

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.412/97

Thursday this the 10th day of July, 1997.

CORAM

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

1.B.S.Shankara, S/o Subhapattali,
Ballimegaru House, Post Kudlu,
Kasargod District.

2.V. Malinga Pattali,
S/o Rama Pattali, Ballimegaru House,
Post. Kudlu, Kasargod District. .. Applicants

(By Advocate Mr. E.V. Nayanar)

Vs.

1. The Director,
Central Plantation Crops Research Institute,
Post Kudlu, Kasargod District.
2. Union of India, represented by
the Secretary, Ministry of Agriculture,
New Delhi.
3. The District Labour Officer,
Kasagarod. .. Respondents

(By Advocate Ms.Nandini for CN Radhakrishnan(R.1)
Mr.James J Nedumpara for ACGSC (R.2)

The application having been heard on 10.7.1997, the
Tribunal on the same day delivered the following:

O R D E R

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

This is the second round of litigation between the
applicants and the Central Plantation Crops Research
Institute in regard to absorption in regular service of
the Institute. The applicants xxx were engaged as Casual
Mazdoors for various periods according to the applicants
from 1983 onwards, whereas according to the respondents
from 1984 onwards. They alongwith two other persons
similarly situated earlier approached this Tribunal
filing O.A.K.276/87 for regular appointment in the
Institute. This application was disposed of with the
following observations:

"We therefore close this application with the direction to the respondents that the four applicants should be considered for regular appointment as Mazdoors subject to their age seniority and suitability in accordance with the rules as and when vacancies arise in future. It is made clear that if any of the applicants is found unsuitable at a particular point of time for a particular vacancy, it will not disqualify them for being considered for appointment for future vacancies for which he may be found suitable at that time."

Pursuant to the above directions, the respondents considered the applicants for absorption in regular service as Casual Mazdoors. Ten such persons were considered and all the eight excepting the applicants were absorbed in regular service. The applicants were left out. The applicants were considered for regular absorption latest in the year 1993 but finding that they were not given offer of appointment, they went on making representations. Ultimately their representations were answered by the impugned order dated 30.11.1996 by the first respondent informing that they were not found suitable for appointment in accordance with the Recruitment Rules. It is aggrieved by that the applicants have filed this application praying that a direction may be issued to the first respondent to appoint the applicants as Mazdoors with immediate effect setting aside the impugned order.

2. The first respondent resists the claim of the applicants on the ground that though the applicants were considered thrice for regular absorption as they were not found suitable and not satisfying the Recruitment Rules they could not be regularly appointed. They also have stated that those casual mazdoors who satisfied the eligibility criteria according to the Recruitment Rules

were given regular appointment. It has been stated that in 1987 and 1990 the applicants were considered but as they stated that they were not in a position to perform the duties of tree climbing, they were not found suitable. The respondents stated that when they were considered in 1993 they were over-aged and did not satisfy the requirements of the Recruitment Rules.

3. Learned counsel for the applicants argued that it is absolutely unjust for the respondents to refuse regular appointment to the applicants on the ground that they became over-aged in 1993, because they were well within the age at the time they were initially engaged. The respondents should have granted relaxation in age limit, argued the counsel. From the break up of service of the applicants shown in the reply statement of the first respondent, which is not controverted, it is seen that for the period between 1984 and 1986 the first applicant had put in only 205½ days and the second applicant 66½ days of service. Even if this period is considered for relaxation the applicants would not be within the age limit. Further it is not merely on the ground of crossing the upper age limit that the applicants were not regularly appointed. The respondents have contended that the Selection Committee did not find the applicants suitable as they did not satisfy the requirements of the Recruitment Rules. The direction in the order in O.A.K.276/87 was that the applicants should be considered for absorption if they were within the age and were found suitable in accordance with the Recruitment Rules. Now the Selection Committee has found

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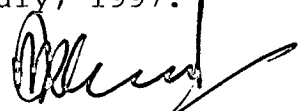
them not suitable as they did not satisfy the requirements of the Recruitment Rules, we are of the considered view that the applicants do not have any legitimate grievance which needs redressal.

4. In the light of what is stated above, we find no merit in the application. Therefore, the application is dismissed leaving the parties to bear their costs.

Dated the 10th day of July, 1997.



P.V. VENKATAKRISHNAN
ADMINISTRATIVE MEMBER



A.V. HARIDASAN
VICE CHAIRMAN

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