

Second Floor,
Commercial Complex,
Indiranagar,
Bangalore-560 038.

Dated:- 30 MAR 1994

APPLICATION NUMBER: 759 of 1993.

APPLICANTS:

Smt.R.Pramila
To.

v/s.

RESPONDENTS:

The Director, Central Food & Technological
Research Institute, Mysore and Others.

1. Dr.M.S.Nagaraja, Advocate,
No.11, Second Floor, I-Cross,
Sujatha Complex, Gandhinagar,
Bangalore-9.
2. The Director, Central Food and Technological Research
Institute, Cheluvamba Mansion, Mysore-570 002.
3. Sri.M.Vasudeva Rao, Addl. Central Govt. Stng. Counsel,
High Court Bldg, Bangalore-1.

Subject:- Forwarding of copies of the Orders passed by the
Central administrative Tribunal, Bangalore.

Please find enclosed herewith a copy of the ORDER/
STAY ORDER/INTERIM ORDER/, passed by this Tribunal in the above
mentioned application(s) on 18th March, 1994.

Issued
30/3/94
A.

d/c

for DEPUTY REGISTRAR 30/3
JUDICIAL BRANCHES.

CENTRAL ADMINISTRATIVE TRIBUNAL: BANGALORE BENCH

ORIGINAL APPLICATION NUMBER 759 OF 1993

FRIDAY THIS THE 18TH DAY OF MARCH, 1994.

Mr. Justice P.K. Shyamsundar, ... Vice-Chairman.

Mr. T.V. Ramanan, ... Member(A)

Smt. R. Pramila,
Aged 36 years, W/o R. Naresh,
Scientist 'B', C-21, CFTRI
Quarters, Mysore-570013.

.. Applicant.

(By Advocate Dr. M.S. Nagaraja)
v.

1. The Director,
Central Food & Technological Research,
Institute, Cheluvamba Mansion,
Mysore-570 002.
2. The Director General,
Council of Scientific & Industrial
Research, Rafi Marg, New Delhi.
3. Union of India,
represented by Secretary to
Government, Ministry of Science
and Technology, New Delhi.

.. Respondents.

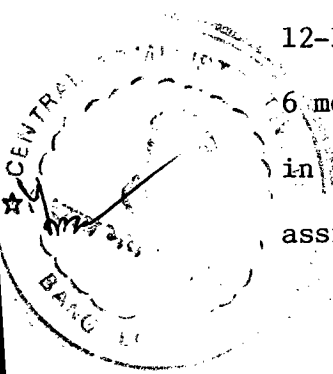
(By Standing Counsel Shri M. Vasudeva Rao)

O R D E R

Mr. T.V. Ramanan, Member(A):-

This application under Section 19 of the Administrative Tribunals Act, 1985 prays for reinstatement of the applicant in the service of the Central Food and Technological Research Institute, Mysore.

2. The facts of the case in brief are that the applicant was appointed as a Laboratory Assistant in the Institute on a consolidated salary of Rs. 600/- per month by the order dated 12-12-1985 purely on a temporary/contract basis for a period of 6 months. The applicant who holds a B.Sc degree and knows typing in English and Kannada and Stenography in English took up this assignment. Subsequently, by an order dated 19-10-1987 respond-




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dent-1 continued the applicant in its service as a Laboratory Trainee on consolidated wages of Rs.1,000-00 per month for a period of one year. Later, the stipend was raised to Rs.1250/- per month with effect from 23-9-1988. Still later, with effect from 1-1-1991, the emoluments were further raised to Rs.1500/- per mensem. It is thus ~~be~~ seen that the applicant was on contract under respondent-1 from 1985 till July, 1992 when her services as a laboratory trainee on contract were terminated. It is against this termination order (Annexure-A5) that the applicant has approached this Tribunal for relief.

3. We have heard the learned counsel for the applicant as also Sri M. Vasudeva Rao, learned Standing Counsel for the respondents.

4. We find that the engagement by the Institute of the applicant on its roll from time to time was purely on a contract basis and the acceptance by the applicant of the stipulations made in the various letters of appointment/extension of service clearly shows that the applicant cannot be said to have acquired any entitlement to regular service on the rolls of the Institute. As averred by the respondents in their reply, when the project in which the applicant was working came to an end, the contract had to be terminated and accordingly it was terminated. In fact, in the offers of appointments made to her it had been made clear that her services would be terminated at the discretion of the management of the Institute. It is also clear from the submissions made by the learned Standing Counsel that the applicant, along with others, was considered for the posts of LDC and Stores and Purchase Assistant as also for the post of Technician Grade-II, but she was not recommended by the Selection Committee for appointment to the aforesaid posts. It is, therefore, seen that the Institute/respondent-1 enabled the applicant to secure



regular posting in the Institute, but because of her non-selection by the relevant Selection Committees she could not be considered for appointment to any of the aforesaid posts.

5. In view of the foregoing, we do not find any basis for providing the relief asked for by the applicant. However, the learned counsel for the applicant submitted that in the event of there being any vacancy arising in the Institute in the next one year to which the applicant with her qualifications could be considered, then the Institute should be directed to engage her against that vacancy. This plea was made on the ground that the applicant had been working in the Institute for about 7 years, that is, between 1985 and 1992. We have perused a judgment of this Tribunal dated 5-8-1992 in O.A.No.461 of 1991 [SMT. VIJAYA GOPALASWAMY v. THE ADMINISTRATIVE OFFICER, CFTRI, MYSORE AND ANOTHER). In that case, which is more or less similar to the present one, this Tribunal while dismissing the application made an observation as follows:

"However, we commend to the respondents that in case they require services of a person like the applicant for specific periods in future, they should consider her case in preference to other persons who have not been engaged by CFTRI on contract basis earlier".

In that case also the applicant had worked in the Institute on a contract basis between 1985 and 1991. In the light of the judgment of the Tribunal referred to above and the observation made therein we see no objection in making a similar observation in this case also, that is, respondent-1 may consider the applicant's case for any suitable vacancy that may arise within the next one year in the Institute in preference to any other person who has not been engaged by the Institute earlier.

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6. In the result, this application fails and is dismissed.

Order as to costs

SECTION OFFICER

ADDITIONAL BENCH

BANGALORE

MEMBER(A)

VICE-CHAIRMAN.