

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

HYDERABAD BENCH : AT HYDERABAD

CP 39/93

in  
OA 487/91.

Dt. of Order: 22-12-1994.

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|--------------------------------|---------------------------|
| 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. Doddi 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. Lakkmalla 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 Mallaiiah   |
| 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       |

(32)

- 2 -

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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. Kummari 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.GORTHY : MEMBER (A)

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38

CP 39/93.

- 3 -

Dt. of Order: 22-12-94.

(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 Sanathoshnagar Colony, Hyderabad, for a fairly long time as ~~Casual Labourers~~ 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</sup> same when the O.A. was filed, the petitioners filed this Civil Contempt Petition praying that action may be taken against the Respondents for ~~wilful~~ wilfull defiance of the directions contained in the judgment.


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 <sup>for</sup> and that the matter is under consideration <sup>and</sup> as it requires concurrence of different Ministries, it would take some more time for the implementation <sup>that</sup> 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 Chōpra <sup>a</sup> 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>manual</sup> ~~minor~~ 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 followed, <sup>as</sup> 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 ~~ex~~ relevant factors, since the Director General, ICAR, on consideration of the above ~~other~~ factors have come to the conclusion that creation of additional posts is not feasible. Under these circumstances, we are of the view that this decision <sup>does not</sup> amounts to <sup>dis</sup> full obedience <sup>to</sup> the judgment. Therefore on a careful consideration of the facts and material <sup>s</sup> 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 stand <sup>s</sup> discharged.

  
(A.B.GORTHY)  
Member (A)

  
(A.V.HARIDASAN)  
Member (J)

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

  
DEPUTY REGISTRAR(J)

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TO

1. Mr.Chopra, Director General, Indian Council for Agricultural Research, Krishi Bhavan, New Delhi.
2. Mr.J.C.Katyal, Director, Central Research Institute for Dry Dry Land Agricultural, Old Santhoshnagar, Colony, Hyderabad.
3. One copy to Mr.W.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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