

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.475/98

Friday this the 31st day of July, 1998.

CORAM

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN
HON'BLE MR. P.V. VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

K. Rajan,
S/o Kandankoran,
Field Assistant,
L.P.D.Scheme, I I S R Peruvannamuzhy,
R/at Pollaporil, PO. Kodakkad,
via.Trikaripur,
Kasaragod District.

...Applicant

(By Advocate Mr. Biju Martin rep.Kodoth Sreedharan)

Vs.

1. The Director General,
Indian Council of Agriculture
Research, Krishi Bhavan,
New Delhi.110 001.
2. The Director,
National Research Centre for Spices,
IISR Peruvannamuzhy,
Marykunnu PO, Calicut.

...Respondents

(By Advocate Mr. Mathews J Nedumpara)

The application having been heard on 31.7.98, the
Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN

The applicant has in this application filed
under Section 19 of the Administrative Tribunals Act
impugned order dated 27.2.98 (A6) of the second
respondent informing the applicant that his services
would stand terminated with effect from the afternoon of
31.3.98 ie., the date of expiry of the scheme. The
applicant was appointed by the second respondent by order
dated 20.1.95 (A1) on a temporary basis on the post of
Field Assistant under the Central Sector Scheme for
Integrated Programme for the Development of Spices on a

consolidated pay of Rs.1800/- for the first two years and Rs.1850/- for the third year for a period ~~xxx~~ less than three years with effect from the afternoon of 11th January, 1995 and the appointment was to be terminated on completion of the term of appointment or on the date of expiry of the sanction of the Scheme whichever is earlier. Though the period of three years expired earlier, the applicant's services were sought to be terminated only by the impugned order dated 27.2.98 as the Scheme according to the respondents was sanctioning upto 31.3.98. The applicant alleges that the Scheme has not come to a close and that the termination of his services while the work connected with the Scheme ~~is~~ still available is arbitrary and irrational. With the above allegations, the applicant has filed this application for a direction not to terminate his services and to regularise the applicant in service.

2. The respondents have filed a reply statement in which they contended that as the sanction for the Central Scheme has come to a close on 31.3.98 it is not feasible to continue the applicant in service any further.

3. Learned counsel for applicant submits that the work is still available and what has been done by the applicant is being got done by calling for tenders. In order to see whether the Scheme is still continuing and whether any work in connection with the Scheme is still there to engage the applicant, we directed the second respondent to file an affidavit. The second respondent pursuant to the above direction has filed an affidavit in which he has sworn ~~xxxxxxxxxx~~ that the sanction of IDPS Scheme has expired on 31.3.98 and that

the Scheme is not now continuing. Advertising to Annexure.A8 it is stated that as the plants planted as a part of the Scheme had to be maintained the work is being got done meeting the expenses from out of the sale proceeds of the planting materials produced when the plan was operational till 31.3.98.

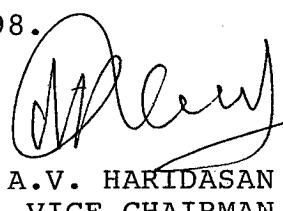
4. When the matter came up for hearing today, Shri Biju Martin appeared on behalf of Shri Kodoth Sreedharan and requested for an adjournment. We do not find any justification for an adjournment. Even on the last occasion, the counsel for applicant was not present. So we allowed Sri Biju Martin to argue on behalf of the learned counsel. We have gone through the pleadings and the materials available in the application with meticulous care. The applicant was appointed on a temporary basis with the specific understanding that his services would be tenable only for a period of less than three years or till the expiry of the Scheme. As the Scheme (IDPS) has come to a close on 31.3.98 we are of the considered view that the claim of the applicant for continued engagement and regularisation is not sustainable. The termination of the officiating service of the applicant on the expiry of the scheme with effect from 31.3.98 is in accordance with the terms of his appointment and is therefore unexceptionable.

5. In the light of what is stated above, the application which is devoid of merit is dismissed without any order as to costs.

Dated the 31st day of July, 1998.



P.V. VENKATAKRISHNAN
ADMINISTRATIVE MEMBER



A.V. HARIDASAN
VICE CHAIRMAN

List of Annexures

1. Annexure-A1: True copy of the appointment order issued by the 2nd respondent dt.20.1.95.
2. Annexure-A6: True copy of the order of termination dt.27.2.98 issued by the 2nd respondent letter No.9(96)/94 Estt.
3. Annexure-A8: True copy of the continuing page6 of Annexure A5.