

CENTRAL ADMINISTRATIVE TRIBUNAL, L

O.A.No. 39 of 1991

Manoj KumarApplicant

Versus

Council of Scientific & Industrial
Research & anotherRespondents.

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

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

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

In a project scheme sponsored by the Department of Environment, New Delhi which was given by the CSIR for management regarding which it has not yet been stated by the parties that the said scheme like others has been taken over by the department-CSIR, the applicant was appointed as temporary contingent paid staff in the said scheme known as Daphania as a Sensitive Model Pollutants till the duration of the project vide memorandum dated 11.6.87. The applicant continued to work in the said scheme, which, according to the applicant continued upto March, 1990 and yet the applicant's services were terminated vide order dated 10.11.89 and the salary was not paid to the applicant, he submitted certain representation for the same but they went unheeded. It is, thereafter that a notice was issued by the Director, ITRC inviting applications for Group 'D' post. The applicant, who fulfilled the requisite qualifications, offered his candidature for the said post through his application dated 8.9.89. He was informed vide letter dated 9.2.90 that he has been selected for interview for the post under Group 'D' in ITRC and was required to appear for interview scheduled for 27.2.90 which he did, the result of which has yet not been known to the applicant. Although

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the scheme on which the applicant had been appointed, continued upto March, 1990 but his services were terminated vide order dated 10.11.1989. Subsequently also a notice was issued by the Director inviting applications for the post of Field Assistant and an advertisement was also issued. The applicant, who fulfilled the requisite qualifications, also offered his candidature but the result of the same was not known to the applicant. It has been said by the applicant that all the daily wagers and those appointed on contract basis and not on regular basis should be given salary in the equivalent scale of pay as admissible to regular staff. The applicant has pointed out that the Director General, CSIL, had given certain directions in his letter dated 8.11.1988 which provide for giving salary in the equivalent scale of pay to all the daily wagers and those who appointed on contract basis. It was also provided that a Committee will be constituted to go into the matter. The said Committee was also required to work out and give the names of such persons who on the basis of their qualification, experience etc. and the nature of duties performed by them could be absorbed in identical grade posts even though such identical grade posts may not be vacant. It was also provided that the daily wagers and those not appointed on regular basis or those working on contract basis who do not fall in the abovementioned categories if their services are required to be terminated on expiry of the period of scheme on which they are working.

2. The grievance of the applicant is that the applicant has been performing the duties and enforcing

the said scheme, he should have been allowed to continue in service and should have been considered for regularisation in service . A reference of Letter dated 14.2.88 has also been made which has been issued by the Internal Financial Adviser, Council of Scientific & Industrial Research and which provides that considering the serious repercussion in future for engagement of daily wages staff, DGSIR has reiterated that the engagement of persons on daily wages or monthly contract rate should be totally stopped and the FAO/Sr.FAO of the Lab./Instt. will be personally responsible to ensure that no expenditure is incurred on this account. Similarly, the Lab/Instt. has to be careful in engaging persons for sponsored Project/Scheme. According to the instructions, issued by the CSIR persons working in the Sponsored Project/Scheme earn eligibility for absorption in the regular posts of the Lab/Instt. after they put in the required length of service. Therefore, when the Lab./Instt. engages such persons in any sponsored project/scheme the future contingency of absorption of those persons is embedded at the initial stage of recruitment. In order to avoid such embarrassing situations, it was decided that (a) no new staff should be recruited against sponsored project/scheme unless their absorption after the expiry of the scheme is assured and clearance is obtained from Director General; (b) The existing regular staff of the Lab./Instt. should be deployed in the sponsored project/scheme as far as possible. (c) While accepting any sponsored project/Scheme on availability of the required types of personnel, Laboratory/Institute should be looked into beside ensuring that those projects/schemes are circumscribed within the priority areas of the Laboratory, Institute.

3. The respondents have opposed this application and contended that as the applicant was appointed in a project sponsored by the Department of Environment and he gets no right under any provision of Industrial he gets no right under any provision of Industrial Disputes Act as he was not a regular employee of CSIR.

4. From the facts, it is evident that the applicant was appointed under a particular scheme which continued upto March, 1990 but his services were terminated in the year 1989. Thereafter, a notice was issued by the Director, ITRC inviting applications and the applicant also offered his candidature and he was selected for interview for the post in Grade 'D'. The applicant appeared for the interview but the result of the same has yet not been known to the applicant. Now the result of the same is out and obviously, the applicant is entitled for appointment but that has not been done in this case. The applicant worked for so many years and there appears no reason as to why the applicant will not be taken in other project or taking advantage of his experience and work which he has done, his case for regular employment in CSIR or absorption in other organisation will not be considered. It is expected that in case, the applicant has been duly selected in the examination in which he appeared, the applicant's case for regularisation or absorption or appointment in some other scheme in preference to the new comers would be considered. With these observations, the application stands disposed of finally. No order as to costs.


MEMBER (A)

DATED: JULY 15, 1992

(ug)


VICE CHAIRMAN.