

FROM NO. 4
(See Rule 42)

CENTRAL ADMINISTRATIVE TRIBUNAL
GONAWATI BENCH:

ORDER SHEET

1. Original Application No. F8/2006
2. Misc Petition No.
3. Contempt Petition No.
4. Review Application No.

Applicant(s) Sri Sonabari Dase others

Respondents U.O. 1.2 DNS

Advocate for the Applicant(s) Mr. Adel Ahmed.....

Advocate for the Respondant(s) C.G.C.....

Notes of the Registry : Order of the Tribunal

31.3.2006

Present: The Hon'ble Shri K.V.
Sachidanandan, Vice-Chairman

This application is in form
is filed/C.P. of Rs 50/-
deposited on 30.3.2006
No. 266 319314

Dated 7.3.2006

Heels
Dy. Registrar

N.S.
30.3.06

There are 14 applicants who are
working as Skilled Labourer under the
respondents and the applicants have
earlier approached this Tribunal by
way of O.A. Nos. 236/2003 and
308/2004. In O.A. 308/2004 this
Tribunal has directed the respondents
to consider the representations of
the applicant's and to pass
appropriate orders. The interim order
of status quo that has been passed in
the earlier order was directed to be
continued till the representation is
disposed of.

.....
Contd..

- 2 -

Contd.

31.3.2006

In furtherance of that order, the applicants have made representations. The respondents have passed a speaking order dated 19.12.2005 rejecting their claim on the ground that workers are engaged in a project as per requirement of the project when it comes to an end and cannot claim regularisation.

Mr. A. Ahmed, learned counsel for the applicants submits that there is requirement of the job under the respondents especially on the retirement vacancies as well and he insisted that there is a threat of termination of services of the applicants which may be prevented.

In the interest of justice status quo as on today, in so far as the applicants are concerned, shall be maintained till the next date. Post on 22.5.2006, for filing of reply statement. It is also made clear that if the respondents are desirous to vacate the stay, they can inform the Tribunal which will be considered on merit.


 Vice-Chairman

bb

23.5.2006

Mr. G. Baishya, learned Sr.C.G.S.C. requests for some more time to file reply statement. Let it be done.

Post on 26.6.2006. Interim order dated 31.3.2006 will continue till the next date.


 Vice-Chairman

bb

Pl. comply order dtd
23.5.06.


 23.5.06

-3-
OA 78/06

order dt. 23/5/06
issuing to learned
advocate's for both
the parties.

24/5/06.

26.06.2006

Learned counsel for the
respondents wanted ~~xx~~ time
to file reply statement. Post on
27.07.2006.

Vice-Chairman

mb

27.07.2006

Mr. B.C. Pathak, learned counsel
for the respondents submtis that
reply statement has already been
sent for vetting and he prays for
three weeks time to file the same.
Let it be done.

Post on 22.8.2006.

Vice-Chairman

26.7.06
No W/S filed so far

br

22.08.2006

Considering the issue involved in
this case and also in view of the latest
decision of the Hon'ble Supreme Court,
learned Counsel for the parties submitted
that the matter may be admitted.
Accordingly, the O.A. is admitted.

Post on 17.09.2006 for filing reply.
In the meantime, the parties are given
liberty to exchange pleadings.

No W/S has been
filed.

2.11.06.

/mb/

3.11.06

Four weeks time granted to file
rejoinder to the applicant.

Post on 6.12.06.

Vice-Chairman

No W/S has been
filed.

5.12.06.

pg

06.12.2006 Present: Hon'ble Sri K.V. Sachidanandan
Vice - Chairman.

No Wts has been
filed.

Mr B.C. Pathak, learned Counsel for
the Respondents wanted to have further
time to file reply statement. Post on
08.01.2007 alongwith O.A. 53/2006.

Ans

5.1.06.

Vice-Chairman

/mb/

8.1.07.

Counsel for the Respondents has sub-
mitted that reply will be filed during
the course of the day. In the meantime
liberty is given to the applicant to
file rejoinder. Pleadings are completed.
Post the matter ~~xx~~ for hearing on 9.2.07.

Vice-Chairman

Ans

lm

No rejoinder has
been filed.

9.2.07

Heard learned counsel for the parties.
Hearing concluded. Judgment reserved.

Vice-Chairman

lm

10.05.2007

Judgment pronounced in open
court, kept in separate sheets. The O.A.
is disposed of in terms of the order. No
costs.

16.5.07
copy of the
judgment has been
handed over to the
advocates on
the parties.

Recd. 20/5/07
16/5/07
22/5/07 /bb/

Vice-Chairman

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

O.A. No.78 of 2006

DATE OF DECISION: 10.05.2007

Shri Sonabar Das & 13 others

.....Applicant/s
Mr.A.Ahmed

..... Advocate for the
Applicant/s

- Versus -

U.O.I & Others

.....Respondent/s

Mr.B.C.Pathak.

.....Advocate for the
Respondents

CORAM

THE HON'BLE MR. K.V.SACHIDANANDAN, VICE CHAIRMAN

1. Whether reporters of local newspapers may be allowed to see the Judgment? Yes/No
2. Whether to be referred to the Reporter or not? Yes/No
3. Whether to be forwarded for including in the Digest Being complied at Jodhpur Bench & other Benches? Yes/No
4. Whether their Lordships wish to see the fair copy of the Judgment? Yes/No

Vice-Chairman

11/5/07

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No. 78 of 2006.

Date of Order: This, the 10th day of May, 2007.

THE HON'BLE MR. K.V.SACHIDANANDAN, VICE CHAIRMAN

1. Shri Sonabar Das
S/o Bipin Chandra Das
Vill. & P.O: -Azara (Kootpara)
Dist: Kamrup.
2. Shri Kan Das
C/o Shri Hiren Das
Kahikuchi, P.O: Azara
District: Kamrup (Assam)
Pin: 781017.
3. Md. Farid Ali
S/o Md. Khariat Ali
Vill: Lower Mizapur
P.O: Azara
Dist: Kamrup, Assam.
Pin: 781017.
4. Shri Jiten Chandra Das
Vill:- Matia, P.O: Azara
Dist: Kamrup
Guwahati-17.
5. Md. Nizam Ali
Vill. & P.O: Azara
Dist: Kamrup
Guwahati-17.
6. Shri Bishnu Ram Medhi
Vill. & P.O: Azara
Dist: Kamrup
Guwahati-17.

7. Shri Nagendra Medhi
Vill. & P.O: Azara
Dist: Kamrup
Guwahati-17.

8. Shri Bipul Baruah
Vill. & P.O: Azara
Dist: Kamrup
Guwahati-17.

9. Shri Sushil Kalita
Vill. & P.O: Azara (Kalitapara)
Dist: Kamrup
Guwahati-17.

10. Shri Tuku Baishya
Vill. & P.O: Azara
Dist: Kamrup
Guwahati-17.

11. Shri Tapan Baishya
Vill. & P.O: Azara
Dist: Kamrup
Guwahati-17.

12. Shri Ranjit Ch. Das
S/o Late Keshab Ch. Das
Vill: Mirzapur (Medhipara)
P.O: Azara
Dist: Kamrup
Guwahati-17.

13. Shri Bijoy Ch. Das
C/o Chandradhar Das
Vill: Mirzapur
P.O: Azara
Dist: Kamrup
Guwahati-17.

14. Shri Diganta Medhi
Vill. & P.O: Azara (Medhipara)
Dist: Kamrup

Guwahati-17.

...Applicants.

By Advocate Mr.A.Ahmed.

- Versus -

1. The Union of India
Represented by the Secretary
to the Government of India
Ministry of Agriculture
New Delhi.
2. The Director General
Indian Council of Agricultural Research
Krishi Bhawan, New Delhi.
3. The Director
Central Plantation Crops Research Institute
Indian Council of Agricultural Research
Kasaragod – 671124, Kerala.
4. The Co-Principal Investigator
Mini Mission-1
Central Plantation Crops Research Institute (RC)
(Indian Council of Agricultural Research)
Kahikuchi, Guwahati – 781 017.

... Respondents.

By Advocate Mr. B. C. Pathak.

O R D E R

SACHIDANANDAN. K.V., (V.C.):

The Applicants, fourteen in number, are working under the Respondents as casual labourers. Out of fourteen Applicants, thirteen belong to Schedule Caste and the other is from Other Backward Community. They were called for the interview on

temporary posts of Skilled Labour under the fourth Respondent for a consolidated pay of Rs.1500/- p.m. They were sponsored by the Employment Exchange, Guwahati. The Applicants appeared before the interview and were appointed as Skilled Labour vide O.M. dated 6.12.2001. Though Applicants' engagement expired on 31.03.2002, they have been continuously engaged without any notice. Since their services were not terminated and continued even after 31.03.2002 presuming that their services would be regularized by the Respondents, the Applicants did not try for any other jobs. After working for years together as such, they became over aged for Government, Semi-Government or Private jobs but the Respondents did not take any steps for granting temporary status to the Applicants and for subsequent regularization. The Applicants claim that they are still working under the Respondents. They have approached this Tribunal by way of O.A. No. 236/2003 which was later on allowed to be withdrawn with a liberty to file representation. Thereafter Applicants filed representation before the Respondents. Being aggrieved with the non-disposal of their representation the Applicants filed O.A. No.308/2004 before this Tribunal and on 29.11.2004 this Tribunal granted status quo. The O.A. was disposed of by this Tribunal on

22.08.2005 directing the Respondents to consider and pass appropriate orders on the representation filed by the Applicants in accordance with law and govt. orders within a specified time frame. By the same order the status quo order dated 29.11.2004 was directed to be continued till disposal of the representation. Respondent No.3 vide its office order dated 19.12.2005 disposed of the representation filed by the Applicants rejecting their claim. Aggrieved by the aforesaid impugned order of rejection the Applicants have filed this O.A. under Section 4(5)(a) of the CAT (Procedure) Rules, 1987 seeking the following main reliefs:

- “8.1. That the Hon’ble Tribunal may be pleased to direct the Respondents to set aside and quashed the impugned Office Order F. No. 308/2004-Confl. dated 19.12.2005 issued by the Respondent No.3.
- 8.2 That the Hon’ble Tribunal may be pleased to direct the Respondents to grant temporary status to the applicants and also to regularize them in any Group “D” posts which were lying vacant under the Respondents.”

2. The Respondents have filed a detailed reply statement contending that Indian Council of Agricultural Research (ICAR in short) submitted a “Project Proposal” under the name of “Technology Mission for Integrated Horticulture Development in

North East India-Mini Mission-I-Research. The Govt. of India, Ministry of Agriculture, Department of Agriculture and Co-operation (Horticulture Division) vide their letter No.40-2/2001-Hort.(iv) dated 10.05.2001 accorded the sanction to the project and the ICAR approved the scheme vide letters dated 1.11.2002 and 20.11.2002. The scheme was sanctioned for a period of one year for the year 2002-2003 of the Xth Plan (2002-2003) at a total cost of Rs.47.27 lakhs. Fifteen nos. of Skilled Labours were engaged at the rate of Rs.1,500/- p.m. Applicants' names were sponsored by the Employment Exchange and they were called for the interview along with other candidates. The Applicants accepted all the terms and conditions including that the posts of Skilled Labours are temporary and having a consolidated pay of Rs. 1,500/- p.m. and reported for duty. Although it was mentioned as Skilled Labours, there was nothing specific as to any trade in which the labourers were to be skilled. In fact, the Applicants were ordinary daily labourers without any training/skill acquired in any discipline to define them as Skilled Labourers under any provisions of any labour law. They were engaged as project workers for the limited purpose and for the stipulated time. The Applicants apprehending termination filed O. A. No. 236/2003

which was allowed to be withdrawn. Again O.A. No.308/2004 was filed before this Tribunal, which was disposed of this Tribunal directing the Respondents to consider the Applicant's representation after affording an opportunity of personal hearing. The Respondents considered their representation and rejected their case. In view of the facts of the case and the law regulating the ad hoc temporary time bound posts in a project scheme, there is no cause of action that may justify any right for conferment of temporary status or regularisation. The project/scheme had been extended on year to year basis (financial year) with the required financial support by the sponsoring authority/Government. The project, which was to be closed by 31st March, 2006, was extended for another year and would come to an end by 31st March, 2007. The Applicants have no legal or any other right to claim equal pay for equal work doctrine. They have not acquired any right to claim regularisation in any post in Group-D. There are separate Recruitment Rules and Scheme for appointment/regularisation in Group D post and these are not applicable to the present Applicants. The Applicants are not entitled to any relief whatsoever prayed in the O.A. and the O.A. is liable to be dismissed.

3. I have heard Mr.A.Ahmed, learned counsel for the Applicants and Mr.B.C.Pathak, learned counsel for the Respondents. Learned counsel for the parties have brought my attention to the various pleadings, materials and evidence placed on record. Learned counsel for the Applicants would argue that having worked upto 2007 they believed that their services will be regularized, and therefore, non-granting of the relief cannot be justified. Learned counsel for the Respondents, on the other hand, persuasively argued that the Applicants have no legal right to claim regularisation. They were engaged in project work for a limited period on a consolidated pay of Rs.1500/- p.m. In their offer of appointment it was specifically mentioned that the Respondents would have no responsibility for their absorption in the institute and the Applicants accepted all the terms and conditions and hence they were engaged as such.

4. I have given due considerations to the arguments, pleadings, materials and evidence placed on record. It is an admitted fact that the Applicants were engaged as Skilled Labours for one year w.e.f. 31.3.2002 which were being extended last upto 31.03.2007 for a project named and styled as "Technology Mission for Integrated Horticulture Development in North East

India-Mini Mission-I-Research. I have also perused the Casual Labourers (Grant of Temporary Status and Regularisation) Scheme, 1993 introduced by the Government of India. The Scheme came into effect w.e.f. 01.09.1993 to take care of the cases of the causal labourers. The Hon'ble Supreme in the case of Mohan Paul vs. Union of India, reported in 2002(4) SCC 573 held the said scheme is a one time measure and not an ongoing process to include all the casual labourers for all the times to come. As per the said Scheme, for conferment of temporary status, one has to be in casual employment and on or before 01.09.1993 and have to complete 240 days (205 days in case of five days a week) of work in a calendar year prior to issuance of the notification i.e., on 10.09.1993. Hence, Applicants' case cannot be considered as per the said Scheme since they were engaged only in the year 2002. As per the settled provisions of law the workers who are engaged against the post or jobs specifically created for any such project may continue with the continuation of the project and when the works of the project is over and the project comes to an end, the post created for the said project also comes to an end. There is also a ban on order of the Govt. of India prohibiting any direct recruitment against any

Group C and D. There are specific procedures and recruitment rules for selection or appointment of Group D employees and appointment/selection cannot be done dehors any such rule.

5. Learned counsel for the parties in support of their contentions relied on the various decisions. In the case of **Bharatiya Dak Tar Mazdoor Manch vs. Union of India & Another**, reported in 1988 (1) SCC 122, relied by the counsel for the Applicants, the Apex Court has held the Government cannot take advantage of its dominant position and directed to prepare a scheme for absorbing the casual labourers on rational basis. Similar directions were passed by the Apex Court in another case, relied by the Applicants i.e., **Dhirendra Chamoli & Others vs. State of U.P.** 1986 (1) SCC 637 wherein it was held as follows:-

“But we hope and trust that posts will be sanctioned by the Central Government in the different Nehru Yuvak Kendra, so that these persons can be regularized. It is not at all desirable that any Management and particularly the Central Government should continue to employ persons on casual basis in organization, which have been in existence over 12 (Twelve) years.”

The learned counsel for the Applicants also relied on the decision rendered in the case of **Surinder Singh & another -vs. Engineer-**

in-Chief, CPWD & Others, reported in 1986 (1) SCC 639 in support of his contention. To support the contention of the Respondents learned counsel for the Respondents relied on the recent decisions rendered by the Apex Court in the case of (i) Secretary, State of Karnataka & Others vs. Umadevi (3) and Others, reported in (2006) 4 SCC 1 and (ii) Avas Vikas Sansthan & Another vs. Avas Vikas Sansthan Engineers Association, reported in (2006) 4 SCC 132.

Much water has flown through the river and when repeated directions of various Courts has finally been settled by the Hon'ble Court with a direction to the Central Govt. to formulate a policy for regularization of the casual labourer the DOPT has formulated the Casual Labourers (Grant of Temporary Status and Regularization) Scheme, 1993 that has been discussed above. The Hon'ble Supreme Court in Umadevi (3) case (*supra*) has now settled the law that service of casual labourer, work charge employee, ad hoc employee cannot be permanently regularized dehors the rules, such persons would only be considered as per the Recruitment Rules on fulfilling the required criteria. This decision, being the latest and Full Bench Judgment of the Hon'ble Supreme Court wherein many

earlier judgments are discussed, governs the field. The Supreme Court in the said judgment has declared that that it is erroneous for the Supreme Court to merely consider equity for the handful of people who have approached the court with a claim whilst ignoring equity for the teeming millions seeking employment and a fair opportunity for competing for employment – Further, courts must be careful in ensuring that they do not interfere unduly with the economic/financial arrangement of the affairs of the State or its instrumentalists and recognized the sovereignty of the State in engaging casual labourers on daily wages in public employment as it may require.

6. Considering entire aspects of the case and the legal position as discussed above, I am of the view that the Applicants have failed to made out a case and the O.A. is devoid of merit. However, since they have acquired certain experience in the field; have become over aged for consideration of other jobs; and had been sponsored by the Employment Exchange for the present job, this Court directs that if the project has to be continued any further for any reason, in that event, the Respondents shall consider Applicants' case for engagement in

preference to other juniors and new comers. In other words, Applicants will get priority in such category of jobs, if the Respondents decide to continue the project. Respondents shall bear in mind the observations made as above and pass appropriate orders in this regard

The Original Application is disposed of as above. Interim order, if any, is vacated. In the circumstances, there will be no order as to costs.



(K.V.SACHIDANANDAN)
VICE CHAIRMAN

/BB/

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:

Original Application No. 78/06

1. a) Name of the Applican~~t~~ - S. Das & others
b) Respondants:-Union of India & Ors.
c) No. of Applicant(S):- 13 nos
2. Is the application in the proper form:- Yes / No.
3. Whether name & description and address of the all the papers been furnished in cause title :- Yes / No.
4. Has the application been duly signed and verified :- Yes / No.
5. Have the copies duly signed :- Yes / No.
6. Have sufficient number of copies of the application been filed :Yes/No.
7. Whether all the annexure parties are impleaded :- Yes/No.
8. Whether English translation of documents in the Language :- Yes/No.
9. Is the application in time :- Yes/ No.
10. Has the Vokatlatnama/Memo of appearance /Authorisation is filed:Yes/No.
11. Is the application by IPO/BD/for Rs.50/- 26 G 319314 dttd 7-2-06.
12. Has the application is maintainable : Yes / No.
13. Has the Impugned order original duly attested been filed:- Yes/ No.
14. Has the legible copies of the annexurea duly attested filed:Yes/ No.
15. Has the Index of the documents been filed all available :-Yes/No.
16. Has the required number of enveloped bearing full address of the respondents been filed:- Yes/ No.
17. Has the declaration as required by item 17 of the form:Yes / No.
18. Whether the relief sough for arises out of the Single: Yes / No.
19. Whether interim relief is prayed for :- Yes/ No.
20. Is case of Condonation of delay is filed is it Supported :-Yes/No.
21. Whether this Case can be heard by Single Bench/Division Bench:-
22. Any other pointd :-
23. Result of the Scrutiny with initial of the Scrutiny Clerk:
This application is in form

SECTION OFFICER (I)

N O 30/3/06

DEPUTY REGISTRAR

*Address of
R-1 is
uncomplete
the
30/3/06*

केन्द्रीय अधिकारी बिल अधिकारी
Central Admin. Officer, Admin. Officer
30-3-06.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
GUWAHATI BENCH GUWAHATI.

(An Application Under Section 19 Of The Administrative Tribunals Act 1985)

ORIGINAL APPLICATION NO. 78 OF 2006

BETWEEN

Shri Sonabar Das & Others

...Applicants

-Versus-

The Union of India & Others

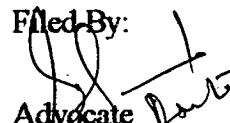
...Respondents

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Date:

Filed By:


Advocate 

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
GUWAHATI BENCH :::::: GUWAHATI.
(An Application Under Section 19 Of The Administrative Tribunals Act 1985)

ORIGINAL APPLICATION NO. 78 OF 2006

BETWEEN

Shri Sonabar Das & Others

...Applicants

-Versus-

The Union of India & Others

...Respondents

LIST OF DATES AND SYNOPSIS:

27-09-2001 Interview letters were issued to the Applicant for engagement to the posts of Skilled Labour under the Respondent No.4. The Applicants name were sponsored by the Local Employment Exchange.

06-12-2001 Applicants were appeared for Interview and appointed as Skilled Labour since 14-12-2004 and their engagement was to be expired on 31st March 2002.

2003 The Applicants filed an Original Application No.236 of 2003 before this Hon'ble Tribunal for regularization of their service and for grant of appropriate pay scale.

18-11-2003 The Hon'ble Tribunal passed an Interim Order in O.A.No.236 of 2003.

29-09-2004 The O.A.No.236 of 2003 was withdrawn by the Applicants the Hon'ble Tribunal granted the liberty to the Applicants to file representation before the Respondents.

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29-11-2004 The Applicants filed another O.A.No.308 of 2004 before this Hon'ble Tribunal for regularization of their service and for grant of appropriate pay scale. The Hon'ble Tribunal also granted Interim Stay in this O.A.

22-08-2005 The Hon'ble Tribunal finally heard the matter and was pleased to direct the Respondents to consider the Representation of the Applicants. The Hon'ble Tribunal further stated Interim Order passed on 29-11-2004 will continue to be in force till order are passed on the Representation as directed.

19-12-2005 The Respondents issued the Impugned the Order of rejection of the representation filed by the Applicants.

Being aggrieved by this the Applicants filed this Original Applications.

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:..... GUWAHATI.**

(An Application Under Section 19 of The Administrative Tribunals Act, 1985)

ORIGINAL APPLICATION NO. 78 OF 2006.

BETWEEN

- 1) Shri Sonabar Das
S/o Bipin Chandra Das
Vill. & P.O.-Azara, (Kootpara)
District-Kamrup,
- 2) Shri Kan Das,
C/o Shri Hiren Das
Kahikuchi,
P.O.-Azara,
District-Kamrup (Assam)
Pin-781017.
- 3) Md. Farid Ali,
S/o Md. Khariat Ali,
Vill.-Lower Mizapur,
P.O.-Azara,
District-Kamrup, Assam,
Pin-781017.
- 4) Shri Jiten Chandra Das,
Vill. - Matia,
P.O.-Azara,
Dist.-Kamrup,
Guwahati-17.
- 5) Md. Nizam Ali,
Vill. & P.O.-Azara,
District - Kamrup, Guwahati-17.
- 6) Shri Bishnu Ram Medhi,
Vill. & P.O.-Azara,
District-Kamrup,
Guwahati-17.
- 7) Shri Nagendra Medhi,
Vill. & P.O.-Azara,
District-Kamrup,
Guwahati-17.
- 8) Shri Bipul Baruah,
Vill. & P.O.-Azara,



District-Kamrup,
Guwahati-17.

9) Shri Shushil Kalita,
Vill. & P.O.-Azara (Kalitapara)
District-Kamrup,
Guwahati-17.

10) Shri Tuku Baishya,
Vill. & P.O.-Azara,
District-Kamrup,
Guwahati-17.

11) Shri Tapan Baishya,
Vill. & P.O.-Azara,
District-Kamrup,
Guwahati-17.

12) Shri Ranjit Ch. Das,
S/o Late Keshab Ch. Das,
Vill.- Mirzapur, (Medhipara)
P.O.-Azara,
District-Kamrup,
Guwahati-17.

13) Shri Bijoy Ch. Das,
C/o Chandradhar Das,
Village-Mirzapur,
P.O.-Azara,
District - Kamrup,
Guwahati-17.

14) Shri Diganta Medhi
Vill. & P.O.-Azara, (Medhipara)
District-Kamrup,
Guwahati-17.

...Applicants

- VERSUS -

1. The Union of India represented by the Secretary to the Government of India, Ministry of Agriculture, New Delhi.

2. The Director General, Indian Council of Agricultural Research Krishi Bhawan, New Delhi.



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3. The Director,
 Central Plantation Crops
 Research, Institute Indian
 Council of Agricultural
 Research, Kasaragod-671124,
 Kerala.

4. The Co-Principal Investigator,
 Mini Mission-1,
 Central Plantation Crops
 Research Institute, (RC) (Indian
 Council of Agricultural
 Research) Kahikuchi, Guhati-
 781017.

... Respondents

DETAILS OF THE APPLICATION

1. PARTICULARS OF THE ORDER AGAINST WHICH THE APPLICATION IS MADE :

This application is made against the Office Order F. No. 308/2004-Confl. dated 19.12.2005, by which the representation of the applicants was rejected by the Respondents for granting them temporary status and subsequent regularization in group 'D' post.

2. JURISDICTION OF THE TRIBUNAL:

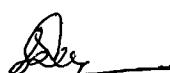
The applicants declare that the subject matter of the instant application is within the jurisdiction of this Hon'ble Tribunal.

3. LIMITATION:

The Applicants further declare that the subject matter of the instant application is within the limitation period prescribed under Section 21 of the Administrative Tribunals Act, 1985.

4. FACTS OF THE CASE :

Facts of the case, in brief, are given below :



4.1) That the Applicants are citizen of India and as such they are entitled to all the rights and privileges guaranteed under the Constitution of India.

4.2) That your Applicants beg to state that they are all Local Unemployed Educated Youth. The Applicant No.1, 2, 4, 6, 11, 12 and 13 are belongs to Schedule Caste and other backward Community.

4.3) That your Applicants beg to state that as the grievances and relief prayed in this application are common, therefore, they pray for grant of permission under Section 4(5)(a) of the Central Administrative Tribunal (Procedure) Rules, 1987 to move this application jointly.

4.4) That your Applicants beg to state that the Respondent No. 4 vide his Memorandum No. F No. - 1(39)/2001 - Esstt dated 27.09.2001 call the Applicants for their interview for temporary post of Skill Labour under the Respondent No. 4 at the consolidated pay amount of Rs.1500/- (Rupees One Thousand Five Hundred) only p.m. under Mini Mission-1. The Applicants names were sponsored by the Employment Officer, Employment Exchange, Guwahati-3. Accordingly, they appeared in the said interview and appointed as Skilled Labour by the Respondents vide Office Memorandum F No. 1(39)/2001-Estt. dated 06.12.2001. The offer of engagement made by the Respondents expired on 31st March 2002 and after that the Respondents without renewing the said offer of engagement, engaging the Applicants continuously without any notice. As the Respondents have not terminated services of the Applicants on 31st March 2002, the Applicants also presuming that their engagement will be regularized by the Respondents and they did not tried for any other jobs. After that all the Applicants became over aged for Government, Semi Government or Private jobs. The Respondents have also assured verbally to the Applicants in due course of time their service will



be regularized, but after working for continuously for years together the Respondents did not take any steps for grant of temporary status to the Applicants and also regularize in their services. The Applicants are still working under the Respondents since 14-12-2001 continuously vide Office Order F No. 1(39)/2001-Esstt. Dated 07.02.2002.

Annexures - A to A1 are the photocopies of some of the Office Memorandum No. F No.-1(39) / 2001-Esstt. Dated 27-09-2001.

Annexure-B to B1 are the photocopies of some of Office Memorandum F No.1(39)/2001-Esstt. Dated 06-12-2001.

Annexure-C is the photocopy of the Office Memorandums F No.1(39)/2001-Esstt. Dated 07-02-2002.

4.5) That your Applicants beg to state that being aggrieved by the said inaction of the Respondents for non-regularization and non-payment of equal pay for equal work they have approached this Hon'ble Tribunal by filing Original Application No.236 of 2003. The Hon'ble Tribunal admitted the said Original Application and was pleased to pass an interim order by protecting the interest of the Applicants. The said case came up for hearing on 29.09.2004. During the course of hearing, the Applicants sought permission from the Hon'ble Tribunal to withdraw the said Original Application No. 236 of 2003 to enable them to file representation before the Respondents for regularization of their service. The Hon'ble Tribunal granted the permission. Accordingly the said case was dismissed on withdrawn. After that the Applicants immediately filed a Representation before the Respondents praying for regularization of their service and also for payment of appropriate pay scale of Skilled Labour. They also prayed in their Representation that the Respondents may pass an appropriate order within a reasonable time preferably within two



months. But the Respondents did not dispose the said representation of the Applicants in time. Being aggrieved by this the applicants filed another Original Application No.308 of 2004 before this Hon'ble Tribunal for seeking justice in this matter. The Hon'ble Tribunal on 29.11.2004 granted status quo regarding service of the applicant. This Tribunal heard the said Original Application No.308 of 2004 on 22.08.2005 and was pleased to dispose the said Original Application by directing the Respondent No. 3, i.e. the Director, Central Plantation Crop Research Institute, Indian Council of Agricultural Research, Kasaragod, Kerala to consider the representation submitted by the applicants and to pass appropriate orders in accordance with law and the relevant government orders within a period of four months from the date of receipt of the order. The interim order passed on 29.11.2004 will continue in force till the orders are passed on the representation as directed.

Annexure - D is the photocopy of the order dated 18.11.2003 passed in O.A. No. 236 of 2003.

Annexure - E is the photocopy of the order dated 29.11.2004 passed in O.A. No. 308 of 2004.

Annexure - F is the photocopy of representation filed by the Applicants before the Respondents.

Annexure - G is the photocopy of order dated 22.08.2005 passed in Original Application No.308 of 2004 passed by this Hon'ble Tribunal.

4.6) That your applicants beg to state that the Respondent No. 3 vide its Office Order F. No.308/2004-Confl. dated 19.12.2005 disposed the representation of the applicants by giving some flimsy grounds and rejected the demand of the applicants for their regularization in service with pay scale etc. Most interestingly the Respondents in their rejection office order dated 19.12.2005 deliberately and intentionally avoided in giving authentic and



proper reply about the granting temporary status and subsequent regularization of the applicants in a Group 'D' posts. Hence finding no other alternative the applicants are again compelled to approach this Hon'ble Tribunal for seeking justice in this matter.

Annexure - H is the photocopy of Office Order F.No.308/2004-Confl. dated 19.12.2005

4.7) That your applicants beg to state that they were appointed through procedures and rules. Their names were sponsored by the Employment Officer, District Employment Exchange, Guwahati – 3 and they appeared in the interview before the Respondents. The respondents have engaged them as Skilled Labour under them till 31st March 2002. But the respondents without renewing the said engagement, they are engaged them continuously. They are also working like regular group 'D' staff. Now at this stage, the respondents cannot reject the claim of the applicants whimsically and arbitrarily. It is also part of the respondents to give warning or notice to the applicants after 31st March 2002 that their services will be terminated at any moment. The applicants on presumption that the respondents will grant temporary status to them and their services will be regularized in due course of time, as such, they did not go for other jobs and they are now already been over aged for other jobs. It is also pertinent to mention here that the applicants filed an Original Application No. 53 of 2006 before this Hon'ble Tribunal for seeking appropriate daily wages as Skilled Labour as fixed by the Government of India since they are working under the Respondents in a very low fixed pay of Rs. 15,00/-. After getting notice of the O.A. No. 53 of 2006 the respondents are now in a process to discontinue the services of the applicants. Hence, the applicants have filed this instant original application before this Hon'ble Tribunal for grant of temporary status and also to protect the interest of the applicants by passing an appropriate interim order not to terminate the

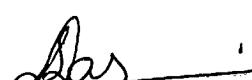


services of the applicants till the disposal of the original application.

4.8) That your Applicants beg to state that they are entrusted with the work of Agricultural Skilled Labour Field Duty. The Applicants are looking after 90 (Ninety) Bighas Agricultural Land under Central Plantation Crops Research Institute, Research Center Kahikuchi Azara, Guwahti-17. The said Agriculture Land Cultivated Coconut trees, Betel-nut trees, Cashew-nut trees, Peppers and verities of Vegetables etc. The said food and vegetables products are use for research work and also for selling it to the local public by the Respondents. Apart from normal work of Agriculture Skilled Labour the Applicants are also entrusted to work as Day and Night Watch and Ward duty at Central Plantation Crops Research Institution (RC) Kahikuchi, Guwahati-17.

Annexure-I and II are the photocopies of some of Roster Duties of Applicants for Day and Night Watch and Ward Duty.

4.9) That your Applicant begs to state that they have acquired legal right for temporary status and regularization in the Group 'D' posts. In the instant case the Applicants are subjected to hostile discrimination. India is a socialist republic; it implies the existence of certain important obligations, which the state has to discharge. The right to work, the right of every one to just and favourable remuneration assuring a decent living for himself and his family, the right of every one without discrimination of any kind to equal pay for equal work, the right of rest, leisure, reasonable limitation of working hours and periodic holidays with pay, the right to security of works are some of the rights which have to be ensured by appropriate Legislative and Executive measure.



3
 4.10) That your Applicants beg to state that the Hon'ble Supreme Court in Daily rated casual labour employed P & T. Department through Bharatiya DAK TAR MAZDOOR MANCH -Vs- Union of India and another (1988 (1) S.C.C. 122) held that Government cannot take advantage of its dominant position and further held that Daily rated casual labourers are entitled to minimum pay in the pay scale of the regular workers plus D.A. but without increment and further directed to prepare a scheme for absorbing the casual labourers on rational basis who rendered one year casual service in the posts and telegraph Departments. Similar direction for regularization of services of casual labourers passed by the Hon'ble Supreme Court in the case of Dhirendra Chamoli and others -Vs- State of U.P. (1986 (1) S.C.C.637) wherein it is held as follows: -

“But we hope and trust that posts will be sanctioned by the Central Government in the different Nehru Yuvok Kendra, so that these persons can be regularized. It is not at all desirable that any Management and particularly the Central Government should continue to employ persons on Casual basis in organizations, which have been in existence over 12 years. The salary and allowance of Class-IV employed in Nehru Yuvok Kendra with effect from the date when they were respectively employed. The Government of India will pay to the petitioner costs of the Writ Petition fixed at lump sum of Rs.1000/-.”

The Hon'ble Supreme Court passed similar direction in the cases of Surinder Singh & another -Versus- Engineer-in-Chief, C.P.W.D. & OTHERS (1986 (1) S.C.C. 639) and also in the case of U.P. Income Tax Department contingents paid Staff Welfare Association -Vs- Union of India & Others, the Hon'ble Supreme Court directed as follows: -



32

“We accordingly allow this Writ Petition and direct the Respondents to pay wages to the workmen who are employed as the contingent paid staff of the Income Tax Department throughout India, doing the work of Class IV employees at the rates equivalent to the Minimum pay in the pay scale of the regularly employed workers in the corresponding cadres without any increments with effect December 1, 1986, such workers are also entitled to corresponding Dearness allowance and additional dearness allowance payable thereon. Whatever other benefits, which are now being employed by the said workmen, shall continue to be extended to them. We further direct the Respondents to prepare a scheme on a rational basis for absorbing as far as possible the contingent who have been continuously working in the Income Tax Department.”

In view of the aforesaid position and law laid down by the Hon'ble Supreme Court the Applicants are entitled for temporary status and regularization.

4.11) That your Applicants beg to state that the jobs of the Applicants are permanent in nature and the Respondents need the works of the Applicants for smooth running of the Central Plantation Corps Research Institute, Kahikuchi, Guwahati. The Applicants being local unemployed youth, as such they should be given priority by the Respondents to engage them in a permanent manner. There are many Group-D posts are lying vacant under the Respondents. Recently in the year of 1999, 2002 and 2003 namely Sri Biman Das, Sri Purna Das and Sri Upen Ch. Das were retired from their service as Group-D staff under the Respondents. Apart from this also one Sri Jamir Ali, Sri Puna Ram Das and many other permanent Group-D staff will also retire from service in the year 2006. In the said posts the Applicants can be absorbed by the Respondents.



4.12) That your Applicants beg to state that they are being a poor persons and they are working under the Respondents very sincerely without any blemish in their services. They have already completed more than continuous five year services as Skilled Labour under the Respondents. As such they are entitled for grant of temporary status and regularization in their services as per Government of India's various orders and also as per different judgment & orders passed by the Hon'ble Courts. Hence, the Hon'ble Tribunal may be pleased to protect the interest of the Applicants by issuing a direction to the Respondents as Interim measure, not to terminate the service of the applicants till final disposal of this Original Application.

4.13) That your Applicants beg to state that the action of the Respondents is illegal, mala fide with a motive behind.

4.14) That your Applicants beg to state that the Respondents have violated the fundamental rights of the Applicant.

4.15) That your Applicants beg to state that the Respondents have acted in an arbitrary manner by depriving the Applicants for not giving them temporary status and also not regularizing their services.

4.16) That this application is filed bona fide and for the interest of justice.

5) GROUNDS FOR RELIEF WITH LEGAL PROVISION:

5.1) For that, due to the above reasons narrated in detail the action of the Respondents is in *prima facie* illegal, malafide, arbitrary and without jurisdiction. As such the rejection of the Applicants representation by the Respondent No.3 vide Office Order F. No. 308/2004-Confl. dated 19.12.2005 is liable to be set aside and quashed.



5.2) For that, the actions of the Respondents are mala fide and illegal and with a motive and with a motive behind. As such the rejection of the Applicants representation by the Respondent No.3 vide Office Order F. No. 308/2004-Confl. dated 19.12.2005 is liable to be set aside and quashed.

5.3) For that, the Applicants having worked for a period of five years continuously, i.e., from 2001 to till date, they are entitled for grant of temporary status and also for regularization in their posts with regular pay scale with retrospective effect. As such the rejection of the Applicants representation by the Respondent No.3 vide Office Order F. No. 308/2004-Confl. dated 19.12.2005 is liable to be set aside and quashed.

5.4) For that, the Applicants have been engaged by the Respondents with proper procedure and rules, they were sponsored by the local employment exchange. The appointment of the Applicants is not a back door policy. As such the rejection of the Applicants representation by the Respondent No.3 vide Office Order F. No. 308/2004-Confl. dated 19.12.2005 is liable to be set aside and quashed.

5.5) For that, the Applicants have become over aged for other employment. As such the rejection of the Applicants representation by the Respondent No.3 vide Office Order F. No. 308/2004-Confl. dated 19.12.2005 is liable to be set aside and quashed.

5.6) For that, they gathered experience of different works in this establishment. As such the rejection of the Applicants representation by the Respondent No.3 vide Office Order F. No. 308/2004-Confl. dated 19.12.2005 is liable to be set aside and quashed.



5.7) For that, the nature of work entrusted to the Applicants are of permanent nature and therefore they are entitled to be regularized. As such the rejection of the Applicants representation by the Respondent No.3 vide Office Order F. No. 308/2004-Confl. dated 19.12.2005 is liable to be set aside and quashed.

5.8) For that, the Applicant has got no alternative means of livelihood. As such the rejection of the Applicants representation by the Respondent No.3 vide Office Order F. No. 308/2004-Confl. dated 19.12.2005 is liable to be set aside and quashed.

5.9) For that, the Central Government being a model employer cannot be allowed to adopt a different treatment for granting temporary status to the Applicants. As such the rejection of the Applicants representation by the Respondent No.3 vide Office Order F. No. 308/2004-Confl. dated 19.12.2005 is liable to be set aside and quashed.

5.10) For that, the Respondents have violated the Article 14,16 & 21 of the Constitution of India.

The Applicants crave leave of this Hon'ble Tribunal advance further grounds the time of hearing of this instant application.

6) DETAILS OF REMEDIES EXHAUSTED:

That there is no other alternative and efficacious and remedy available to the Applicants except the invoking the jurisdiction of this Hon'ble Tribunal under Section 19 of the Administrative Tribunal Act, 1985.

7) MATTERS NOT PREVIOUSLY FILED OR PENDING IN ANY OTHER COURT:



That the Applicants further declares that he has not filed any application, writ petition or suit in respect of the subject matter of the instant application before any other court, authority, nor any such application, Writ Petition or suit is pending before any of them.

8) RELIEF SOUGHT FOR:

Under the facts and circumstances stated above the Applicants most respectfully prayed that Your Lordship may be pleased to admit this application, call for the records of the case, issue notices to the Respondents as to why the relief and relieves sought for the Applicants may not be granted and after hearing the parties may be pleased to direct the Respondents to give the following relieves.

- 8.1) That the Hon'ble Tribunal may be pleased to direct the Respondents to set aside and quashed the impugned Office Order F. No. 308/2004-Confl. dated 19.12.2005 issued by the Respondent No.3.
- 8.2) That the Hon'ble Tribunal may be pleased to direct the Respondents to grant temporary status to the applicants and also to regularize them in any Group "D" posts which were lying vacant under the Respondents.
- 8.3) To Pass any other relief or relieves to which the Applicant may be entitled and as may be deem fit and proper by the Hon'ble Tribunal.
- 8.4) To pay the cost of the application.

9) INTERIM ORDER PRAYED FOR:



Pending final decision of this application the Applicant seeks issue of the interim order from the Hon'ble Tribunal:

9.1) That the Hon'ble Tribunal may be pleased to direct the Respondents not to terminate the services of the Applicants till the disposal of this Original Application.

10) Application is filed through Advocate.

11) **Particulars of I.P.O.:**

I.P.O. No. : 26G - 319314
Date of Issue : 7-3-06
Issued from : G.P.O.
Payable at : Guntakal

12) **LIST OF ENCLOSURES:**

As stated above.

Verification . . .



VERIFICATION

I, Shri Sonabar Das, Son of Bipin Chandra Das, Vill. P.O.-Azara, (Kootpara), District-Kamrup, Guwahati-17 I am the Applicant No.1 of the instant application and as such I am authorized by other Applicants to sign this Verification and do hereby solemnly verify the statements made in accompanying application and in paragraph nos.

4.1 to 4.3, 4.7, 4.9 to 4.12 are true to my knowledge, those made in paragraph 4.4, 4.5, 4.6, 4.8, 4.10 — nos. are being matters of records are true to my information derived there from which I believe to be true and those made in paragraph 5 are true to my legal advice and rests are my humble submissions before this Hon'ble Tribunal. I have not suppressed any material facts.

And I sign this Verification on this the 30th day of March
2006 at Guwahati.

Sonabar Das

17 - ~~10~~

ANNEXURE - A
17-09-2001

31

CENTRAL PLANTATION CROPS RESEARCH INSTITUTE
(*Indian Council of Agricultural Research*)
Research Centre, Kahikuchi-781 017, Guwahati, Assam

F.No. 1(39)/2001-Estt.

Dated 27 09 2001

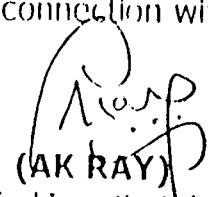
MEMORANDUM

Shri Kan Das whose name has been sponsored by the Employment Officer, Employment Exchange, Pub-Sarania Mandap Road, Chandmari, Guwahati-3 for a temporary post of 'Skilled Labour' (for the period upto 31-03-2002) at a consolidated amount of Rs. 1500/-pm under an adhoc scheme entitled to "Mini Mission I" is hereby directed to present himself for an Interview at "CPCRI" Research Centre, Kahikuchi, Guwahati-17 on 11-10-2001(THURSDAY) at 10.00 am

He should bring with him the following documents in original

- I) Certificate in proof of date of birth and educational qualifications.
- II) Certificate in proof of experience, if any
- III) Caste certificate issued by the competent authority (for SC, ST, OBC candidates)

No TA or other allowances will be paid for the journey in connection with the interview.


(AK RAY)

Co-Principal Investigator
Mini Mission I

To

Sri Kan Das

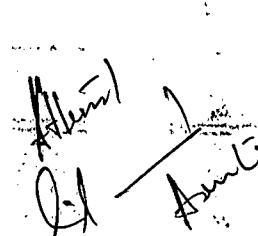
C/o. Hiren Das

Kahikuchi, PO: Azara

Kamrup

The CPCRI, Kahikuchi Institute is about 22 km away from Guwahati Railway Station and on the NH 17 towards Guwahati Airport. (Opposite to Kendriya Vidyalaya, Azara) Form Gate (Bus stoppage)

by



18
~~SECRET~~
~~SECRET~~
~~SECRET~~

ANNEXURE - A

CENTRAL PLANTATION CROPS RESEARCH INSTITUTE
(*Indian Council of Agricultural Research*)
RESEARCH CENTRE, KATHKUCHI-781017, ASSAM

F.No. 1(39)/2001-Estt.

Date: 06.12.2001

MEMORANDUM

The undersigned is pleased to offer a temporary assignment of "Skilled Labour" under the ad-hoc time bound Scheme entitled "Technology Mission for Integrated development of horticulture in North Eastern States Including Sikkim(MINI-MISSION-I)" to Smt. Kan Das on the following terms and conditions:-

- 01 The offer is purely on temporary basis for a period upto 31st March, 2002 from the date of his/her joining the post and are liable to be terminated on completion of the term of engagement or on the date, the sanction of the scheme expires, whichever is earlier.
- 02 He/She will be paid a fixed fellowship of Rs.1,500/- pm without any allowances.
- 03 Grant of traveling allowances for journeys if required to be undertaken for the work connected with the Scheme will be regulated by the relevant rules in force at this Institute.
- 04 The assignment shall be terminated without notice at any time, if he/she is found to be negligent in his /her work or is guilty of unbecoming conduct.
- 05 If he/she leaves his/ her assignment without permission of the Co-Principal Investigator of the scheme, he/she will not be paid any amount due to him/her by the Institute.
- 06 He/She will be under the administrative / Technical control of the Co-Principal Investigator of the Scheme.
- 07 He/She should devote his/her whole time to the assignment given to him/her, and he/she will not be allowed to accept nor hold another appointment during the term of assignment.
- 08 He/She will not be entitled to any other benefits as are applicable to regular ICAR employees.
- 09 He/She should give an undertaking in the attached proforma to the effect that patent rights in respect of the discoveries and Inventions that he/she may make and the technical and engineering know-how of processes that he/she may develop during the course of his/her assignments with the ICAR shall vest with the ICAR.

*After
Date
Amul*

19

10 The ICAR/ CPCRI will have no responsibility for his/her absorption in the Institute against regular posts, after his/her termination from the ad-hoc Scheme. An agreement to this effect in the prescribed form is to be executed by him/her before taking up the assignment.

In case Sir Kiran Das accepts the above terms and conditions of assignment he/she should communicate his/her acceptance to the undersigned immediately and report for duty **on or before 26th December, 2001**, failing which this offer will stand withdrawn/ cancelled automatically and no further correspondence in this regard will be entertained.


(Co-Principal Investigator)
Mini Mission I

To

✓ Shri. K. Das

C/o Kiran Das

Kashikarai, PO. Azaria

Is anyone else involved

Copy to:

- 01 The Director, CPCRI, Kasaragod
- 02 The Principal Investigator, Mini Mission I, NRC for Orchids, Pakyang-737 106 (Sikkim)

tej*

W. 1

W. 2

W. 3

A. H. S.
Ch. S. S.

20
ANNEXURE - B

CENTRAL PLANTATION CROPS RESEARCH INSTITUTE
(Indian Council of Agricultural Research)
RESEARCH CENTRE, KATHKUCHI-781017, ASSAM

F.No. 1(39)/2001-Estt.

Date: 06-12-2001

MEMORANDUM

The undersigned is pleased to offer a temporary assignment of "Skilled Labour" under the ad-hoc time bound Scheme entitled "Technology Mission for Integrated development of horticulture in North Eastern States including Sikkim(MINI-MISSION-I)" to Subrata Chandra Das on the following terms and conditions:-

- 01 The offer is purely on temporary basis for a period upto 31st March, 2002 from the date of his/her joining the post and are liable to be terminated on completion of the term of engagement or on the date, the sanction of the scheme expires, whichever is earlier.
- 02 He/She will be paid a fixed fellowship of Rs.1,500/- pm without any allowances.
- 03 Grant of travelling allowances for journeys if required to be undertaken for the work connected with the Scheme will be regulated by the relevant rules in force at this Institute.
- 04 The assignment shall be terminated without notice at any time, if he/she is found to be negligent in his/her work or is guilty of unbecoming conduct.
- 05 If he/she leaves his/her assignment without permission of the Co-Principal Investigator of the scheme, he/she will not be paid any amount due to him/her by the Institute.
- 06 He/She will be under the administrative / Technical control of the Co-Principal Investigator of the Scheme.
- 07 He/She should devote his/her whole time to the assignment given to him/her, and he/she will not be allowed to accept nor hold another appointment during the term of assignment.
- 08 He/She will not be entitled to any other benefits as are applicable to regular ICAR employees.
- 09 He/She should give an undertaking in the attached proforma to the effect that patent rights in respect of the discoveries and inventions that he/she may make and the technical and engineering know-how of processes that he/she may develop during the course of his/her assignments with the ICAR shall vest with the ICAR.

Attn:
Jit
Kaur

21
W

12.1.

10 The ICAIR/ CPCRI will have no responsibility for his/her absorption in the Institute against regular posts, after his/her termination from the ad-hoc Scheme. An agreement to this effect in the prescribed form is to be executed by him/her before taking up the assignment.

In case Sri Ramji Chandras accepts the above terms and conditions of assignment he/she should communicate his/her acceptance to the undersigned immediately and report for duty on or before 26th December, 2001 failing which this offer will stand withdrawn/ cancelled automatically and no further correspondence in this regard will be entertained.


(Co-Principal Investigator)
Mini Mission I

To:

Ramji Chandras
Mr. Director CPCRI (Kasaragod)
Mr. Principal Investigator
Orchid Conservation Project - 17

Copy to:

01 The Director, CPCRI, Kasaragod
02 The Principal Investigator, Mini Mission I, NRC for Orchids, Pakyong-737 106 (Sikkim)

tej

Abesal
file

Grams: 'RESEARCH' Guwahati-781
Fax : 0361-841785

Phone : 0361 - 840251



CENTRAL PLANTATION CROPS RESEARCH INSTITUTE
(*Indian Council of Agricultural Research*)
Research Centre, Kohlukuchi-781 017, Guwahati, Assam



F.No.1(39)-2001-Estt.

Date : 07-02-2002

OFFICE ORDER

The Under signed is pleased to assign the temporary post of Skilled Labour to the following persons under the project entitled "Technology Mission for Integrated division of Horticulture In North Eastern States Including Sikkim (Minl Mission I)" at CPCRI, Research Centre, Kohlukuchi on a consolidated pay of Rs. 1,500.00 pm with effect from the dates mentioned against each, on the terms and conditions stipulated in this Office Memorandum of even No. dated 06-12-2001, and accepted by them.

Sl.No	Name	Date of Joining
01	Mr. Farid Ali	14-12-2001 (FN)
02	Mr. Tuku Borthiyo	14-12-2001 (FN)
03	Mr Ranjith Ch. Das	14-12-2001 (FN)
04	Mr. Kan Das	14-12-2001 (FN)
05	Mr. Biju Ch. Das	14-12-2001 (FN)
06	Mr. Bipul Baruah	14-12-2001 (FN)
07	Mr. Sonabar Ch. Das	14-12-2001 (FN)
08	Mr. Nagendra Medhi	14-12-2001 (FN)
09	Mr. Dilyendra Medhi	14-12-2001 (FN)
10	Mr. Surjil Kollbari	14-12-2001 (FN)
11	Mr. Brijendra Sonowal	14-12-2001 (FN)
12	Mr. Bishnu Ram Medhi	14-12-2001 (FN)
13	Mr. Topan Borthiyo	14-12-2001 (FN)
14	Mr. Nizam Ali	14-12-2001 (FN)
15	Mr. Jitendra Ch. Das	24-12-2001 (FN)

Their assignment is for a period upto 31-3-2002 or till the expiry of the sanction of the scheme whichever is earlier and their services shall be terminated on that date without further notice.

NK Ray
Co-Principal Investigator

Copy to:

- 01 The individuals concerned by name
- 02 The Director, CPCRI, Kohlukuchi
- 03 The Dr. Investigator, Minl Mission I, NRC for Orchid, Pobitora, 737 106 (ASSAM)
- 04 The S. In. & Accts. Officer, CPCRI, Kohlukuchi
- 05 The Drawing & Disbursing Officer, CPCRI, RC, Kohlukuchi

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FROM No. 423
(SEE RULE 42)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:

ANNEXURE - D

ORDER SHEET

Original Application No: 236/03

Misc. Petition No:

Contempt Petition No:

Review Application No:

Applicants: - S. Das v. ons

Respondents: - Mot 2.03

Advocate for the Applicants: - Mr. Asil Ahmed

Advocate for the Respondents: - Case.

Notes of the Registry Date: 18.11.2003 Order of the Tribunal

18.11.2003 present: The Hon'ble Smt. Lakshmi Swaminathan, Vice-Chairman
The Hon'ble Shri S.K.Naik
Administrative Member.



Mr. S. Math, learned counsel on behalf of Mr. A. Ahmed, learned counsel for the applicant.

Mr. A. Deb Roy, learned Sr.C.O.S.C. on behalf of Mr. B.C. Pathak, learned Addl.C.O.S.C.

Mr. A. Deb Roy, learned Sr.C.O.S.C. seeks on behalf of Mr. B.C. Pathak, learned Addl.C.O.S.C. and is allowed four weeks time to file reply. Two weeks time is allowed to the applicant thereafter for filing of rejoinder.

List the case on 13.1.2004 for further orders. Interim orders shall continue until further orders.

Copy for information and necessary action to VICE CHAIRMAN
SD/ MEMOIR (A) 18.11.2003

(1) Mr. A. Ahmed, Advocate, CAT, C.Hy-5.

(2) Mr. A. Deb Roy, Sr. C.O.S.C, CAT, C.Hy-5.

Central Administrative Tribunal
and its offices
located at Guwahati, Assam
प्राक्षिपिक न्यायालय, गुवाहाटी

Attn
J. J. J.

FORM NO. 4
(SEE RULE 12)
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

ANNEXURE - E

ORDER SHEET

308/64

Org. App. / Misc Petn / Cont. Petn / Rev. App. . . .

In O.A.

Name of the applicant(s) ... Sonibar Das ... 1045 ...

Name of the Respondent(s) h. o. f. 908.....

Name of the Respondent(s)..... A. Ahmed.....

~~Advocates for the Appellant~~

counsel for the Railway/COSC.....

OFFICE NOTE DATE ORDER OF THE TRIBUNAL

29-12-2001

DATE

ORDER OF THE TRIBUNAL

29.11.2004

Heard Mr. A. Ahmed, learned counsel for the applicants as well as Mr. A. K. Chaudhuri, learned Addl. C. C. S. C. for the respondents.

O.A. is admitted, call for the records, returnable within four weeks.

1. Status quo as on today regarding the service of the applicants shall be maintained till 7.1.2005.

List on 7.1.2005 for orders.

In the meantime, respondents may dispose of the representations of the applicants taking a sympathetic view considering the ~~unfortunate~~ poor background of the applicants.

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Attachment - 15

U.K.

The Director,
Central Plantation Crops Research
Institute Indian Council of Agricultural Research,
Kasurugod-671124, Kerala.

Sub:- Prayer for Grant of Temporary Status & Regularisation of the service of the Petitioners and also for payment of Appropriate pay scale of Skilled Labour w.e.f. the date of our joining in the said post.

Sir,

Most respectfully and humbly we beg to state the following few lines for your sympathetic and early consideration of our genuine grievances.

- 1) That we undersigned are all local unemployed educated & economically most backward youth. The undersigned Petitioners namely Shri Sonabar Das, Shri Kan Das, Shri Jatin Chandru Das, Shri Bishnu Ram Medhi, Shri Tuku Baishya, Shri Tapan Baishya and Shri Ranjit Chandru Das are belongs to Schedule Caste and Other Backward Community and rest of the Petitioners belongs to General Caste.
- 2) That the Director, Central Plantation Crops Research (RC) Institute (Indian Council of Agricultural Research), Kahikuchi, Guwahati-781017, Assam vide his Memorandum No.F No.-1(39)/2001-Esstt dated 27-09-2001 called the Petitioners for the interview to the post of Skilled Labour Temporary under the Office of the Co-Principal Investigator, Mini Mission-1, Central Plantation Crops Research Institute (RC), (Indian Council of Agricultural Research), Kahikuchi, Guwahati-781017, Assam at the consolidated pay of Rs.1500/- (Rupees Fifteen Hundred) only per month under Mini Mission-1. The Employment Officer, Employment Exchange, Guwahati-3, sponsored our names. Accordingly we appeared in the said interview and we were selected and appointed as Skilled Labour by the Respondents vide Office Memorandum No.F No.1 (39)/2001-Esstt. Dated 06-12-2001. Now we are still working since 14-12-2001 vide Office Order F No.1 (39)/2001-Esstt. Dated 07-02-2001. It is a fact that offer of Appointment is made for a period up to 31st March 2002 from the date of joining of the post and liable to terminate on completion of the term of engagement or on the date of sanction of Scheme expired. But till now our engagement are going on. Moreover the work and nature of our duty are permanent in nature. We are looking after 90 (Ninety) Bighas of Agricultural land under the Central Plantation Crops Research Institute (RC), (Indian Council of Agricultural Research), Kahikuchi, Guwahati-781017, Assam. The

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said Agricultural Land cultivated Coconut trees, Betal-Nut trees, Cashew trees, Peppers and verities of Vegetables etc. The said food and Vegetables products are use for research work and also for selling it to the local people by the Office Authority. Apart from normal work of Skilled Labour we are also entrusted to work as day & night watch and ward duty at Central Plantation Crops Research Institute (RC), (Indian Council of Agricultural Research), Kahikuchi, Guwahati-781017, Assam.

3) That the offer of engagement of us made by the Competent Authority expires on 31st March 2002. But the Authority without renewing the said offer of engagement, engaging us continuously without any notice or renewal of our appointment. We are on presuming that the Concerned Authority will regularize our engagement because the Authority has not terminated our service on 31st March 2002. As such we have not tried any other job. Now we are over aged for Government or Semi-Government and Private jobs. Moreover we are also deprived from legitimate pay scale of Skilled Labour and we are working in a very very low pay scale of Rs.1500/- (Fifteen Hundred) only, which is contrary to the pay scale fixed by the Government of India for the Skilled Labour.

4) That in the year 2003 i.e. after about two years continuous service we have filed an Original Application No.236 of 2003 before the Hon'ble Central Administrative Tribunal, Guwahati Bench, Guwahati for regularization our service and also to release the regular appropriate pay scale of Skilled Labour w.e.f. date of joining. The Hon'ble Central Administrative Tribunal, Guwahati Bench, Guwahati admitted the said Original Application and granted interim stay of not to terminate our service by the Competent Authority. The case was finally fixed for hearing on 29-09-2004. The learned counsel for us seeks to withdraw the said Original Application No.236 of 2003 in order to file a Representation for regularization of service of the Applicant before the Appropriate Authority. Accordingly we have filed this Representation before you for taking necessary steps & actions for regularization and absorption of us in any Offices under you in the Group-D posts.

5) That we have already served for a considerable long period under this Office and are now over aged for any Government, Semi Government and Private jobs. We have acquired a legal right for granting temporary status and regularization of our above said posts. We have been deprived from regular service benefits, pay scale, Dearness Allowances and even minimum pay scale are not granted to us. The Competent Authority have deprived us the minimum wages for Skilled Labours as fixed by the Ministry of Labour, Government of India. We were selected and appointed by the Competent Authority through regular interview and selection process. We are being

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local unemployed educated & economically backward youth as such the Competent Authority should engage us in a permanent manner by giving appropriate pay scale of Skilled Labour. There are many Group-D post are lying vacant under the Competent Authority. Recently in the year of 1999, 2002 and 2003 namely Shri Biman Das, Shri Purna Das and Shri Upen Ch. Das were retired from their service as Group-D staff. Shri Junir Ali, Shri Purna Ram Das and many other permanent Group-D staff will also retire from service in the year 2005 and 2006 respectively. In the said posts the undersigned Petitioners can also be absorbed.

6) That we are being poor persons and working under your Department very sincerely and without any blemish in our service. In future also we assure that we will serve this Department with the same sincerity and devotion to our work.

It is therefore, respectfully prayed that your honour may be please to take necessary and sympathetic view in this matter for absorption of undersigned Petitioners in your Department with appropriate pay scale of Skilled Labour as fixed by the Government of India and also may be pleased to pass an appropriate order within a reasonable time preferably within two months from the receive of this Representation.

Thanking you in anticipation.

Copy for Information and necessary action:

1. The Secretary, Government of India,
Ministry of Agriculture, Krishi Bhawan, New Delhi-1.
2. The Director General,
Indian Council of Agriculture
Research Krishi Bhawan, New Delhi-1.
3. The Director, Central Plantation Corps Research Institute, (RC)
(Indian Council of Agricultural Research) Kahikuchi,
Guwahati-781017.
4. The Co-Principal Investigator, Mini Mission-1,
Central Plantation Corps Research Institute, (RC)
(Indian Council of Agricultural Research) Kahikuchi,
Guwahati-781017.

Afterword
J.D. - Sanjukta

28
ANNEXURE

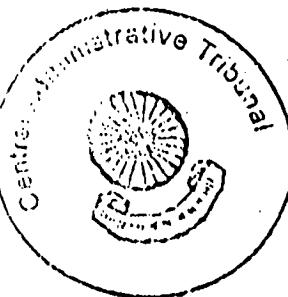
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No.308 of 2004

Date of Order: This the 22nd of August 2005.

The Hon'ble Justice Shri G. Sivarajan, Vice-Chairman

1. Shri Sonabar Das
S/o Bipin Chandra Das
Vill. & P.o.- Azara (Kootpara),
District- Kamrup.
2. Shri Kan Das,
C/o Shri Hiren Das,
Kahikuchi, P.O.- Azara,
District- Kamrup (Assam)
Pin-781017.
3. Md. Farid Ali,
S/o Md. Kharlat Ali,
Vill.- Lower Mizupur, P.O.- Azara,
District- Kamrup, Assam,
Pin-781017.
4. Shri Jiten Chandra Das,
Vill.- Matia, P.O.- Azara,
District- Kamrup, Guwahati-17,
5. Md. Nizam Ali,
Vill. & P.O.- Azara,
District- Kamrup, Guwahati-17.
6. Shri Bishnu Ram Medhi,
Vill. & P.O.- Azara,
District- Kamrup, Guwahati-17.
7. Shri Brajen Sarmah,
Vill. & P.O.- Azara,
District- Kamrup, Guwahati-17.
8. Shri Nagendra Medhi,
Vill. & P.O.- Azara,
District- Kamrup, Guwahati-17.
9. Shri Bipul Baruah,
Vill. & P.O.- Azara,
District- Kamrup, Guwahati-17.



(A. K. Baruah)
A. K. Baruah
Adm't

22-29-
10. Shri Shushil Kalita,
Vill. & P.O.- Azara (Kalitapara),
District- Kamrup, Guwahati-17.

11. Shri Tuku Baishya,
Vill. & P.O.- Azara,
District- Kamrup, Guwahati-17.

12. Shri Tapan Balshya,
Vill. & P.O.- Azara,
District- Kamrup, Guwahati-17.

13. Shri Ranjit Ch. Das,
S/o Late Keshab Ch. Das,
Vill.- Mirzapur (Medhipara),
P.O.- Azara, District- Kamrup,
Guwahati-17.

14. Shri Bijoy Ch. Das,
C/o Chandradhar Das,
Village- Mirzapur, P.O.- Azara,
District- Kamrup, Guwahati-17.

15. Shri Diganta Medhi,
Vill & P.O.- Azara (Medhipara),
District- Kamrup, Guwahati-17.

.....Applicants

By Advocate Mr A. Ahmed.

-versus-

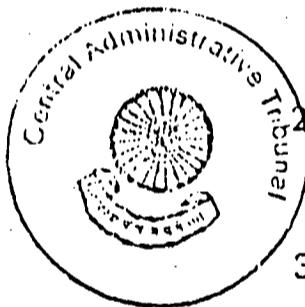
1. The Union of India, represented by the
Secretary to the Government of India,
Ministry of Agriculture, New Delhi.

The Director General,
Indian Council of Agricultural Research,
Krishi Bhawan, New Delhi.

3. The Secretary,
Indian Council of Agricultural Research,
Krishi Bhawan, New Delhi.

4. The Director,
Central Plantation Crops Research Institute,
Indian Council of Agricultural Research,
Kasaragod-671124, Kerala.

5. The Director,
Central Plantation Crops Research Institute,
(RC) (Indian Council of Agricultural Research),
Kahikuchi, Guwahati-781017.



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6. The Co-Principal Investigator,
Mini Mission-1,
Central Plantation Crops Research Institute,
(IC) (Indian Council of Agricultural
Research), Kahikuchi,
Guwahati-781017.Respondents

By Advocate Mr B.C. Pathak.

ORDER (ORAL)

SIVARAJAN. J. (V.C.)

The applicants have filed this O.A. seeking for direction to the respondents for grant of temporary status and regularization of their services and also for payment of appropriate pay scale of skilled labourer with effect from their date of joining in the said post. The applicants had earlier approached this Tribunal by filing O.A. No.236 of 2003, which was later withdrawn by order dated 29.9.2004 with liberty to file representation for the said purpose before the appropriate authorities. The applicants thereon have filed a representation in October 2004 (Annexure-F). Since no action was taken on the said representation the applicants have filed this O.A. on 29.11.2004.

2. Heard Mr A. Ahmed, learned counsel for the applicants and Mr B.C. Pathak, learned counsel for the respondents. Mr B.C. Pathak submits that the applicants have filed this O.A. without giving breathing time for the respondents to consider the representation, which is received by them. Mr B.C. Pathak, in the above circumstances, notwithstanding the filing of the written statement and additional affidavits, submits that the respondents will dispose of the

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A. Ahmed
B.C. Pathak

representation (Annexure-I) filed by the applicant within a reasonable time.

3. Mr A. Ahmed, learned counsel for the applicants, submits that the representation is pending for the last about a year and the respondents must be directed to pass appropriate orders in the above representation unfettered by the stand taken in the written statement.

4. I have considered the rival submissions. Since it is admitted the representation (Annexure-F) is pending before the respondents, it is only appropriate that a direction is issued to the respondents to take a decision on the Annexure-F representation after affording an opportunity to the applicants. If such a request is made there for by the applicants they would have to be heard. In the circumstances, this O.A. is disposed of by directing the 4th respondent to consider the representation (Annexure-F) submitted by the applicants and pass appropriate orders in accordance with law and the relevant Government Orders within a period of four months from the date of receipt of this order.

5. The interim order passed on 29.11.2004 will continue to be in force till orders are passed on the representation as directed.

The Q.A. is disposed of as above. No order as to costs.

50/VICE CHAIRMAN

କାନ୍ତିକାରୀ କାନ୍ତିକାରୀ
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Centrale voor de Volksgeest

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CENTRAL PLANTATION CROPS RESEARCH INSTITUTE
(Indian Council of Agricultural Research)
KASARAGOD - 671 124, KERALA, INDIA
E-mail : cpcri@hub1.nic.in
Fax : 91 4994-2432 322
Phone: Off: (04994) 232893, 232894, 232895, 232990



F. No.308/2004-Confl.

Dated : 19.12.2005

OFFICE ORDER

Whereas one Sri. Sonabar Das along with 14 other applicants filed a case vide O.A. No.236/2003 in the Hon'ble Central Administrative Tribunal, Guwahati Bench (referred to as the 'Tribunal'). However, the said applicants made a prayer before the said Tribunal to allow them to withdraw the said case so that they may file a representation before the authorities. Accordingly the Tribunal allowed the applicants to withdraw the case and the same was dismissed on withdrawal. The said applicants filed a representation before the authorities and the said representation was under process for consideration. The applicants again filed another case before the Tribunal vide O.A. No.308/2004 without waiting for the outcome of the representation that they filed. The matter being subjudiced, the representation so filed could not be considered and no order could be passed thereon. The written statements in the case was filed by the competent authority. The case in O.A. No.308/2004 came up for hearing on 22.8.2005. After hearing both the sides the Hon'ble Tribunal was pleased to dispose of the case with a direction to the respondent No.4 authority to consider the representation as in 'Annexure-F' submitted by the applicants and to pass appropriate order in accordance with law and relevant Govt. Order within a period of 4 months from the date of the receipt of the said order.

Whereas the certified copy of the order dated 22.8.2005 was issued by the registry of the Tribunal only on 12.9.2005 and the same was received by the authority only thereafter. After receipt of the said order through the local office, the competent authority (respondent No.4) has considered the said representation. The respondent No.4 authority after going through the said representation has found that the applicants have raised the issue that they were selected and engaged at a consolidated pay of Rs.1500/- p.m. under Mini Mission-I. It has also been stated that the applicants were sponsored by the employment exchange. It has also been stated that as per the terms of appointment the applicants were liable to be terminated on the date of expiry of the sanction of the scheme. By the said representation they have also raised the issue that their term of appointment expired on 31.3.2002 whereas they were still continuing in engagement continuously. So there was presumption that the Govt. will regularize their engagement in service. Mention has also been made about the O.A. No.236/2003 which was ultimately dismissed on withdrawal for filing a representation which is now

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being considered here. The contention of the applicants is that they have served for a considerable long period under the authority and therefore they have acquired a legal right for granting temporary status and regularization in Group D post. It has also been alleged that the applicants have been deprived of regular service benefits, pay scale, D.A. and even minimum pay scales are not granted to them. It is also alleged that the competent authority has deprived them of minimum wages as admissible for skilled labourers as fixed by the Ministry of Labour, Govt. of India. It is also alleged that they were selected and appointed by the competent authority through regular interview and selection process. They have also alleged that there were vacancies in Group D post as some of such Group D employee retired from service in the year 1999, 2002 and 2003 and there would be more retirement in the year 2005 and 2006 where the applicants could be absorbed. Therefore the applicant through the said representation has prayed for absorption in service with appropriate pay scale of skilled labour as fixed by the Govt. of India.

So far as the nature of engagement of the applicants are concerned, they were engaged as daily rated workers at a monthly consolidated fixed rate against a particular scheme (project) sponsored by the Ministry of Agriculture, Department of Agriculture and Co-Operation with due approval from the competent authority of Indian Council of Agricultural Research and as per funding pattern and specification. The said scheme has been fixed for a duration of 5 years with the year of starting being 2001-2002 and the same being over by the financial year ending 2005-2006. The sponsorship of the said scheme/project is subject to the financial sanction which is made on year to year basis by the sponsoring authority for every financial year. The said Mini Mission scheme is a project with the objective to go for research in the specified area of (1) production of nucleus/basis seeds and planting materials of horticultural crops, (2) standardization of improved production technologies for horticultural crops and (3) technology refinement and imparting of training to extension functionaries. Under the said scheme the respondent No.4 authority along with the Scientist In-Charge, Central Plantation Crops Research Institute, Kahikuchi, Guwahati is only an implementing agency of the said sponsored scheme. Therefore none of the implementing agencies are not in any way competent to decide anything regarding continuation of the project and the applicants in engagement or to regularize their services in the regular establishment as there is no regular establishment in a project of fixed term. The entire project, its implementation and funding is absolutely dependent on the sponsoring authorities i.e. the Govt. of India, Ministry of Agriculture, Department of Agriculture and Co-operation. Moreover, as per settled provisions of law the workers who are engaged against the post or jobs specifically created for such project/scheme may continue with the continuation of the project and when the works of the project is over and the project comes to an end, then the services, posts created for the said project also comes to an end. As such a project worker cannot claim regularization or continuation in such service/job after the closure of the project. The continuation or closure of a project is a matter of policy to be decided by the competent authority. The length or duration of engagement of any such worker in such project has no bearing in such

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situation. In the instant case the sponsorship is being continued by the sponsoring authority and the same is being over by the financial year ending by 2005-2006 and accordingly the applicants are allowed to continue in engagement as the life of the project is continuing up to the financial year 2005-2006. The Mini Mission project is a research scheme earmarked for certain area of operation and such works are not of any permanent nature and specifically stipulated for a definite period of five years from the financial year 2001-2002 to 2005-2006 only.

The applicants entered into an agreement with the implementing agency that they have been offered the temporary assignment as skilled labourer under the ad-hoc time bound scheme/project and they would not claim for continued employment or permanent absorption against any regular post/appointment in the establishment of the institute of the implementing agency during or after the termination of the assignment under the scheme/project. The applicants also declared that they were aware that their services were purely ad-hoc/temporary and shall be terminated on completion of the term of engagement or on the date when the sanction of the scheme expires, whichever is earlier. Those agreements were annexed as Annexures in the written statements filed in the case. That being the legal position, the applicants are bound by the law of contract and by the said agreement. The law is also well settled by the Hon'ble Supreme Court that when the scheme of the project is specific and it is not of permanent nature, the employee cannot ask for regularization in service. It is also held that the persons engaged against the post created under a sponsored scheme cannot be regularized in that service. A project is undertaken with an estimated fund for a particular period to do certain things, when the project is completed, funds are utilized and it is closed or comes to an end, the employees will have to go with the closure of the project. There are catena of decisions in support of such settled provisions of law as in "Sandip Kumar Vs State of Uttar Pradesh reported in AIR 1992 SC 713", "Jawaharlal Nehru Krishi Viswa Vidyalaya Vs Bal Kishan Soni – reported in 1997 (5) SCC 86", "State of Himachal Pradesh VS Ashwini Kumar reported in 1996 (1) SCC 773", "Executive Engineer, ZP ENGG. Divn. and Another Vs Digambar Rao & others as reported in 2004 (8) SCC 262" etc. This was well highlighted in the written statements (paragraph 12) submitted in the case with copy to the applicants. Hence, the applicants can not be said to have acquired any legal right for absorption or regularization. Moreover, the law is well settled that the creation and abolition of post pertains to the exclusive domain/prerogative of the executive, the employee cannot have anything to say in such matter mostly related to the policy decision of the executive concerned with various related matters. Such employee cannot continue in service when the posts are abolished. The above noted ratio has been laid down by the courts in a plethora of decisions like, "K. Rajendran Vs State of Tamil Nadu as reported in AIR 1982 SC 1107", "State of Haryana & Others Vs Piara Singh & Others as reported in AIR 1992 SC 2130", "Rajendra Vs State of Rajasthan reported in 1999 (2) SCC 317", "Jayachan M. Sebastian Vs The Director General & Others – reported in 1997 (2) LLJ 677", "P.U. Joshi & Others VS Accountant General, Ahmedabad & Others as reported in 2003 (2) SCC 632" etc. In a specific and similar case, as in "Indian Council

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V. Rajendran

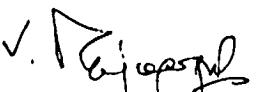
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of Agricultural Research Vs Raja Balwant Singh College & Others (Civil Misc. Writ Petition No.41675/2001), the Hon'ble Allahabad High Court held that the temporary employees have no right to the post, when termination of service is not punitive, they cannot challenge such order of termination. In the instant case, the workers are engaged in a project as per requirement of the project. They will go with the project when it comes to an end and cannot claim regularization.

There is no vacancy of any Group D post available in the establishment of the implementing agency due to abolition of vacancies in the process of Annual Direct Recruitment Plan 1999-00 to 2004-05 as per the existing policy of the Government of India in downsizing of the establishment. Moreover, there is a ban order of the Government of India prohibiting any direct recruitment against any post of Group C and D. It is also pertinent to state here that there are specific procedures and recruitment rules for selection and appointment of Group D employee and there cannot be any selection or appointment dehors any such rules. As such there cannot be any such selection, recruitment or regularization of any service in the establishment of the implementing agency.

The implementing agency of the said Mini Mission Project for the reasons as stated herein above cannot accede to the demand of the applicant in so far as the question of his regularization in service with pay scales etc. is concerned. And accordingly the representation filed by the applicant stands disposed of in compliance with the order of the Hon'ble Tribunal.

✓ 
DIRECTOR

To

Shri Bishnu Ram Medhi
Skilled Labourer
CPCRI Research Centre
Kahikuchi.... Thru..... Co-Pr. Investigator (Minimission)

(Athen)
J. D. Dinesh

Roster of day and night watch and ward duty at C.P.C.R.I. (RC), Kahikuchi, for the month of August, 2003.

Date	TIMINGS		TIMINGS		
	8.00 am To 12.00 Noon & 2.00 To 6.00 pm	12.00 noon To 2.00pm & 5.00 To 11.00 pm	8.00pm To 12.30am	1.30am To 8.00am	11.00pm to 5.30 A.M.
1-8-03 to 3-8-03	Farid Ali	Tuku Baishya	Zamiruddin Sheikh	Puna Ram Das	Rajat Thapa
4-8-03 to 10-8-03	Ranjit Das	Kan Das	Ram Bahadur	Kameleswar Deka	Shankar Ram
11-8-03 to 17-8-03	Bijoy Das	Bipul Barooah	Rameswar Kaivarta	Tikaram Sarma	Kesopanash Sharma
18-8-03 to 24-8-03	Sonabar Ch. Das	Nagen Medhi	Deben Ch. Das	Biren Ch. Das	Zamiruddin Sheikh
25-8-03 to 31-8-03	Diganta Mechi	Sushil Kalita	Keso Prasad Sarma	Shankar Ram	Pankam Das

Forwarded to the SIC
for approval

*Chowdhury
31/7*

Approved
Ray

Scientist-in-charge,
CPCRI, Kahikuchi

SCIENTIST INCHARGE
C.P.C.R.I. Research Centre
Kahikuchi, Guwahati-781017
(ASSAM)

Approved
Sharma

Technical Officer (T-5), Farm.
CPCRI, Kahikuchi

*Amit
Antu*

-37-

Roster of day and night watch and ward duty at C.P.C.R.I. (RC), Kahikuchi, for the month of September, 2003.

Date	TIMINGS				
	8 am To 12 Noon & 2 To 6 pm	12 Noon To 2 pm & 5 To 11 pm	8 pm To 2.30 am	11 pm To 5.30 am	1.30 am To 8 am
1-9-03 to 7-9-03	Brojen Sharma	Bishnu R. Medhi	Tika Ram Sharma	Gopal Thapa	Kamaleswar Deka
8-9-03 to 14-9-03	Tapan Baishya	Nizam Ali	Rameswar Kaivorta	Zamiruddin Sheik	Puna Ram Das
15-9-03 to 21-9-03	Jiten Ch. Das	Farid Ali	Biren Ch. Das	Shankar Ram	Kesoprajad Sharma
22-9-03 to 28-9-03	Tuku Baishya	Ranjit Ch. Das	Rambahadur	Kamaleswar Deka	Gopal Thapa
29-9-03 to 5-10-03	Ken Das	Bijoy Ch. Das	Puna Ram Das	Zamiruddin Sheik	Shankar Ram

Forwarded to the SIC
for approval

Scientist in-Charge
CPCRI, Kahikuchi

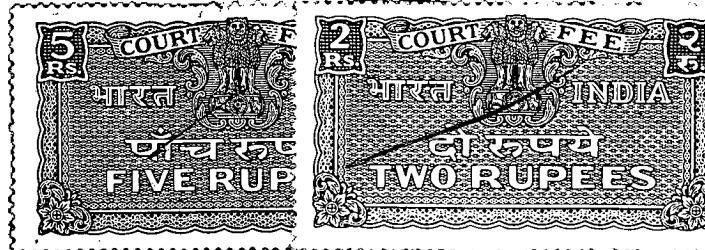
Technical Officer (T-5), Farm
CPCRI, Kahikuchi

100%
filed
Ans

CPCRI Research Com.
Date: 17/10/03

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DISTRICT:



-VAKALAT NAMA-

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH, GUWAHATI**

OA NO.

OF

2006

Shri Sonabar Das & others

APPLICANTS

PETITIONER

-Versus-

The Union of India & others

Respondents
Opposite party

Know all men by these presents that above named, Sonabar Das & others
do hereby nominate, constitute and appoint Shri. Adil AHMED.....
Advocate and such of the under mentioned Advocates as shall accept this
Vakalatnama to be my/our true and lawful Advocates to appeal and act for me/us
in the matter noted above and in connection therewith and for that purpose to do
all acts whatsoever in that connection including depositing of drawing money,
filing in or taking out deeds of composition, etc. for me/us and on my/our behalf
and I /We agree to ratify and confirm all acts so done by the Advocates as
mine/ours to all intents and purpose. In case of non-payment of the stipulated fee
in full, no Advocate will be bound to appear and on my/our behalf.

In witness whereof I/We hereunto set my/our hand this the 30th day March
2006.

ADVOCATES

A.R.Barooah

J.M.Chaudhry

A.S.Bhattacharjee

N.M.Lahiri

G.K.Joshi

✓ Adil Ahmed

A.K.Chaudhuri

R.P.Sharma

P.Sarma

S.A.Laskar

M.H.Chaudhry

Sanjoy Mudoi

Sukumar Sarma

S.Jain

A.J.Azia

Received from the executants and accepted.

Advocate

(Adil Ahmed)

- 2. Bishnu Ram Medhi.
- 3. Nizam Ali.
- 4. Raszit ch. das.
- 5. Sri Diganta medhi
- 6. Sri Nagendra ch. Medhi.
- 7. Jiten ch. das
- 8. Tukur Baishya.
- 9. Kam das
- 10. Sushil Kalita.
- 11. Bijoy das
- 12. Bipul Baruwa
- 13. Tapan Baishya.
- 14. Farid Ali.

The Sr. C.G.S.C.

Dated 6/

30.3.2006

Central Administrative Tribunal.

Guwahati Bench at Guwahati.

Subject - Supply of Copy of original Application.

Sir,

Please findherewith Copy of an original Application filed by Shri Sanobar Das & others through me which will be made before the Hon'ble Tribunal. Kindly acknowledge the receipt of the same. Thanking You.

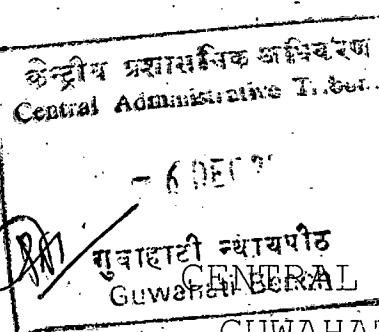
Yours faithfully


(Adil Ahmed)

Advocate

Received Copy

by mail/tele to
Serves 6/03 & Sr. C.G.S.C.
JF
(ANCHAL)
Front



O.A. No. 78 / 2006

6
filed by
Birendra
A. D. S. M. S.
1/1/2006

Shri Sonabar Das Others Applicants

- Vs -

Union of India and Others Respondents

[Written statements filed by the respondent No.3 and 4]

The written statements of the respondent No.3 and 4 are as follows:

1. That a copy of the O.A. No.78/2006 (referred to as the "application") has been served in the respondents. The respondents have gone through the same and understood the contents thereof.
2. That the statements made in the application, which are not specifically admitted are hereby denied by the respondents.
3. That before traversing the various paragraphs of the application, the answering respondents give a brief background of the facts and circumstances of the case as under:
 - (a) That the answering respondents, Indian Council of Agricultural Research, submitted a "Project Proposal" under the name of "Technology Mission for Integrated Horticulture Development in North East India-Mini Mission-I Research". This project/ Scheme was a centrally sponsored Scheme of the Govt. of India, Ministry of Agriculture, Department of Agriculture and Co-operation. The Objectives of the Mini Mission-I project were:
 - (i) Production of nucleus/basic seed and planting material of horticultural crops.

(ii) Standardization of improved production technologies for horticultural crops.

(iii) Technology refinement and imparting of training to extension functionaries.

(b) That in the project proposal the program Schedule was also drawn up and the duration of the Scheme/project was for 5 years starting from the year 2001-02. The respondent No.5 was included as one of the implementing authorities amongst others for implementation of the project. The sponsoring Ministry/Department is the Ministry of Agriculture, Department of Agriculture and Co-operation. The Govt. of India, Ministry of Agriculture, Department of Agriculture and Co-operation (Horticulture Division) vide their letter No.40-2/2001-Hort.(iv) dated 10.5.2001 accorded the sanction to the project and the ICAR approved the Scheme vide letter F.No.15(27)/99-IA-V dated 1.11.2002 and 20.11.2002. This was conveyed by the Office Memo.No.NRCO/MM-I/2002-03 dated 12.12.2002. The Scheme has been accordingly sanctioned for a period of 1 year for the year 2002-03 of the Xth Plan (2002-03) at a total cost of Rs.47.27 lakhs.

The copies of the Project documents, letter dated 10.5.2004, OM dated 12.12.2002 are annexed as ANNEXURE-R1, R2 and R3 respectively.

(c) By the said project proposal and the Office Memo dated 12.12.2002, the other terms and conditions including the staff (skilled labourers) was laid down. There were 15 Nos. of skilled labourers engaged at the rate of Rs.1,500/- per month. The applicants' names were sponsored by the Employment Exchange. The applicants have been called for interview along with other candidates sponsored by the employment exchange. In the call issued to them it was specifically stated that posts of skilled labourers are temporary and having a consolidated pay of Rs1,500/- per month. The applicants accepted the terms and conditions stipulated in the offer of assignment and reported for duty as skilled labourers. Although it was mentioned as skilled labourers, there was nothing specific as to any trade in which the labourers were to be skilled. In fact, the applicants were ordinary daily labourers without any training/skill acquired in any discipline to define them as skilled labourers under any provisions of any labour law.

(d) That in the offer of appointment is has been clearly indicated, among others conditions, that:

(i) The offer is purely on temporary basis for a period upto 31st March, 2002 from the date of his/her joining the post and are liable to be terminated on completion of the term of engagement or on the date the sanction of the scheme expires, whichever is earlier.

1. The skilled labourer will be paid a fixed fellowship of Rs.1,500/- per month without any allowance.

2. The skilled labourer will be under the administrative/technical control of the Co-Principal Investigator of the scheme.

3. The skilled labourer will not be entitled to any other benefits as are applicable to regular ICAR employees.

4. The ICAR/CPCRC will have no responsibility for his/her absorption in the Institute against regular posts, after his/her termination from the adhoc scheme. The applicants accepted the terms and conditions and accordingly they were engaged in the time bound scheme/project with effect from the dates as indicated in Annexure-C of the application.

The Copies of the offer of engagement and the acceptance thereof in the form of agreement are annexed as the ANNEXURE-R₃(series).

(e) That accordingly, the applicants were engaged as the project workers against the said project for the limited purpose and for the stipulated time bound scheme the same very applicants apprehending termination, approach this Hon'ble Tribunal by filing an O.A. No.236/2003. The respondents filed their written statements and contested the case. The matter was heard by this Hon'ble Tribunal on 29.9.2004 at length, when the counsel of the applicants made a prayer to allow him to withdraw the application so that the applicant may make some representation to the respondents. This Hon'ble Tribunal was pleased to consider the prayer and allowed the application to be withdrawn and accordingly dismissed the application.

The copy of the said order dated 29.9.2004 is annexed as ANNEXURE-R₄.

(f) That the applicants submitted their representation to the concerned authorities and the same was routed through various official channels and the same was pending consideration and disposal. There be some delay in disposal of the said representation for the reasons as stated the applicant once again filed another application vide O.A. No.308/2004 raising the same issue between the same parties. The said O.A. No.308/2004 was also disposed of with the direction to the respondents to take a decision on the Annexure-F representation after according an opportunity to the applicants including giving them a chance of hearing. The said representation was duly considered by the competent authority and rejected the same vide speaking order F.No.308/2004 Confl. Dated 19.12.2005. This order dated 19.12.2002 has been challenged by this instant O.A. Hence the present case.

The copy of the said speaking order dated 19.12.2005 is annexed as ANNEXURE-R6

4. That with regard to the statements made in para 1 of the application, the answering respondents state that there is no cause of action to justify filing the instant application as no accrued right has been violated by any action of the answering respondents.
5. That with regard to the statements made in para 2 and 3 of the application, the answering respondents have no comment to offer.
6. That with regard to the statements made in para 4.1, 4.2 and 4.3, the respondents state in view of the facts of the case and the law regulating the adhoc temporary time bound posts in a project scheme, there is no cause of action that may justify any right for conferment of temporary status or regularization of the applicant in the scheme.
7. That with regard to the statements made in para 4.4 of the application, the respondents have no comments to offer.
8. That it is also pertinent to state here that the project/scheme, which expired on 31.3.2006 has again been extended by another year with necessary financial support as provided earlier at the same rate/quantum of finance. The scheme

would expire and be closed by 31.3.2007, if not further extended by the financing/sponsoring authority.

9. That with regard to the statements made in para 4.5 and 4.6 the respondents reaffirm the foregoing statements made in this written statement and say that the services of the applicants cannot be regularized nor they could be conferred with temporary status under any provisions of law. The Hon'ble Supreme Court has time an again reaffirm that the employees engaged on temporary, contractual, Casual, daily-wage or ad-hoc basis cannot be absorbed or regularized in service de hors the constitutional scheme. The respondents crave the leave of this Hon'ble Tribunal to allow them and to rely upon any such law laid down by the Hon'ble Supreme Court and to produce the same at the time of hearing of the case.
10. That with regard to the statements made in para 4.7 and 4.8 the respondents state that the applicants were given their assignments in the Mini Mission project at CPCRI Research Centre, Kahikuchi. The duties assigned to them were to assist the Research Associates manually, who are conducting research in field as well as in the laboratory. As the stray animals are often destroying the planting of experimental plots, the applicants were also assigned the watch and ward duties on rotation basis in the experimental plots which forms part and parcel of their assigned duties under the scheme. The applicants assignment were under a consolidated fixed amount and not on a time scale of pay. I reiterate and reassert the foregoing statements made in this affidavit and deny the correctness of the statements made in this para. The applicants are not entitled to any other service benefit other the terms and condition that were fixed in the offer of engagement. In this connection an agreement was entered into between the individual applicant and the department by which the condition of service is being regulated along with the terms and conditions laid down in the offer of engagement letter and agreement and not by any other service rules or conditions of service. As stated herein above the project/scheme had been extended on year to year basis (financial year) with the required financial support by the sponsoring authority /Government. The project was to be closed by 31st March,2006 but the same has again been extended by another year up 31st March,2007 and the project will come to an end by 31st March,2007. In view of the fact, the other allegations are denied by the respondents and same cannot sustain in law.

11. That with regard to the statement made in para 4.9 and 4.10 the answering respondents state that there is nothing to show as to how the respondents have meted out discriminatory treatment against the applicants. The respondents reiterate the foregoing statements made in this written statements and say that the applicants have no legal or any other right to claim equal pay for equal work doctrine. The respondents state that the cases referred to by the applicants are different cases under different facts and circumstances. Those cases relates to casual/daily labourers where as the applicants are labourers engaged against a time bound project with the condition/agreement that they may be terminated from engagement on certain fulfillment of condition or they may be terminated with the closure of the project which ever is earlier. In this connection, the law is well settled in a plethora of decisions rendered by the Hon'ble Supreme Court. The Hon'ble Court has held that when the scheme of the project is specific and it is not of permanent nature, the employee cannot ask for regularization in service. It is also held that the persons engaged against the post created under a sponsored scheme cannot be regularized in that service. These cases are reported in AIR 1992 SC 713 (Sandip Kumar –vs- State of Uttar Pradesh) and (1997)5 SCC 86 (Jawaharlal Nehru Krishi Viswa Vidyalaya –vs- Bal kishan Soni). In similar situation, this Hon'ble Tribunal in O.A. No.298/2002, O.A. No.1591/1998 (Ernakulam Bench), Industrial Tribunal in C.R. No.91/1999 have held that employees engaged in project/scheme are not entitled to regularization in service. Hence, contention of the applicants cannot sustain in law and the cases referred to have no application in the instant case. Therefore the application is liable to be dismissed. The respondents also respectfully submit that the various decision of the Hon'ble Supreme Court referred to by the applicant has no application in this instant case as the law has undergone manifold changes. In view of the above settled position of the law, the applicants are not entitled to any relief whatsoever as prayed for. In this regard to support their contentions / statements the respondents put their reliance in the recent decision in "The Secretary, State of Karnataka and Others –vs- Uma Devi and Others, reported in (2006)4 SCC 1", "S.M. Nilajkar –vs- Telecom. District Manager, (2003)4 SCC 27" and "(2006)4 SCC 132, Avas Vikar Sansthan and Another –vs- Avas Vikar Sansthan Engineers Association and Others".

12. That with regard to the statements made in para 4.11, 4.12, 4.13, 4.14, 4.15 and 4.16, the answering respondents state that the averments are not correct and as stated above, the applicants have not acquired any right to claim regularization in any post in Group D. There are separate Recruitment Rules and Scheme for

appointment/regularization in Group D post and these are not applicable to the applicants as stated hereinabove. The respondents have not done anything as illegal, malafide or in violation of any fundamental rights of the applicants or anything done arbitrarily as alleged by the applicants. In this connection, I say that the application has been filed by mis-conception of the provisions of law and the service conditions by which the applicants are regulated. There is absolutely no legally valid reason for filing this application and therefore the same is liable to be dismissed with costs.

13. That with regard to the statement made in para 5.1 to 5.10 showing the grounds the respondents state that the grounds shown by the applicants are not at all tenable in law and therefore the application is liable to be dismissed with cost as devoid of any merit. The respondents have no comment to offer with regard to the statements made in para 6. But the respondents state that the applicants have suppressed the facts that they approached this Hon'ble Tribunal by filing the O.A. No.236/2003 and 308/04, which was dismissed / disposed of on withdrawal and directing the respondents to consider the representation. This does not mean that the applicant did not file any application previously. This application is liable to be dismissed on this count alone for suppression of material facts and for making a deliberate false statement on declaration.
14. That with regard to the statement made in para 8.1 to 8.4 and 9.1, the respondents state that under the facts and circumstances of the case, provisions of law as discussed above, the applicants are not entitled to any relief whatsoever as prayed for and the application is liable to be dismissed with cost as devoid of any merit. Therefore the interim order dated 31.3.2006 is liable to be vacated and the application are dismissed.

In the premises aforesaid it is therefore respectfully prayed that this Hon'ble Tribunal would be pleased to hear the parties, peruse the records and after hearing the parties and perusing the records would also be pleased to dismiss the application with cost.

VERIFICATION

I, Shri. A.K. Ray....., at present working as Co-Principal Investigator (mini mission-1) in the CPCRI, Office of the CPCRI, Kohikuchi....., who is taking steps in the case and being competent and duly authorized, do hereby solemnly affirm and state that the statements made in para 12, 4 to 14 are true to my knowledge and belief, those made in para 3..... being matter of records, are true to my information derived therefrom and the rest are my humble submission before this Hon'ble Tribunal. I have not suppressed any material fact.

And I sign this verification on this 8th day of January 2007 at Guwahati.


(A.K. RAY)

Co-Principal Investigator (Mini mission-1)
CPCRI, Kohikuchi
Guwahati - 781019

DEPONENT

Ref: CAT Case No- 236/03 -9-

ANNEXURE: R 1

Sri Sonabor Dan & others : Applicant.

vs

The Union of India & others - Respondent.

11

01. Name of the Scheme:

Central Sector Scheme of Technology Mission for integrated development of horticulture in North Eastern States including Sikkim.

02. Sponsoring Ministry/Department:

The Ministry of Agriculture, Department of Agriculture and Co-Operation. Sanctioned conveyed by the Govt. of India, Ministry of Agriculture, Department of Agriculture & Co-operation (Hort.Divn.) every year with the approval of Competent Authority of the ICAR.

03. Duration of Scheme:

5 years, Year of Start = 2001-02.

04. Implementing Centre:

01. Assam Agril. University & its Regional Station.
02. ICAR Res. Complex for NEH Region, Barapani and its Regional Station.
03. CPCRI, Research Centre, Kahikuchi.
04. CPRI, Regional Station, Shillong.
05. National Research Centre for Orchids, Sikkim.

Certified to be true Copy.
Hemanta K. Gogoi
Advocate

INDIAN COUNCIL OF AGRICULTURAL RESEARCH
TECHNOLOGY MISSION FOR INTEGRATED
HORTICULTURE DEVELOPMENT IN NORTH EAST INDIA

MINI MISSION I – RESEARCH

PROJECT PROPOSAL

1. Sponsoring Ministry/Department

The Ministry of Agriculture, Department of Agriculture and Cooperation

2. Whether Central Scheme or Centrally Sponsored? In case of new CSS or CSS with changed parameters, funding pattern etc. Whether approval of full Planning Commission has been obtained.

It is centrally sponsored scheme. Approval of the EFC and Planning obtained.

3. Whether there are schemes with overlapping objectives and coverage in other Ministries and states? If so, the details of such schemes and the scope for integration?

There is no overlapping of objectives of other Ministries/States.

4. New Proposal/Modified/Revised Cost Estimate

A New proposal

Financial Outlay: Rs. 250.00 lakhs for FY 2001-2002

5. Reasons and justifications for proposals indicating historical background, circumstances in which the need have arisen, whether other alternatives have been considered and what detailed studies have been made in regard to the proposal for establishing its need, its economics and other relevant aspect.

PROFILE OF THE REGION

The North Eastern (NE) region of India comprising of the states of Arunachal Pradesh, Manipur, Meghalaya, Mizoram, Nagaland, Sikkim and Tripura lies between 21.5° N to 29.5° N latitude and 85.5° E to 97.5° longitude. It has a total geographical area of 18.4 million hectares and a population of 9.5 million. The region falls under high rainfall zone and climate ranges from subtropical to alpine. The region is characterized by difficult terrain, wide variations in slopes and altitude, land tenure systems and cultivation practices. The transport and communication system is poorly developed. As a result majority of the areas in the region still remain inaccessible. The infrastructure facilities like supply and input, marketing, institutional credit and extension services are still inadequate. Majority of the population is dependent on agriculture, horticulture and allied land based activities. The agricultural production system in the region is mostly rainfed, mono-cropped and at subsistence level. Slash and burn agriculture is still predominantly practiced in almost all the states, except Sikkim on steep slopes with reduced fallow cycle of 2 to 3 years as against 10-15 years in the past. The region, once richly endowed with luxuriant forest growth and rich crop genetic diversity, is denuded due to human interference and adoption of unscientific land use system. With rapid increase in human and bovine population and the rising demand of food, fuel, fodder, fibre, timber needs of industries and other development activities have forced the farmers to exploit the forest land and water resources at sub-optimal level in complete defiance of its inherent potential. This has resulted in progressive decrease in forest cover, resulting in the loss of bio-diversity, serious soil erosion problems leading to depletion of plant nutrients, gradual degradation and decline in land productivity and its carrying capacity, silting of major river basins causing recurrent floods in plains, drying up of perennial streams as well as ecological imbalance. Gradual degradation of these production resources has become a problem of major concern and calls for location specific measures to conserve, utilize and manage these resources for optimizing production on sustained basis without adversely imparting its quality.

Some of the special characteristics of the mountain and hill areas such as inaccessibility, fragility, and marginality restrict the scope and prospect of intensification, whereas characteristics like diversity and 'Niche' offer considerable opportunities for resource base intensification with conservation.

In October 1973, the potentials as well as long-felt need for research and development of agriculture in the North-Eastern Hill Region were highlighted. The ICAR Research Complex for NEH Region, Shillong was established in January 1975. Soon after, Dr. M. S. Swaminathan, the then Director-General, ICAR, New Delhi visited the region to assess and specify the agricultural research and training needs of the region. The Assam Agricultural University, Jorhat, was identified to train students from NEH region as well as to bear administrative responsibility to establish a Research Centre in Karbi-Anglong (former North Cachar and Mikir hills) district of

Assam. Dr. Swaminathan also indicated the research priorities and strategy for different areas of the North Eastern Hill Region, which he summarized into three major groups as given overleaf.

- Development of alternative farming systems to replace the practice of Jhuming (Shifting cultivation).
- Making up the gap in the food needs of different States/UT's by introducing improved and adaptable varieties of crops; efficient management of soil, water and pests and increasing the animal production by adopting scientific system;
- Increasing the rural income and employment through developing high-value low-volume produce/products, which can be sold at a competitive advantage outside the region.

STATUS OF HORTICULTURAL RESEARCH IN THE REGION

Research Infrastructure

The ICAR is carrying out horticulture research in the region through NEH Research Complex, Barapani (Meghalaya); National Research Centre for Orchids, Gangtok (Sikkim); Central Potato Research Station, Upper Shillong (Assam); Central Plantation Crops Research Institute Regional Station, Kahikuchi (Assam). In addition, Assam Agricultural University, Jorhat and its research stations are contributing to horticulture research and development in Assam. Further, 11 research centres of All India Coordinated Research Projects on Vegetables, Potato, Tuber Crops, Palms and Betelvine located at AAU, Jorhat, Tinsukia and Kahikuchi are conducting multilocational trials for identifying promising cultivars for the region. Twelve Krishi Vigyan Kendras (KVKs) in the region and one Trainers Training Centre (TTC) in Meghalaya are providing research back-up support towards popularization of improved technology and development of skilled manpower for various horticultural programmes.

Progress of Research

Concerted research efforts have been made to identify a large number of improved varieties and production technologies of fruits, vegetable and tuber crops including potato, and plantation crops suitable for the region.

Fruit Crops: Based on survey conducted in Meghalaya, Arunachal Pradesh, Mizoram, Sikkim and Assam to ascertain the status of orange orchards, a large number of endemic citrus species were collected and analyzed for physio-chemical characteristics. Manurial schedule was standardized. Turmeric and ginger are high remunerative crops in orange orchards. Penetration of taproots was found to be in

the range of 65-95 cm with the spread of lateral roots beyond the main root being 55-215 cm on the root system of orange orchards. Lucknow-49 and Allahabad Safeda were the suitable varieties of Guava for mid hill situation. Agro-techniques for high density planting and fertilizer schedule for guava were standardized. Florodasun and Shan-e-Punjab were most suitable peach varieties for mid hills of Meghalaya. Tongue grafting in December and softwood grafting in August were the best propagation methods of peach.

Vegetable and Tuber Crops: Tomato varieties namely, BT 2, Arka Alok, Arka Abha, Floradade and LE 19 were identified as high yielding cultivars. Among the hybrids, the promising ones are Arka Vardhan, CTH 708, HOE 303 and BSS 39. Three pureline selections of french bean from the local germplasm were identified for multiplication. In brinjal, Pant Samrat and Arka Shirish and hybrid HOE 414 were the promising cultivars. Among tuber crops, C 7 and TVM 293 in Colocasia and S 162, X 69 and S 30 in sweet potato have been identified high yielding and most suitable varieties for the region.

Potato: Potato is an important vegetable crop of the region. The CPRI Station in Meghalaya has developed a number of improved varieties and appropriate management practices. The productivity is fairly high particularly in Tripura (17.1 t/ha) and the state has achieved distinction in producing TPS on commercial scale. Kufri Khasi Garo and Kufri Jyoti have been recommended for main and autumn season crops for the region. Among the recently developed cultivars, Kufri Megha and Kufri Giriraj, resistant to late blight, are widely under cultivation. A number of improved cultural practices have also been developed for the region.

Plantation Crops: Coconut, arecanut, black pepper, ginger, turmeric, large cinnamon, nutmeg have great potential in the region. Research work has been undertaken by CPCRI Regional Station, Kahikuchi, for development of improved cultivars of different plantation crops. A profitable coconut-arecanut based cropping system involving spices and fruit crops has been developed for the region.

Biotechnology: Protocols have been standardized for rapid plant production from ovules of different citrus species. Protocols have been developed for micro propagation of different citrus species used as rootstock for *C. reticulata* as well as Khasi mandarin. Successful and cheap acclimatization methods have been developed for acclimatizing micro propagated citrus plantlets.

A brief analysis of strength and weakness of the region has been brought out as below:

STRENGTH

- Region highly suitable for cultivation of large number of horticultural crops due to rich soil and agro-climatic conditions

- Availability of wide genetic resource base and varying production systems in the region
- Reasonable R&D infrastructure for technology generation and transfer

WEAKNESS

- Limited availability of location-specific improved cultivars of horticultural crops for the region
- Low levels of productivity of horticultural crops
- Limited availability of quality seed and planting material.
- Limited awareness towards improved production practices, and
- Non availability of trained manpower

JUSTIFICATIONS FOR MINI MISSION I - RESEARCH

On the basis of research findings, it is visualized that the NE region is agriculturally highly potential and could be self sufficient if improved technology of horticultural production is implemented. Unsustainable levels of low productivity despite high potential, lack of quality seed and good planting material, inadequate on farm storage and post harvest management coupled with poor marketing structure and organization are some of the major striking features for poor horticulture development in the region. In order to provide research back-up support on focal issues, carrying out of farm research, strengthening of existing programmes, ensuring supply of improved varieties and quality seed and planting material would go a long way in the overall development of horticulture in the region.

A number of improved varieties of different horticultural crops have though been identified suitable for different locations in the region, but matching seed production and distribution programme has been lacking to provide possible impact of technology development. Fruit crops like Litchi in Tripura, Kiwi and Avocado in Sikkim, Guava and Low Chilling Peaches in Meghalaya have shown good progress and need research support for further refinement and their adoption for commercial scale cultivation. The research institutions have worked out fertilizer schedules for various crops and chemical control measures for different pests and diseases. However, horticulture being homestead and practiced by resource poor farmers, such recommendations largely remain non-adapted. Besides, a number of serious diseases and pests threatening cultivation of major horticultural crops need to be appropriately addressed through IPM technology. Some of the spice crops like black pepper and cinnamon have good potential and deserve priority research attention.

In case of vegetable crops, improvement is possible much faster. The vegetable cultivation on the intensive scale in Nowgaon district of Assam, growing of climbing beans in mixed stand with maize in hills, raising good quality seeds of radish and

Chiliflower locally are some of the examples where Indigenous Technologies/Knowledge (ITK) need to be studied for acquiring the skill for better vegetable cultivation in the hills. In the plains, new improved varieties and hybrids should cover larger areas. Hybrid research and hybrid seed production technology should receive greater attention.

In case of potato, improved varieties (shorter duration and blight resistant) are needed. TPS technology needs to be popularized through large-scale frontline demonstrations. Potato is harvested during June-July in the hills of Meghalaya, whereas in plains, it is harvested in winter months (Dec-Jan.). Price trends in Guwahati market clearly show that although maximum arrival takes place in November-December, maximum price is realized during the period of June to December. But the advantage of off-season harvest need to be exploited to the maximum and potato cultivation should be encouraged in mid high hills of NE region.

There is a wide range of variations due to topographic and agro-climatic situations in the region. Component research in crop production and protection technologies has generated considerable information for further exploitation. Locations specific technologies generated so far have limited applicability. There is a need to refine location-specific technologies through on-farm trials. Organic farming and IPM technology have better relevance to tribal farmers and need greater research focus.

The Technology Mission for Integrated Development of Horticulture in NE Region covering Sikkim will be able to provide much-needed focal thrust to the requirements of the region. The Mini Mission I will deal with research for improving productivity of horticultural crops. The ICAR will act as the nodal agency. The Mini Mission I will focus on stepping up of research efforts on horticultural crops for location-specific technological development, standardization of production and protection technologies, production and supply of breeder seed and nucleus planting material and popularization of improved technologies through on-farm trials and imparting training to extension functionaries.

6. Objectives of Mini Mission I

- 1. Production of nucleus/basic seed and planting material of horticultural crops.
- 2. Standardization of improved production technologies for horticultural crops.
- 3. Technology refinement and imparting of training to extension functionaries.

7. Strategies

- Emphasis on productivity increase through use of quality seed and planting material of improved varieties and hybrids.
- Standardization of production techniques for increased production.
- Application of eco-friendly production technology, namely, organic farming, IPM for plant protection, water management including drip etc.
- On-farm testing of improved technologies and imparting of training to extension functionaries.

8. Programme Schedule

Research activities, targets and schedule of work for each participating research institution have been drawn out threadbare in consultation with participating institutions. A consolidated statement of research activities and targets for different institutions is enclosed.

9. Ninth Plan Outlay

Rs. 250.00 Lakhs for FY 2001-2002 in the Ninth Plan

Details of component-wise break-up of outlay for each of the cooperating centers have been worked out and enclosed.

10. Participating Institutions

- Assam Agricultural University, Jorhat
 - Regional Station (HRS), Kahikuchi
 - Regional Station (RARS), Shillongani
 - Regional Station (CRS), Tinsukia
 - Regional Station (BNCA), Chariali
- ICAR NEH Research Complex, Barapani, Meghalaya
 - Regional Centre, Sikkim
 - Regional Centre, Arunachal Pradesh
 - Regional Centre, Tripura
- National Research Centre for Orchids, Pakyong, Sikkim
- Central Potato Research Institute Research Station, Shillong, Assam
- Central Plantation Crops Research Institute Regional Centre, Kahikuchi

11. Program Management

- **Program Leader** Dr. G. L. Kaul, Vice Chancellor, Assam Agricultural University, Jorhat, Assam
- **Principal Investigator** Dr. R. C. Upadhyaya, Director, National Research Centre for Orchids, Pakyong-737 106, Sikkim.
- **Co-Principal Investigators**
 - Dr. N. Mohan, Principal Scientist (Hort.), Assam Agricultural University Regional Station (HRS), Kahikuchi, Assam.
 - Dr. D. S. Yadav, Head and Principal Scientist (Hort.), Department of Horticulture, ICAR NEH Research complex, Umiam-793 103, Meghalaya.
 - Dr. D. Barman, Sr. Scientist, National Research Centre for Orchids, Pakyong-737 106, Sikkim.
 - Dr. Kamla Singh, I/C CPRI Regional Station, Shillong-793 009, Meghalaya.
 - Dr. A. K. Ray, I/C CPCRI Regional Centre, Kahikuchi-781 017 (Gawahati), Assam.

11. Review Monitoring and Evaluation Committee

1. Central Steering Committee

Secretary, Agriculture & Cooperation, Govt. of India	Chairman
Secretary, Ministry of Commerce	Member
Secretary, DARE & DG (ICAR)	Member
Secretary, Ministry of Food Processing Industries	Member
Secretary, Department of Food Processing Industries	Member
Dy. Director General (Hort.), ICAR	Member
Special Secretary/Addl. Secy., Horticulture, Deptt. Of Agriculture & Cooperation	Member
Principal Advisor, Planning Commission	Member
Financial Advisor, DAC	Member
Chairman, Khadi & Village Industries Commission	Member
Chief Secretary/APC of concerned States	Member
Managing Director, Small Farmers Agri Business Consortium	Member
Horticulture Commissioner, DAC	Member Secretary

2. Steering Committee for Mini Mission-I Research

Secretary, DARE & DG, ICAR	Chairman
Deputy Director General (Hort.), ICAR	Member
Horticulture Commissioner, DAC	Member
Managing Director, Small Farmers Agri Business Consortium	Member
Vice Chancellors of Concerned Agri. Universities	Member
Director, ICAR Res. Complex for NEH Region	Member
Director, NRC for Orchids, Sikkim	Member
Agriculture Production Commissioners of concerned States	Member
Assistant Director General (Plantation Crops)	Member Secretary

antennae3 mutant frame

No. NRCO/MM-I/2002-03/

12.12.2002

OFFICE MEMORANDUM

Subject: Central Sector Scheme of Technology Mission for Integrated Development of Horticulture in North-Eastern States including Sikkim-Implementation of the Scheme during 2002-2003 and Administrative Approval thereof.

In pursuance of the Sanction conveyed by the Govt. of India, Ministry of Agriculture, Department of Agriculture and Cooperation (Horticulture Division) vide their letter No.40-2/2001-Hort.(iv) dated the 10th May,2001, approval of the competent Authority of the council vide letter F. No. 15(27)/99-IA-V dated 1.11.2002 and 20.11.2002 is hereby conveyed for implementation of the Central Sector Scheme of Technology Mission for Integrated Development of Horticulture in North- Eastern States including Sikkim (Mini Mission-I) for a period of one year during the year 2002-03 of Xth Plan (2002-03) at a total outlay of Rs.47.27 lakhs (Rupees Forty seven lakhs and twenty seven thousands only) at Central Plantation Crops Research Institute Regional Centre, Kahikuchi out of which revalidation and sanction of Rs. 31.22284 lakhs (Rs. Thirty one lakhs and twenty two thousands two hundred eighty four only) for the year 2002-03 as per details given below. The funds allocated to each Centre for different activities are given in the enclosed Statements. The revalidation of amount item wise included in financial statement and superceded allthe list approved last year.

SI No.	NAME OF THE PARTICIPATING INSTITUTE/CENTRES	FUNDS ALLOCATED		
		Amount for 2002-03	Amount revalidated	Total
5.	Central Plantation Crops Research Institute Regional Centre, Kahikuchi	16.04716	31.22284	47.27

A copy of the approved document of Mini-Mission -I-Research (2002-03) giving full details of the different activities of the concerned centre is also annexed for reference and record. The Technical Programme is to be carried out by the different centers strictly as per approved programme as contained in the document including staff strength and

Certified to be true Copy.

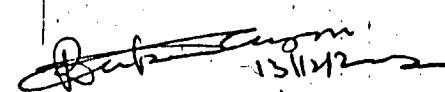
Hemanta Kr. Gogoi
Advocate

utilization of funds for different activities for caring out the research under Mini-Mission Programme. There shall be no deviation from the approved technical programme as well as utilization of funds for different activities as contains in the document. The performance and monitoring of the different Centers of the Mini-Mission Programme is to be done under the Coordination of Dr. R.C. Upadhyaya, Principal Investigator of the Mini-Mission - I Research. It is required to submit Half Yearly and Annual Report for research activities to Dr. R.C. Upadhyaya, Director, National Research Centre for Orchids, Sikkim who is the Principal Investigator of the Mission. All these Reports are to be compiled by the Principal Investigator and a Consolidated Report (Half Yearly/Annually) covering all the Centers of the Mini-Mission along with his comments on each report of the centre, indicating as to whether the report is satisfactory or not, who will after monitoring of each report will submit (3 copies each) to the Ministry of Agriculture with a copy to the Council. Besides this, a consolidated monthly report on physical and financial programme achieved by the each centre is also required to be submitted by the Principal Investigator to the Ministry of Agriculture (3 copies) with a copy to the council.

A separate Account by each participating centre is to be maintained under the Head "R-Deposit-Mini Mission -I-Research 2002-03" and the statement of expenditure to be furnished by each centre to the Ministry of Agriculture from time to time.

The training programmes may be given at all the North Eastern States including Sikkim and RA's may be deputed for Assistance.

Receipts of this letters may also keep us their acknowledged.


15/1/12
(R.C. Upadhyaya)
Principal Coordinator MM-I

Copy to: 1. The Deputy Director General (Hort.) ICAR, Krishi Anusandhan Bhavan, Pusa
New Delhi-110 012 for information

2. The Horticulture Commissioner, Dept. of Agriculture and Cooperation, Ministry of
Agriculture, Krishi Bhavan, New Delhi-110 001 for information.

3. Director, Central Plantation Crops Research Institute, Kasaragod-671 124,
Kerala

(15)

from Jitendra Ch. Das.

ANNEXURE : R3

(Series)

Vill- Matia

1146

P.O- Azara

(54) / 2001-1201

Guwahati-781

B1(41)/1

31.1.01

To

The Co-Principal Investigator
Mini Mission I
CPCRI, Research Centre
Kahikuchi-781 107

Sub: Joining Report - Reg.

Ref: Your Office Memorandum No. F.
1(39)/2001-Estt. Date 06-12-2001

Sir,

With reference to the above, I would like to inform that the terms and conditions stipulated in the aforesaid memorandum are acceptable to me. Accordingly, I do hereby report for duty to the post of 'Skilled Labour' under the scheme entitled 'Mini Mission I' with effect from the FN/AW of 24-12-2001 at CPCRI, RC, Kahikuchi.

Thanking you,

Yours faithfully,

✓ Subrata Das

Kahikuchi,

24-12-2001.

Certified to be true Copy.

Hemanta Kr. Gogoi
Advocate

FROM Mohd. Nizam Ali
villt P.o - Azamra
Gulwakhi - 17

TO

The Co-Principal Investigator
Mini Mission I
CPCRI, Research Centre
Kahikuchi-731 107

1145
F.1(39)/MM(SL)/2001-Estt
31/12/2001

Sub: Joining Report - Reg.

Ref: Your Office Memorandum No. F.
1(39)/2001-Estt. Date 06-12-2001

Sir,

With reference to the above, I would like to inform that the terms and conditions stipulated in the aforesaid memorandum are acceptable to me. Accordingly, I do hereby report for duty to the post of 'Skilled Labour' under the scheme entitled 'Mini Mission I' with effect from the FN/AN of 19-12-2001 at CPCRI, RC, Kahikuchi.

Thanking you,

Yours faithfully,

Md. Nizam Ali

Kahikuchi,

19-12-2001.

(+3)

From

Tapan Barishya
C/o. Uma Kt. Barishya
Vill + P.O - Agchya
P.S. " Azara, Kamrup.

To

The Co-Principal Investigator
Mini Mission I
CPCRI, Research Centre
Kahikuchi-781 107

Recd
12/12/01

1134
P/1(AD)/MM(SL)/2001-Estt.
31.12.01

Sub: Joining Report - Reg.

Ref: Your Office Memorandum No. F.
1(39)/2001-Estt. Date 06-12-2001

Sir,

With reference to the above, I would like to inform that the terms and conditions stipulated in the aforesaid memorandum are acceptable to me. Accordingly, I do hereby report for duty to the post of 'Skilled Labour' under the scheme entitled 'Mini Mission I' with effect from the FN/AN of 18-12-2001 at CPCRI, RC, Kahikuchi.

Thanking you,

Yours faithfully,

C/o Tapan Barishya

Kahikuchi,

18 -12-2001.

(+2)

86

From

Bishnu Ram Medhi
Vill. and PO. Azara
Guwahati.

1144

6 (41) / MM (SL) /
2027-Estt.

31-12-01.

To

The Co-Principal Investigator
Mini Mission I
CPCRI, Research Centre
Kahikuchi-781 107

Sub: Joining Report - Reg.

Ref: Your Office Memorandum No. F.
1(39)/2001-Estt. Date 06-12-2001

Sir,

With reference to the above, I would like to inform that the terms and conditions stipulated in the aforesaid memorandum are acceptable to me. Accordingly, I do hereby report for duty to the post of 'Skilled Labour' under the scheme entitled 'Mini Mission I' with effect from the FN/DW of 18-12-2001, at CPCRI, RC, Kahikuchi.

Thanking you,

Yours faithfully,

✓ Bishnu Ram Medhi

Kahikuchi,

18-12-2001.

(H)

From Sushil Kalita
P.C.Vill-Azare (Kalita para)
Guruvakuchi-7
Date 15/12/2001

1140
P.I.(4)/MM(4)/2001-A.O.
31/12/01

To

The Co-Principal Investigator
Mini Mission I
CPCRI, Research Centre
Kahikuchi-731 107

Sub: Joining Report - Reg.

Ref: Your Office Memorandum No. F.
1(39)/2001-Estt. Date 06-12-2001

Sir,

With reference to the above, I would like to inform that the terms and conditions stipulated in the aforesaid memorandum are acceptable to me. Accordingly, I do hereby report for duty to the post of 'Skilled Labour' under the scheme entitled 'Mini Mission I' with effect from the FN/AN of 15.12.2001 at CPCRI, RC, Kahikuchi.

Thanking you,

Yours faithfully,
✓ Sushil Kalita

Kahikuchi,

15-12-2001.

From

Digantha Medhi
Vill. Azara
Medhipur
PO - Azara

To

The Co-Principal Investigator
Mini Mission I
CPCRI, Research Centre
Kahikuchi-731 107

1141
P.1(41) MM(SL)/2001-Estt
31-12-01

Sub: Joining Report - Reg.

Ref: Your Office Memorandum No. F.
1(39)/2001-Estt. Dated 06-12-2001

Sir,

With reference to the above, I would like to inform that the terms and conditions stipulated in the aforesaid memorandum are acceptable to me. Accordingly, I do hereby report for duty to the post of 'Skilled Labour' under the scheme entitled 'Mini Mission I' with effect from the FN/AN of 15.12.2001 at CPCRI, RC, Kahikuchi.

Thanking you,

Yours faithfully,

- Sri Digantha Medhi

Name:- Sri Digantha Medhi

Kahikuchi,

15-12-2001.

(B)

9

From: - Nagendra Medhi
Petwari-Azara
Guwahati-17.

1136
P/1(4)/MM(SL)/2001-Ext
BT-12-07

Recd
15 Dec

To

The Co-Principal Investigator
Mini Mission I
CPCRI, Research Centre
Kahikuchi-781 1C7

Sub: Joining Report - Reg.

Ref: Your Office Memorandum No. F.
1(33)/2001-Estt. Date 06-12-2001

Sir,

With reference to the above, I would like to inform that the terms and conditions stipulated in the aforesaid memorandum are acceptable to me. Accordingly, I do hereby report for duty to the post of 'Skilled Labour' under the scheme entitled 'Mini Mission I' with effect from the FN/AN of 14-12-2001 at CPCRI, RC, Kahikuchi.

Thanking you,

Yours faithfully,

Sri Nagendra Medhi

Asura Gramabati 17

Kahikuchi,

14-12-2001.

Yakul Kukkuchi the 14th December 2001

- 28 -

7

00

To the scientist In-charge

C.P.CRI Research centre

Kakukuchi G.H.Y - 17

Sub - joining Report.

11/42
P. 1(4) / MM (S4) / 0 - Br.
B.R. - 12 - 0.

Sir,
I To here by joined my duty. To
day on 14th December 2001 (F.N) as a skilled
labour as per office memorandum No. F.N. No
1 (39) / 2001 - EST. Date 06-12-2001
(Ministry of Environment and Forests - 1)

Yours faithfully

Sri Sonabar Ch. Day

Mill. Apara (Keat Paray)

P.O Apara G.H.Y - 17

Dated Kankkunni the 14th

- 29 -

December 12' 2001

(6)

01

To

The scientist incharge

CPCRI Research centre

Subj: Kankkunni GRHY-17
joining Report.

Sir

1137
P1(4)/MMC(SL)/2001-Art.
31-12-01

I go here by joined my day to day on

14th December 2001 (F.N) as a skilled labour
as per office memorandum NO. F NO 1(39/2001-
Dated 06-12-2001 minimission) ESTT

your faithfully

Sir → P. J. Biju / Biju
ojapara
Vill - Azara P.O. Azara
GRHY-17

- 30 -

(5) ¹¹³⁵ ^{QV}
F.I.(A) MM(SL) / 2021-Ex
31-12-07.

2/10

The co-Principal Investigator
Mini-Mission,
Kepukuchi-T,
Assam.

Dated 14-12-2001.

Subs Training-Report.

Ref: F.I.No. 1(39)/2001-Ex.
dated 6-12-2001.

Sir,

Most respectfully I have
the honour to inform you that
I have presented on duty today,
the 14-12-2001 (F.I.) in per
your letter under reference.

Thanking You.

Enclo: enc
Agreement
Format

yours faithfully —

Sri Bijoy Ch. Das.

2/10

(4)

From Shri Kan Das.

vill. Kahikuchi 9 Hy-17
P.O. Agara.

C/o. Sh. Hiren Das.

A A U. Kahikuchi 9 Hy-17

To

1138

1/1(51)/MM(SI)/2001-Ett
31-12-01

The Co-Principal Investigator
Mini Mission I
CPCRI, Research Centre
Kahikuchi-731 107

Sub: Joining Report - Reg.

Ref: Your Office Memorandum No. F.
1(39)/2001-Ett. Date 06-12-2001

Sir,

With reference to the above, I would like to inform that the terms and conditions stipulated in the aforesaid memorandum are acceptable to me. Accordingly, I do hereby report for duty to the post of 'Skilled Labour' under the scheme entitled 'Mini Mission I' with effect from the FN/AN of 14-12-2001 at CPCRI, RC, Kahikuchi.

Thanking you,

Yours faithfully,

K Das

14/12/2001

(Sh. Kan Das)

Kahikuchi

A A U. Campus.

Kahikuchi,

14-12-2001.

113¹

11(4)/MM(SY) 2001-BKT
81-12-07.

AM

30

The Co-Principal Investigator,
Miss Mission-I,
Kakinchit-81017.

Assam.

Dated 14th December 2001.

Enclo: Joining-Report.

Ref No:- 1 (34)/2001-EST
dated 06-12-2001.

Sir,

With reference to
your letter cited above,
I most respectfully and
sincerely like to intimate
that I have resumed on
duty, to-day the 14th Dec/2001
(F/N) and obliged

Enclo: Form of
Agreement.

Yours faithfully—
Sri Ranjit Chandra Das.

14/12/01

12

From Sri Tuku Baishya
Vill- Azara (Kaliya para)
P.O- Azara
Dist- Kamrup (Assam)
Guwahati - 17

To

The Co-Principal Investigator
Mini Mission I
CPCRI, Research Centre
Kahikuchi-781 107

1133
P.1(4)/MM(SL)/2001- Bdt.
31-12-01.

Sub: Joining Report - Reg.

Ref: Your Office Memorandum No. F.
1(33)/2001-Eatt. Date 06-12-2001

Sir,

With reference to the above, I would like to inform that the terms and conditions stipulated in the aforesaid memorandum are acceptable to me. Accordingly, I do hereby report for duty to the post of 'Skilled Labour' under the scheme entitled 'Mini Mission I' with effect from the FN/AN-of 14.12.2001 at CPCRI, RC, Kahikuchi.

Thanking you,

Yours faithfully,

Tuku Baishya

Sri Tuku Baishya

Kahikuchi,

14-12-2001.

(+)

ab

From

Md. Farid Ali

VII - Lower Mirzapur

P.O - Ajanvi Ghati-17

~~H~~ 1132

To

The Co-Principal Investigator
Mini Mission I
CPCRI, Research Centre
Kahikuchi-731 107

~~P.I.(41)/MM(52)/2001-EtA~~

31-12-01.

Sub: Joining Report - Reg.

Ref: Your Office Memorandum No. F.
1(39)/2001-EtA. Date 06-12-2001

Sir,

With reference to the above, I would like to
inform that the terms and conditions stipulated in the
aforesaid memorandum are acceptable to me. Accordingly,
I do hereby report for duty to the post of 'Skilled Labour'
under the scheme entitled 'Mini Mission I' with effect from
the FN/AW of 14/12/01 at CPCRI, RC, Kahikuchi.

Thanking you,

Yours faithfully,

Md. Farid Ali

Md. Farid Ali

Kahikuchi,

14-12-2001.

FORM OF AGREEMENT TO BE EXECUTED BY THE PERSONNEL
ENGAGED UNDER AD-HOC RESEARCH SCHEMES/PROJECTS UNDER
CENTRAL PLANTATION CROPS RESEARCH INSTITUTE (ICAR)

01 I, Sri. Jitendra Ch. Das, Vill. Nabor, P.O. Agar, Guwahati, Assam, who has been offered the temporary assignment of Skilled Labour under the ad-hoc time bound scheme/project entitled "Technology Mission for Integrated development of herbiculture in North-Eastern States including Sikkim" at .. C.P.C.R.I., Kohikuchi (ICAR) vide memorandum No.F. 1(39)/2001-Estt..... dated .. 06-12-2001. do hereby undertake that I will not claim for continued employment or permanent absorption against any regular post/appointment in the establishment of this Institute under ICAR, during my tenure of assignment or after the termination from the assignment under the Scheme/Project.

02 I am fully aware that my services are purely on ad-hoc/temporary basis and that shall be terminated on completion of the term of engagement or on the date, the sanction of the scheme expires, whichever is earlier.

Kohikuchi
Dated at Kasaragedi this .. 24 (date),
..... 12 (month), 2001 (year)

Signature : - Sri. Jitendra Das

Name : Jitendra Ch. Das

Designation : Skilled Labour

--000--

FORM OF AGREEMENT TO BE EXECUTED BY THE PERSONNEL
ENGAGED UNDER AD-HOC RESEARCH SCHEMES/PROJECTS UNDER
CENTRAL PLANTATION CROPS RESEARCH INSTITUTE (ICAR)

01

I, Mohd. Nizam Ali, Mill & P.O.: - Azera,....
... Gellivankalji, 17.

who has been offered the temporary assignment of Skilled....
labour.... under the ad-hoc time bound scheme/
project entitled "Technology Mission for integrated development
of horticulture in North-Eastern states including Sikkim....
at C.P.C.R.I., Kharikulji..... (ICAR) vide memorandum
No. F. 1 (39) / 2001-ESTL, dated 06.12.2001. do hereby
undertake that I will not claim for continued employment or
permanent absorption against any regular post/appointment in
the establishment of this Institute under ICAR, during my
tenure of assignment or after the termination from the
assignment under the Scheme/Project.

02

I am fully aware that my services are purely on
ad-hoc/temporary basis and that shall be terminated on comple-
tion of the term of engagement or on the date, the sanction of
the scheme expires, whichever is earlier.

Kharikulji
Dated at Kasaragod this ... 19 (date),
..... 12 (month), 2001 (year)

Signature

: *Mohd. Nizam Ali*

Name

: *Mohd. Nizam Ali*

Designation : *Skilled labour*

--000--

Pmn/041199

FORM OF AGREEMENT TO BE EXECUTED BY THE PERSONNEL
ENGAGED UNDER AD-HOC RESEARCH SCHEMES/PROJECTS UNDER
CENTRAL PLANTATION CROPS RESEARCH INSTITUTE (ICAR)

01 I, Tapan Barishya, c/o. Mr. Kt. Barishya
Wt P:... Agriya, P.S. Azara, Kamrup.
who has been offered the temporary assignment of Skilled labour.....
..... under the ad-hoc time bound scheme/
project entitled "Technology Mission for Integrated Development
of Horticulture in North-Eastern States including Sikkim"
at C.P.C.R.I., Kalikuchi.....(ICAR) vide memorandum
No. F. 1(39)/2001-EST..... dated 06.12.2001.. do hereby
undertake that I will not claim for continued employment or
permanent absorption against any regular post/appointment in
the establishment of this Institute under ICAR, during my
tenure of assignment or after the termination from the
assignment under the Scheme/Project.

02 I am fully aware that my services are purely on
ad-hoc/temporary basis and that shall be terminated on comple-
tion of the term of engagement or on the date, the sanction of
the scheme expires, whichever is earlier.

Kalikuchi
Dated at ~~Kasargod~~ this ..18..... (date),
....12..... (month),2001..... (year)

Signature

Tapan Barishya

Name

Tapan Barishya

Designation : Skilled labour

--000--

FORM OF AGREEMENT TO BE EXECUTED BY THE PERSONNEL
ENGAGED UNDER AD-HOC RESEARCH SCHEMES/PROJECTS UNDER
CENTRAL PLANTATION CROPS RESEARCH INSTITUTE (ICAR)

01 I, Bishnu Ram Medhi, vill & P.O.-Azara,
... Guwahati-17...
... who have been offered the temporary assignment of ... Skilled
... Labour under the ad-hoc time bound scheme/
project entitled "Technology Mission for integrated development
of horticultural crops in North-Eastern including Sikkim.....
at CPCRI, Kohikuchi (ICAR) vide memorandum
No. F.1(39)/201-EST/..... dated 06.12.2001... do hereby
undertake that I will not claim for continued employment or
permanent absorption against any regular post/appointment in
the establishment of this Institute under ICAR, during my
tenure of assignment or after the termination from the
assignment under the Scheme/Project.

02 I am fully aware that my services are purely on
ad-hoc/temporary basis and that shall be terminated on comple-
tion of the term of engagement or on the date, the sanction of
the scheme expires, whichever is earlier.

Dated at Kohikuchi
..... 12 Kasaragod this 19 (date),
..... (month), 2001 (year)

Signature

: Bishnu Ram Medhi

Name

: Bishnu Ram Medhi

Designation : Skilled Labour

--000--

FORM OF AGREEMENT TO BE EXECUTED BY THE PERSONNEL
ENGAGED UNDER AD-HOC RESEARCH SCHEMES/PROJECTS UNDER
CENTRAL PLANTATION CROPS RESEARCH INSTITUTE (ICAR)

01 I, Brajan Sarma, Vill & P. O. Majingaon
via - Palsibari, Distt - Kamrup, Assam
who has been offered the temporary assignment of Skilled Labour.....
under the ad-hoc time bound scheme/
project entitled "Technology Mission for Integrated Development
of Horticulture in North-Eastern States including Sikkim..
at C.P.C.R.I., Kachikuchi.....(ICAR) vide memorandum
No. F.1(35)/2001-Estt:..... dated 06-12-2001. do hereby
undertake that I will not claim for continued employment or
permanent absorption against any regular post/appointment in
the establishment of this Institute under ICAR, during my
tenure of assignment or after the termination from the
assignment under the Scheme/Project.

02 I am fully aware that my services are purely on
ad-hoc/temporary basis and that shall be terminated on comple-
tion of the term of engagement or on the date, the sanction of
the scheme expires, whichever is earlier.

Dated at Kachikuchi Kasargod this 15 (date),
..... 12 (month), 2001 (year)

Signature : Brajan Sarma

Name : Brajan Sarma

Designation : Skilled Labour

--000--

Pnn/041199

102
FORM OF AGREEMENT TO BE EXECUTED BY THE PERSONNEL
ENGAGED UNDER AD-HOC RESEARCH SCHEMES/PROJECTS UNDER
CENTRAL PLANTATION CROPS RESEARCH INSTITUTE (ICAR)

01 I, Subhil Kalita, Villt Post Azara.....
(Kalitapara), Curnahat-17.....
who has been offered the temporary assignment of Skilled.....
Labour..... under the ad-hoc time bound scheme/
project entitled "Technology Mission for Integrated development
of horticulture in North-Eastern States including Sikkim...
nt. C.P.C.R.I., Kalikuchi..... (ICAR) vide memorandum
No. F.1(39)/&al.-Estt:..... dated 26/12/2001... do hereby
undertake that I will not claim for continued employment or
permanent absorption against any regular post/appointment in
the establishment of this Institute under ICAR, during my
tenure of assignment or after the termination from the
assignment under the Scheme/Project.

02 I am fully aware that my services are purely on
ad-hoc/temporary basis and that shall be terminated on comple-
tion of the term of engagement or on the date, the sanction of
the scheme expires, whichever is earlier.

Dated at Kasaragod this ...15.....(date),
.....12.....(month),2001.....(year)

Signature : Subhil Kalita

Name : Subhil Kalita

Designation : Skilled Labour

--000--

Pnn/041199

FORM OF AGREEMENT TO BE EXECUTED BY THE PERSONNEL
ENGAGED UNDER AD-HOC RESEARCH SCHEMES/PROJECTS UNDER
CENTRAL PLANTATION CROPS RESEARCH INSTITUTE (ICAR)

01 I, Diganta Medhi, Vill. Azara, Medhipur
P.O. - Azara, Dist. Darjeeling - 734 321
who has been offered the temporary assignment of Skilled Labour under the ad-hoc time bound scheme/ project entitled "Technology Mission for integrated development of Agriculture in North-Eastern States including Sikkim" at CPCRI, Kalikatri (ICAR) vide memorandum No. F. 1(39)/8001-Estt dated 06/12/2001 ... do hereby undertake that I will not claim for continued employment or permanent absorption against any regular post/appointment in the establishment of this Institute under ICAR, during my tenure of assignment or after the termination from the assignment under the Scheme/Project.

02 I am fully aware that my services are purely on ad-hoc/temporary basis and that shall be terminated on completion of the term of engagement or on the date, the sanction of the scheme expires, whichever is earlier.

Dated at Kusaragod this ... 15 (date),
..... 12 (month), 2001 (year)

Signature : Sri Diganta Medhi

Name : Diganta Medhi

Designation : Skilled Labour

--000--

Pnn/041199

FORM OF AGREEMENT TO BE EXECUTED BY THE PERSONNEL
ENGAGED UNDER AD-HOC RESEARCH SCHEMES/PROJECTS UNDER
CENTRAL PLANTATION CROPS RESEARCH INSTITUTE (ICAR)

01 1. Nageradka. Meddr. willt. Prof. A. Zajka.
Gubkovič - 17.

..... who has been offered the temporary assignment of Skilled Labour under the ad-hoc time bound scheme/project entitled "Tech. Agg. Mission for Integrated development of handiculture in Northwestern States including Sikkim" at CPCRI, R/S, Kharagpur (ICAR) vide memorandum No. F.1(32)/2001-T.S.I.C. dated 06.12.2001... do hereby undertake that I will not claim for continued employment or permanent absorption against any regular post/appointment in the establishment of this Institute under ICAR, during my tenure of assignment or after the termination from the assignment under the Scheme/Project.

92 I am fully aware that my services are purely on ad-hoc/temporary basis and that shall be terminated on completion of the term of engagement or on the date, the sanction of the scheme expires, whichever is earlier.

Dated at Kasaragod this ..11.....(date),
.....12.....(month),2001.....(year)

Signature : - Sri Nagendran Fleet

Name : Nagendra Nedhi

Designation : Skilled Labour

— 53 —

FORM OF AGREEMENT TO BE EXECUTED BY THE PERSONNEL
ENGAGED UNDER AD-HOC RESEARCH SCHEMES/PROJECTS UNDER
CENTRAL PLANTATION CROPS RESEARCH INSTITUTE (ICAR)

01 I, .. Shri. Sonabar. Ch. Das, c/o Bipin. Ch. Das
Villt. P.o. Azara, Guwahati-17
who has been offered the temporary assignment of "Skilled
Labour" under the ad-hoc time bound scheme/
project entitled ".Technology. Mission for integrated development
of horticulture in North Eastern States. (MINI-MISSION-I)"
at Kahukuchi, C.P.C.R.J (ICAR) vide memorandum
No. F. 1(39)/2001-Estt. dated 06-12-2001 do hereby
undertake that I will not claim for continued employment or
permanent absorption against any regular post/appointment in
the establishment of this institute under ICAR, during my
tenure of assignment or after the termination from the
assignment under the Scheme/Project.

02 I am fully aware that my services are purely on
ad-hoc/temporary basis and that shall be terminated on comple-
tion of the term of engagement or on the date, the sanction of
the scheme expires, whichever is earlier.

Dated at Kasaragod this ..11..... (date),
.....12..... (month),2001..... (year)

Signature

Shri. Sonabar Das

Name

: Sonabar Ch. Das

Designation : Skilled Labour

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Fon/041199

FORM OF AGREEMENT TO BE EXECUTED BY THE PERSONNEL
ENGAGED UNDER AD-HOC RESEARCH SCHEMES/PROJECTS UNDER
CENTRAL PLANTATION CROPS RESEARCH INSTITUTE (ICAR)

01 I, Bipul Baruah, Vill. & P.O. - Abaria
Gaurahati - 783 171
who has been offered the temporary assignment of Skilled Labour under the ad-hoc time bound scheme/project entitled "Technology Mission for tube root crop development of horticulture in North-Eastern States including Sikkim at ...C.P.C.R.I., ...Kurikuchi..... (ICAR) vide memorandum No. F. 1(39)/Adm.-Esti..... dated 16.12.2001. do hereby undertake that I will not claim for continued employment or permanent absorption against any regular post/appointment in the establishment of this Institute under ICAR, during my tenure of assignment or after the termination from the assignment under the Scheme/Project.

02 I am fully aware that my services are purely on ad-hoc/temporary basis and that shall be terminated on completion of the term of engagement or on the date, the sanction of the scheme expires, whichever is earlier.

Dated at Kasaragod this ... 14 (date),
..... 12 (month), 2001 (year)

Signature

Bipul Baruah

Name

Bipul Baruah

Designation : Skilled Labour

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FORM OF AGREEMENT TO BE EXECUTED BY THE PERSONNEL
ENGAGED UNDER AD-HOC RESEARCH SCHEMES/PROJECTS UNDER
CENTRAL PLANTATION CROPS RESEARCH INSTITUTE (ICAR)

01 I, Bijoy Ch. Das, a/c/o Chandradhar Das
Vill. Mirzapur, P.S.: t.P.o: Azara, Kamrup,
who has been offered the temporary assignment of Skilled
Labour under the ad-hoc time bound scheme/
project entitled "Technology Mission for Integrated develop-
ment of horticulture in N.E. Eastern States including Sikkim
at C.P.C.R.I, Krishnakhali (ICAR) vide memorandum
No. F. 1(39) / 2001 - Estt: dated 06.12.2001. do hereby
undertake that I will not claim for continued employment or
permanent absorption against any regular post/appointment in
the establishment of this Institute under ICAR, during my
tenure of assignment or after the termination from the
assignment under the Scheme/Project.

02 I am fully aware that my services are purely on
ad-hoc/temporary basis and that shall be terminated on comple-
tion of the term of engagement or on the date, the sanction of
the scheme expires, whichever is earlier.

Dated at Kasaragod this 11 (date),
.... 12 (month), 2001 (year)

Signature : Sri Bijoy Ch. Da-

Name : Bijoy Ch. Das

Designation : Skilled Labour

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Pnn/041199

FORM OF AGREEMENT TO BE EXECUTED BY THE PERSONNEL
ENGAGED UNDER AD-HOC RESEARCH SCHEMES/PROJECTS UNDER
CENTRAL PLANTATION CROPS RESEARCH INSTITUTE (ICAR)

01 I, Kan. Das, C/o, Hiram. Das, Kalikuchi
. P.C. A.B.M.A. ... Kamrup.
who has been offered the temporary assignment of Skilled ...
Labour under the ad-hoc time bound scheme/
project entitled "Technology Mission for Integrated development
of horticulture in North-Eastern States including Sikkim"
at C.P.C.R.I., Kalikuchi (ICAR) vide memorandum
No. F. 1633/2001 Estl. dated 26.12.2001.. do hereby
undertake that I will not claim for continued employment or
permanent absorption against any regular post/appointment in
the establishment of this Institute under ICAR, during my
tenure of assignment or after the termination from the
assignment under the Scheme/Project.

02 I am fully aware that my services are purely on
ad-hoc/temporary basis and that shall be terminated on comple-
tion of the term of engagement or on the date, the sanction of
the scheme expires, whichever is earlier.

Dated at Kasaragod this ... 14 (date),
..... 12 (month), 2001 (year)

Signature : Kan Das

Name : Kan Das

Designation : Skilled Labour

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FORM OF AGREEMENT TO BE EXECUTED BY THE PERSONNEL
ENGAGED UNDER AD-HOC RESEARCH SCHEMES/PROJECTS UNDER
CENTRAL PLANTATION CROPS RESEARCH INSTITUTE (ICAR)

01 I, ... Mohd. Farid Ali ...

02 I am fully aware that my services are purely on ad-hoc/temporary basis and that shall be terminated on completion of the term of engagement or on the date, the sanction of the scheme expires, whichever is earlier.

Kohikuchi

Dated at ~~Kasaragod~~ this ... 13th (date),
.... December (month), 2001 (year)

Signature : Faizel Ali

Name : Md Faizel Ali

Designation : Skilled Labour.

—000—

FORM OF AGREEMENT TO BE EXECUTED BY THE PERSONNEL
ENGAGED UNDER AD-HOC RESEARCH SCHEMES/PROJECTS UNDER
CENTRAL PLANTATION CROPS RESEARCH INSTITUTE (ICAR)

01 I, Tuku Bai Shya.....

who has been offered the temporary assignment of Skilled Labourer under the ad-hoc time bound scheme/project entitled "Technology Mission for Integrated development of horticulture in North-Eastern States" at C.P.R.I., Kalikuchi (ICAR) vide memorandum No. F.1(32)/2001-ESlt. dated 06-12-2001 do hereby undertake that I will not claim for continued employment or permanent absorption against any regular post/appointment in the establishment of this Institute under ICAR, during my tenure of assignment or after the termination from the assignment under the Scheme/Project.

02 I am fully aware that my services are purely on ad-hoc/temporary basis and that shall be terminated on completion of the term of engagement or on the date, the sanction of the scheme expires, whichever is earlier.

Dated at Kasaragod this 14 (date),
..... 12 (month), 2001 (year)

Signature : Sri Yukta Basu

Name : Tukur Baishya

Designation : Skilled Labour

-3009-

FORM OF AGREEMENT TO BE EXECUTED BY THE PERSONNEL
ENGAGED UNDER AD-HOC RESEARCH SCHEMES/PROJECTS UNDER
CENTRAL PLANTATION CROPS RESEARCH INSTITUTE (ICAR)

01 I, ..Sri.. Ranjit Chandee Dab.....

who has been offered the temporary assignment of
"Skillful Tributes" under the ad-hoc time bound scheme/
project entitled "Technology Mission Post Integrated
Development of horticulture in NE states including Sikkim
at ..KATHMANDU.....(ICAR) vide memorandum
No.F. 4.(3.7)/2001-EPT.. dated 04/12/2001. do hereby
undertake that I will not claim for continued employment or
permanent absorption against any regular post/appointment in
the establishment of this Institute under ICAR, during my
tenure of assignment or after the termination from the
assignment under the Scheme/Project.

02 I am fully aware that my services are purely on ad-hoc/temporary basis and that shall be terminated on completion of the term of engagement or on the date, the sanction of the scheme expires, whichever is earlier.

Dated at Kasaragod this 14-12-2001 (date),
... December (month), 2001 (year)

Signature :

128.

Name

• 51st Rajaji ch. D

Designation : Skilled Labour

-3000-

Pnn/041199

(SEE RULE 42)

GENERAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCHORDER SHEETOriginal Application No: 236/03

Misc Petition No:

Contempt Petition No:

Review Application No:

Applicants: Abdul Sattar AnsRespondents: State of AssamAdvocate for the Applicants: Mr Soail AhmedAdvocate for the Respondents: BCP

Dated of this day of April 2004, Order of the Tribunal



present : The Hon'ble Mr Justice B.L. Deka, Vice-Chairman.

Heard Mr A. Ahmed, learned counsel for the applicant and Mr B.C. Paul, learned counsel for the respondent.

Learned counsel for the applicant seeks to withdraw this application in order to file a representation for regularisation of services of the applicant before the appropriate authority.

The application stands discontinued withdrawn.

SD/VICE CHAIRMAN

30/7/04

Section 42(1)(a)

General Administrative Tribunal
Guwahati Bench
Assam
State of Assam, India

Certified to be true Copy
Hemanta K. Gogoi
Advocate



CENTRAL PLANTATION CROPS RESEARCH INSTITUTE

(Indian Council of Agricultural Research)
KASARAGOD - 671 124, KERALA, INDIA

E-mail : cpcri@hub1.nic.in
Fax : 91-4994-2432 322
Phone: Off: (04994) 232893, 232894, 232895, 232996



F. No.308/2004-Confl.

Dated : 19.12.2005

OFFICE ORDER

Whereas one Sri. Sonabar Das along with 14 other applicants filed a case vide O.A. No.236/2003 in the Hon'ble Central Administrative Tribunal, Guwahati Bench (referred to as the 'Tribunal'). However, the said applicants made a prayer before the said Tribunal to allow them to withdraw the said case so that they may file a representation before the authorities. Accordingly the Tribunal allowed the applicants to withdraw the case and the same was dismissed on withdrawal. The said applicants filed a representation before the authorities and the said representation was under process for consideration. The applicants again filed another case before the Tribunal vide O.A. No.308/2004 without waiting for the outcome of the representation that they filed. The matter being subjudiced, the representation so filed could not be considered and no order could be passed thereon. The written statements in the case was filed by the competent authority. The case in O.A. No.308/2004 came up for hearing on 22.8.2005. After hearing both the sides the Hon'ble Tribunal was pleased to dispose of the case with a direction to the respondent No.4 authority to consider the representation as in 'Annexure-F' submitted by the applicants and to pass appropriate order in accordance with law and relevant Govt. Order within a period of 4 months from the date of the receipt of the said order.

Whereas the certified copy of the order dated 22.8.2005 was issued by the registry of the Tribunal only on 12.9.2005 and the same was received by the authority only thereafter. After receipt of the said order through the local office, the competent authority (respondent No.4) has considered the said representation. The respondent No.4 authority after going through the said representation has found that the applicants have raised the issue that they were selected and engaged at a consolidated pay of Rs.1500/- p.m. under Mini Mission-I. It has also been stated that the applicants were sponsored by the employment exchange. It has also been stated that as per the terms of appointment the applicants were liable to be terminated on the date of expiry of the sanction of the scheme. By the said representation they have also raised the issue that their term of appointment expired on 31.3.2002 whereas they were still continuing in engagement continuously. So there was presumption that the Govt. will regularize their engagement in service. Mention has also been made about the O.A. No.236/2003 which was ultimately dismissed on withdrawal for filing a representation which is now

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Certified to be true Copy

Hemanta Km. Gogoi
Advocate

being considered here. The contention of the applicants is that they have served for a considerable long period under the authority and therefore they have acquired a legal right for granting temporary status and regularization in Group D post. It has also been alleged that the applicants have been deprived of regular service benefits, pay scale, D.A. and even minimum pay scales are not granted to them. It is also alleged that the competent authority has deprived them of minimum wages as admissible for skilled labourers as fixed by the Ministry of Labour, Govt. of India. It is also alleged that they were selected and appointed by the competent authority through regular interview and selection process. They have also alleged that there were vacancies in Group D post as some of such Group D employee retired from service in the year 1999, 2002 and 2003 and there would be more retirement in the year 2005 and 2006 where the applicants could be absorbed. Therefore the applicant through the said representation has prayed for absorption in service with appropriate pay scale of skilled labour as fixed by the Govt. of India.

So far as the nature of engagement of the applicants are concerned, they were engaged as daily rated workers at a monthly consolidated fixed rate against a particular scheme (project) sponsored by the Ministry of Agriculture, Department of Agriculture and Co-Operation with due approval from the competent authority of Indian Council of Agricultural Research and as per funding pattern and specification. The said scheme has been fixed for a duration of 5 years with the year of starting being 2001-2002 and the same being over by the financial year ending 2005-2006. The sponsorship of the said scheme/project is subject to the financial sanction which is made on year to year basis by the sponsoring authority for every financial year. The said Mini Mission scheme is a project with the objective to go for research in the specified area of (1) production of nucleus/basis seeds and planting materials of horticultural crops, (2) standardization of improved production technologies for horticultural crops and (3) technology refinement and imparting of training to extension functionaries. Under the said scheme the respondent No.4 authority along with the Scientist In-Charge, Central Plantation Crops Research Institute, Kahikuchi, Guwahati is only an implementing agency of the said sponsored scheme. Therefore none of the implementing agencies are not in any way competent to decide anything regarding continuation of the project and the applicants in engagement or to regularize their services in the regular establishment as there is no regular establishment in a project of fixed term. The entire project, its implementation and funding is absolutely dependent on the sponsoring authorities i.e. the Govt. of India, Ministry of Agriculture, Department of Agriculture and Co-operation. Moreover, as per settled provisions of law the workers who are engaged against the post or jobs specifically created for such project/scheme may continue with the continuation of the project and when the works of the project is over and the project comes to an end, then the services, posts created for the said project also comes to an end. As such a project worker cannot claim regularization or continuation in such service/job after the closure of the project. The continuation or closure of a project is a matter of policy to be decided by the competent authority. The length or duration of engagement of any such worker in such project has no bearing in such

situation. In the instant case the sponsorship is being continued by the sponsoring authority and the same is being over by the financial year ending by 2005-2006 and accordingly the applicants are allowed to continue in engagement as the life of the project is continuing up to the financial year 2005-2006. The Mini Mission project is a research scheme earmarked for certain area of operation and such works are not of any permanent nature and specifically stipulated for a definite period of five years from the financial year 2001-2002 to 2005-2006 only.

The applicants entered into an agreement with the implementing agency that they have been offered the temporary assignment as Skilled labourer under the ad-hoc time bound scheme/project and they would not claim for continued employment or permanent absorption against any regular post/appointment in the establishment of the institute of the implementing agency during or after the termination of the assignment under the scheme/project. The applicants also declared that they were aware that their services were purely ad-hoc/temporary and shall be terminated on completion of the term of engagement or on the date when the sanction of the scheme expires, whichever is earlier. Those agreements were annexed as Annexures in the written statements filed in the case. That being the legal position, the applicants are bound by the law of contract and by the said agreement. The law is also well settled by the Hon'ble Supreme Court that when the scheme of the project is specific and it is not of permanent nature, the employee cannot ask for regularization in service. It is also held that the persons engaged against the post created under a sponsored scheme cannot be regularized in that service. A project is undertaken with an estimated fund for a particular period to do certain things, when the project is completed, funds are utilized and it is closed or comes to an end, the employees will have to go with the closure of the project. There are catena of decisions in support of such settled provisions of law as in "Sandip Kumar Vs State of Uttar Pradesh reported in AIR 1992 SC 713", "Jawaharlal Nehru Krishi Viswa Vidyalaya Vs Bal Kishan Soni – reported in 1997 (5) SCC 86", "State of Himachal Pradesh VS Ashwini Kumar reported in 1996 (1) SCC 773", "Executive Engineer, ZP ENGG. Divn. and Another Vs Digambar Rao & others as reported in 2004 (8) SCC 262" etc. This was well highlighted in the written statements (paragraph 12) submitted in the case with copy to the applicants. Hence, the applicants can not be said to have acquired any legal right for absorption or regularization. Moreover, the law is well settled that the creation and abolition of post pertains to the exclusive domain/prerogative of the executive, the employee cannot have anything to say in such matter mostly related to the policy decision of the executive concerned with various related matters. Such employee cannot continue in service when the posts are abolished. The above noted ratio has been laid down by the courts in a plethora of decisions like, "K. Rajendran Vs State of Tamil Nadu as reported in AIR 1982 SC 1107", "State of Haryana & Others Vs Piara Singh & Others as reported in AIR 1992 SC 2130", "Rajendra Vs State of Rajasthan reported in 1999 (2) SCC 317", "Jayachan M. Sebastian Vs The Director General & Others – reported in 1997 (2) LLJ 677", "P.U. Joshi & Others VS Accountant General, Ahmedabad & Others as reported in 2003 (2) SCC 632" etc. In a specific and similar case, as in "Indian Council

of Agricultural Research Vs Raja Balwant Singh College & Others (Civil Misc. Writ Petition No.41675/2001), the Hon'ble Allahabad High Court held that the temporary employees have no right to the post, when termination of service is not punitive, they cannot challenge such order of termination. In the instant case, the workers are engaged in a project as per requirement of the project. They will go with the project when it comes to an end and cannot claim regularization.

There is no vacancy of any Group D post available in the establishment of the implementing agency due to abolition of vacancies in the process of Annual Direct Recruitment Plan 1999-00 to 2004-05 as per the existing policy of the Government of India in downsizing of the establishment. Moreover, there is a ban order of the Government of India prohibiting any direct recruitment against any post of Group C and D. It is also pertinent to state here that there are specific procedures and recruitment rules for selection and appointment of Group D employee and there cannot be any selection or appointment dehors any such rules. As such there cannot be any such selection, recruitment or regularization of any service in the establishment of the implementing agency.

The implementing agency of the said Mini Mission Project for the reasons as stated herein above cannot accede to the demand of the applicant in so far as the question of his regularization in service with pay scales etc. is concerned. And accordingly the representation filed by the applicant stands disposed of in compliance with the order of the Hon'ble Tribunal.


DIRECTOR

To

Shri Jitendra Ch. Das/Moh. Nizam Ali/Tapan Baishya/Bishnu Ram Medhi/
Brajan Sarma/Sushil Kalitha/Diganta Medhi/Nagendra Medhi/Sonabar Ch. Das/
Bipul Barua/Bijoy Ch. Das/Kan Das/Ranjit Ch. Das/Tuku Baishya/Mohd. Farid Ali
Skilled Labourer, CPCRI Research Centre
Kahikuchi.... Thru..... the Co-Pr. Investigator (Minimission)

Copy to :- 01 The Scientist incharge, CPCRI, RC, Kahikuchi
02 The Co- Pr. Investigator, Minimission Project, CPCRI RC Kahikuchi
03 The Pr. Investigator, Minimission Project, NRC for Orchids, Pakyang-
737 106 (Sikkim)
04 The Asst. Admn. Officer (Estt. I) CPCRI, Kasaragod

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NOTICE

From: B. C. Pathak
Sir. A. Ahmed
Advocate, Guwahati

Date: 8/1/07

To:

Sir. A. Ahmed
Advocate

Subject: O.A. No. 78/2006 filed by
Srinabur Das & Ors - vs - V.O.I. Sons
Notice/ Steps for Respondent No.

Sir,

Please find enclosed herewith the copy of the O.A. No. 78/2006 filed by the above-named petitioner in the Hon'ble Gauhati High Court served as per direction of the Hon'ble High Court vide order dated 5.A.T. to serve notice for above-noted Respondent/s.

Kindly acknowledge the receipt of the same.

Yours faithfully,

B. C. Pathak
Advocate 8/1/07

Received Copy:

.....
Advocate

I undertake to furnish a copy to the petitioner as the advocate for the petitioner could not be found today in the court.

B. C. Pathak
Advocate 8/1/07