

CENTRAL ADMINISTRATIVE TRIBUNAL: ERNAKULAM

Wednesday the sixteenth day of August,
One thousand, nine hundred and eighty nine.

Present

Hon'ble Shri NV Krishnan, Administrative Member
and

Hon'ble Shri AV Haridasan, Judicial Member

OA NO. 144/89

M Karthiyayani Amma : Applicant

Vs

1 Union of India rep. by Secretary,
Ministry of Agriculture
(Dept. of Agriculture Co-operation)
Directorate of Plant Protection,
Quarantine Storage, NH IV
Faridabad, Haryana.

2 The Plant Protection Adviser
to the Govt. of India
Ministry of Agriculture
(Dept. of Agriculture &Co-operation)
Directorate of Plant Protection
Quarantine & Storage,
NH IV, Faridabad, Haryana.

3 The Plant Protection Officer
Central Plant Protection Station
Panampilly Nagar, Ernakulam, Cochin-16: Respondents

M/s VP Mohankumar, Prabha K Pillai
and M Gopikrishnan : Counsel of applicant

Mr PVM Nambiar, SCGSC : Counsel of respondents

ORDER

Shri NV Krishnan, Administrative Member

The applicant was working at the Central Plant Protection Station, Ernakulam as contingent paid full time Sweeper since, 1973 under Respondent -3. She has been continuing since then without her being regularised. It is stated in the application that in 1980, Respondent-3 inquired of her whether she was prepared to work anywhere in India under the Directorate of Plant Protection. It is stated that the applicant expressed her willingness to be regularised on that basis. It is claimed that nothing happened thereafter.

2 Subsequently, in pursuance of a policy decision
in Nov.88 ^{it} taken by the Respondent-1, that casual labourers on daily
wage basis should not be entertained at all, It was decided
that such labourers who have served for less than 6 months
should be dis-engaged and those labourers who have been
engaged for more than 6 months should be served with one
monthly notice on the expiry of which they should be dis-
engaged (Annexure-H). In pursuance of this decision,
Annexure-G notice was served on the applicant on 23.2.89
^{it however}
~~and~~ ^{she} is now continuing in service on the basis of an
interim order passed by this Tribunal ~~that~~ staying the
operation of the impugned order from time ^{to} till the
date of disposal of the application.

3 In the counter affidavit filed by the respondents
it is stated that the applicant was offered regularisation
against the post of Sufaiwala at the Plant Quarantine &
^{Organic}
Fumigation Station at Bombay on 2.1.85 and, similar posts
in similar Stations at Surat and Ghorakhpur in 1985 and
1988. She did not accept these offers. The applicant is
not qualified for the post of a Peon. In the circumstances,
it was contended that the application deserves to be
dismissed.

4 On the date of hearing, the learned counsel for the
applicant pointed out that despite her long service, the
^{not}
applicant is ~~being~~ considered for regularisation. Her
reluctance to be posted at other places is due to the fact
that she is not quite literate and therefore she would find

it difficult to serve at those places.

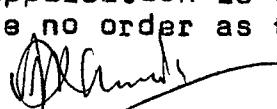
5 The counsel for the respondents pointed out that to the extent possible, efforts are made to give reliefs to the employees who have been retrenched. In fact, even years before the impugned order ^{was} ~~has been~~ passed, the applicant was given an opportunity to be regularised elsewhere, but she did not take advantage of it as she was adamant of securing a position in the State of Kerala.

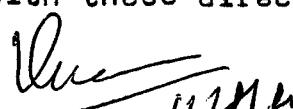
6 After having heard the learned counsel, we are of the view that the applicant has no case to assail the impugned orders Annexure G & H. However, considering the length of service she has put in as a contingent labour and also of the fact that there, ^{is} a definite policy of absorbing, to the extent possible, ^{of} such labourers in regular employment, we are of the view that in the interest of justice it is necessary to provide some relief to the applicant. Accordingly, the following directions are given:

(a) The applicant may be considered by Respondent-3 for regularisation in any Group D post that may fall vacant in his establishment during the period of two years, subject to her fitness for appointment, commencing from the date of this order.

(b) In case the applicant desires that she should be considered for regularisation in any outside Group D post to which she may be found suitable for appointment, she may send an application to the Respondent-3 within a period of 15 days from the date of receipt of this order. In that event, the application shall be forwarded to Respondent-2 for consideration in ^a similar manner as indicated in (a) above.

7 The application is disposed of with these directions. There will be no order as to costs.


(AV Haridasan)
Judicial Member
16.8.89


(NV Krishnan)
Administrative Member
16.8.89