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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.No.626/92

Date of Order: 9.12.94

BETWEEN:

G.Venkatesh

.. Applicant.

A N D

1. Union of India represented by its
Secretary to Government of India,
Ministry of Agriculture,
Central Secretariat,
New Delhi.
 2. The Director General,
Indian Council for Agricultural
Research, New Delhi.
 3. The Project Director, Directorate
of Rice Research Formerly All
India Co-ordinated Rice Improvement
Project (AICRIP), Rajendranagar,
Hyderabad - 500 030.
- .. Respondents.

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Counsel for the Applicant

.. Mr.V.Venkateswara Rao

Counsel for the Respondents

.. Mr.G.Parameswara Rao

- - -

CORAM:

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

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

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

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The applicant who is not a matriculate and who had obtained a certificate in Carpentry after undergoing 4 months course was selected and appointed to work under the 3rd respondent as a skilled labourer on daily wages w.e.f. 1.2.86. He is still continuing in service. He has filed this application praying that the respondents may be directed to absorb the applicant as a regular carpenter in the scale of Rs.950-1500 or any other suitable Class-IV post in the organisation of the 4th respondent and also to pay him the wages as per instructions contained in the office memo No.49014/2/86-Estt.(C), dated 7.6.88. It is alleged in the application that inspite of the fact that the applicant has been working continuously since 1986 for 20 days a month, the respondents have not considered his absorption in regular service.

2. The respondents in their return have contended that there is no sanctioned post of carpenter for the applicant to be absorbed on a regular basis, that going by the recruitment rules for the post of Carpenter the applicant is not qualified, that the applicant is employed only as a skilled labourer as such he is performing the duties of Group 'D' employee and he is being paid at the rate applicable to Group 'D' employees and that the chances of his absorption in a Group 'D' post in the near future considering the large number of casual labourers working in the establishment are remote. ^{Therefore,} the respondents contend that the application may be dismissed.

Copy to:-

1. Secretary to Government of India; Ministry of Agriculture, Central Secretariat, Union of India, New Delhi.
2. The Director General, Indian Council for Agricultural Research, New Delhi.
3. The Project Director, Directorate of Rice Research Formerly All India Co-ordinated Rice Improvement Project (AICRIP), Rajendranagar, Hyd-030.
4. One copy to Sri.ankateswara Rao, adocate, CAT, Hyd.
5. One copy to Sri. G. Parmeswara Rao, adocate, 68th SC for ICAR, CAT, Hyd.
6. One copy to Library, CAT, Hyd.
7. One spare copy.

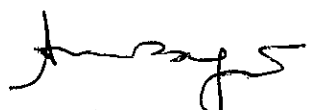
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3. We have heard the learned counsel for the parties and have perused the pleadings.

4. The fact that the applicant having been working continuously since 1986 though on casual service for 20 days a month is not in dispute. As contended by the respondents the question of the applicant being absorbed in the post of Carpenter in the organisation of the respondents does not arise because the applicant does not possess the requisite qualification according to the recruitment ^{rules} promulgated by the ICAIR. As the applicant is admittedly performing the duties of a Group 'D' employee and paid accordingly for a very long time it is in the common interest that his case is considered for absorption in a group 'D' post as and when vacancy arise and in his turn.

5. In the result, the application is disposed of with a direction to the respondents to consider the case of the applicant for absorption on a Group 'D' post as and when vacancy in such post arises in his turn and in accordance with the extant scheme or instructions on the subject and to appoint him if he is not otherwise unsuitable. No order as to costs.

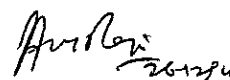

(A.B. GORTHI)
Member (Admn.)


(A.V. HARIDASAN)
Member (Judl.)

Dated: 9th December, 1994

(Dictated in Open Court)

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

THE HON'BLE MR.A.V.HARIDASAN : MEMBER(P)

AND

THE HON'BLE MR.A.B.GORTHY : MEMBER(A)

DATED: 9/12/04

~~ORDER/JUDGMENT.~~

~~M.A/R.P/C.D.NO.~~

O.A.NO. 626/92
L.A.NO.

Admitted and Interim Directions
issued.

Allowed.

~~Disposed of with Direction.~~

Dismissed.

Dismissed as withdrawn

Dismissed for default

Rejected/Ordered

No order as to costs.

No spare copy

Central Administrative Tribunal
DESPATCH
4 JAN 1995
HYDERABAD BENCH

YLR