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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

ORIGINAL APPLICATION NO: 145 OF 1990

Date of decision: March, 27, 1991

Central Cattle Breeding Worker's Union :Applicants

-V e r s u s -

Union of India and others :Respondents

For the applicants : M/s P.Palit, B.Mohanty,
A.Kanungo, N.Patra,
Advocates.

For the Respondents : M/s. A.B.Misra, Senior
Counsel and T.Dadalai,
Additional Standing
Counsel (Central)

C O R A M:

THE HON'BLE MR. B.R.PATEL, VICE-CHAIRMAN

A N D

THE HON'BLE MR. N.SENGUPTA, MEMBER (JUDICIAL)

1. Whether reporters of local papers may be allowed to see the judgment? Yes.
2. To be referred to the reporters or not? No.
3. Whether Their Lordships wish to see the fair copy of the Judgment? Yes.

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JUDGMENT

N.SENGUPTA, MEMBER (J), This is an application filed by two persons on behalf of Central Cattle Brreding Firm Workers' Union, Shri K.C. Misra has been described as the President of the said Union.

2. Many of the facts are admitted and for the purpose of this judgment only a few of them need be stated. This allegation of the applicant that there was a dispute between the workers Union of the Cattle Breeding Farm and the employers i.e. Director, Cattle Breeding Farm, Sunabeda. The disputes was resolved by arriving at a settlement, a copy of which is at Annexure-A/2. In the Cattle Breeding Farm quite a number of persons were engaged as N.M.R. Workers and the disputes mainly concerned them. It was settled that all the NMR Workers who had completed 240 days of work should be brought on to the regular establishment. The prayer in the application is for a direction to Respondent No.1 to regularise the services of the NMR workers from the day they became entitled to such regularisation as per the settlement vide Annexure-2 to the application.

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3. The Respondents in their written reply have stated that the application is not maintainable in as

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much as neither of the two persons who figure as applicants is competent to maintain the action. They have further stated that most of the persons who have signed in Annexure-A/1 are being paid daily wages at the rate of 1/30th of the minimum pay for a Group 'D' Government Servant with usual Dearness Allowance, and the rest 18 are being paid wages under the minimum wages Act. Out of the persons who have signed in Annexure-A/1, four have already been regularly appointed, therefore, to that extent the prayer in the application is improper or redundant. They have averred that steps have been taken to give relief to the Casual Workers in terms of the judgment of the Hon'ble Supreme Court in the matter of regularisation of the services of such persons.

4. We have heard Mr. P. Palit, learned Counsel for the applicants assisted by N. Patra and Mr. A. B. Misra learned Senior Counsel assisted by Mr. Tahali Dalai learned Additional Standing Counsel (Central) for the Respondents. Mr. Palit has relied on paragraph-3 of Annexure-2 to the application and has urged that the services of all those of the applicants who have completed 240 days of work should be regularised. Mr. Misra on the other hand has very vehemently contended that the application is not maintainable, firstly on the ground that the Central Cattle Breeding Farm workers'

*Mr. Palit
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Union not a legal entity ~~at~~ not having been registered as such Union and recognized by the Department. He has further contended that if some workers sit and declared that somebody will be their President in a meeting, that person cannot ~~feel~~ ^{fill} the character of the President of a Union. These contentions of Mr. Misra are more academic than of any real significance in the context of the facts of the present case. As it appears from the Annexure-A/1, it would appear that Shri K.C. Misra was authorised to file and prosecute an application on behalf of 123 persons working in the Cattle Breeding Farm and they are the persons who are named as the affected persons in para-4 (pages 3 to 10) ~~of~~ the application. Therefore, it is not a case where Shri K.C. Misra has no authority to file the application. Apart from this, on referring to Annexure-5 to the application, it would further appear that Shri K.C. Misra was described as the President of the Labour Union of the said Farm.

5. Mr. Misra has next contended that there are no posts against which the applicants can be regularised and further that the applicants have really no cause ~~of~~ to approach this Tribunal in view of Annexure-A/6. It is no doubt true that when the question ~~of~~ regularisation comes, it is to be made against the posts existing or created subsequently. But ~~it~~ is not ^{un-} common ^{that} on many occasions the Casual Workers approached the Courts and the Tribunals for directions to regularise their

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services against posts as and when available. Of course there might have been some substance in the arguments of Mr. Misra that in view of Annexure-6 to the application the applicants were not required to approach this Tribunal had not the stance of the Respondents in this case ^{been} being that the applicants have no right to approach this Tribunal.

6. Having heard the learned Counsel for the parties, and having perused the different Annexures we would direct that the absorption of NMR workers of the Cattle Breeding Farm should be made in accordance with the various judgments delivered by the Hon'ble Supreme Court with regard to the framing of scheme for absorption of the Casual Workers according to their seniority.

7. This application is accordingly disposed of.
There would be no order as to costs.

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VICE CHAIRMAN



Macaulay
27.3.91

MEMBER (JUDICIAL.)

Central Administrative Tribunal
Cuttack Bench, /K. Mohanty.