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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

ORIGINAL APPLICATION NO. 230 OF 2000
Cuttack this the 26th day of March, 2003

P. Bag & Others ... Applicants

VERSUS

Union of India & Others ... Respondents

FOR INSTRUCTIONS

1. Whether it be referred to reporters or not ? Yes
2. Whether it be circulated to all the Benches of the Central Administrative Tribunal or not ? 74.


(B.N. SOM)
VICE-CHAIRMAN

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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

ORIGINAL APPLICATION NO. 230 OF 2000
Cuttack this the 26/4 day of March 2003

CORAM:

THE HON'BLE SHRI B.N. SOM, VICE-CHAIRMAN

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1. Paleswar Bag, Watchman, aged about 52 years,
S/o. Akura Bag, At/PO-Digsira, Dist-Subarnapur
2. Kartika Kumbhar, Cattle Attendant, aged about
58 years, S/o. Jaramami Kumbhar, At-Ketupali, PO-
Jogi Surda, Dist-Bolangir
3. Swadhin Patra, Watchman, aged about 60 years,
S/o. Suna Patra, At-Satapali, PO-Chiplima,
Dist-Sambalpur
4. Shyam Sundar Jagadala @ Jal, Watchman, aged about
50 years, S/o. Sudam Jagadala, At/PO-Jalloi,
Via-Birmaharajpur, Dist-Subarnapur
5. Krishna Matari, Watchman, aged about 45 years,
S/o. Abhimanyu Matari, At-Satapali, PO-Chiplima
PS-Burlak Dist-Sambalpur
6. Dukhishyam Pal, Gowala, aged about 53 years,
S/o. Late Kapila Pal, At-Badkadhipali, PO-Menda
PS-Tarva, Dist-Subarnapur
7. Kenalu Nag, Millker, aged about 51 years, S/o.Rama
Nag, At-Luhurapali, PO-Burdou, Via-Liosingha,
Dist-Bolangir
8. Jajmana Barik, Watchman, aged about 47 years,
S/o. Dutia Barik, At-Garnaj, PO-Chudapali,
Dist-Bolangir
9. Janardan Mahakud, Cattle Attendant, aged about
44 years, S/o. Chapadhari Mahakud, At-Govindapali,
PO-Chiplima, Dist-Sambalpur
10. Chandra Bhanu Naik, Breeding Attendant, aged about
42 years, S/o. Sukhdev Naik, At/PO-Kaipara,
PS-Binjhapur, Dist-Jajpur
11. Bishi Keshan Tandi, Watchman, aged about 53 years,
S/o. Trilochana Tandi, At/PO-Banapali, Dist-Bolangir
12. Kapil Nag, Watchman, aged about 47 years, S/o.
Ranjan Nag, At-Sarmuhani, PO-Uttuba, Dist-Bolangir
13. Kanhu Patra, Cattle Attendant, aged about 42 years,
S/o. Bibhisan Patra, At-Satupali, PO-Chiplima,
Dist-Sambalpur
14. Upendra Suna, Watchman, aged about 51 years,
S/o. Kaithu Suna, At-Khabasakana, PO-Menda,
Dist-Bolangir

15. Bharat Ch.Panda, Mate, aged about 47 years, S/o. Krushna Chandra Panda, At-Arangabad, PO-Rajpur, Via-Bari, Dist-Jajpur
16. Biju Nag, Cattle Attendant, aged about 51 years, S/o. Nila Nag, At/PO-Jamadarpali, PS-Hirakud, Dist-Sambalpur
17. Murali Mehera, Beldar, aged about 55 years, S/o. Samaru Mehera, At-Rupapali, PO-Basantapur Dist-Sambalpur
18. Manoranjan Patra, Mini Bus Helper, aged about 42 years, S/o. Gopikishan Sahoo, PO-Deogarh, Dist-Deogarh
19. Ramdas Suna, Bull Attendant, aged about 47 years, S/o. Rana Suna, At/PO-Digisira, Dist-Subarnapur
20. K. Raghuram Patra, Agrl.Mate, aged about 45 years S/o. K.Simadri Patra, At-Goulundi, PO-Court Peta Dist-Ganjam
21. Digsan Nanda, Millker, aged about 46 years, S/o. Bhramara Nanda, At-Jamugarion, PS/Dist-Bolangir
22. Pandab Karna, aged about 54 years, Cattle Attendant, S/o. Beda Karan, At-Sahajbahal, PO-Burla, Dist-Sambalpur
23. Prahalad Banchhor, Tractor Driver, aged about 39 years, S/o. Hanu Banchhor, At-Rupapali, PO-Basantpur, Dist-Sambalpur
24. Anirudha Kumbhar, Millker, aged about 33 years S/o. Kartika Kumbhar, At-Keutapali, PO-Liosingha, Dist-Bolangir
25. Sudarshan Jal, aged about 42 years, S/o.S.Jal, Veterinary Attendant, At-Badtelengpali, PO-Chudapali, Dist-Bolangir
26. Chhala Bag, Millker, aged about 38 years, S/o. Santosh Bag, At-Matkud, PS-Tarabha, Dist-Sambalpur
27. Sahadev Chhatria, Watchman, aged about 51 years, S/o. Malia Chhatria, At-Santikma, PO-Badtikra, Dist-Bolangir
28. Akrura Mehera, Cattle Attendant, aged about 44 years, S/o. Keshaba Mehera, At-Rupapali, PO-Basantpur, Dist-Sambalpur
29. Pabitra Muna, Watchman, aged about 44 years, S/o. Upendra Muna, At-Bandaguda, PO-Masinguda, Dist-Boudha
30. Bhika Bhoi, Cattle Attendant, aged about 48 years, S/o. Bhima Bhoi, At-Girngilapali, Burla, Dist-Sambalpur
31. Gouranga Nanda, Millker, aged about 36 years, S/o. Bidyadhar Nanda, At-Khair Guru, PO-Arjunpur Dist-Bargarh
32. Ganapati Bhoi, Cattle Attendant, aged about 49 years, S/o. Murali Bhoi, Girngilapali, PO-Kalamati, PS:Burla Dist - Sambalpur

33. Bharat Besra, Watchman, aged about 33 years, S/o. Lokshendra Besra, At-Bhaliamunda, PO-Agalpur, Dist-Bolangir
34. Chittaranjan Barik, Calf Boy, aged about 44 years, S/o. Jogesh Barik, At-Tusura Bahal, PO-Chudapali PS-Gadasankar, Dungaripali, Dist-Bolangir
35. Kshyamanidhi Deep, Cattle Attendant, aged about 48 years, At/PO-Sarangagarh, Dist-Bolangir
36. Parma Nanda, Beldar, aged about 39 years, S/o. Ratan Nanda, At-Kumiapali, PO-Rengali, Dist-Bolangir
37. Lala Mahakud, Cattle Attendant, aged about 51 years, S/o. Ganesh Mahakud, At-Govindapali, PO-Chiplima, Dist-Sambalpur
38. Arkhit Kumbhar, Mali, aged about 42 years, S/o. Kumar Kumbhar, At/PO-Kamalsingha, Via-Godbhanga Dist-Baragarh
39. Nepal Mirdha, Beldar, aged about 43 years, S/o. Raghu Mirdha, At/Rupapali, PO-Basantpur, Dist-Sambalpur
40. Pitabash Mirdhar, Millker, aged about 40 years, S/o. Digambar Mirdha, At-Rupapali, PO-Basantpur Dist-Sambalpur
41. Debaraj Chhatria, Watchman, aged about 48 years, S/o. Sadhab Chhatria, At-Santikra, PO-Badtikra, Dist-Bolangir
42. Dhoba Pradhan, Store Attendant, aged about 39 years, S/o. Harihar Pradhan, Bherendra, PO-Dihapadhal, PS-Bhanjanagar, Dist-Ganjam
43. Lala Behera, Beldar, aged about 49 years, S/o. Raghunath Behera, Garijaudia, Patnagarh, Dist-Bolangir
44. Tanu Patra, Millker, aged about 35 years, S/o. Bibhisan Patra, At-Satupali, PO-Chiplima, Dist-Sambalpur
45. Smt. Saraswati Patel, Watchman, aged about 45 years, W/o. Narasinh Patel, At-Rampur, PO-Bijipur, Dist-Baragarh
46. Smt. Josoda Nag, aged about 39 years, W/o. P.Nag, & D/o. Chandra Barik, Beldar, At-Mahimunda, Dist-Bolangir
47. Sri Ganesh Patra, Millker, aged about 38 years, S/o. Rishi Patra, At-Satupali, PO-Chiplima, Dist-Sambalpur
48. Sri Kalahanhu Khasla, Beldar, aged about 47 years, S/o. Chamar Khasla, At-Rupapli, PO-Basantpur, Dist-Bolangir
49. Smt. Sumati Deep, Beldar, aged about 48 years, W/o. Kshyamanidhi Deep, At/PO-Sarangagarh, Dist-Bolangir
50. Sri Binod Bihari Goria, Cattle Attendant, aged about 40 years, S/o. Dhanamali Goria, At-Rupapali, PO-Basantpur, Burla, Dist-Sambalpur

51. Nrusingha Patel, Watchman, aged about 49 years, S/o. Mahadev Patel, At-Rampur, PO-Bijipur, Dist-Baragarh
52. Smt.Jasoda Nag, Beldar, aged about 43 years, W/o. Nila Nag, At-Rupapali, PO-Burla, Dist-Sambalpur
53. Sri Bamana Nanda, aged about 43 years, Watchman, S/o.Bhaja Nanda, Mumiaipali, Rengali, Dist-Bolangir
54. Sri Iswar Nag, Watchman, aged about 57 years, S/o. Tikuna Nag, At-Masingura, Bandhagura, Dist-Bolangir
55. Jogendra Kumbhar, Beldar, aged about 42 years, S/o.Kapur Chandra Kumbhar
56. Trinath Nag, Watchman, aged about 31 years, S/o. Chhabbi Nag, At-Kuhurapali, PO-Burda, Dist-Bolangir
57. Gopinath Pradhan, Tractor Helper, aged about 44 years, S/o. Kapila Pradhan, Satupali, Chiplima, Sambalpur
58. Hementa Bag, Millker, aged about 32 years, S/o.Dinabandhu Bag, At-Luhurapali, PO-Burla, Dist-Sambalpur
59. Smt.Rukmani Tandi, Beldar, aged about 58 years, W/o. Padu Tandi, At/PO-Burdo, Dist-Bolangir
60. Sri Dabru Kumbhar, Mali, aged about 38 years, S/o. Dhanu Kumbhar, Gambharpali, At/PO-Attabira, Dist-Baragarh
61. Sri Krushab Bag, Fodder Chopping Operator, aged about 33 years, S/o. Murali Bag, At-Sahajbahal, PO-Basantpur, Dist-Sambalpur
62. Subal Patra, Watchman, aged about 33 years, At-Satupali, PO-Chiplima, Dist-Sambalpur
63. Smt.Budhuni Bag, Beldar, aged about 48 years, W/o. Sanu Bariha, At-Banjari, PO-Sahala, Dist-Bolangir
64. Smt.Sajana Jagadala, Beldar, aged about 50 years, W/o. Shyam Sundar Jal @ Jagadal, At/PO-Jalloi, Via-Biramaharajpur, Dist-Subarnapur
65. Sri Subarl Padhi, Beldar, aged about 35 years, S/o. Surendra Kumar Padhi, At-Satupali, PO-Chiplima Dist-Sambalpur
66. Minaketan Goria, Beldar, aged about 49 years, S/o.Jayaram Garia, At-Rupapali, Basantpur, Dist-Sambalpur
67. Smt.Bedamati Mirdha, Beldar, aged about 38 years, D/o. Mani Mirdha, At-Dumer, Padar, PO-Pana Munda, Dist-Bolangir
68. Sri Kailash Chhand, Fodder Chopping Operator, aged about 36 years, S/o.Mitrabhanu Chhand, At-Sahajbahal, PO-Basantpur, Dist-Sambalpur
69. Sri Markand Suna, Watchman, aged about 31 years S/o.Upendra Suna, Khabsakaha, Menda, Dist-Bolangir

70. Parameswar Nanda, Millker, aged about 37 years, S/o. Bhakta Nanda, Luhurapali, Burda, Dist-Bolangir
71. Gainu Guru, aged about 45 years, Cattle Attendant, At/PO/Dist-Sambalpur
72. Kartika Mirdha, Watchman, At-Sahajahal, aged about 46 years, S/o. Danara Mirdha, PO-Basantpur, Dist-Sambalpur
73. Bharati Barik, Beldar, aged about 31 years, W/o. Nanda Barik, Telenapali, Chudapali, Dist-Bolangir
74. Tele Kumbhar, Beldar, aged about 39 years, S/o. Srinath Kumbhar, At-Rupapali, PO-Basantpur, Dist-Sambalpur
75. Surath Kumbhar, Beldar, aged about 32 years, S/o. Kartika Kumbhar, At-Rupapali, PO-Basantpur, Dist-Sambalpur
76. Atish Ku.Nayak, Agriculture Mate, Fieldman, aged about 37 years, S/o.Laxman Nayak, At-Kshirasahi PO-Atto, Dist-Bhadrak
77. Jaidarth Bhoi, Beldar, aged about 46 years, S/o. Chitta Bhoi, At-Satupali, PO-Chiplima, Dist-Sambalpur
78. Kuldhar Nanda, Beldar, aged about 41 years, S/o. Ratan Nanda, Kumiapali, Via-Chudapali, Dist-Bolangir
79. Rama Chandra Kathar, Beldar, aged about 51 years, S/o.Durga Kathar, Girngilpali, Kalamati, Dist-Sambalpur
80. Gopal Mirdha, Beldar, aged about 47 years, S/o.Raghu Mirdha, At-Rupapali, PO-Basantpur, Dist-Sambalpur
81. Bishi Chhatria, Beldar, aged about 52 years, S/o.Jogi Chhatria, At-Benapali, PO-Dungripalli, Dist-Bolangir
82. Subin Nag, Beldar, aged about 38 years, S/o.Bairagi Nag, Bandgora, Maisina Gudei, Dist-Boudh
83. Purna Suna, Beldar, aged about 29 years, S/o.Upendra Suna, At-Khabsakana, PO-Menda, Dist-Bolangir
84. Jagat Bag, Millker, aged about 32 years, S/o.Gopi Bag, At-Sriki Jor, PO-Mohangiri, Kalahandi
85. Sabdu Kumbhar, Beldar, aged about 33 years, S/o. Late Dhaman Kumbhar, At-Kadalipali, Judisura, Dist-Bolangir
86. Prasanna Kumbhar, Beldar, aged about 42 years, S/o. Bhaja Kumbhar, At-Dum Dumi, Kandajur, Dist-Bolangir
87. Ugesan Mirdha, Beldar, aged about 40 years, S/o. Ahanda Mirdha, At-Rupapali, PO-Basantpur, Dist-Sambalpur
88. Prahalad Tandi, Beldar, aged about 38 years, S/o.Karuna Tandi, At-Dungripali, PO-Kundajuri, Dist-Bolangir
89. Dambrudhar Rajhans, Veterinary Attendant, aged about 35 years, S/o. Arjun Rajhans, At-Rupapali, PO-Basantpur Dist-Sambalpur

90. Congress Bhoi, Beldar, aged about 32 years, S/o. Bhima Bhoi, Girngilapali, Kalamati, Dist-Sambalpur
91. Sudam Kumar Padhi, Beldar, aged about 39 years, S/o. Surendra Kumar Padhi, Satupali, Chiplima, Dist-Sambalpur
92. Bhajaman Meher, Cattle Feed Maker Attendant, aged about 39 years, S/o. Bibhisana Meher, At-Girngilapali PO-Kalamati, Dist-Sambalpur
93. Hari Nag, Watchman, aged about 39 years, S/o. Nilambar Nag, At-Bangari, PS-Dungaripali, Dist-Bolangir
94. Rohita Chhatria, aged about 44 years, Tractor Driver, S/o. Chithal Chhatria, At-Rupapali, PO-Basantpur, Dist-Sambalpur
95. Tejraj Chhatria, Veterinary Attendant, aged about 44 years, S/o. Sadhab Chhatria, At-Santikra, PO-Bad Tikra, Dist-Bolangir
96. Jaladhar Muduli, Watchman, aged about 41 years, S/o. Jogendra Muduli, At-Rupapali, PO-Basantpur, Dist-Sambalpur
97. Chittaranjan Patra, Mini bus helper, aged about 33 years, S/o. Gouri Sankar Patra, At/PO-
98. Minu Patra, Beldar, aged about 33 years, S/o. Bibhisan Patra, At-Satupali, Chiplima, Dist-Sambalpur

All the applicants are at present working in the Office of the Director, Central Cattle Breeding Farm, Chiplima, PO-Basantpur, Dist-Sambalpur

... Applicants

By the Advocates

M/s. S.N. Satpathy
S.J. Pradhan

VERSUS.

1. Union of India represented through its Secretary, Ministry of Agriculture, Department of Animal Husbandry & Dairying, Krishi Bhawan, New Delhi
2. The Secretary, Ministry of Personnel, Public Grievances & Pensions, Department of Personnel & Training, North Block, New Delhi-110 001
3. The Director, Central Cattle Breeding Farm, At-Chiplima, PO-Basantpur, Dist-Sambalpur

... Respondents

By the Advocates

Mr.A.K. Bose
Mr.S.B. Jena

.....

Q R D E R

MR. B.N. SOM, VICE-CHAIRMAN : This Original Application, under Section 19 of the Administrative Tribunals Act, 1985, has been filed by Paleswar Bag and 97 others, who are casual workers holding temporary status under Central Cattle Breeding Farm, Chiplima, Sambalpur, praying therein for regularisation of their services and to pay necessary consequential benefits arising out of such regularisation. The reliefs claimed by them are as follows.

- "i) That the services of all the petitioners be regularised by sanctioning equal nos. of posts.
- ii) That the services be regularised from the date of their joining in the service as casual labour.
- iii) That on being regularised the arrear salary be calculated and be paid to the petitioners.
- iv) That necessary consequential benefits arising out of regularisation be extended to all the petitioners.
- v) That necessary retiral benefits like pension, leave salary, gratuity etc. following the regularisation be extended to the petitioners.
- vi) That to confer all the service benefits of the regular Group-D employees like salary, D.A., A.D.A., H.R.A., leave benefits, bonus, different kinds of advances, loans etc. be extended to all the petitioners.
- vii) That to take the age bar as waived".

2. The facts of the matter are that these applicants were granted temporary status under a Scheme framed by Respondent No.1 and admittedly the terms and conditions of that scheme are the same as mentioned in detail in Para- 4.7 of this Original Application. The main prayer of the applicants in this application is for regularising their services from the date they joined the organisation as casual labours and to

confer all the service benefits as available to a regular Group D employee in the matter of pay and allowances.

3. The Respondents have refuted the claims of the applicants by filing a counter.

4. I have also heard Shri S.J.Pradhan, learned counsel for the applicants and Shri A.K.Bose, learned Senior Standing Counsel for the Respondents. Having heard the learned counsels for both the parties and after going through the records placed before me in this regard, I find that the reliefs claimed by the applicants ~~go~~ far beyond the scope of the scheme ~~been~~ under which ~~they have~~ granted temporary status. For all intents and purposes, the scheme framed by the Government, called "Casual Labours (grant of temporary status and regularisation) Scheme of Government of India, 1993" is an enforceable scheme. The applicants could have felt aggrieved had the Respondents deviated ~~its~~ ~~in~~ implementation of the scheme ~~in~~ proper perspective. No such allegation ~~either~~ has been made ~~either in the O.A.~~ or during oral submission when I asked the learned counsel for the applicant on this particular point. In effect, therefore, through the present Original Application, the applicants are virtually seeking to extend the scope and ambit of the scheme under which they have been granted temporary status and certain other benefits by the Government until their regularisation. At Para-5 of the scheme it has been laid down that "no benefits other than those specified above will be

admissible to casual labours with temporary status". The applicants have no where called in question the scope or purpose of the scheme. In the scheme it has been clearly spelt out that conferment of temporary status on a casual labour would not involve any change in his duties; the engagement will be on daily rate of pay, on need basis and that no casual labour with temporary status will be brought on to the permanent establishment unless they are selected through a regular selection process for Group D post. It was also clarified by the learned Senior Standing Counsel, during oral arguments that the casual labours/applicants would be regularised as Group - D subject to their fulfilling the conditions of recruitment to such posts and as and when vacancy/vacancies would become available.

5. In this connection, I would like to recall the decision of this Tribunal in the case of Dayaram Venagee and 2 others vs. Union of India & Ors. reported in 1987 (2) A.T.J. 66 wherein the Tribunal held that temporary status holder casual labour can claim regularisation in service, but such claim has a limited right, i.e., he can claim to be considered for regularisation. In the instant case, as the Respondents have framed a scheme in this behalf, the process of regularisation will follow the terms and conditions as provided therein. Apart from the above, since the reliefs claimed by the applicants ip so facto involve a policy decision by the employer, in the aptness of

things, I do not feel inclined that the Tribunal should formulate the policy guidelines to manage the business of the Cattle Breeding Farm. In the given circumstances, the matter is best left to the employer/Department for consideration according to their job requirements.

6. In view of the above facts and circumstances of the case, I see no merit in this Original Application which is accordingly dismissed. In the circumstances, there shall be no order as to costs.


(B.N. SOM)
VICE-CHAIRMAN

Bjy/