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Order dt. 16.7.04. O.A.NO.109 of 2001

Heard Mr. A. K. Mishra, Learned Counsel appearing for the Applicant and Mr. S. B. Jena, Learned Additional Standing Counsel appearing for the Respondents and perused the materials placed on record.

2. Applicant Dr. Ms. Manasi Mishra, pursuant to her selection as a Research Associate in Plant Pathology under advertisement dated 21.03.1988, was appointed, on contractual basis with a consolidated amount, as such under an order dated 01.09.1988 in a project that was undertaken in Central Rice Research Institute at Bidyadharpur (Cuttack) Orissa for undertaking various research work. However, upon accepting the offer of appointment dated 01.09.1988 and joining the said job, she was allowed to work in one after the other Projects with the same/similar conditions, put at the time of initial joining upto 1998. Thereafter, when she was not allowed to continue (or regularised), the Applicant made several representations (to her Authorities/ Respondents) and, upon being unsuccessful in her attempts, she filed this Original Application under Section 19 of the Administrative Tribunals Act, 1985 seeking a direction to the Respondents to regularise her services as against a regular post/vacancy and, till such regularisation, she should be allowed to continue as a Research Associate under the Respondents.

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3. Respondents, through their counter have pointed out that since the Projects, in which she was allowed to continue, are no more in existence, she cannot be regularised/allowed to continue. Further it has been disclosed by the Respondents that it was specifically advertised while inviting applications at the first instance, that the engagement was for a specific period on contractual basis and that the appointee cannot claim any regular appointment in future and that, therefore, since there is no vested right accrued with the Applicant (by virtue of her appointment/continuance in the Project work) she is not entitled to claim any regularisation. Further it has been made clear by the Respondents, in their counter, that the Projects were funded by different Govt. of India Agencies for taking out different research activities and since, at present, there are no project in hand, the Applicant cannot be accommodated. In the said premises, the Respondents opposed vehemently the prayers of the Applicant to be allowed.

4. Though the learned counsel for the Applicant, during oral submissions relied on various judgments of this Tribunal and submitted that since the Applicant had gained sufficient knowledge in the subject and spent her youth for the betterment of the organisation, she should not be thrown out of the employment depriving her livelihood and that, therefore, direction ought to be

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issued to the Respondents to regularise her as against any of the regular vacancy in the establishment; if no project work is available now. But we are not convinced to accede to such prayer; especially, on the face of the specific submissions that there is no project operating under the Respondents; where the Applicant can be adjusted.

5. The Applicant's prayer for regularisation against any of the existing vacancy in the regular establishment under the Respondents is not acceded to.

6. However, considering the submissions and various judge-made-laws, it is hereby ordered that as and when there will be any Projects under the Respondents, the case of the Applicant should be considered by the Respondents, if she would apply for the same and is otherwise eligible.

7. With the above observations and directions, this O.A. is disposed of. No costs.

Waran
VICE-CHAIRMAN

Y. S. Venkateswaran
MEMBER (JUDICIAL)

Copy of order
off. 16/7/04 issued
to the counsel for
both sides.

S. C. M.
S. C. M.

App
16/7/04