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CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW BENCH

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Original Application No. 203 of 1990

Vakeel Ahmad Khan and another Applicants

versus

Union of India & others Respondents.

Hon. Mr. Justice U.C. Srivastava, V.C.  
Hon. Mr. K. Obayya, Adm. Member.

(Hon. Mr. Justice U.C. Srivastava, V.C.)

The applicants were appointed as Apprentice in the C.D.R.I and after 3 years, their apprenticeship came to an end though, for time being they were given yet another opportunity and that is why they prayed for a direction to the respondents to allow them to continue in service as casual workers with effect from 24.5.1990 with all consequential benefits of pay and allowances and to consider the applicants/ appointment against regular posts in terms of circulars issued by the C.S.I.R. dated 13.1.1981, 14.2.1983 and 30.3.90

2. In response to an advertisement for Graduate trainees in the C.D.R.I. the applicants, applied for the same and after having been declared successful in the interview they were appointed as Project trainee with effect from January, 1987. In the appointment letter it was provided that the course for apprenticeship will be for a period of one year and will be extended upto two years or till the duration of the scheme whichever is earlier. It is to be noticed that the apprentice

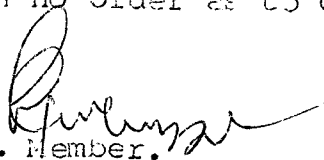
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ship training in the Walter Reed Malaria Scheme and the required course was for specific period. One of the conditions of the appointment was that Central Civil Service (Classification Control and Appeal) Rules, and other rules or executive orders as may, from time to time be applicable to the servants of the Council shall apply to the extent to which they are applicable to the servants of C.D.R.I. The applicants were allowed to continue and orders were passed on 29.3.88 by the Controller of Administration, C.D.R.I. extending the period of of one year and this period was to expire on 12.1.89 and it was extended for further one year, <sup>upto</sup> 12.1.1990 and vide order dated 15.3.90 the applicant was appointed against the casual work for a period of three months on consolidated salary of Rs 900/- per month, whereafter the applicant No. 2 was not engaged. Like the applicant No. 2, the applicant No. 1 was also appointed and he was not allowed to work after ~~15.3.90~~ 23.5.1990 and he also claims regularisation in view of the circulars issued by the C.D.R.I, but instead of treating them regular, they were thrown out without following the provisions of Industrial Disputes Act which provides that the services terminated without following the provisions under the said rules, tantamounts to retrenchment.

3. The respondents have resisted the claim of the applicants and have asserted that after 7.1.90, <sup>No. 1</sup> the applicant/ ceased to be a trainee of the C.S.I.R. and they were engaged for casual work for a fixed period of three ~~years~~ months and they have no right. It has been further stated that so far as ~~this~~ claim

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is concerned, it came to an end. The respondents stated that the applicant has claimed parity with other two persons namely Shru Susnil Kumar Bhatnagar and Smt. Madhuli Srivastava who were also engaged on contract basis and applied against the notified post of Technician Grade II and according to the respondents, they underwent the prescribed procedure and constitution of selection committee and the applicant did not apply for the said post and as such they cannot claim none of the parity. The scheme is still continuing and there appears to be no reason why the applicants be not taken back when they have gained experience and one after other the scheme is going on and the applicants' case be considered in case they fulfil the requisite qualification. The respondents were directed to consider the case of the applicant in any project, provided the similar other persons have been considered. This will be subject to availability of the vacancies. With these observations the application is disposed of with no order as to costs.

  
Adm. Member.

  
Vice Chairman.

Lucknow: dated 5.1.93.

Shakeel/-