

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH AT HYDERABAD

O.A.NO.215/90.

Date:-19-2-1991.

Between:-

- |   |                               |
|---|-------------------------------|
| 1. Syed Khasim ✓  | 2. N. Ramulu ✓                |
| 3. B. Narasimha ✓   | 4. K. Swamy ✓                 |
| 5. M. Gnaneshwar ✓  | 6. Manthaiah ✓                |
| 7. K. Narasimha ✓   | 8. N. John ✓                  |
| 9. Sriramulu  | 10. J. Ramachandra Reddy ✓    |
| 11. T. Narahari   | 12. CH. Gattaiah ✓            |
| 13. R. Mohan  | 14. Jasbeer Singh ✓           |
| 15. G. Sumitra ✓  | 16. K. Anjaneyulu ✓           |
| 17. Mohd Gani ✓   | 18. D. Raghunandhan ✓         |
| 19. G. Krishna Rao  | 20. Y. Channaiah ✓            |
| 21. M. Narasimha  | 22. K. Sathaiah ✓             |
| 23. D. Sudhakar ✓   | 24. Y. Yadagiri ✓             |
| 25. C. Chandiah   | 26. B. Ashok Babu ✓           |
| 27. M. Balaiah ✓  | 28. A. Krishna ✓              |
| 29. T. Agarwal ✓  | 30. D. Swamy ✓                |
| 31. A. Janiah ✓   | 32. Saddi Alimuddin ✓         |
| 33. P. Surshan ✓  | 34. B. Bhasker ✓              |
| 35. M. Arifiah ✓  | 36. M. Yadaiah ✓              |
| 37. T. Vaiah ✓  | 38. A. Yadaiah ✓              |
| 39. S. Kshmi ✓  | 40. P. Sunder Rao ✓           |
| 41. J. ph Gabriel ✓   | 42. B. Sahadev ✓              |
| 43. Venkat Narsaiah ✓   | 44. S. Krishna Rao ✓          |
| 45. Manohar Goud ✓  | 46. Mohd. Ismail ✓            |
| 47. Balakrishna ✓   | 48. G. Ramachandra Rao ✓      |
| 48. A. Nayeem ✓   | 50. G. D. P. Sitarama Sinha ✓ |
| 49. D. Purushotham ✓  | 52. M. S. Bhagyavathi ✓       |
| 50. B. V. Ramana ✓  | 54. CH. Uppal Reddy ✓         |
| 51. P. Srinivas .   | 56. Azad Singh ✓              |
| 57. Syed Akbar Hussain ✓  | 58. H. S. Ravu ✓              |
| 59. Md. Yusuf Ali ✓   | 60. Amanul Bari ✓             |
| 61. P. Ravi Kantha Rao ✓  | 62. A. P. Shankar ✓           |
| 63. N. Shankar ✓  | 64. Ramesh ✓                  |
| 65. NGRI Employees Union represented<br>by its General Secretary, Uppal Road,<br>Hyderabad, K. Venkateswarlu. ✓ |                               |

.....Applicants.

AND

(Contd.....)

1. The National Geo-Physical Research Institute, rep. by its Controller of Administration, Uppal Road, Hyderabad. ✓
2. The National Geo-Physical Research Institute, rep. by its Director, Uppal Road, Hyderabad. ✓
3. The Council of Scientific and Industrial Research rep. by its Director General, Rafi Marg, New Delhi-1. ✓

.. Respondents. ✓

For the Applicants: Mr. M. Panduranga Rao, Advocate ✓

For the Respondents: Mr. Chenna Basappa Desai, SC for CSIR. ✓

CORAM:

~~THE HON'BLE MR. J. NARASIMHA MURTY : MEMBER (JUEL)~~ ✓

AND  
THE HON'BLE MR. R. BALASUBRAMANIAN : MEMBER (ADMN) ✓

The Tribunal made the following Order:-

This petition has been filed for a relief to declare that the action of the respondents in not regularising the services of the applicants is illegal, arbitrary, discriminatory and violative of Art. 14, 16 and 39 of the Constitution of India and to direct the respondents to immediately regularise the services of the applicant with all consequential benefits. ✓

It is represented by the learned counsel for the applicant and also Standing Counsel for respondents that with respect to the scheme introduced by the CSIR vide their letter No. I(20)/86 E.II dt. 4-10-'89, the conditions are going to be fulfilled and in view of the assurance given by the learned Standing Counsel for the respondents, there is no need to take up the matter and the matter may be closed.

Accordingly the O.A. is disposed of. No costs.

To

1. The Controller of Administration, National Geo-Physical Research Institute, Uppal Road, Hyderabad. ✓
2. The Director, National Geo-Physical Research Institute, Uppal Road, Hyderabad. ✓
3. The Director General, Council of Scientific and Industrial Research Rafi Marg, New Delhi-1. ✓
4. One copy to Mr. M. Panduranga Rao, Advocate Plot No. 5, Bagh Amberpet, Hyderabad. ✓
5. One copy to Mr. Chenna Basappa Desai, SC for CSIR, CAT. Hyd. ✓
6. One spare copy. ✓

vgb/pvm.

*[Handwritten signature]*  
20/2/89

*[Handwritten signature]*  
20/2/89  
P. S. Desai, Advocate (Gen)

CHECKED BY *20/2/91*

APPROVED BY

TYPED BY

COMPARED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH HYDERABAD

THE HON'BLE MR. B. N. JAYASIMHA : V.C.

AND

THE HON'BLE MR. D. SURYA RAO : M(J)

AND

THE HON'BLE MR. J. NARASIMHA MURTY : M(J)

AND

THE HON'BLE MR. R. BALASUBRAMANIAN : M(A)

Dated: 19-2-1991.

ORDER / JUDGMENT:

M.A./R.A. /C.A. NO.

in

T.A.No.

W.P.No.

O.A.No. 215/90

Admitted and Interim directions  
issued.

Allowed

Disposed of with direction

Dismissed

Dismissed as withdrawn

Dismissed for default

M.A. Ordered/Rejected.

No order as to costs.

Central Administrative Tribunal  
**DESPATCH**  
20 FEB 1991  
**HYDERABAD BENCH.**

(18)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:  
AT HYDERABAD

CONTEMPT PETITION NO.11 of 1992

IN

O.A.NO.215/1990

AND MA NOS.839, 840 & 1047/92

DATE OF JUDGMENT: 6<sup>th</sup> NOVEMBER, '92

BETWEEN:

S/Shri

- |                        |                            |
|------------------------|----------------------------|
| 1. Syed Kasim          | 21. B.Bhaskar              |
| 2. N.Ramulu            | 22. M.Anjaiah              |
| 3. K.Swamy             | 23. M.Yadaiah              |
| 4. Mankaiah            | 24. T.Rajaiah              |
| 5. J.Ramachandra Reddy | 25. A.Yadaiah              |
| 6. Ch.Gattaiah         | 26. S.Lakshmi              |
| 7. R.Mohan             | 27. Joseph Garbeil         |
| 8. Jasveer Singh       | 28. S.Krishan Rao          |
| 9. D.Raghunandan       | 29. T.Manohar Goud         |
| 10. G.Krishan Rao      | 30. C.Bala Krishna         |
| 11. Y.Channaiah        | 31. G.D.P.Seetharama Sinha |
| 12. M.Narasimha        | 32. D.Puruthottam          |
| 13. K.Sattaiah         | 33. P.Sreenivas            |
| 14. M.Balaiah          | 34. Azad Singh             |
| 15. A.Krishna          | 35. Syed Akbar Hussain     |
| 16. T.Agamaiah         | 36. H.S.Rao                |
| 17. D.Swamy            | 37. Mohd. Yousuf Ali       |
| 18. A.Jangaiah         | 38. Amanullah Bari         |
| 19. Shaik Alimuddin    | 39. R.Ramesh               |
| 20. P.Sudershan        |                            |

.. Applicants

AND

contd....

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1. Sri PVV Satyanarayana,  
Controller of Administration,  
National Geophysical Research Institute,  
Hyderabad.
2. Sri D.Gupta Sarma,  
Director, NGRI,  
Hyderabad.
3. Shri S.K.Joshi,  
Director General,  
Council of Scientific & Industrial  
Research,  
New Delhi-110001.

.. Respondents

COUNSEL FOR THE APPLICANTS: Mr. M.Panduranga Rao

COUNSEL FOR THE RESPONDENTS: Mr. Chennabasappa Desai,  
SC for CSIR/NGRI

CORAM:

Hon'ble Shri R.Balasubramanian, Member (Admn.)

Hon'ble Shri C.J.Roy, Member (Judl.)

JUDGMENT OF THE DIVISION BENCH DELIVERED BY THE HON'BLE  
SHRI C.J.ROY, MEMBER(JUDL.)

This is a Contempt Application filed under Section 17 of the Administrative Tribunals Act, 1985 to summon and punish the respondents for not keeping up the assurance given by them to this Tribunal thereby committing contempt of the orders of the Tribunal passed in O.A.No.215/90 on 19.2.1991.

2. O.A.No.215/90 has been disposed of by this Tribunal on 19.2.1991 on a representation made by both the counsel that with respect to the scheme introduced by the CSIR vide their

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letter No.I(20)/86/E.II, dated 4.10.1989, the conditions are going to be fulfilled and in view of the assurance given by the learned Standing Counsel for the Respondents in the O.A.No.215/90, it was felt<sup>by the Bench</sup> that there was no need to take up the matter and thus the matter was treated to be closed.

3. Now, the applicants filed this contempt petition stating that out of the 65 applicants in the O.A., services of only 24 applicants were regularised besides some other persons without following the rule of seniority. In spite of the undertaking given by the Standing Counsel on 19.2.1991, the respondents have not chosen to regularise the services of all the applicants in the O.A. which amounts to utter disobedience of the orders passed by this Tribunal in O.A.No. 215/90 dated 19.2.1991 and the respondents are liable for contempt of Court proceedings. Hence, this contempt petition.

4. The respondents filed a counter stating that the Casual Workers Absorption Scheme, 1990 is being implemented and as a result of the implementation of the scheme, 44 casual workers have been absorbed as on date, on regular basis. The applicants will also be considered for absorption in course of time, depending on occurrence of vacancies and their suitability to the posts vis-a-vis the educational qualifications possessed by them and the seniority among all the casual workers. It is stated that the respondents have not violated or flouted the orders of the Hon'ble Tribunal.

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5. The respondents state that except making allegation that the persons who are juniors to the applicants in the OA are appointed, no details are given to enable them to give the correct facts of the case. It is stated that the seniority rule is not violated while filling the vacant posts from among the casual workers in a particular discipline. Since the scheme is being implemented in toto to regularise the casual workers, there is no disobedience of the orders of the Hon'ble Tribunal and hence the contempt petition is liable to be dismissed.

6. We have heard the learned counsel for the applicants Mr. Y.Venkata Rao for Mr. M.Panduranga Rao and the learned Standing Counsel for the Respondents, Mr. Cehnnabasappa Desai.

7. The applicants filed additional material papers showing the details of persons whose services have been regularised after the O.A. is closed, the details of persons whose services are regularised after the contempt petition is filed and the details of persons whose services are regularised, who have not filed the O.A. We have perused the additional material papers submitted by the applicants.

8. It is a fact that all the applicants are continuing in service on daily wages. The respondents in their counter state that the applicants will also be considered for absorption in course of time, depending on occurrence of vacancies and their suitability to the posts vis-a-vis the educational qualifications possessed by them and the seniority among all the casual workers. They also state that the

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scheme is being implemented in letter and spirit and there is no wilful disregard or disrespect of the orders of the Tribunal in the O.A.No.215/90.

9. The main point raised by the learned counsel for the applicants is that tests were not conducted by the respondents for absorbing them into regular establishment. It is for the Department to take steps in accordance with its requirements. <sup>Unless</sup> ~~If~~ the requirements are fulfilled, we cannot compel the respondents to conduct any tests. Therefore, the argument that if the tests would have been conducted, the applicants would have been passed, will not hold good. Even if the Department conduct the tests and if the applicants pass, unless there are posts available in accordance with the scheme, they could not be regularised. Hence, the question of not conducting the tests does not arise.

10. It is brought to our notice by the learned counsel for the applicants that certain persons who are juniors to the applicants were regularised after the O.A. was disposed of. The question for debate is not whether seniors or juniors are regularised. The main thrust of the Judgment is to implement the directions in accordance with the scheme. If the applicants fulfil the conditions laid down in the scheme, they would have been appointed. Without fulfilling the eligibility conditions as laid down in the scheme prepared under the orders of the Hon'ble Supreme Court, the applicants cannot say that the Department has wilfully disobeyed the directions of the Tribunal in the O.A.,

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especially when they have followed and are also following the scheme which is framed under the directions of the Hon'ble Supreme Court. Therefore, the contention of the applicants that the respondents have committed wilful disobedience has no leg to stand.

11. We have gone through the records and the list of persons who were regularised. We do not find any irregularity or wilful disobedience in implementing the orders of the Tribunal. We are satisfied that the scheme for absorption of casual workers is being implemented and as stated by the respondents in their counter, the applicants will also be considered for absorption in course of time, depending on occurrence of vacancies and their suitability to the posts vis-a-vis the educational qualifications possessed by them and the seniority among all the casual workers.

12. For the reasons stated above, we find that there is no wilful contempt on the part of the respondents. Hence, the Contempt Petition is dismissed with no order as to costs.

13. The applicants have filed M.A.No.839/92 to amend the cause title to the effect that the name of the 2nd contemner be replaced by the name of Sri Harish Kumar Gupta. Since we ~~have dismissed the contempt~~ petition, we see no reason to allow the M.A. The M.A. 839/92 is accordingly dismissed.

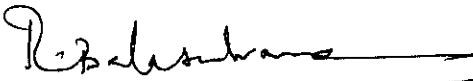
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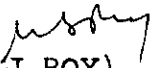
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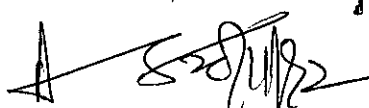
14. The applicants have also filed M.A.No.840/92 for condoning the delay of about one month in submitting the particulars of the applicants as well as other persons regarding regularisation. The delay is condoned and the M.A. is accordingly allowed.

15. The respondents filed M.A.No.1047/92 for permission to offer the post of Peon on compassionate grounds to the wife of the deceased employee, Shri Sirajuddin, apprehending that if the Department makes the appointment on compassionate grounds, the applicants will move the Hon'ble Tribunal stating that it is violative of the orders of the Tribunal, the respondents filed this M.A. Since we have dismissed the contempt petition, no orders are necessary in this M.A. The M.A. 1047/92 is accordingly disposed of as no orders are necessary. Ultimately the M.A. and the contempt petition are disposed of as stated supra.

  
(R.BALASUBRAMANIAN)  
Member(Admn.)

  
(C.J.ROY)  
Member(Judl.)

Dated: 6<sup>th</sup> November, 1992.

  
Deputy Registrar(J)

To

1. Shri PVV Satyanarayana, Controller of Administration National Geophysical Research Institute, Hyderabad.
  2. Sri D.Gupta Sarma, Director, NGRI, Hyderabad.
  3. Sri S.K.Joshi, Director General, Council of Scientific & Industrial Research, New Delhi-1.
  4. One copy to Mr. M. Panduranga Rao, Advocate, Plot No.5C Ahobil Mutt, D.D.Colony, Hyderabad.
  5. One copy to Mr.Chennabasappa Desai, SC for CSIR/NGRI, CAT.Hyd.
  6. One spare copy.
- vsn

pvm.

  
19/11/92