

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

ERNAKULAM BENCH

O. A. No. 65 of 1992.

DATE OF DECISION 18-01-1993

B. Devadas and three others Applicant (s)

Mr. P. V. Mohanan Advocate for the Applicant (s)

Versus..

Director General, I.C.A.R. Respondent (s)
New Delhi and another

Mr. Jacob Varghese Advocate for the Respondent (s)

CORAM :

The Hon'ble Mr. **S. P. Mukerji, Vice Chairman**
and

The Hon'ble Mr. **A. V. Haridasan, Judicial Member**

1. Whether Reporters of local papers may be allowed to see the Judgement? Yes
2. To be referred to the Reporter or not? No
3. Whether their Lordships wish to see the fair copy of the Judgement? No
4. To be circulated to all Benches of the Tribunal? No

JUDGEMENT

(Hon'ble Shri S. P. Mukerji, Vice Chairman)

In this application dated 9th January, 1992 filed under Section 19 of the Administrative Tribunals Act the four Assistants who have been working on an adhoc basis from various dates between 15.10.93 and 8.10.94 in the Central Marine Fisheries Research Institute (CMFRI) under the ICAR, have prayed that the respondents be directed to regularise their services with effect from the dates of their joining duty with all consequential benefits including seniority. They have based their claim on the orders of the ICAR dated 6.12.90 and 14.3.92 at Annexures II and III respectively.

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They have also challenged the Circular dated 31.12.91 at Annexure-A.VI by which action was initiated to fill-up the five vacancies of Assistants through Departmental Competitive Examination.

2. When the case was taken up for arguments today the learned counsel drew our attention to the M.P.201/92 filed by the respondents, which was disposed of by the order of this Tribunal dated 4.2.92. It was noticed in that M.P. that the respondents ^{had} clearly stated therein that there were ten vacancies of Assistants to be filled-up on the basis of the Limited Departmental Competitive Examination and since by the impugned order only five vacancies are being filled-up, this Tribunal found that the five remaining vacancies would still be available for accommodating the applicants. The learned counsel for the respondents at that time even assured that even the filling up of the five vacancies through Annexure-VI order will be subject to the outcome of this application. Thus so far as the impugned order at Annexure.A.VI is concerned the same cannot ^{pose} any problem for the applicants. _~

3. The applicants' problem is that having been appointed as Assistants on adhoc basis during 1983 and 1984 they are not being regularised in accordance with the instructions of the ICAR at Annexures II and III. In accordance with these instructions adhoc Assistants as a one time measure would be regularised on the basis of the recommendations of the DPC. When the cases of these applicants were referred to the ICAR by the Director, CMFRI vide D.O.letter dated 9.1.92, the latter

was informed vide ICARs letter dated 19.5.92 at Annexure.A.VII that "the case of regularisation of adhoc Assistants may be examined and decided as per instructions contained in the Council's letter No.14/1/90-Estt(1) dated 6.12.90 and 14.3.91". The aforesaid two instructions are none other than Annexures II and III on which the applicants themselves have based their claim. During the course of the arguments it was brought to our notice that the respondents themselves in their additional reply statement dated 24.11.92 revealed that on the basis of the aforesaid instructions of the Council at Annexures II and III "necessary proposal was submitted to the DPC for consideration of the regularisation of the adhoc posts". However, DPC in their proceedings dated 20.6.92 have recorded that since the adhoc appointees have filed a case in the C.A.T. for regularisation, the proposal may be considered after the final decision of the case by the Hon'ble Tribunal."

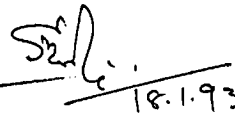
4. From the above it is clear that all controversies have now been laid at rest. The ICAR themselves are of the opinion that regularisation of the applicants before us should be taken up on the basis of the instructions at Annexure A.II dated 6.12.90 and Annexure-III dated 14.3.91. The Director, CMFRI put up the proposal of regularisation on that basis to the DPC which held up further proceedings, in view of the pendency of this application. The learned counsel for the applicant also stated that the applicants will be fully satisfied if their cases are

considered by the DPC, for regularisation.

5. In the conspectus of facts and circumstances we allow this application to the extent of directing the respondents to consider the applicants for regularisation as Assistants with effect from the date of their original appointment or from any subsequent dates on the basis of the recommendations of the DPC, in accordance with the instructions at Annexures A.I and A.III mentioned above. All consequential benefits as admissible to them should also be made available in case they are regularised, from the date of their regularisation. Action on the above lines should be completed within a period of three months from the date of communication of a copy of this judgment. There will be no order as to costs.



(A.V. HARIDASAN)
JUDICIAL MEMBER


18.1.93

(S.P. MUKERJI)
VICE CHAIRMAN

18.1.1993

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