

7
CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH;CUTTACK

ORIGINAL APPLICATION NO. ~~489~~ OF 2002
Cuttack this the 21st day of May/2003

Darujia Naik and Others ... Applicants

VERSUS

Union of India & Others ... Respondents

FOR INSTRUCTIONS

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

(B.N. SOM)
VICE_CHAIRMAN

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

ORIGINAL APPLICATION NO. 679 OF 2002
Cuttack this the 21st day of May, 2003

CORAM:

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

...

1. Duruja Naik, aged about 41 years, S/o. Pabana Naik, of Village/PO-Ragadipada, PS-Baramba, Dist-Cuttack
2. Bansidhar Naik, aged about 35 years, S/o. Samanda Naik, of Village/PO-Champeswar, PS-Kanpur, Dist-Cuttack
3. Devraj Naik, aged about 30 years, S/o. Nilamani Naik, of Village-Bahali, PO-Sagar, PS-Kanpur, Cuttack
4. Sudhir Kumar Bhoi, Son of Gandharva Bhoi of Village-Kanheipur, PS-Chauliaganj, Dist-Cuttack
5. Fulla Dei, W/o. Babaji Bhoi of Vill-Bhadimul, PS-Chauliaganj, Cuttack
6. Pramila Dei, W/o. Babaji Das, At-Bhadimula, PS-Chauliaganj, Cuttack
7. Kashi Dei, W/o. Bula Das
8. Narayan Das, S/o. Nepal Das, of Vill-Bhadimul, PS-Chauliaganj, Dist-Cuttack
9. Bijaya Naik, S/o. Banchhanidhi Naik of Vill-Tigiriagad, PO-Tigiria, Dist-Cuttack
10. Sakhi Dei, W/o. Makardhar Bhoi of Vill-Kanheipur, PS-Chauliaganj, Dist-Cuttack
11. Ratani Dei, W/o. Guruna Bhoi of Vill-Kanheipur, PS-Chauliaganj, Dist-Cuttack
12. Sashi Bhoi, W/o. Nanda Bhoi of Village-Kanheipur, PS-Chauliaganj, Dist-Cuttack
13. Shanti Dei, W/o. Niranjan Das
14. Ranima, W/o. Raju Samal of Vill-Bidyadharpur, PS-Chauliaganj, Dist-Cuttack

All are the casual labourer of the Office of the Director, Central Rice Research Institute, Cuttack-6

...

Applicants

By the Advocates

M/s. A.C. Sarangi
A.K. Sarangi
K. Panda

-Versus-

1. Union of India represented through its Secretary, Department of Agriculture, I.C.A.R., Govt. of India, New Delhi
2. Director, Central Rice Research Institute, At-Bidyadharpur, Cuttack-6

...

Respondents

By the Advocates

Mr. S.B. Jena, A.S.C.

- 2 -
O 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 the applicants (14 in number) who are casual labours(holding temporary status) under the Director, Central Rice Research Institute, Cuttack (Res.No.1) seeking direction to Respondents-Department to regularise their services and to " give them equal service benefits like the employees similarly situated".

2. Before proceeding to decide the application on merits, it is to be noted that the Respondents, although in their counter have disputed the genuineness of applicant Nos. 6, 12 and 14, the applicants, after receipt of copy of counter have neither refuted ~~this~~ allegation nor did they ever move the Tribunal seeking amendment of the O.A. appropriately. In this view of the matter, I will consider the application excluding applicant Nos. 6, 12 and 14, taking them not before me to agitate the point as made out in the present Original Application.

3. The short point for consideration in this ^{whether} application is that ~~the~~ applicants who have been granted temporary status w.e.f. 01.09.1993 under the Respondents and are in receipt of the benefits as admissible to temporary status holder casual labours, are entitled for regularisation against Group D posts. ^{In this connection} Para-8 of the relevant Scheme 'for filling up of Group D posts' stipulates that casual labours with temporary status will be absorbed against Group D posts in the ratio 2 out of 3 vacancies in respective offices, after following the

✓

the requirement of the Recruitment Rules and in accordance with the instructions issued by the DOP&T. It is also laid down there that regular Group D staff rendered surplus for any reason will have prior ~~preference~~ against existing/future vacancies. It is further said that in case of illiterate casual labours those who fail to fulfil the minimum qualification prescribed for the post, regularisation will be considered only against those posts in respect of which literacy or lack of minimum qualification will not be a requisite qualification. In other words, the process of regularisation is not an automatic movement of temporary status holder casual labours to Group D appointment in order of their seniority of engagement as casual labours, but according to their educational attainments and/or fulfilling the minimum educational qualification prescribed for the posts and subject to the other conditions regarding redeployment of surplus staff, as stated earlier. The Respondents in their counter have also submitted that it is not possible ~~on~~ their part to regularise the services of the applicants (who are temporary status holder casual labours) because of the ban imposed by the Government on filling up of the vacant posts. They have, however, submitted that as and when ban on creation of posts and ban on filling up of the posts is lifted by the Government, they will consider regularisation of casual workers including the applicants working in their organisation as per seniority and eligibility and as per guidelines laid down by the Government in this regard.

4. In view of the aforesaid, this Original

Application fails, as I am of the opinion that the Respondents have neither transgressed the provision of Para-8 of the Scheme nor any such allegation levelled against them. However, there shall be no order as to costs.


(B.N. SOM)
VICE_CHAIRMAN

Bjy