Order) Act, 1946 (MODEL STANDING ORDER) formulated by the respondents and Government of India in the year 1982.

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- (iii) issue suitable order or direction to the respondent no.2 to 4 for not to violate Article 14 and 16, 32 and 39 of the Constitution of India by not regularising casual services of the applicant and to pay pay and allowances at par with regular employees Tractor Driver with the respondent no.2 to 4 in Indian Veterinary Research Institute (I.V.R.I.) Izzatnagar, Bareilly, U.P. as the applicant is working as a Casual Tractor Driver since 19.9.1986 and his service was not regularized till the filing of this application. Therefore, the applicant Most Respectfully Prayed to this Hon'ble Tribunal may kindly be issue the Direction by way of Mandamus directing the aforesaid respondent no.2 to 4 to regularise the ~~appoint-on~~ applicant on the post of Tractor Driver., henceforth with to avoid the harassment and exploitation and financial hardship to the applicant.
- (iv) issue any other order or direction to the respondent which this Hon'ble Tribunal may deem fit and proper in favour of the applicant. "

2. As per applicant's case, he was taken in employment of respondents as Casual Tractor Driver w.e.f. 19.9.1986 and worked upto 25.8.88 as per requirement, with breaks and thereafter, he was not taken back on the job. After five years, the applicant has come up through this O.A. in the year 1993, claiming ~~the~~ relief under cover of C.A.Ts judgment in Bhagwati Prasad Versus Delhi State Mineral Development Corporation and Francis Xavier Versus Union of India and Others.

3. The respondents have contested the case and filed the counter-reply.

4. Heard, the learned counsel for the parties and perused the record.

5. First preliminary objection comes from the side of the respondents is that the matter is barred by period of limitation as having been filed after 5 years from the date, when cause of action is alleged to have ~~been~~ accrued and subsequent decisions by the Hon'ble Courts do not give rise to any ^{right for} fresh litigation by ignoring the period of limitation. We find force in this contention. Moreover, in his relief clause, the applicant has only claimed the regularisation of service and no where has ~~claimed~~ to be taken back in job. Therefore, no effective relief can be granted.

6. For the above, we do not find any merit in the O.A., which is dismissed accordingly. No order as to costs.

[Signature]
Member (A)

[Signature]
Member (J)

/M.M./