

39

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD

---

O.A. 542/92.

Dt. of Decision : 9.12.94.

1. M.K.Samson
2. B.Venkaiah
3. C.Muralidhar Reddy
4. A.Venkataiah
5. E.Ramulu

.. Applicants.

Vs

1. Union of India rep. by  
its Secretary to Govt.of India,  
Ministry of Agriculture,  
Central Secretariat,  
New Delhi.
2. The Director General,  
Indian Council for Agricultural  
Research,  
New Delhi.
3. The Project Director,  
Director of Rice Research,  
All India Co-ordinated Rice Improvement  
Project (A I C R I P), (Formerly)  
Rajendranagar, Hyderabad-500 030.

.. Respondents.

Counsel for the Applicants : Mr. V.Venkateswara Rao

Counsel for the Respondents : Mr. G.Parameswara Rao,  
SC for ICAR.

CORAM:

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

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

(10)

O.A. 542/92.

Dt. of Decision : 9.12.1994.

ORDER

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

The 5 applicants in this case were recruited for service under the third respondent as Skilled Assistants, after due process of selection. Applicants at Sl.No.1 to 4 first were engaged on 22.1.1986 and the 5th applicant was engaged on 24.7.1986. They are being engaged for 20 days a month and are being paid on daily rates. Their prayer in this application is that the respondents may be directed to absorb the applicants on permanent basis as Technical Field Assistant Grade-I in the pay Rs. 975-1540/- or any other suitable post in the organisation of the respondent No.3 and to pay them wages as per instructions contained in office memorandum No.F.49014/2/86-Estt.(C) dated the 7th June 1988 with effect from the date of their respective appointments on daily wages with consequential benefits. It has been averred in the application that the applicants ever since ~~the~~ the date of their initial engagements have been performing the duties of regular Technical Field Assistant and therefore the inaction of the administration in service not to regularise them amounts to violation of 14 and 21 of Constitution of India.

2. The respondents in their reply statement have refuted the allegations of the applicants that they were performing ~~the same~~ duties as Technical Field Assistant. They contend that the applicant are not entitled for absorption as Technical Field Assistant. As regards the claim of the applicant for regularisation it is contended that the

let

-3-

activities of the organisation in which the applicants are involved being only seasonal in nature, there are no sanctioned posts on which the applicants could be absorbed. However the respondents have made it clear that the administration is taking up the matter with the higher authorities for getting posts sanctioned and that the applicants and similarly placed other casual labourers would be considered for regularisation on suitable posts in their turn.

3. Heard learned counsel for both the parties. The claim of the applicants that they are entitled to be regularised on the posts of Technical/Field Assistant cannot be accepted for the reason that even going by the allegations in the application, the applicants do not fulfill the educational qualification required for field assistant in technical service because diploma in the relevant field with 5 years experience is a requisite qualification for appointment as Field Assistant Grade-I in technical service. However the applicants have an alternative prayer in this application that the respondents may be directed to consider them for regular absorption in any posts to which they are eligible. The respondents themselves have considered this aspect as is reflected in their reply statement that similarly placed casual labourers would also be considered for regular absorption on creation of posts.

4. Since in the reply statement of the respondents it is admitted that the existing casual labourers would be considered for regular absorption on posts being created, we are of the considered view that the OA can be disposed of with appropriate directions to the respondents to consider the regularisation of the

applicants in posts for which they are educationally and otherwise qualified. The need for absorption of the applicants in regular service has to be stressed because the applicants have been continuing in service for the last 8 years. The very fact that for 8 years the applicants are being engaged continuously for 20 days a month shows that there is justification for creation of permanent posts. To keep the applicants as casual labourers without a sense of belonging and security of service does not appear to be beneficial either to the administration or for the applicants.

5. In the light of what is observed above we dispose of this application directing the respondents to consider the creation of regular posts and to consider the regularisation of the applicants in the existing vacancies/future vacancies for which they are educationally and by experience qualified and suitable. There is no order as to costs.

*ABG*  
(A.B. GORTHI)  
MEMBER (ADMN.)

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

Dated : The 9th December 1994.  
(Dictated in Open Court)

Dy. Regd. No. 26-1294

Copy to:-

1. Secretary to Govt. of India, Ministry of Agriculture, Union of India, Central Secretariat, New Delhi.
2. The Director General, Indian Council for Agricultural Research, New Delhi.
3. The Project Director, Director of Rice Research, All India Co-ordinated Rice Improvement Project (AICRIP) (Formerly), Rajendranagar, Hyd-030.
4. One copy to Sri. V. Venkateswara Rao, Advocate, CAT, Hyd.
5. One copy to Sri. G. Parmeswara Rao, SC, ICAR, CAT, Hyd.
6. One copy to Library, CAT, Hyd.
7. One spare copy.

Rsm/-