

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:HYDERABAD BENCH
AT HYDERABAD.

O.A.1043/92

Dt:of Decision:2-2-95.

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|------------------------|--------------------------|
| 1. Vanjari Yadaiah | 20. Chittomoni Jangaiah |
| 2. Jalla Bikshapathi | 21. Bandari Yadaiah |
| 3. Gaddam Balaiah | 22. Bandari Raju |
| 4. N.Yadaiah | 23. Bandari Bhikshapathi |
| 5. G.Ramulu | 24. Sangi P.Bhikshapathi |
| 6. Bommidi Chandraiah | 25. S.Chandraiah |
| 7. G.Kistaiah | 26. Y.Sailu |
| 8. B.Ramulu | 27. Penumula Muthyalu |
| 9. Baindla Sayanna | 28. T.Bhikshapathi |
| 10.Yerragolla Yellaiah | 29. B.Yadagiri |
| 11.B.Prabhu | 30. K.Mysaiah |
| 12.Md.Jani Miyan | 31. Dada Miyan |
| 13.Sangi Laxmaiah | 32. Cherukuru Mallaiah |
| 14.Chenchula Pochaiah | 33. R.Swamy |
| 15.Gyara Chittaiah | 34. Mylaram Gopal. |
| 16.N.Mallesh | |
| 17.Doddi Narsimha | |
| 18.Karri Mallesh | |
| 19.U.Anjaiah | |

..... Applicants.

Vs.

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

..... Respondent.

Counsel for the Applicants : Mr.V.Venkataramana
Counsel for the Respondents : Mr.N.R.Devaraj,Sr.CGSC.

CORAM:

THE HON'BLE SHRI JUSTICE V.NEELADRI RAO :VICE CHAIRMAN
THE HON'BLE SHRI R.RANGARAJAN : MEMBER (ADMN.)

J u d g e m e n t

(As per Hon'ble Mr.Justice V.Neeladri Rao,Vice-Chairman)

Heard Sri V.Venkataramana, learned counsel for the
applicants and Sri N.R.Devaraj, learned counsel for the
respondents.

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2. All the 34 applicants are working on daily wage basis in the farms of Central Research Institute for Dryland Agriculture (CRIDA), the Director of which is the respondent. They are being paid at the rate of 1/30th of the minimum of the pay scale towards daily wage.

3. The respondent issued tender notice as per notification dated 6-11-1992 inviting tenders from registered agencies for providing security services to the said institute and its research farms. The last date prescribed for receipt of the tenders was fixed as 30-11-1992. Then this O.A. was filed on 26-11-1992 praying for declaration that the action of the respondent in purporting to engage outside agency for providing security service to the Research Farms and the office by calling for tenders through notification dated 6-11-1992, is illegal, arbitrary, and un-Constitutional and contrary to the judgments of this Bench in O.A. 487/91 and 275/92 and for issual of consequential direction to the respondent to engage the applicants herein as Watchman on regular basis in the light of judgement dated 23-10-1992 in O.A. 487/91 and 257/92.

4. The applicants in this O.A. are some of the applicants in O.A. 487/91. It was filed praying for a direction to the respondents (Respondent herein is R-2 in O.A. 487/91) to regularise the service of the applicants therein and to pay wages on par with the regular employees from the initial date of appointment. The same was disposed of with the following directions

"a) To consider regularisation of the applicants in accordance with what is stated in the Department of Personnel & Training letter dated 7-6-1988 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 dated : 7-6-1988 of the Department of Personnel and Training may be retained as casual workers and paid at rates indicated therein.

C0 The remaining casual workers not covered by (a) and (b) above may be discharged from service.

a) The respondents are directed not to induct fresh recruits overlooking the claims of the applicants. Directions given in O.A.275/92 are same."

5. It is stated for the respondents that even in 1989-90 a decision was taken by the Head Office of the Institute, ICAR, Delhi, to entrust the security aspects of the Research Farms in the country to the private agencies as it provides more security and as the contracts with those agencies contain indemnification clause. As the equipments of the Research Farms are very costly and very important for research in the institute, and it will be a time consuming affair if inquiries are going to be held against the security staff for their negligence in case of thefts, and as there is no possibility of recovering cost of the stolen equipment from the regular staff, and as the security staff are not effective in having the security and as the contracts with the private agencies are terminable by issue of one month notice, and as such their services can be dispensed with if they are not found satisfactory and as there can be a clause that security should be entrusted only to young people, policy decision was taken by the Head Office of the Institute, ICAR, to entrust it to private agencies, as per the submission is made as per the reply statement filed in this O.A. On the basis of the above submissions and for the respondents, it view to deprive the applicants of the benefits of the judgments rendered by this Bench in OA.487/91 and 275/92. In fact it is stated for the respondents that such a decision was taken even before the above OAs were filed. Nobody can take risk with regard to security. In such matters, it is not open to the Courts/Tribunals to direct the respondent organisation or any other organisation not to entrust the security to private agencies and to engage regular staff for a security purpose.

6. In fairness to the respondents, it is stated that they will act in accordance with the direction given in judgment dated 23-10-1992 in OA.487/91 and 257/92 whenever vacancies arise in regard to Group-D staff other than for security.

7. But the learned counsel for the applicant submitted that if at any time in future the respondent intends to engage their own staff even for the purpose of security in the farms or in office, they should not be allowed to resort to fresh recruitment without complying with the directions in judgement dated 23-10-1992 in OA.487/91 and 257/92. It is needless to say that the respondent has to follow the above directions as per the judgement dated 23-10-1992 in OA.487/91 and 257/92, in case they are going to recruit for security purpose for otherwise it will be one of contempt.

8. Thus, it is not established that the respondent violated the direction as per the judgement dated 23-10-92 in OA.487/91 and 257/92 in issuing the notification dated 6-11-1992 calling for tenders from reputed registered agencies for providing security services to the respondents institute. This O.A. thus does not merit consideration.

9. In the result, the O.A. is dismissed. No costs.

Dy.Registrar(Judl)

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COURT OFFICER CENTRAL

ADMINISTRATIVE TRIBUNAL:HYDERABAD

BENCH:HYDERABAD.

Copy to:-

1. The Director, Central Research Institute for Dryland Agriculture, O Santhosnagar Colony, Hyd.
2. One copy to Mr.V.Venkatarana, Advocate, CAT, Hyd.
3. One copy to Mr.N.R.Devaraj, CGSC, CAT, Hyd.
4. One copy to Library, CAT, Hy
5. One spare.

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