

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

HYDERABAD BENCH : AT HYDERABAD

CP 39/93  
in  
OA 487/91.

Dt. of Order: 22-12-1994.

1. Sakali Ramulu	41. Cherukuri Narsamma
2. B. Prabhu	42. Podichetti Mallamma
3. Md. Jani Miyan	43. Hanumala Venkatamma
4. Sangi Laxmaiah	44. Kunti Muthamma
5. Komu Ramulu	45. Jaitharam Anjaiah
6. Siddapuram Laxmaiah	46. Chanduri Chegaiah
7. Polamuni Daseratha	47. Yacharam Achamma
8. Dasarala Peddulu	48. Byodla Balaraj
9. Laxmalla Anjaiah	49. Chendhula Pochaiah
10. Kunti Bugga Ramulu	50. Gyara Chittaiah
11. Sannala Jangamma	51. N. Mallesh
12. Thipparthi Lalamma	52. Doddì Narsimha
13. Dubbaki Narsimha	53. Marri Mallesh
14. Chanduri Pochamma	54. U. Anjaiah
15. Eddapuram Sayanna	55. Chittomoni Jangaiah
16. Kommu Pentamma	56. Bandari Yadaiah
17. Chanduri Jangamma	57. Bandari Raju
18. Chanduri Yellamma	58. Bandari Bhikshapathi
19. Bhadramouni Kuthamma	59. Sangi P. Bhikshapathi
20. Lakkalla Pochamma	60. S. Chandraiah
21. Kommu Buggamma	61. Y. Sailu
22. Kommu Manikhamma	62. Penumula Muthyalu
23. Kommu Yellamma	63. T. Bhikshapathi
24. Kommu Chinna Yellamma	64. B. Yadagiri
25. Volayathu Ramulamma	65. M. Mysaiah
26. Kommu Vajaramani	66. Dada Miyan
27. Ayyavari Sathamma	67. Vijaya Raghavan
28. Appareddy Pally Venkatamma	68. Cherukuri Mallaiah
29. Begari Savitri	69. R. Swamy
30. Basarala Pochamma	70. Mylaram Gopal
31. Ayyavari Venkatamma	71. Bantu Ramulamma
32. Goreji Laxmamma	72. Pulgam Sathamma
33. E. Gopamma	73. Chittamoni Yellamma
34. Pasama Chenamma	74. Boddupally Eswaramma
35. P. Ramulamma	75. Khaja Bee
36. Erramalla Maisamma	76. Sangi Bhikshapathi
37. Poojari Eeramma	77. Sangi Laxmamma
38. Begari Jangamma	78. Sangi Yellamma
39. Podichetti Laxmamma	79. Sangi Kanthamma
40. Bhupathi Achamma	80. Sangi Ramulamma

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81. D.Laxmamma	95. Marathi Laxmamma
82. Battila Peddamma	96. Rasakonda Pentamma
83. Paddy Yellamma	97. Yedla Pentamma
84. Mamidi Erukalamma	98. Kanti Yellamma
85. B.Pochamma	99. Bakram Anjamma
86. Battila Alvelamma	100. B.Shankaramma
87. Parandu Pullamma	101. R.Savithri
88. Jella Laxmamma	102. G.Sandamma
89. Kummarri Narsamma	103. G.Muthyalu
90. Rasakonda Rajamma	
91. S.Balamani	
92. Golla Narasamma	
93. Balamma	
94. Yerrugolla Parvathamma	.. Applicants

Versus

1. Mr.Chopra  
Director General, The Indian Council  
for Agricultural Research, Krishi Bhavan,  
New Delhi.
2. Mr.J.C.Katyal  
Director, Central Research Institute for  
Dry Land Agricultural, Old Santhoshnagar  
Colony, Hyderabad-659, A.P.

.. Respondents

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Counsel for the Petitioners : Shri V.Venkataramana

Counsel for the Respondents : Shri N.R.Devaraj, Sr.CGSC

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CORAM:

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

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

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(Order passed by Hon'ble Shri A.V.Haridasan, Member (J)).

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The petitioners who were working as Casual Labourers in the Central Research Institute for Dry Land Agricultural, Old Santoshnagar Colony, Hyderabad, for a fairly long time as ~~Casual Mazdoor~~ filed the O.A. praying that the Respondents may be directed to consider them for regular absorption. By judgment dt. 23-10-92. The O.A. was disposed of with the following directions to the Respondents :-

- (a) to consider regularisation of the applicants in accordance with what is stated in the Dept. of Personnel & Training letter dt. 7-6-88 followed by their OM Dt. 8-4-91. Such regularisation is to be liable to the extent regular posts are justified.
- (b) the rest of the casual workers not covered by (a) above and whose retention is considered absolutely necessary and is in accordance with the guidelines indicated in the letter dt. 7-6-88 of the Dept. of Personnel & Training may be retained as casual workers and paid at rates indicated therein.
- (c) the remaining casual workers not covered by (a) and (b) above may be discharged from service.
- (d) the respondents are directed not to induct fresh recruits overlooking the claims of the applicants.

Finding that inspite of lapse of several months, the situation remains <sup>the as</sup> ~~the same~~ when the O.A. was filed, the petitioners filed this Civil Contempt Petition praying that action may be taken against the Respondents for ~~wilfull~~ wilfull defiance of the directions contained in the judgment.

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2. The second Respondent Sri J.C.Katyal, filed a reply affidavit, wherein he has sworn that in obedience to the directions contained in the O.A., a proposal was sent by him to the Director General, ICAR, for creation of 80 posts in Group-D and that the matter is under consideration and as it requires concurrence of different Ministries, it would take <sup>that</sup> some more time for the implementation and as there was no intention to dis-obey the directions contained in the judgment, no action may be taken against the Respondents.

3. Later on, the Respondent No.1 Sri Chopra filed counter affidavit, in which it has been stated that the Director General, ICAR, on consideration of the proposal sent by Sri Katyal, taking into account the advancements in the Scientific method of cultivation and the limited scope of operation through <sup>a</sup> ~~manual~~ <sup>minor</sup> labour, <sup>has</sup> ~~have~~ decided that creation of posts in Group-D is not feasible and that therefore it become impossible to absorb any of the petitioner for want of vacancies in Group-D posts and that the remaining directions in the O.A. have been <sup>as</sup> followed, such as the petitioners have not been discharged and no outsider has been engaged for casual work.

4. We have heard Sri Srinivas, learned counsel for the petitioners and Sri Devaraj, learned standing counsel for the Respondents. The Tribunal in its judgment has directed the Respondents to identify the justifiable number of posts and to absorb the casual labours like the applicants in their turn. No positive directions for creation of posts was given in the Judgment. It is entirely for the Administration to take a

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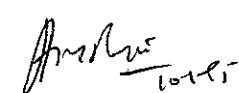
reasonable decision considering the requirements of service ~~and~~ financial viability as well as other ~~as~~ relevant factors, since the Director General, ICAR, on consideration of the above ~~other~~ factors have came to the conclusion that creation of additional posts is not feasible. Under these circumstances, we are of the ~~does not~~ ~~dis-~~ view that this decision amounts to ~~fail~~ <sup>fail</sup> ~~obedience~~ ~~to~~ <sup>to</sup> the judgment. Therefore on a careful consideration of the facts and materials on record we are convinced that there is no reason to initiate action against the Respondents under the Contempt of Courts. However, Sri N.R.Devraj, learned counsel for the Respondents assured us, under instructions from the official representative that if and when vacancies in Group-D arise, they would be first filled <sup>up</sup> ~~from~~ among the petitioners. Noting this assurance, we dismiss this Contempt Petition leaving the parties to bear their own costs. The notices issued to the Respondents stands discharged.



(A.B.GORTHI)  
Member (A)

(A.V.HARIDASAN)  
Member (J)

Dt. 22nd December, 1994.  
Dictated in Open Court.

  
av1/ DEPUTY REGISTRAR (J)

TO

1. Mr.Chopra, Director General, Indian Council for Agricultural Research, Krish Bhavan, New Delhi.
2. Mr.J.C.Katyal, Director, Central Research Institute for Dry Land Agricultural, Old Santhoshnagar, Colony, Hyderabad.
3. One copy to Mr.B.Venkataramana, Advocate, CAT, Hyderabad.
4. One copy to Mr.N.R.Devraj, Sr.CGSC, AT, Hyderabad.
5. One copy to Library, CAT, Hyderabad.
6. One spare copy.

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