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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

DA 517/87.

Dt. of Order:19-7-93.

Mohd.Ahsan

....Applicant

Vs.

1. National Geophysical Research
Institute, Hyderabad, rep. by its
Administrative Officer, Hyd-500 007.
-

Counsel for the Applicant : Shri M.Surender Rao

Counsel for the Respondents : Shri Chenna Basappa Desai,
SC for NGRI

CORAM:

THE HON'BLE SHRI A.B.GORTHI : MEMBER (A)

THE HON'BLE SHRI T.CHANDRASEKHAR REDDY : MEMBER (J)

(Order of the Divn. Bench passed by Hon'ble
Shri A.B.Gorthi, Member (A)).

The applicant was appointed by the Director,
National Geophysical Research Institute (NGRI), Hyderabad
on consolidated pay of Rs.400/- pm to assist Dr.Sri Brahmaji
Rao in his work in the dispensary. The expenditure on
account of the engagement was debited to "Karimnagar Project
Expenditure for the year 1983-84". The engagement of the
applicant continued till 14-3-85 when it was terminated
without any notice or without assigning any reason. The

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applicant's contention is that similarly situated employees filed a writ petition in the A.P. High Court and were consequently re-instated in service. Writ Appeal No. 797/85 to 799/85 were also dismissed by order dt. 11-2-87.

Learned counsel for the applicant therefore contends that the applicant has worked for more than 240 days continuously and acquired temporary status and his services could not have been terminated in the manner it was done by the Respondents. Moreover similarly situated other employees got the benefit from the Judgement of the Andhra Pradesh High Court. The applicant herein also deserves to be reinstated.

2. The Respondents in their counter affidavit have mainly contended that the engagement of the applicant was strictly for carrying out the work under the Karimnagar Project. The engagement of the applicant could be terminated without any notice as the engagement of the applicant ^{was} is purely on contract basis. Although ^{was} the applicant initially engaged for a period of six months, his engagement was periodically extended till the date of his discharge. Shri Desai, learned counsel for the Respondents has stated that the aforesaid judgement of the Andhra Pradesh High Court would not be applicable to the applicant herein because the applicant was

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engaged for a project and the same could not be the case of the petitionerⁱⁿ ~~for~~ ^{with} the aforesaid petitioners. 2

3. We have heard the learned counsel for the applicant who contends that similarly situated employees were reinstated ~~and~~ by the Respondents' organisation, ^{since he} applicant ~~was~~ to be reinstated and retained in service. 2

^{appointment of the}
Admittedly the/applicant was on contractual basis. It is evident from the Office Memorandum^a under which the ~~the~~ applicant was engaged and his services were entended from time to time. It is now will settled that where the employment is on contract basis it cannot be ^{treated} ~~stated~~ either^{as} Temporary or Permanent and it can be terminated without notice in the terms of the contractual engagement. In this context we are supported by the Judgment of the Hon'ble Supreme Court in the State of Gujarat & another Vs. P.J. Kampavat~~W~~ & others (AIR 1992 SC 1685). 2

4. In view of the above, ~~we~~ cannot hold that the termination of the services of the applicant is either irregular or illegal. ~~The fact however remains that the applicant had served the Respondents' organisation from~~ 5-8-83 to 14-3-85. Learned counsel for the Respondents took a preliminary objection that the applicant has approached the Tribunal well beyond the period of limitation, stipulated in section 21 of A.T. Act, 1985. A1-

5/8/89

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though there is no satisfactory explanation from the applicant as regards the delay in filing the O.A., we are of the view that in the circumstances of the ^{the same} case/need not come in the way of our examining the case on merits.

5. Although as already stated the termination of the applicant's services cannot be stated to be illegal, the fact remains that the applicant served under the Respondents organisation from ^{17-8-83 AS 1-4-85} ~~14-3-85 to 1-4-87~~. Learned counsel for the applicant prays ² ~~before us~~ that the Respondents may consider re-engaging the applicant taking into consideration the services already rendered by the applicant. Opposing this prayer Shri Desai, learned standing counsel for the Respondents ² states that there are already 53 individuals who are waiting regularisation/absorption as a result of decisions ~~of the decision~~ ² of this Tribunal under some O.A.s. He has also further stated that ^{presently} ~~mainly~~ there is a ban on employment of casual labour. In view of this we dispose of this O.A. with the following directions to the Respondents :-

(1) after regularisation/absorption of the individuals who are presently on the waiting list, the case of the applicant can be taken-up if he is otherwise eligible for appointment ^{any} in regular post that falls vacant in Group C/D post;

(2) if in the meantime the ban on

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employment of casual labour
is lifted, the applicant's
case may be taken-up for
appointment on casual basis.

6. The application is disposed of as above. No
order as to costs.

(T.CHANDRASEKHAR REDDY)
Member (J)

(A.B.GORTHY)
Member (A)

Dated: 19th July, 1993.
Dictated in Open Court.

avl/

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Dy. Registrar (Judl.)

Copy to:-

1. Administrative Officer, National Geophysical Research
Institute, Hyderabad-007.
2. One copy to Sri. M.Surender Rao, advocate, plot No.5-C,
Bagh Amberpet, Durgabai Deshmukh colony, Hyd.
3. One copy to Sri. C.B.Desai, SC for NGRI, CAT, Hyd.
4. One copy to Library, CAT, Hyd.
5. One spare copy.

Rsm/-

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