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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

D.A. No. 292/91.

Dt. of Decision : 8-8-94.

1. T.V.Sitarama Hari Dutt
2. Smt. Manjula.A.

.. Applicants.

Vs

1. The Union of India rep. by its Secretary to Government, Ministry of Health & Family Welfare, Nirman Bhavan, New Delhi.
2. The Director, National Malaria Eradication Programme, 22, Shammath Marg, Delhi-110 054.
3. The Regional Director, Health & Family Welfare, H.No. 1-14-256/B-1, Prakashnagar, Near Airport, Hyderabad.

.. Respondents.

Counsel for the Applicants : Mr. N.Ramamohan Rao

Counsel for the Respondents : Mr. N.V.Ramana, Addl.CGSC.

CORAM:

THE HON'BLE SHRI A.V. HARIDASAN : MEMBER (JUDL.)

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

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¶ As per Hon'ble Shri A.V. Haridasan, Member (Judl.) ¶

The applicants being sponsored by the District Employment Exchange, Hyderabad have been appointed and continuously working as Laboratory Assistants under the Indian Council of Medical Research Scheme No.2(A) P.Falci Parum Monitoring Scheme, Hyderabad under the control of Regional Director of Health and Family Welfare, Hyderabad. Their grievance is that though they have been continuously working from 1983 onwards, their services have not ^{been} regularised though there was a proposal for integrating the project with the Department of Health and Family Welfare. They have been making repeated representations and till now no final decision has been taken in this behalf by the Government. Therefore, the applicants pray for the following reliefs:-

- 1) Direct the 1st respondent to finalise the issue of integration of the Research teams on Malaria into the Directorate of NMEP forthwith.
- 2) Direct the respondents to regularise the service of the applicants by conferring attending benefits arising out of continuity of their service.
- 3) Till such time direct the respondents not to terminate the services of the applicants and to continue them in service under the Directorate of NMEP and pass such other order or orders as are deemed fit and proper.

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2. It has been alleged that the Hon'ble Supreme Court of India has in an almost similar case in W.P.Nos. 5876-57 Indian Council of Medical Research Workers Association Vs. Union of India, on the basis of the assurance given by the respondents before the Supreme Court directed that the Government should give continuity of service to the applicants from the date of their initial employment on regularisation and that the applicants in this case are also entitled to the same relief as they are similarly situated.

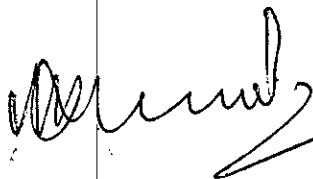
3. In the reply statements the respondents have stated that the High Power Board had made a recommendation that P.F. Monitoring is a regular activity and that it should be made an integral part of Directorate of NMEP and that this recommendation is under consideration of the Government. They have also indicated that as the projects in which the applicants are working is not likely to be wound up in the near future. There is no threat to the continuance of service of the applicants.

4. We have heard learned counsel for ^{both} the parties and we have gone through the material papers. The respondents have admitted that the High Power Board has opined the P.F. Monitoring is a regular activity and it should be integrated with the NMEP. What remains is taking a policy decision by the Government we are of the view that in the light of this admission by the respondents it would be proper if the application is disposed of directing the respondents to take a final decision in the matter within a reasonable time and to extend to the

applicants the benefit of their service in case the decision is in the affirmative. The counsel on either side also agreed that the application would be disposed of with the above direction.

5. Hence, the application is disposed of with a direction to the respondents to take a final decision in the matter of integration of the Research team of Malaria into Directorate of NMEP within a period of 6 months from the date of communication of this order and if a decision is taken to integrate, on such integration, to give credit to the service rendered by the applicants from the date of their initial employment for the purpose of seniority and other service benefits.


(A.B. GORTHY)
MEMBER (ADMN.)


(A.V. HARIDASAN)
MEMBER (JUDL.)

Dated : 8th August, 1994.
(Dictated in Open Court)


DEPUTY REGISTRAR(J)

sd/spr.

Copy to:

1. The Secretary to Government, Union of India, Ministry of Family & Welfare, Nirman Bhavan, New Delhi.
2. The Director, National Malaria Eradication Programme, 22, Shammath Marg, Delhi - 110 054.
3. The Regional Director, Health & Family Welfare, H.NO.1-11-256/B-1, Prakashnagar, Near Airport, Hyderabad.
4. One copy to Mr.N.Rammohan Rao, Advocate, CAT, Hyderabad.
5. One copy to Mr.N.V.Ramana, Addl.CGSC, CAT, Hyderabad.
6. One copy to Library, CAT, Hyderabad.
7. One spare copy.

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By

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

THE HON'BLE MR. A. V. HARIDASAN: MEMBER (J)

AND

THE HON'BLE MR. A. B. GORTHY: MEMBER (A)

Dated: 8.8.94

ORDER/JUDGMENT.

~~M.A./R.P./C.P.NO.~~

O.A.NO. 292/91

~~T.A.NO.~~

(~~W.P.NO.~~)

~~Admitted and Interim Directions
Issued.~~

~~Allowed.~~

~~Dismissed of with directions.~~

~~Dismissed.~~

~~Dismissed as Withdrawn.~~

~~Dismissed for Default.~~

~~Rejected/Ordered.~~

~~No order as to costs.~~

Central Administrative Tribunal
DESPATCH
25 AUG 1994
HYDERABAD BENCH.