

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

OA No. 113 of 2004

Thursday, this the 11th day of March, 2004

CORAM

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN  
HON'BLE MR. T.N.T. NAYAR, ADMINISTRATIVE MEMBER

1. Sahadevan,  
S/o Chellappan,  
Suseela Bhavan, Chenan Villa,  
Meenmutty Post, Palode.
2. Haridas R.T,  
S/o Thankappan,  
Kunnilkuzhivilakath Veedu,  
Kesavadasapuram, Thiruvananthapuram. ....Applicants

[By Advocate Mr.P.V.Mohanan (A1)]

[By Advocate Mr.V.Philip Mathew rep.by Mr.Jaison Bose (A2)]

Versus

1. The Director,  
National Research Centre for Oil Palm,  
Pedaegi - 534 450, West Godavari District,  
Andhra Pradesh.
2. Dr. R.S.M. Pillai,  
Senior Scientist and Principal Investigator,  
ICAR Revolving Fund scheme on Indigenous  
production of Oil Palm Hybrid Seeds,  
National Research Centre for Oil Palm,  
Regional Station, Palode, Pacha PO. ....Respondents

[By Advocate Mr. P. Jacob Varghese]

The application having been heard on 11-3-2004, the  
Tribunal on the same day delivered the following:


O R D E R

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

Shri P.V.Mohanan states that he continues to appear for the 1st applicant. We have heard Shri P.V.Mohanan, learned counsel of the 1st applicant, Shri Jaison Bose on behalf of Shri V.Philip Mathew, learned counsel of the 2nd applicant and Shri P.Jacob Varghese, learned counsel of the respondents and have perused the OA and the annexures appended thereto.

2. Applicants, two in number, were engaged on daily wages from January, 1999 in harvesting of crossed bunches of oil palm flowers, packing of sprouts and pollination in an adhoc project undertaken by the Institute. Their grievance is that, while they were continued upto 5-11-2003, they are not being engaged thereafter and the Institute is getting the work done through others. Therefore, the applicants have jointly filed this application for a direction to the respondents to engage them as Mazdoor in the Oil Palm in the scheme on Indigenous Production of Oil Palm Hybrid Seeds forthwith and to grant temporary status and consequential regularization by virtue of their continuous services from 1999 onwards. Learned counsel of the applicants 1 and 2 have produced for our perusal the certificates (Annexure A1 and A2) dated 22-12-2001 to show the nature of the engagement of the applicants.

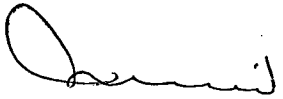
3. It is seen from Annexure A1 and A2 certificates itself that the applicants' engagement was only on contract basis. It is seen from the material on record that the applicants were offered the work as their quotation being acceptable to the respondents among other competitive quotations. There has not been any regular engagement as casual labourers. Assuming that the applicants had been engaged as casual labourers while, as a matter of fact, the fact remains different, the applicants would not be entitled to claim the benefit of temporary status as the counsel have not been able to place before us any scheme applicable to the ICAR regarding grant of temporary status and regularization for persons who have been engaged on casual basis for the first time in the year 1999. The scheme evolved by the Government of India, Ministry of Personnel, Public Grievances and Pension (Department of Personnel and Training) with effect from 1-9-1993 obviously does not apply.



4. Learned counsel of the 2nd applicant invited our attention to the ruling of the Apex Court in V.M.Chandra vs. Union of India & Others [1999 (4) SCC 62], wherein it was held that a diploma holder, who had experience and who had been granted temporary status, have to be preferred for further engagement. Facts of the case are totally different and therefore, the said ruling has no application to the facts of this case.

5. We do not find any legitimate and subsisting grievance of the applicant5 which calls for admission and further deliberation of this application. Hence, we reject the Original Application under Section 19(3) of the Administrative Tribunals Act, 1985. No costs.

Thursday, this the 11th day of March, 2004



T.N.T. NAYAR  
ADMINISTRATIVE MEMBER



A.V. HARIDASAN  
VICE CHAIRMAN

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