

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI**

C.P. No. 230/2017 with
O.A. No.877/2017

This the 9th day of November, 2017

**Hon'ble Mr. V. Ajay Kumar, Member (J)
Hon'ble Ms. Nita Chowdhury, Member (A)**

1. Dr. Mamta Singh (PAROKAR) -
Aged 38 years
W/o Sh. Yatender Sharma
(Working as Scientist (Botany) in
CSIR-TDKL),
Sector-19, Central Govt. Enclave,
Kamla Nehru Nagar, Ghaziabad.
2. Dr. Mohd. Shadab (aged 31 years)
S/o Aijaz Ahmed
(Working as Senior Expert UNANI/
Sr. Project Assistant in CSIR-TDKL since 2015)
C/o & R/o D-543, MIG, Sector-11,
Pratap Vihar, Ghaziabad-201009.

... Applicants

(By Advocate: Ms. Harvinder Oberoi)

Versus

1. Union of India through its
Secretary,
Ministry of AYUSH,
AYUSH Bhawan,
B Block, GPO Complex,
INA, New Delhi-110023.
2. Ministry of Science and Technology through
Director General,
Council of Scientific and Industrial Research
Anusandhan Bhawan,
2 Rafi Marg,
New Delhi-110001.
3. Traditional Knowledge Digital Library Unit
Through Head TKDL Unit,
CSIR-Naraina Complex,
A-93/94, Phase-I,
Naraina Industrial Area,
New Delhi-110028.

... Respondents

(By Advocate: Sh. Praveen Swaroop)

ORDER (ORAL)**By Hon'ble Mr. V.Ajay Kumar, Member (J)**

Heard both the sides in OA as well as in CP.

OA No.877/2017

2. When this matter is taken up for hearing both the counsel appearing for the parties submitted that the subject matter of this OA is squarely covered by the order of this Tribunal dated 05.05.2017 passed in OA No.509/2015 with OA No.3587/2015, **Dr. Sneh Lata Jain and others vs. Union of India and others** and accordingly submitted that the present OA may also be disposed of in terms of the said order. Relevant paragraphs of the aforesaid order are extracted below:

“8.2.3 In view of the aforesaid submissions, it is clear that no regular posts are available against which the applicants can be regularized. Hence, their prayer for regularization cannot be considered and also there is no question of conferring permanent status on them. However, to allay their fear that the respondents will discharge this work through some other Unit/Wing and appoint a fresh set of contractual employees, we direct that if this activity is assigned to any other Unit/Wing of the respondents then new set of contractual employees shall not be appointed to displace the applicants herein. In such an eventuality the services of the applicants herein shall be continued provided they meet the eligibility conditions of the new establishment. There will, however, be no bar in making regular appointments and if that is done the applicants may be considered as per rules after giving admissible age relaxation.

xxx xxx xxx

8.3.4 In view of the aforesaid law laid down by the Apex Court, we find merit in the contention of the applicants. However, we find that the applicants have not given details of the duties discharged by them and by those on regular establishment to establish that the applicants are covered by the Apex Court judgment. We, therefore, direct the respondents to examine the case of applicants herein and in case they are found to be covered by the aforesaid judgment of the Apex Court, then they may be granted the salary at the minimum of the pay scale granted to the regular employee along with all admissible allowances. The applicants shall also be entitled to arrears

arising out of the aforesaid benefit. However, considering the facts and circumstances of this case, the payment of arrears shall be for the period commencing from the date of filing of this O.A. i.e. 05.02.2015 without interest. The consolidated remuneration paid to the applicants shall be adjusted from the same.”

3. Learned counsel for applicant also submitted that the applicants in OA No. 509/2015 with OA No.3587/2015 were re-engaged vide order dated 24.10.2017, however, subject to certain conditions.

4. In the circumstances, OA is disposed of in terms of the order dated 05.05.2017 passed in OA No. 509/2015 with OA No.3587/2015. Respondents are further directed to pay the wages to the applicants for the period they worked during the pendency of the OA, if they have already not been paid.

CP No. 230/2017

5. In the circumstances, no orders are required in the CP. CP is closed. Notices are discharged.

(Nita Chowdhury)
Member (A)

(V. Ajay Kumar)
Member (J)

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