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CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH, LUCKNOW.

O.A. No.325 of 1991.

Sohan Lal & 14 others Applicants.

Versus

Director General, Council of Scientific &
Industrial Research, New Delhi & another

..... Respondents.

Hon'ble Mr. Justice U.C. Srivastava, V.C.

Hon'ble Mr. K. Obayya, A.M.

(By Hon'ble Mr. Justice U.C. Srivastava,)

The applicants, 15 in number, have approached the tribunal for directing their employers i.e. Director General, Council of Scientific & Industrial Research and the Director, Industrial Toxicology Research Centre, Lucknow for regularisation of the services of daily wages workers on the posts held by him and also for quashing the absorption scheme prepared by opp. party no. 1 on 4.10.90.

2. All these applicants are working as Daily Wages Workers on the post of Junior Security Guard in the Security Section in the ITRC for the last several years and according to the applicants, their services were of ponential nature and the work which was being taken by them, is the same which is performed by the regular Junior Security Guards and even though they have been performing the same duties, the same pay scale has not been given to them and they have also been deprived of the various facilities. In the year 1988, some of the casual workers of one such unit of CSIR; namely Indian National Scientific Documentation Centre, had approached the Supreme Court under Article 32 of the Constitution of India for regularisation (vide writ petition No. 631/88). The matter was disposed of by the Supreme Court on 5.12.88 with certain directions. The court in this case issued a direction to the Indian National Scientific Documentation and CSIR to prepare a scheme for the absorption

of all the persons who are working on casual basis for more than one year and to absorb such of those persons who satisfy the scheme as regular employees in respect of post held by them and the scheme was to be prepared within a period of one year. So long it was not prepared and the question of absorption is not settled, their services should not be terminated and they will be paid w.e.f. 1.12.88 the minimum salary payable to regular employee in a comparable post on monthly basis subject to the condition that the petitioners work for the same number of days as regular employees.

3. The grievance of the applicants is that the order passed by the Supreme Court, has not been faithfully implemented and the scheme which has been framed, does not give the relief to which the applicants are entitled to in view of the directions given by the Supreme Court or in the same spirit. The court direction has provided for framing the scheme and not that what is contained and has also directed that the regularisation is to be made in the manner provided in the scheme.

4. The respondents in their reply have stated that the directions given by the Supreme Court have been faithfully followed and a scheme for absorption of casual/daily wages workers has been framed and the compliance of the same done and the casual/daily wages workers are being paid renumeration as per directions of the Supreme Court. The sanctioned scale of Junior Security Guard is 750-12-870-EB-14-940 and these personnel are being paid at minimum of the scale i.e. 750/- plus D.A. as admissible to CSIR employees as directed by the Supreme Court. The assertion, made by the opp. party no.2 that the pay of J. Junior Security Guard is Rs.950/-, is wrong.

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5. Learned counsel for the applicants have referred to Annexure-A6 in support of their contention that the salary of J unior Security Guard is Rs.950/- p.m. The heading of the said Annexure indicates that it is substantive pay and not basic pay. Lordship of the Supreme Court directed that the applicants shall be paid the minimum salary payable to the regular employees in a comparable post and the respondents have stated that of course the minimum pay scale is 750/-. It is difficult to accept that it is 950/- as contended by the applicants and the document, filed by them also does not support the same. The learned counsel then contended that the scheme, which has been framed, is not in accordance with the directions given by the Supreme Court. No direction, whatsoever, was given by the Supreme Court, except that the CSIR will frame a scheme for absorption and the respondents had framed a scheme for absorption and the said scheme cannot be challenged before the Administrative Tribunal and that too after decision by the Supreme Court, the tribunal cannot interfere in the said scheme. More so, nothing concrete has been - pointed out for challenging the scheme which can be said in violation of the provisions of Constitution of India or any direction of the Supreme Court. If the applicants wanted clarification from the Supreme Court, he could have always approached that Court. Accordingly, this application deserves to be dismissed and it is dismissed. However, it is expected that the respondents will faithfully act upon the scheme and will not delay the matter. It is also being made clear that in case the applicants bring a cogent proof that in fact the basic salary is 950/- instead of 750/-, they can approach the tribunal again. No order as to costs.

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MEMBER (A)
DATED: NOVEMBER 16, 1992

VICE CHAIRMAN