

(19)

CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH: AT HYDERABAD.

O.A. No. 1196/91

Date of Decision:

~~Exhibit~~

M. Balraj

Petitioner.

Shri V. Venkata Ramana

Advocate for
the Petitioner(s)

Versus

The Indian Council of Agricultural Research,
Rep. by Director-General, Krishna Bhavan,
New Delhi & another

Respondent.

Shri E. Madan Mohan Rao, SC for ICAR

Advocate for
the Respondent
(s)

CORAM:

THE HON'BLE MR. R. Balasubramanian : Member(A)

THE HON'BLE MR. C. J. Roy : Member(J)

1. Whether Reporters of local papers may be allowed to see the Judgment ?
 2. To be referred to the Reporters or not ?
 3. whether their lordships wish to see the fair copy of the Judgment ?
 4. Whether it needs to be circulated to other Benches of the Tribunal ?
 5. Remarks of Vice Chairman on Columns 1, 2, 4 (To be submitted to Hon'ble Vice-Chairman where he is not on the Bench.)
- ND

HRBS
M(A).

HCUR
M(J).

(20)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD.

O.A.No.1196/91.

Date of Judgement 23.10.92

M.Balraj

.. Applicant

Vs.

1. The Indian Council for
Agricultural Research,
Represented by
Director-General,
Krishi Bhavan,
New Delhi.

2. The Director,
Central Research
Institute for Dryland
Agriculture,
Old Santoshnagar Colony,
Hyderabad.

.. Respondents

Counsel for the Applicants : Shri V.Venkata Ramana

Counsel for the Respondents : Shri E.Madan Mohan Rao,
SC for ICAR

C O R A M:

Hon'ble Shri R.Balasubramanian : Member(A)

Hon'ble Shri C.J.Roy : Member(J)

.....2

[Judgement as per Hon'ble Shri R. Balasubramanian, Member(A)]

This application is filed with a prayer to direct the respondents to regularise the services of the applicant and to pay wages on par with the regular employees from the initial date of appointment. The applicant has put in more than 240 days of service although there had been alleged artificial breaks. It is his case that in the light of several judgements including those of the Hon'ble Supreme Court he is entitled to regularisation and in any case till regularisation, payment at rates indicated in the Dept. of Personnel & Training letter dt. 7.6.88 should be made.

2. There is no counter affidavit. *The counter filed in MA 119/92 in O.A. 487/91 was considered.*

3. We heard the rival sides on 13.10.92. We find that ~~the~~ the applicant has put in considerably long service and he cannot be considered contingent. We find that he is entitled to the benefits contained in the judgement of the Principal Bench of this Tribunal reported in I(1992) CSJ (CAT) 201 PB. In the judgement of the Principal Bench there is also a reference to the O.M. dt. 8.4.91 issued by the Dept. of Personnel & Training with reference to their letter dt. 7.6.88. Based on this, this Bench had also decided a batch of cases vide O.A.No.968/91 and batch on 16.10.92. Hence, following these judgements, we give the following directions to the respondents:

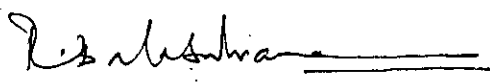
(a) To consider regularisation of the applicant in accordance with what is stated in the Dept. of Personnel & Training letter dt. 7.6.88 followed by their O.M. dt. 8.4.91. Such regularisation is to be limited to the extent regular posts are justified.

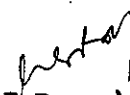
(b) The rest of the casual workers not covered by (a) above and whose retention is considered absolutely necessary and is in accordance with the guidelines indicated in the letter dt. 7.6.88 of the Dept. of Personnel & Training may be retained as casual workers, and paid at rates indicated therein.

(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 claim of the applicant.

4. The application is disposed of thus with no order as to costs.



(R. Balasubramanian)
Member (A).


(C. J. Roy)
Member (J).

Dated: 23rd October, 1992.


Deputy Registrar (J)

To

-  1. The Director General, The Indian Council for Agricultural Research, Krishibhavan, New Delhi.
2. The Director, Central Research Institute for Dryland Agriculture, Old Santhoshnagar colony, Hyderabad.
3. One copy to Mr. V. Venkata Ramana, Advocate, 62/2RT, Saidabad, Hyd
4. One copy to Mr. E. Madanmohan Rao, SC for ICAR. CAT. Hyd
5. One copy spare.

pvm.



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APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : HYDERABAD

THE HON'BLE MR

AND

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

AND

THE HON'BLE MR. T. CHANDRASEKHAR REDDY:
M(JUDL)

AND

THE HON'BLE MR. C. J. ROY : MEMBER(JUDL)

Dated: 23-10-1992

~~ORDER~~/JUDGMENT:

R.A. /C.A. /M.A.No

in

O.A.No. 1196/91

T.A.No.

(wp.No)

Admitted and interim directions
issued.

Allowed

Disposed of with directions

Dismissed

Dismissed as withdrawn

Dismissed for default

M.A. Ordered/Rejected

No orders as to costs.

pvm

