

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.NO.406/96

Date of Order: 1.1.97

BETWEEN :

1. Mettupalli Mallaiah
2. Bandaru Babaiah
3. J.Somalingam
4. G.Kistaiah
5. M.Balraj
6. Bomidi Chandraiah
7. N.Yadaiah
8. Doddu Narasimha

.. Applicants.

AND

1. The Director,
Central Research Institute of
Dryland Agriculture,
Santoshnagar, Hyderabad.
2. Senior Administrative Officer,
Central Research Institute of
Dryland Agriculture,
Santoshnagar, Hyderabad.
3. The Director General,
Indian Council of Agriculture &
Research, Krishi Bhavan,
New Delhi.

.. Respondents.

Counsel for the Applicants

.. Mr. K.K.Chakravarthy

Counsel for the Respondents

.. Mr. N.R.Devraj

CORAM:

HON'BLE SHRI R.RANGARAJAN : MEMBER (ADMN.)

HON'BLE SHRI B.S. JAI PARAMESHWAR : MEMBER (JUDL.)

JUDGEMENT

X Oral order as per Hon'ble Shri R.Rangarajan, Member (Admn.) X

Heard Mr.K.K.Chakravarthy, learned counsel for the applicant and Mr.N.R.Devraj, learned standing counsel for the respondents.

2. There are eight applicants in this OA. They state that they are working as casual labour at Hayatnagar Research Farm, Hyderabad for more than 20 years. It is stated that

they are not brought on temporary status and they are also not regularised even though they have put in long years of service.

3. This OA is filed praying for a direction to the respondents to grant them temporary status on par with other Group-D employees w.e.f. 7.6.88 and for a consequential direction to the respondents to implement them with immediate effect by granting arrears and also regularise their services.

4. A reply has been filed by the respondents. It is stated in the reply that a scheme entitled for "casual labourers (grant of temporary status and regularisation) scheme" was received by CRIDA from ICAR vide circular No.24 (15)93-CDN, dt. 23.11.94 (A-1). It is further stated that ICAR had decided to follow the guidelines dt. 7.6.88 of the DOP for grant of temporary status to the casual labourers who are presently employed and have rendered one year's continuous service. This scheme is applicable w.e.f. 1.9.93 to those who are on casual service on that date and fulfil all the terms and conditions laid down in the DOP & T.O.M. dt. 7.6.88. The main two conditions stipulated in the OM dt. 7.6.88 have been reproduced in para-2 of the reply. Both sides agreed that the conditions are in order. However, the learned counsel for the applicant submitted that it will not be in order at this late stage for the respondents to insist on considering only those casual labourers who were initially sponsored by the employment exchange for giving them the temporary status and for further regularisation. As these casual labourers were engaged long time back, the OM issued on 7.6.88 cannot be applied retrospectively to insist for sponsoring by the employment exchange.

5. We have heard both sides. In the memo dt. 7.6.88 though it is stated that the employees should be initially sponsored by the employment exchange for casual engagement this condition was relaxed in case of the casual employees of the P&T department for regularisation. In P&T department this condition is insisted

only to those who are engaged on or after 20.6.88. That relaxation for P&T department was also approved by DOP & T. Hence it will be unfair if similar relaxation is not given to the casual labourers of the ICAR.

6. It is stated that the CRIDA authorities in Hyderabad asked for clarifications in regard to the dispensation with the condition of sponsorship by the employment exchange to which the ICAR classified that the conditions imposed in the OM dt. 7.6.88 has to be fulfilled. As stated earlier the condition of OM dt. 7.6.88 cannot be applied retrospectively. Hence it has to be held that only to those casual labourers who are engaged on or after 7.6.88 the conditions of sponsorship by employment exchange should be insisted upon. But those casual labourers engaged earlier to 7.6.88, the condition of sponsorship by the employment exchange should not be insisted ^{upon} for granting them temporary status and also regularising their services. Though the learned counsel for the respondents submitted that necessary instructions may be obtained by the respondents in this connection from the DOP & T we feel that it is not essential as the stipulation has been done away with by the DOP in the case of P&T and also because of the fact that no circular can be given retrospective effect unless and otherwise it is provided for in the memo. Since no such condition for retrospective effect has been prescribed in the memo dt. 7.6.88 we do not consider it necessary to get any further clarification in this connection from the department of personnel.

7. In the result, the following direction is given :-
All the casual labourers in this OA should be brought on temporary status in accordance with the OM dt. 7.6.88 without insisting sponsorship through employment exchange for those



engaged earlier to 7.6.88. The cases for regularisation should be considered in their turn in accordance with the scheme already promulgated by the ICAR.

8. The OA is ordered accordingly. No costs.

B.S. Jai Parameswar
(B.S. JAI PARAMESWAR)
Member (Judl.)

R. Rangarajan
(R. RANGARAJAN)
Member (Admn.)

Dated: 1st January, 1997

(Dictated in Open Court)

M.R.
Dy. Registrar (S)

sd

Copy to:-

1. The Director, Central Research Institute of Dryland Agriculture, Santoshnagar, Hyd.
2. Senior Administrative Officer, Central Research Institute of Dryland Agriculture, Santoshnagar, Hyd.
3. The Director General, Indian Council of Agriculture & Research, Krishi Bhavan, New Delhi.
4. One copy to Sri. K.K.Chakravarthy, advocate, CAT, Hyd.
5. One copy to Sri. N.R.Devaraj, Sr. CGSC, CAT, Hyd.
6. One copy to Library, CAT, Hyd.
7. One spare copy.

Rsm/-

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11/1/97

THE CENTRAL ADMINISTRATIVE TRIBUNAL

HYDERABAD BENCH HYDERABAD

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COMPARED BY

APPROVED BY

THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

THE HON'BLE SHRI R.RANGARAJAN: M(A)

AND

THE HON'BLE SHRI B.S.JAI PARAMESHWAR:
M(J)

DATED:

11/1/97

ORDER/JUDGEMENT

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

O.A. NO.

406 ⁱⁿ 196

ADMITTED AND INTERIM DIRECTIONS ISSUED
ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS.

II COURT

YLR

केन्द्रीय प्रशासनिक अधिकारण
Central Administrative Tribunal

DESPATCH

21 JAN 1997

हैदराबाद न्याय
HYDERABAD