

केन्द्रीय (प्रशिक्षित) नियामन बोर्ड के नियम 72 के अन्तर्गत निःशुल्क प्रधि

Y/10

**CENTRAL ADMINISTRATIVE TRIBUNAL,
JODHPUR BENCH, JODHPUR**

**ORIGINAL APPLICATIONS No.81/2010, 96/2010, 97/2010,
98/2010, 99/2010, 100/2010, 101/2010, 106/2010,
107/2010, 108/2010 & 109/2010**

Date of Order 01.10.2010

HON'BLE Dr. K.B. SURESH, JUDICIAL MEMBER

1. Original application No.81/2010

1. Joginder Shah S/o Shri Tileshwar Singh, aged 41 years,
2. Dur Vijay Pal S/o Shri Shyam Lal Pal, aged 48 years,
3. Chhatanku Prasad S/o Shri Mithai Prasad, aged 40 years,
4. Bahadur Ram S/o Shri Ram Dhani Ram, aged 43 years,
5. Nand Lal Malah S/o Shri Sehdev Malah, aged 52 years,

All Applicants are at present employed as TSW, in the office of Director CCBF, Suratgarh, District Sriganganagar.

2. Original application No.96/2010

1. Ram Narayan S/o Shri Ram Dulare, aged about 46 years,
2. Ram Iqbal S/o Shri Sone Lal, aged about 44 years,
3. Ram Ashrya Pal S/o Late Shri Radha Pal, aged 46 years,
4. Banna Ram S/o Shri Late Shri Taru Ram, aged 47 years,
5. Ram Hari S/o Shri Ram Nath, aged about 48 years,

All Applicants are at present employed as TSW, in the office of Director CCBF, Suratgarh, District Sriganganagar.

3. Original application No.97/2010

1. Shyam Narayan S/o late Shri Shiv Nath Bind, aged 42 years,
2. Jawahar Pal S/o late Shri Ram Janam Pal, aged 45 years,
3. Jokan Prasad S/o late Shri Shiv Vidadhari Chaudhry, aged about 52 years,
4. Ram Swaropp S/o Shri Jassu Ram, aged about 46 years,
5. Nityanand Mohanti S/o late Shri Ram Chandra Mohanti, aged about 53 years.

All Applicants are at present employed as TSW, in the office of Director CCBF, Suratgarh, District Sriganganagar.

4. Original application No.98/2010

1. Moti Lal S/ late Shri Yadunath Pal, aged about 48 years,



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2. Ram Vilas Singh S/o Shri Tak Narayan Singh, age 47 years,
3. Lalan S/o late Shri Bishvanathh, aged about 47 years,
4. Lalji Prasad S/o Shri Khedan Prasad, aged about 44 years,
5. Ram Nath Pal S/o late Shri Balmukand Pal, aged 50 years,

All Applicants are at present employed as TSW, in the office of Director CCBF, Suratgarh, District Srigananagar.

5. Original application No.99/2010

1. Sukh Dev S/o Shri Chandreshwar Mehto, aged 44 years,
2. Vidya Yadav S/o Shri Komal Yadav, aged about 50 years,
3. Jogeshwar Dayal S/o Shri Mishri Lal, aged about 46 years,
4. Ramesh Chand S/o Shri Chirenji Lalo, aged about 56 years,
5. Sukh Raj S/o Shri Chhedi Lal, aged about 46 years,

All Applicants are at present employed as TSW, in the office of Director CCBF, Suratgarh, District Srigananagar.

6. Original application No.100/2010

1. Bishun S/o Shri Sidhu, aged about 58 years,
2. Munna Ram S/o Shri Panchu Ram, aged about 43 years,
3. Phool Badan Tiwari S/o Shri Kapil Dev Tiwari, age 51 years,
4. Vijay Tiwari S/q Shri Kapil Dev Tiwari, aged about 45 years,
5. Upendra Mehto S/o Shri Bhukhal Mehto, aged 44 years,

All Applicants are at present employed as TSW, in the office of Director CCBF, Suratgarh, District Srigananagar.

7. Original application No.101/2010

1. Shiv Shankar Pal S/o late Shri Muna Pal, aged 48 years,
2. Suresh S/o Late Shri Mahindra Mehto, aged 45 years,
3. Shiv Bachan S/o late Shri Tangai Bhagat, aged 56 years,
4. Virendra Singh S/o Shri Gulab Singh, aged 51 years,
5. Jagdamba Singh S/o Shri Radha Singh, aged 51 years,

All Applicants are at present employed as TSW, in the office of Director CCBF, Suratgarh, District Srigananagar.

8. Original application No.106/2010

1. Smt. Surjeet Kaur W/o Shri Chandan Singh, aged 55 years,
2. Smt. Usha Rani W/o Shri Pritam Singh, aged about 53 years,
3. Smt. Sita Devi W/o Shri Basti Ram, aged about 45 years,
4. Dhirendra Singh S/o Shri Shiv Ram Singh,

All Applicants are at present employed as TSW, in the office of Director CCBF, Suratgarh, District Srigananagar.



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9. Original application No.107/2010

1. Alveen S/o Shri Harkhu, aged about 54 years,
2. Smt. Khivni W/o Shri Birbal Ram, aged about 52 years,
3. Smt. Dakhi W/o Shri Bahadur Ram, aged about 40 years,
4. Bahadur Ram S/o Shri Gangajal Ram, aged about 54 years,
5. Smt. Amar Jeet Kaur W/o Shri Jagir Singh, aged 44 years,

All Applicants are at present employed as TSW, in the office of Director CCBF, Suratgarh, District Sriganganagar.

10. Original application No.108/2010

1. Akaloo Singh S/o Late Shri Jamuna Yadav, aged 41 years,
2. Indel S/o late Shri Lalji, aged about 42 years,
3. Bhanwar Lal S/o Shri Chausa Ram, aged about 42 years,
4. Lal Chand S/o Shri Mohan Ram, aged about 43 years,
5. Ram Dulare S/o Shri Shyama, aged about 46 years,

All Applicants are at present employed as TSW, in the office of Director CCBF, Suratgarh, District Sriganganagar.

11. Original application No.109/2010

1. Shiv Murthy Pal S/o late Shri Jokhoo Pal, aged 44 years,
2. Ram Kunwar Pal S/o late Shri Ram Kirat Pal, aged 50 years,
3. Kaleshwer Pal S/o late Shri Sukh Bashi Lal Pal, aged 49 years,
4. Shiv Kesh Pal S/o late Shri Matadeen Pal, aged 51 years,
5. Ram Sewak Pal S/o late Shri Shriram Pal, aged 51 years,

All Applicants are at present employed as TSW, in the office of Director CCBF, Suratgarh, District Sriganganagar.

.....Applicants
Mr. J.K. Mishra, counsel for applicant.

VERSUS

1. Union of India through Secretary to Government of India, Ministry of Agriculture, Krishi Bhawan, New Delhi.
2. The Director, Central Cattle Breeding Farm Suratgarh, District Sriganganagar.

.....Respondents

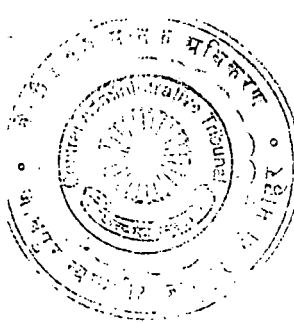
Mr. M. Godara, proxy counsel for
Mr. Vinit Mathur, counsel for respondents.

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Per Hon'ble Dr. K.B. Suresh, Judicial Member

The Government of India as a part of development of indigenous cattle by mixing genetic strains together had established several cattle breeding farms and one among them is the Central Cattle Breeding Farm at Suratgarh, Sriganganagar District, Rajasthan. It was established for the development of Tarparkar Cow which is a desert specific bovine and for this purpose, ancillary facilities like agriculture etc were apparently taken up by the Government of India. Casual labourers were also engaged and later they were granted temporary status. They are the applicants in these O.As, which were heard together and are being disposed of by this common order.

2. Apparently the applicants were granted temporary status with effect from 1993 or so. Their Pay has been revised in accordance with the 5th Pay Commissions Recommendations. In the year 2002, some of the employees, who were employed as TSW casual labourers had approached this Tribunal for a direction to the respondents for creating requisite number of posts and consider their regularization. This Tribunal vide its order dated 05.02.2002 directed the respondents to consider the cases of the applicants for regularization in Group D posts. Apparently, the respondents have preferred DB (Civil) W.P. No. 2487/2002, before the Hon'ble High Court of Rajasthan at Jodhpur, against the order of this Tribunal. The Hon'ble High Court of Rajasthan had held that



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the Tribunal had only directed the respondents to consider afresh, whether it is necessary to create requisite number of Group D posts in order to accommodate the casual labourers. The Hon'ble High Court had further held that it only mean the respondents have to consider whether such creation is necessary. After that, the respondents apparently having considered and concluded that there was no justification for creation of additional Group D posts at Suratgarh since the work load had decreased. Thereupon the applicants have filed Contempt Petition No.22/2003 before this Tribunal. But this Tribunal had dismissed it as at best it can be said to form a new cause of action, since in the OA the respondents were only directed to consider the creation of more post for accommodating the applicants and the respondents had complied with the earlier order of this Tribunal dated 05.02.2002, may be wrongly or rightly and therefore this would give a fresh cause of action for filing O.As, if they are so advised. Thereupon the applicants have filed the present O.As praying inter alia that the respondents may be directed to review the staff strength and create requisite number of Group D posts and regularize the applicants on the posts so created in accordance with extant rules.

3. The respondents have filed a detailed reply. They would say that in fact they had conducted the work study examination of the staff strength and found that the area under cultivation had substantially reduced. The number of animals have come down to almost 50% of which existed earlier and in fact as per

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judgement dated 29.03.1989, a work study was made earlier also and the requirement of 75 Group D staff at CCBF Suratgarh was assessed. At that time 39 Group D posts were available and 39 more Group D posts were to be created in order to accommodate them and they have produced annex R/7 and R/8 in this regard. They would say that there is only 383 animals and as per rationalization of the herd policy of the Ministry 120 acres of land had been transferred to RSFP & D, Suratgarh and therefore the posts created in the years 1990 and 1995 are held in excess. But the respondents would say that the applicants would be regularised on the basis of seniority, roster position and existing recruitment rules as and when vacancy in Group D posts arises according to the rules prevailing as of now.

4. The applicants have filed rejoinder rebutting the grounds raised by the respondents, they would say that production of milk had increased from 3 to 7 litres per cow to 8 litres per cow and seeds production has also increased. They would further say that there is shortage of workers at the farm and because of that only the work has got done through contractors by outsourcing. The applicants would also say that the harvesting of the crop is being done through private contractors. The seeds are also got cleaned through private contractors. But the respondents would say that this is a part of organised attitude of the employees as the production level had decreased. Such is the pitiable situation in the farm. They have stated that even though the acreage of

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cultivation had gone down and the strength of animals got reduced and sufficient employees are available. But because of lower productivity assured by the employees they had been forced to engage private contractors for doing the jobs in the farm. The applicants would say that the committee which had conducted the work study sat in an AC chamber and carried out the study without going into the fields. For this the respondents would say that the Committee which conducted the study need not go to the fields and they had enough materials including report of the Director, CCBF, Suratgarh to analyze and assess requirement of the farm at Suratgarh. The Work study unit concluded that there is no need to create further Group D posts as claimed by the employees. Even otherwise, the acreage of cultivation had gone down and the number of animals are also got sufficiently reduced and in the larger concept of public interest there is no need to create any additional posts. The learned counsel for the applicants is also unable to explain as to how the present strength of employees is not sufficient and why the farm had engaged private contractors to do the work.

5. I have heard the learned counsel appearing for both parties and carefully gone through the pleadings of the parties and connected records. I find that the Committee which had gone through the requirement of the farm had considered all the aspects available and decided in greater public interest that further creation

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of number of Group D posts would be against the interest of the nation and the integrity in employment and moral probity.

6. Therefore, the suggestion of the respondents that the applicants would be considered on the basis of seniority, roster position etc for induction into already existing Group D staff whenever the vacancies arise, seems to be a better solution than the solution advanced by the applicants.

7. With the above observation, I find no merit in these applications and accordingly they are dismissed. No order as to costs.

50/-
 (Dr.K.B. Suresh)
 Judicial Member

COMPARED &
 COMPARED
 CHECKED

/jsv/

CERTIFIED TRUE COPY
 Date: 26.6.10

Dr. K. B. Suresh (JUD.)
 Additional Member of the
 Jodhpur Legislative Tribunal
 Jodhpur, Rajasthan, India
 Jodhpur Bench, Jodhpur.

दिनांक 17/11/2010 के आदेशानुसार
 ये उपलिखित दिनांक 11/11/2010
 को आग-II दा 11 दर्श किए गए।

अनुभाव अधिकारी
 केन्द्रीय लक्षणात्मक अधिकारी
 जोधपुर न्यायालय, जोधपुर