

56

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:HYDERABAD BENCH

AT HYDERABAD

O.A.No.494/99

Date of Order : 2.9.99

BETWEEN:

1. Nalluri Vijayalakshmi
 2. Yenduluri Ranamma
 3. Gowdaperu Koteswaramma
 4. Venkayalapati Aaseerwadam
 5. Premala Rajamma
 6. Divi Rambotlu
 7. Godeperu Akkamma
 8. Nalleboyina Suseela
 9. Kondabathina Kondamma
 10. Gowdaperu Naramma
 11. Upputuru Sarojanamma
 12. Bthina Narasamma
 13. Tenneru Ramanamma
 14. Kuchipudi Koteswaramma
 15. Tadiboyina Padma
 16. Smt.DAVULURI Nagamma
 17. Ranimala Polmma
 18. Chadalavada Audemma .. Applicants
- AND

1. Central Tobacco Research Institute,
Institute Station, rep. by Head (Person-
in-charge), Kandukur, Prakasam Dist.,
2. The Director,,
Central Tobacco Research Institute(CTRI),
Under (ICAR) Rajahmundry, E.G.Dist.
3. Indian Council of Agricultural Research,
rep. by its Secretary,
Krishi Bhavan, New Delhi. ..Respondnts.

- - -

Counsel for the Applicant ..

.. Mr.B .S.A.Satyanarayana

Counsel for the Respondents .. Mr.V.Rajeswara Rao

- - -

CORAM :

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

2

- - -

O R D E R

)(As per Hon'ble Shri B.S.Jai Parameshwar, Member(J))(
- - -

Mr.B.S.A.Satyanarayana, learned counsel for the applicant and Mr.V.Rajeswara Rao, learned standing counsel for the respondents.

2. There are 18 applicants in this OA. They have been working in the Respondent No.1 organisation for more than 20 years while the applicant No.15 has been working since 19.2.82. They all are working on casual basis/daily wage basis. Their engagement as such is not disputed by the respondents and the respondents have filed Annexure-^{R-1}/ the details of the engagement of the applicants right from the year 1977.

3. The applicants submit that the respondents have four categories of workers. Namely (1) Daily Wage workers (2) Temporary status II (3) Temporary status I and (4) Permanent workers. It is submitted that the categories of workers at Sl.Nos. 1 and 2 are paid daily wages calculated on monthly basis. The 3rd category of workers are being paid the minimum of the scale of pay of the Group-D employees in the respondent No.1 organisation. Whereas ^{the} workers under the 4th category are provided with all benefits given to a permanent group staff in the organisation.

58

.. 3 ..

4. The grievance of the applicants is that the respondents ^{have} regularised the services certain casual workers without any rationale who were engaged later to them and that was in violation of the policy of the government and also the principles enunciated by the Apex Court. They submit that they are paid the daily wages calculated on monthly basis. Further they submit that the respondents organisation on one pretext or the other disengaging them while providing work to their juniors.

5. This discriminatory action led the applicants to approach the Hon'ble High Court of A.P. in W.P.No.21408/95, 5564/98 and 8534/98. It is stated that the Hon'ble High Court had issued interim directions to the respondents as per Annexure-5 and finally on 10.3.99 disposed of the Writ Petitions directing the applicants to approach this Tribunal for their redressal.

6. Hence they have filed this OA to call for the records and after perusal ... declare the action of the respondents in not regularising the services of the applicants in preference to the juniors as illegal, arbitrary and in consequence direct the respondents to regularise their services from the date of regularisation of services of their immediate juniors.



7. The respondents have filed their reply stating that the applicants were engaged for seasonal works as and when necessity arose that the Tobacco crop is purely a seasonal crop that the seasonal workers engaged on the basis of the requirement of the work are disengaged as and when the work is completed that the crop is restricted to Rabi season i.e. from August to March. That the applicants were continued on muster rolls without any work throughout the other months of the year from 1998, in compliance with the interim directions given by the Hon'ble High Court of A.P. and that the engagement of daily wage workers may be made only for the work which is casual or seasonal or intermitent in nature ^{and} which is not a full time work. They submit that the DOPT has issued O.M. dated 10.9.93 to regularise the services of the casual labourers who had completed at least 240 days of work in a year that the applicants herein had not rendered continuous work for a period of 240 days and hence they could not be brought under the purview of the said OM. They also relied upon the observations made by this Tribunal in OA.576/96 decided on 18.9.96.

8. During the course of arguments the learned counsel for the applicant brought to my notice that services of the ^{casual labourer} junior to the applicants were regularised. Thus relying upon exhibit R-2 to the reply is

60

.. 5 ..

submitted that one K.Mallikarjuna who was initially engaged on 13.9.97 was regularised whereas the applicants were engaged earlier to Mallikarjuna were still not regularised and that this smacks discrimination. In answer to this submission, the learned counsel for the respondents submit that the respondents organisation regularised the services of those casual workers who completed 240 days of work in a year. It is not possible to comprehend how K.Mallikarjuna was permitted to complete 240 days in a year^{thus} making him eligible for regularisation, whereas his seniors were not given the work. Infact even at the time of engaging for seasonal works they should have maintained a seniority register and on that basis should have provided work. If any senior had failed to appear for work then there was some reason for them to reject the case of the said candidate and to provide appointment to any other fresh candidate. Infact in OA.575/96 the directions given are as follows:-

"Considering the long spells of seasonal labour rendered by the applicants, it is, however, directed that they shall continue to be so engaged as long as their services are required during the successive seasons, whenever such work is available. If at any stage, the applicants become eligible to be considered for Temporary status/regularisation etc., in the normal course, as per the provisions of the relevant scheme/schemes, there is no doubt that the respondent-Institute shall initiate necessary action at the

OL

appropriate time. It is also directed that no fresh candidates from any other source shall be engaged for seasonal labour work, as long as the services of the present applicants are offered or available for utilisation in any existing items of work on the farm, as in the past".

9. The applicants herein have been engaged since 1977. Moreover they have been engaged regularly during every season in the year. They were not allowed to work for 240 days. On perusal of exhibit R-1, it is disclosed that applicant No.1 was permitted to work 238½ days during the year 1980-81, 234½ days work in 1984-89 and 223½ days work in 1989-90. Likewise B.Narasamma at Sl.No.14 was allowed to work for 233½ days work in the year 1979-80, 237 days work in the year 1980-81 and 236½ days work in 1982-83. Thus the applicants contend that the respondent authorities discriminated in the matter of their engagement for casual or seasonal work. Thus they pray for regularisation as per the scheme dated 1993 (A-R-2). The respondents are part of the ICAR, an organisation which has name in the agricultural research. They must act as a model employer, without giving room for an employee/labour to feel discriminated against. They shall act as per rules in the matter of regularisation/grant of temporary status, with a touch of humanity tainted with mercy. They must know the applicants have been working within them since 1977.

10. Considering the facts and circumstances of the case and also having regard to the fact that some of the juniors to the applicants have been regularised. I feel it proper to issue the following directions :-



(A) The directions given in OA.576/96 decided on 18.6.96 are hereby reiterated.


(B) The respondents shall consider the case for regularisation of the applicants in accordance with scheme dated 10.9.93

(C) In case the respondents have regularised any of the junior to the applicants earlier then they may consider the case of regularisation of such applicants on par with their juniors.

(D) Till such time the respondents shall engage the applicants for seasonal works in preference to freshers from the open market.

(E) Further, the interim dated 26.3.99 is hereby made absolute.

11. With the above directions the OA is disposed of leaving the parties to bear their own costs.


(B.S.JAI PARAMESHWAR)
Member(Judl.)

Dated : 2nd September, 1999


2001

IST AND II ND COURT

COPY TO :-

1. HDHND

2. HRRN M (A)

3. HBSJP M (J)

4. D.R. (A)

5. SPARE

6. ADVOCATE

7. STANDING COUNSEL

TYPED BY :
COMPARED BY

CHECKED BY
APPROVED BY

THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : HYDERABAD.

THE HON'BLE MR. JUSTICE D.H. NASIR
VICE - CHAIRMAN

THE HON'BLE MR. R. RANGARAJAN :
MEMBER (ADMN.)

THE HON'BLE MR. B.S. JAI PARAMESWAR :
MEMBER (JUDL)

DATE OF ORDER: 2/9/99

MA/RA/CP.NO.

IN

OA. No. 494/99

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALLOWED

CP CLOSED

RA CLOSED

OA CLOSED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS

8 copies

