

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH, ALLAHABAD.

Allahabad this the 20th day of February, 2001

C O R A M:- Hon'ble Mr. Justice R.R.K. Trivedi, V.C.
Hon'ble Mr. S. Dayal, Member- A.

Original Application No. 535 of 1993.

1. Hukum Singh a/a 24 years S/o Sri Meharban Singh
R/o Vill. Bhojla, Distt. Jhansi.
2. Shyam Singh a/a 25 years S/o Sri Harbir Singh
R/o Vill. Bhojla Distt. Jhansi.
3. Rakesh a/a 26 years S/o Sri Gopi
R/o Vill. Bhojla, Distt. Jhansi.
4. Mahesh a/a 25 years S/o Sri Ramswaroop
R/o Bhojla Distt. Jhansi.
5. Babulal a/a 24 years S/o Sri Ramdas
R/o Village Bhojla, Distt. Jhansi.
6. Kripa Ram a/a/ 22 years S/o Sri Raghubar
R/o Vill. Bhojla, Distt. Jhansi.
7. Karan Singh a/a 23 years, S/o Sri Ballo
R/o Vill. Bhojla, Distt. Jhansi.
8. Karan Singh, a/a 23 years, S/o Sri Devilal
R/o Vill Bhojla, Distt. Jhansi.
9. Rakesh a/a 21 years, S/o Sri Bhanwar Singh
R/o Vill Bhojla Distt. Jhansi.
10. Mohar Singh a/a 22 years S/o Sri Sita Ram
R/o Vill. Mustra Distt. Jhansi.

.....Applicants.

Counsel for the applicant:- Sri R.K. Nigam

V E R S U S

1. Union of India through the Secretary, Bhartiya Krishi Anusandhan Parishad (Indian Council for Agricultural Research) Krishi Bhawan, New Delhi.
2. Director, National Research Center For Agroforestry, Gwalior Road, Jhansi- 284003.
3. Dr. R. Deb Roy, Director, National Research Center For Agroforestry, Gwalior Road, Jhansi- 284003.

..... Respondents.

Counsel for the respondents:- Sri J.N. Tewari
Sri Rakesh Tewari.

O R D E R (oral)

(By Hon'ble Mr. Justice R.R.K. Trivedi, Vice-Chairman)

These 10 applicants have filed this O.A under section 19 of Administrative Tribunal's Act, 1985 claiming relief that the respondents may be directed to pay the petitioners pay scale of Rs. 750-940 from the date they had completed 240 days and to continue ~~this~~^{at} payment of salary on the same rate. It has also been prayed that respondents may be directed to regularise them in the scale of Rs. 750-940 under the time bound scheme. Other reliefs have also been claimed ^{which} are based on same facts. The claim of the applicants is that they were engaged between 1988 to 1990 and they have worked for more than 240 days and they are entitled for reliefs mentioned above. Denying the claims of the applicants C.A has been filed. It is stated that the applicants are not entitled for any relief. This O.A has been filed



beyond time as they were dis-engaged in September, 1991. In view of the contradictory claims raised before this Tribunal orders dt. 10.09.93 and 10.11.93 were passed. Directing the respondents to place before this Tribunal the records of the physical working of the petitioners from the date of their engagement in the years from Oct. 1988 to July, 1990 as indicated in para 4.2. A direction was given ^{to ascertain} about working of the applicants for 240 days ^{in the aforesaid years} ~~which may be ascertained~~. Respondents were directed to mention about seven persons whose services have been regularised. In pursuance of the aforesaid order, An affidavit has been filed alongwith application. Respondents have filed chart and also produced the original records giving year-wise working days of the applicants from 1988. In 1988 only applicant Hukum Singh has worked for 113 days. In the year 1989 none of the applicants have worked for more than 50 days. In the year 1990 the applicants have worked ^{for} maximum days, Work, shown against applicant Kripa Ram, is 181 days. In the year 1991 applicant Kripa Ram had worked for 152 days. Thus up to 1991 none of the applicants had worked for 240 days in any year. Applicants have not supplied any materials contrary to the figures supplied by the respondents. ^{about} ~~seven~~ persons, ^{only} a chart has been filed, which shows that they have worked for more than 240 days except one. Thus the claim of the applicant ^{based} on 240 days work can not be accepted. We also do not find any other ground on which basis respondents may be directed to regularised the applicants.

2. Learned counsel for the applicants ^{has} ~~thus~~ submitted that the dis-engagement of the applicants in September, 1991 amounts to retranchment in violation of Sec. 25-F and applicants are entitled for re-instatement under section 25-H of Industrial Disputes Act. 1971.



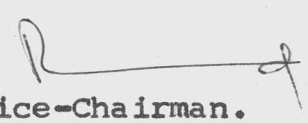
Learned counsel for the applicant has also submitted that respondents are now engaging labourers through the contractors in violation of provisions of Contract Labour (Regulation and abolition) Act. 1970. Learned counsel for the respondents on the other hand has submitted that this institute National Research Center (Agroforestry) was established in the year 1988 it-self and to cope up with the ^{initial} ~~natural~~ work the applicants were engaged for short period in different spells and they are not entitled for the reliefs.

3. We have carefully considered the submissions of the learned counsels for the parties and found that the applicants are not entitled for any relief ^{claim} ~~placed~~ before us. However, as the applicants have worked for some time with the respondents we dispose of this O.A with only this observation that if the respondents have work, they may provide opportunity to the applicants to render services which shall be subject to eligibility of the applicants. The O.A is disposed of accordingly.

4. There will be no order as to costs.



Member- A.



Vice-Chairman.

/Anand/