

Reserved

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH

Allahabad this the 31st day of March 1995.

Original Application no. 267 of 1995.

Hon'ble Mr. T.L. Verma, Judicial Member
Hon'ble Mr. S. Dayal, Administrative Member.

Kaushal Vir Singh, S/o Shri Mahendra Pratap Singh
C/o Vikram Singh, R/o 21 Ram Nagar Galia no. 1,
Roorkee.

... Applicant

C/A Shri P.K. Singh

Versus


- i. Union of India through Secretary Ministry of Water Resources Shakti Bhawan, New Delhi.
- ii. Director of National Institute of Hydralogy, Jal Vigyan Bhawan Roorkee.
- iii. Administrative Officer National Institute of Hydrology Jal Vigyan Bhawan Roorkee.

... Respondents .

C/R ...

ORDER

Hon'ble Mr. S. Dayal, Member-A


 The counsel for the applicant has been heard at the time of admission. The counsel for the applicant had argued at the time of admission that this case is in pari materia with a bunch of cases (OA 1941/89, 1989/89, 1990/89, 1995/89,

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1992/89 and 1993/89) decided by the Principal Bench on 22.11.91. The counsel mentioned that several cases of Supreme Court also supported his case and was permitted to give a list of such cases. He failed to give any such list till 30.03.95.

2. We have carefully considered the judgement and facts of this case. We do not agree with the arguments of the counsel for the applicant that the case is pari materia with the cases covered by judgement cited. The institution in that case was Central Building Research Institute which was a constituent of counsel for Scientific and Industrial Research and the provisions of Administrative Tribunals Act, 1985 were made applicable to the counsel for Scientific and Industrial Research under section 14 (2) of the Administrative Tribunal Act. The National Institute of Hydrology is described by the applicant in paragraph 4 (ii) of his OA. as a Govt. of India Society directly under the control of Union Ministry of Water Resources. He has not stated whether any notification under section 14 (2) of the Administrative Tribunals Act, 1985 has been made bringing the National Institute of Hydrology within the pervue of the said Act.

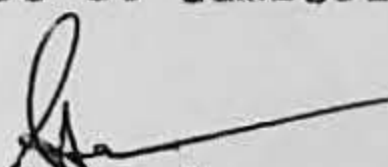
 3. The counsel brought our attention the facts of this case as stated in the OA which are that the applicant, a diploma and degree holder in civil

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Engineering was recruited as a Technical Assistant (Project) for the duration of the Project and was given an appointment letter dated 20.07.93 on total consolidated emoluments of Rs. 2000 per month giving him appointment upto 31.03.95 and it is stated in the appointment letter (Annexure 2) that his services could be terminated after giving 15 days notice. The applicants have given a notice for termination of services on 09.03.95 which is annexed to the O.A. It is clear from the judgement of the Principal Bench that the applicants in the bench of cases were not appointed on specific posts but were engaged on contract basis in the projects to do the specified work and were paid on the basis of amount of work done on submission of bills after completion of specified work. They were awarded work which had arise from time to time. They were appointed on the basis of tenders submitted by them and the contract came to an end when the specified work covered by the contract came to an end or the project came to an end. The applicants thus remained under contract with the CBRI for a considerable period of time. Such is not the case here.

4. We, for the reasons mentioned above, do not consider this case fit to be admitted and dismiss this case at admission stage.


Member-A


Member-J

/pc/