CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR

Original Application NO. 41 of 2006.

Date of Order : 7th March, 2008.

CORAM :
HON'BLE MR. JUSTICE A.K.YOG, MEMBER (J)
HON'BLE MR. R.R. BHANDARI, MEMBER (A)

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Ridh Karan S/o Shri Ganesh Ram aged 66 years, Resident of Gachhipura, District Nagaur – Ex. Labouratory Attendant in the Central Arid Zone Research Insitute, Jodhpur.

.....Applicant.

Versus

1. Indian Council of Agricultural Research, through its Director General, Krishi Bhawan, New Delhi.

2. Director, Central Arid Zone Institute, Jodhpur.

.....Respondents.

Connected with OA No. 42, 43 and 44 of 2006.

OA No. 42/2006
Moda Ram S/o Late Shri Hukma Ram aged 65 years Resident of Chimanpura, Jodhpur Road, Pali – Laxmi Wife of Shri Moda Ram Ex. Mazdoor in the Regional Res. Station, Pali of the Central Arid Zone Research Institute, Jodhpur.

.....Applicant.

Versus

1. Indian Council of Agricultural Research, through its Director General, Krishi Bhawan, New Delhi.

2. Director, Central Arid Zone Institute, Jodhpur.

.....Respondents.

OA No. 43/2006.
Vakudi Wife of Late Shri Kalu, aged 60 years Resident of Chimanpura, Jodhpur Road, Pali – Kalu S/o Shri Jassa Meena Ex. Mazdoor in the Regional RES. Station, Pali of the Central Arid Zone Research Institute, Jodhpur.

.....Applicant.

Versus

1. Indian Council of Agricultural Research, through its Director General, Krishi Bhawan, New Delhi.

2. Director, Central Arid Zone Institute, Jodhpur.

OA No. 44/2006
Smt. Champa Wife of Late Shri Valla Ji Alias Bhalla Ji aged 65 years, resident of Chimanpura, Jodhpur Road, Pali -Ex. Mazdoor in the Regional Res. Station, Pali of the Central Arid Zone Research Institute, Jodhpur.
.....Applicant.

Versus

1. Indian Council of Agricultural Research, through its Director General, Krishi Bhawan, New Delhi.

2. Director, Central Arid Zone Institute, Jodhpur.

Present :
Mr. Vijay Mehta, Advocate, on behalf of the applicants.
Mr. Hawa Singh, Advocate, holding brief of Mr. V.S.Gurjar, on behalf of the respondents.

ORDER
[PER JUSTICE A.K.YOG,MEMBER(J)]

Heard Mr. Vijay Mehta, Advocate, on behalf of the applicant and Mr. Hawa Singh, Advocate, appearing on behalf of Mr. V.S.Gurjar, for respondents.

Learned counsel for the parties submitted that all the above cases be clubbed, and decided together since they involve similar facts and common grounds.

For convenience, we shall refer only to the facts of the leading case – i.e. O.A. No. 41/2006 – Ridh Karan Vs. UOI & Ors.

Case of the applicant / Ridh Karan is that he was appointed in Central Arid Zone Research Institute (CAZRI), Jodhpur, on the post of Mazdoor in the year 1982. He retired on 31st August, 2005. The Arid Zone Research Union (AZRU), raised an 'Industrial-Dispute'. On behalf of 268 Casual Labourers (including the present applicant), claiming regularisation which was registered as Case No. 16/86. The Labour Court, vide Award dated 29th April, 1989 (copy filed as Annex.A-9 to the Rejoinder) directed the CAZRI to regularise the services of these Casual-Labourers in question as per the terms and conditions contained in the said Award. This Award was challenged before Rajasthan High Court by means of Writ Petition No. 1420 of 1992 which gave rise to Special Appeal No. 11953/2000 (filed by the Department) which was ultimately dismissed vide Judgement and Order dated 16th August, 2000 (Annex.A/1 to the O.A.).

The grievance of the applicant is that, he has not been extended benefits of regularisation as contemplated under said Award which has become final.

Respondents and the applicant have exchanged Counter and Rejoinder Reply.

To appreciate respective contentions of the parties, ascertainment of 'facts' relating to each person (claiming advantage under aforesaid Award passed by the Labour Court) is required, viz., scrutinising date of appointment, age, relaxation of age etc., etc. This is not possible on the basis of pleadings on record.

We are of considered opinion that such an exercise can be done effectively and expeditiously by the concerned departmental authorities who shall have an advantage of perusing original record also, if required.

The learned counsel for the applicant/s, on query being made, submitted that respondents have not communicated reasons/order for not extending benefit to the Applicant/s under Award.

The learned counsel for the applicant/s places strong reliance upon letter dated 23rd November, 2004 of the Hon'ble Minister of Agriculture and Consumer Affair, addressed to an Hon'ble Member of Parliament; photo-stat copy filed as Annex.A/2 to the O.A. It is submitted that the said letter shows that on complaint of Arid Zone Employees Union, Jodhpur of CAZRI due to non compliance of Labour Court Award dated 29.4.1989, matter was examined by the Ministry and then it was informed that said Award was complied.

In the above context, we may note here that applicant had admittedly, filed representation dated 3rd December, 2005 / Annex.A-8 to the O.A., before the Senior Administrative Officer, CAZRI, Jodhpur. This O.A. was presented on 27.2.2006. There is nothing on record to show that said representation has been considered. The learned counsel for applicant/s submits that, as per his instructions, applicant/s has not been communicated with any reason /order, if passed, on said representation.

The relief sought in the present O.A. is as under :-

> *"That from the facts and grounds mentioned hereinabove the applicant prays that the respondents be directed to make the payment of pension, complete amount of gratuity and other terminal benefits to the applicant with interest at the rate of 24% thereon. Any other order giving relief may also be passed. Cost may also be awarded to the applicant."*

Normally, an aggrieved party should first approach the concerned authority / respondents with his grievance and when the same is refused then alone, approach the Tribunal / Court – so that the Tribunal / Court should be in a position to know the reason /ground on which applicants relief claimed is refused.

In view of the above, we direct the applicant to file a certified copy of this order along with OA with Annexures as well as additional Representation (if any), within four weeks from today before concerned authority (viz. Director, CAZRI / Respondent No.2) who may himself decide it or refer it to the competent authority for deciding the same by passing a reasoned / speaking order on the basis of record and according to relevant Act, Rules/Circulars, Award, of the Labour Court etc., exercising its un-fettered jurisdiction and communicate its decision to the applicant/s forth-with within three months from the date of receipt of a certified copy of this order as contemplated above.

It is also made clear that if any of the applicant has died during the pendency of OA/s, their Legal Representatives / Heirs shall be entitled to pursue the matter.

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The O.A. stands disposed of without entering into the merits of the case subject to the above direction.

No order as to costs.

A copy of this order shall be placed separately in each of the above mentioned O.A. in the record of O.A.

Sd/-
[R.R.BHANDARI]
MEMBER[A]

Sd/-
[A.K.YOG]
MEMBER[J]

CERTIFIED TRUE COPY
Dated....08-4-2008

अनुभाग अधिकारी (न्याय.)
Section Officer (Judl)
केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
जोधपुर न्यायपीठ, जोधपुर
Jodhpur Bench, Jodhpur.

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