

Central Administrative Tribunal
Principal Bench

OA No. 3328/2014

MA No. 4210/2015

MA No. 2847/2014

Order Reserved on: 19.09.2016
Order Pronounced on: 14.12.2016

Hon'ble Mr. V. Ajay Kumar, Member (J)
Hon'ble Dr. B.K. Sinha, Member (A)

- 1 Maan Thapa@ Man Bahadur
S/O Shri Bhakta Bahadur
R/O CIMFR Colony, Barwa Road,
Dhanbad, Jharkhand
Presently at New Delhi
- 2 Swapan Kumar
S/O Shri Balram Mandal
R/O Shimla Nagar,
Dhaiya,
PO-I.S.M. Dist. Dhanbad, Jharkhand
Presently at New Delhi.
- 3 Shant Mandal
S/O Shri Moti Mandal,
R/O Village-Dhaiya, Dum dum Basti
P.O. I.S.M., Dist. Dhanbad, Jharkhand
Presently at New Delhi.
- 4 Manish Kumar
S/O Late Shri Baban Sharma
R/O Mallick Basti, Ranibandh
Near I.S.M. Gate, P.O. I.S.M.
Dist. Dhanbad, Jharkhand
Presently at New Delhi.
- 5 Jitendra Kumar
S/O Shanker Rawat
R/O Hill Colony,
Dist. Dhanbad, Jharkhand
Presently at New Delhi.
- 6 Abani Mandal

S/O Late Shri Gosto Mandal
 R/O Vill-Dhaiya,PO:ISM
 Dist.Dhanbad,Jharkhand,
 Presently at New Delhi

- 7 Kishor Mandal
 S/O Shri Sudhir Mandal,
 R/O Vill.Dhaiya (Kumhar Tola),
 PO:ISM
 Dist.Dhanbad,Jharkhand,
 Presently at New Delhi
- 8 Bimal Kumar Mandal,
 S/O Shri Jaipati Mandal,
 R/O Vill-Dhaiya(Kumhar Tola)
 PO: ISM,
 Dist. Dhanbad,Jharkhand
 Presently at New Delhi.
- 9 Bharat Kumar,
 S/O Shri Sripati Jha,
 R/O Vigyan Vihar Colony,
 P.O. Nag Nagar,
 P: Barwaadda,
 Dist.Dhanbad,Jharkhand,
 Presently at New Delhi.
- 10 Tapan Kumar Beed,
 Aged about 30 years,
 S/O Late Shri Gurupado Beed,
 R/O CMRI Gali No.2,
 PO & Dist.Dhanbad,Jharkhand
 Presently at New Delhi.
- 11 Ashok Kumar Mandal aged 35 years,
 S/O Shri Kala Chand Mandal,
 R/O Vill.Asanbani,PS: Gobindpur,
 PO: Bhitla,Distt. Dhanbad,Jharkhand
 Presently at New Delhi.
- 12 Anand Kumar aged 32 years,
 S/O Sh.Bijay Kumar,
 R/O Vill.Halkutta,
 P.O.Fatehpur,PS: Gobindpur,
 Distt.Dhanbad, Jharkhand,
 Presently at New Delhi.
- 13 Vijay Kumar Soren, aged 31 years,

S/O Late Hari Soren,
 R/O CIMFR Colony,
 Barwa Road Campus,
 Distt.Dhanbad,Jharkhand,
 Presently at New Delhi.

14 Manbodh Kumar Mandal, aged 37 years,
 S/O Shri Prayag Mandal,
 R/O Vill: Dhaiya (Shimla Nagar)
 PO: ISM
 Distt.Dhanbad,Jharkhand,
 Presently at New Delhi.

15 Dilip Kumar Singha, aged 37 years,
 S/O Shri Durga Das Singha,
 R/O H.E.School Road,
 Bhisti Para, Hirapur,
 Distt.Dhanbad,Jharkhand,
 Presently at New Delhi.

16 Suraj Bahadur , aged 35 years,
 S/O Shri Durga Bahadur,
 R/O Hill Colony,
 Qtr.No.753/F,
 P.S + Distt.Dhanbad,Jharkhand,
 Presently at New Delhi.

17 Nilu Kumar, aged 42 years,
 S/O Shri Deonarayan Misra,
 R/O CIMFR Colony
 Barwa Road Campus,
 Distt.Dhanbad,Jharkhand,
 Presently at New Delhi.

18 Ram Dayal Ojha,aged 31 years,
 S/O Sh.Sudama Ojha,
 R/O CIMFR Colony,
 Barwa Road Campus,
 Distt.Dhanbad,Jharkhand,
 Presently at New Delhi.

19 Hari Krishna Tudu ,aged 35 years,
 S/O Sri Hudum Tudu,
 R/O Teli Para,Hirapur,
 P.O.+ Dist. Dhanbad,
 State: Jharkhand
 Presently at New Delhi.

20 Bhikhu Mandal, aged 29 years,
 S/O Sri Shakti Pado Mandal
 R/O Vill.Dhaiya(Dumduma Basti)
 P.O.ISM, Dist. Dhanbad,
 State: Jharkhand
 presently at New Delhi

21 Bishwanath Mandal, aged 41 years,
 S/O Sh.Narayan Chandra Mandal,
 R/O Vill.Dhokraaiya(Mallikdih)
 PO: Damodarpur,PS: Dhansar,
 Distt:Dhanbad, Jharkhand,
 Presently at New Delhi.

22 Binod Koranga, aged 34 years,
 S/O Sh.Ludka Koranga,
 R/O Vill. Dhaiya(Koranga Basti)
 PO: ISMU,
 Dist.Dhanbad, Jharkhand,
 Presently at New Delhi.

23 Kamla Kumari, aged 37 years,
 D/O Shri B.N.Mahto,
 R/O Qtr. No.26,Type-1
 CIMFR Colony,Barwa Road Campus,
 Dist.Dhanbad, Jharkhand,
 Presently at New Delhi.

24 Sanjay Mandal, aged 32 years,
 S/O Shri Moti Mandal,
 R/O Vill: Dhaiya(Dumduma Basti)
 PO: ISMU
 Dist.Dhanbad, Jharkhand,
 Presently at New Delhi.

25 Subash Gope, aged 35 years,
 S/O Shri Shakti Pado Mandal,
 R/O PMCH Colony,
 Court More,
 Dist.Dhanbad, Jharkhand,
 Presently at New Delhi.

26 Sanjeev Gope, aged 40 years,
 S/O Shri Pran Kisto Gope,
 R/O Vill:Dhaiya(mandal Basti)
 PO: ISMU,
 Dist.Dhanbad, Jharkhand,
 Presently at New Delhi.

27 Dhan Bahadur, aged 41 years,
 S/O Shri Bhakat Bahadur,
 R/O Qtr. No.1,Type-1
 CIMFR Colony,Barwa Road Campus,
 Dist.Dhanbad, Jharkhand,
 Presently at New Delhi.

28 Pawan Paswan aged 44 years,
 S/O Late Rampati Paswan,
 R/O Surya Vihar Colony,
 Opp: CMRI Gate No.1,bartend,
 Dist.Dhanbad, Jharkhand,
 Presently at New Delhi.

29 Ashok Kumar Mandal, aged 45 years,
 S/O Shri Madan Mohan Mandal,
 R/O Vill: Dhaiya(Kumar Tola),
 PO: ISMU
 Dist.Dhanbad, Jharkhand,
 Presently at New Delhi.

30 Sanjit Kumar Thakur, aged 31 years,
 S/O Dilip Thakur,
 R/O Vill:Kalapathar,
 PO: Chiksia,
 Dist. Bokaro,, Jharkhand,
 Presently at New Delhi.

31 Sita Ram Rawani, aged 45 years,
 S/O Jageshwar Rawani,
 R/O Udaipur (Banglatand)
 PO: Kalyanpur, P.S: Barwaadda,
 Dist.Dhanbad, Jharkhand,
 Presently at New Delhi.

32 Santosh Kumar Mahto, aged 42 years,
 S/O Jagat Mahto,
 R/O Vill: Kalapathar,
 PO: Kaiska, PS:Tundi,
 Dist.Dhanbad, Jharkhand,
 Presently at New Delhi.

33 Mathur Gope, aged 49 years,
 S/O Darbari Gope,
 R/O Vill: Bishunpur,
 PO: B.Polytechnic,
 Dist.Dhanbad, Jharkhand,

Presently at New Delhi.

34 Ainul Rab Ansari, aged 39 years,
 S/O Nasiruddin Ansari,
 R/O Vill: Gaidehra, Govindpur,
 Dist. Dhanbad, Jharkhand,
 Presently at New Delhi.

35 Ram Bahadur, aged 38 years,
 S/O Bishnu Bahadur,
 CIMFR Colony,
 Barwa Road Campus
 Dist. Dhanbad, Jharkhand,
 Presently at New Delhi.

36 Hippy Marandi, aged 36 years,
 S/O Raski Marandi
 R/O Vill: Damadarpur,
 PO: Damodarpur,
 Dist. Dhanbad, Jharkhand,
 Presently at New Delhi.

37 Mukesh Hari, aged 41 years,
 S/O Sajna Hari,
 R/O Vill: Kasitand,
 PO: Kalyanpur,
 PS: Barwaadda,
 Distt: Dhanbad, Jharkhand,
 Presently at New Delhi.

38 Vishwakarma Yadav, aged 46 years,
 S/O Ramsewak Yadav,
 R/O Vill. Pakadi, P.O. Peoli, PS: Mirganj,
 Dist. Dhanbad, Jharkhand,
 Presently at New Delhi.

39 Gurupad Deyaged, aged 39 years,
 S/O Nakul Ch. Dey
 R/O Vill: Damadarpur,
 PO: Keska, P.O. Tundi,
 Dist. Dhanbad, Jharkhand,
 Presently at New Delhi.

40 Arjun Prasad Dasondhi, aged 41 years,
 S/O Dina Nath Dasondhi,
 R/O Vill: Damadarpur
 PO: Yadavrpur,
 PS: Barwadda,

Dist.Dhanbad, Jharkhand,
Presently at New Delhi.

- 41 Basudev Koranga aged 39 years,
S/O Bhutan Koranga,
R/O Vill: Dhaia, Koranga Basti,
Harijan Basti,PO:ISMU,
P.S +Dist.Dhanbad, Jharkhand,
Presently at New Delhi.
- 42 Pramod Kumar aged 33 years,
S/O Dadan Sharma,
CIMFR Colony,
BaRWA Road Campus,
Dist.Dhanbad, Jharkhand,
Presently at New Delhi.
- 43 Pankaj Kumar Haidar, aged 39 years,
S/O Raski Marandi,
R/O Vill: Dhala Durga Mandir,
PO: ISMU
PS + Dist: Dhanbad, Jharkhand,
Presently at New Delhi.
- 44 Bimal Kumar Singh aged 46 years,
S/O Lalan Singh,
CIMFR Colony,
Barwa Road Campus,
Dist.Dhanbad, Jharkhand,
Presently at New Delhi.
- 45 Jain Kumar Rajak, aged 36 years,
S/O Mishri Rajak,
Housing Colony,
P.O+PS+Dist.Dhanbad, Jharkhand,
Presently at New Delhi.
- 46 Basudev Mukherjee, aged 34 years,
S/O Subash Mukherjee,
Near CMRI Gate No.2, P.O.CMRI,
Dist.Dhanbad, Jharkhand,
Presently at New Delhi.
- 47 Niraj Kumar, aged 34 years,
S/O Baikunth Singh,
CIMFR Colony,Barwa Road Campus,
PS: Distt. Dhanbad, Jharkhand,
Presently at New Delhi.

48 Bipin Kumar Ministry, aged 41 years,
 S/O Satyadeo Mistri,
 R/O Thakurkulhi,Dhaiya,
 Dist.Dhanbad, Jharkhand,
 Presently at New Delhi.

49 Gauri Shankar Dhar,aged 43 years,
 S/O Sachin Dhar,
 R/O Jai Prakash Nahar,
 Gali No.10,
 Dist.Dhanbad, Jharkhand,
 Presently at New Delhi.

50 Santosh Kumar Koranga,aged 38 years,
 S/O Nakul Koranga,
 R/O Dhaiya, Koranga Harijan Basti,
 PO: ISMU,
 Dist.Dhanbad, Jharkhand,
 Presently at New Delhi.

51 Hira Rajak,aged 54 years,
 S/O Lilu Rajak,
 R/O Jharanapara, Hirapur,
 PS:+ Dist.Dhanbad, Jharkhand,
 Presently at New Delhi.

52 Ritesh Kumar Das , aged 34 years,
 S/O Surendra Nath Das,
 R/O Police Line, Maira Para,
 Distt: Dhanbad, Jharkhand,
 Dist.Dhanbad, Jharkhand,
 Presently at New Delhi.

53 Ajit Kumar Mandal, aged 34 years,
 S/O Lakhan Mandal,
 R/O Dhaiya,
 PO: ISM
 Dist.Dhanbad, Jharkhand,
 Presently at New Delhi.

54 Chhotu Koranga, aged 38 years,
 S/O Sukhan Koranga,
 R/O Dhaiya, Koranga Basti,
 PO: ISM,
 Dist.Dhanbad, Jharkhand,

Presently at New Delhi.

55 Ranjeet Hari, aged 38 years,
 S/O Hanu Hari,
 R/O Vill: Kolakusma,
 PO: KG, Ashram, PS: Saraidhela,
 Dist.Dhanbad, Jharkhand,
 Presently at New Delhi.

56 Nimai Mondal, aged 38 years,
 S/O Kashi Nath Mondal,
 R/O Shimla Nagar, Dhaiya,
 PO: ISM,
 Dist.Dhanbad, Jharkhand,
 Presently at New Delhi.

57 Dukhan Ravi Das, aged 44 years,
 S/O Late Nakul Ravi Das,
 R/O Vill+P.O.Damodarpur,
 P.S.+ Dist.Dhanbad, Jharkhand,
 Presently at New Delhi.

58 Rajendar Rajwar, aged 31 years,
 S/O Ravan Rajwar,
 R/O Rajwar Basti Dhaiya,
 PO: ISMU,
 Dist.Dhanbad, Jharkhand,
 Presently at New Delhi.

59 Dipcharan Mahto , aged 36 years,
 S/O Jogeshwar Mahto,
 R/O Vill-Tartand,P.O.Keska,
 P.S: Tundi,
 Dist.Dhanbad, Jharkhand,
 Presently at New Delhi.

60 Binod Rajwar, aged 33 years,
 S/O Krishna Rajwar,
 R/O Rajwar Basti Dhaiya,
 P.S.+Dist.Dhanbad, Jharkhand,
 Presently at New Delhi.

61 Hemlal Rajwar, aged 34 years,
 S/O Dhaneshwar Rajwar,
 R/O Haliadih,P.O.Kalyanpur,
 P.S: Barwaadda,
 Dist.Dhanbad, Jharkhand,

Presently at New Delhi.

62 Sudhir Rajwar, aged 41 years,
 S/O Shri Prasadi Rajwar,
 R/O Rajwar Basti,Dhaiya,
 Dist.Dhanbad, Jharkhand,
 Presently at New Delhi.

63 Mahadeo Rajwar, aged 32 years,
 S/O Chotu Rajwar
 R/O Rajwar Basti,Dhaiya,
 P.S+ Dist.Dhanbad, Jharkhand,
 Presently at New Delhi

64 Rajesh Mahto, aged 38 years,
 S/O Late Nathu Mahto
 R/O Bhelatand,Dhaiya,
 PO:ISM
 Dist.Dhanbad, Jharkhand,
 Presently at New Delhi

65 Manoj Kumar Mandal, aged 38 years,
 S/O Tara Pad Mandal,
 R/O Vill. Dhaiya(Mandal Basti)
 PO: ISM
 Dist.Dhanbad, Jharkhand,
 Presently at New Delhi

66 Dilkush Ansari, aged 30 years,
 S/O Karim Ansari,
 R/O Vill.Kurmidih
 PO: Kalyanpur,
 Dist.Dhanbad, Jharkhand,
 Presently at New Delhi

67 Birendra Kumar, aged 40 years,
 S/O Late Parmanand Sharma,
 R/O Vill: Azad Nagar,
 Near Devuji Ka Mandir,
 Dist.Dhanbad, Jharkhand,
 Presently at New Delhi.

68 Pasu Mahto, aged 42 years,
 S/O Late Bhikhan Mahto,
 R/O Vill: Tartand,
 P.O: Keska, PS: Tundi,
 Dist.Dhanbad, Jharkhand,
 Presently at New Delhi

69 Binod Kumar Mahto, aged 36 years,
 S/O Panu Mahto,
 R/O Vill: Tartand,
 Po: Keska, P.s. Tundi,
 Dist. Dhanbad, Jharkhand,
 Presently at New Delhi

70 Ramesh Kumar Singh, aged 43 years,
 S/O Jaigovind Singh,
 R/O New Bishunpur,
 PO: Polytechnic,
 Dist. Dhanbad, Jharkhand,
 Presently at New Delhi

71 Uttam Kumar, aged 36 years,
 S/O Jaichandra Jha,
 R/O CIMFR Colony,
 Barwa Road Campus,
 Dist. Dhanbad, Jharkhand,
 Presently at New Delhi

72 Md. Shahjahan, aged 33 years,
 S/O Md. Yusuf,
 R/O Sushilewa,
 PO: Nagnagar, PS: Barwaadda,
 Dist. Dhanbad, Jharkhand,
 Presently at New Delhi

73 Shankar Prasad Mahto, aged 34 years,
 S/O Bandu Mahto,
 R/O Vill. Tartand, P.O. Keska, PS: Tundi,
 Dist. Dhanbad, Jharkhand,
 Presently at New Delhi.

74 Sabita Koranga, aged 33 years,
 S/O Mangal Koranga,
 R/O Koranga Basti, Dhaiya,
 PO: ISM,
 Dist. Dhanbad, Jharkhand,
 Presently at New Delhi

75 Ajay Kumar Hari, aged 34 years,
 S/O Hanu Hari,
 R/O Vill. Kolakusma, (K.G. Ashram)
 P.O. + Dist. Dhanbad, Jharkhand,
 Presently at New Delhi.

76 Naresh Kumar Mandal, aged 35 years,
 S/O Baidya Nath Mandal,
 R/O Dhaiya(Shimla Nagar)
 PO: ISMU,
 Dist.Dhanbad, Jharkhand,
 Presently at New Delhi

77 Suresh Saw, aged 46 years,
 S/O Deonath Saw,
 R/O Rajwar Basti Dhaiya,
 P.O.+Dist.Dhanbad, Jharkhand,
 Presently at New Delhi

78 Tapan Singh, aged 46 years,
 S/O D.N.Singh,
 R/O Vill:New Bishunpur,
 CIMFR Gate No.2,P.O.CIMFR.
 Dist.Dhanbad, Jharkhand,
 Presently at New Delhi

79 Shek Kalim, aged 35 years,
 S/O S.K.Sukur,
 R/O Vill: Latani,
 Dist.Dhanbad, Jharkhand,
 Presently at New Delhi

80 Anup Kumar, aged 42 years,
 S/O Rattan Chandra Mandal,
 R/O A-18, Vigyan Vihar Colony,
 Near Air Strip, Barwa Road,
 Dist.Dhanbad, Jharkhand,
 Presently at New Delhi.

81 Biru Hari, aged 40 years,
 S/O Shibu Hari,
 R/O CIMFR Colony,
 Barwa Road Campus,
 Dist.Dhanbad, Jharkhand,
 Presently at New Delhi

82 Kusumi Devi, aged 40 years,
 S/O Late Bhubaneshwar Mahto,
 R/O Vill.Tartand,
 PO: Keska,P.S.Tundi,
 Dist.Dhanbad, Jharkhand,
 Presently at New Delhi

83 Haru Mandal, aged 44 years,
 S/O Late Khaku Mandal,
 R/O Mandal Basti Dhaiya,
 Dist.Dhanbad, Jharkhand,
 Presently at New Delhi.

84 Gurucharan Gope, aged 42 years,
 S/O Sikandar Gope,
 R/O Vill: Dhaiya, Mandal Basti,
 PO:ISM,
 Dist.Dhanbad, Jharkhand,
 Presently at New Delhi.

85 Durga Charan Gope, aged 44 years,
 S/O Late Nand Lal Gope,
 R/O Vill: Dhaiya, Mandal Basti,
 P.O: ISM,
 Dist.Dhanbad, Jharkhand,
 Presently at New Delhi

86 Tejender Singh, aged 33 years,
 S/O Avtar Singh,
 R/O CIMFR Colony, Barwa Road Campus,
 P.S: CMRI,
 Dist.Dhanbad, Jharkhand,
 Presently at New Delhi

87 Duepak Handsa, aged 44 years,
 S/O Late Parmeshwar Handsa,
 R/O Vill+P.O.Damodarpur,
 P.S.+Dist.Dhanbad, Jharkhand,
 Presently at New Delhi.

88 Vijay Kumar, aged 32 years,
 S/O Mahesh Prasad,
 R/O Vill:Dhaiya,
 P.S: ISM,
 Dist.Dhanbad, Jharkhand,
 Presently at New Delhi

89 Prem Chand Mahto, aged 45 years,
 S/O Sikandar Gope,
 R/O Vill: Tartand, P.O.Keska,
 P.S: Tundi,
 Dist.Dhanbad, Jharkhand,

Presently at New Delhi

90 Manoj Kumar, aged 38 years,
 S/O Mahesh Prasad,
 R/O Vill: Thaku Kulhi,P.O.Nagnagar Dhaiya,
 Dist.Dhanbad, Jharkhand,
 Presently at New Delhi

91 Aejaw Ahmad, aged 35 years,
 S/O Late M.Ashad,
 R/O Karimganj Mohalla,
 PO: Wasseypur,PS:Bank More Bhuli Road,
 Dist.Dhanbad, Jharkhand,
 Presently at New Delhi

92 Manik Chandra Mandal, aged 37 years,
 S/O Sarju Mandal,
 R/O Vill: Kulbera,
 P.O: Kalyanpur ISM,
 Dist.Dhanbad, Jharkhand,
 Presently at New Delhi

93 Rajesh Tiwari, aged 30 years,
 S/O Sahdeo Tiwari,
 R/O Near Murli Nagar,
 House No.47,P.O.BCCL Township,
 PS: Saraidhela,
 Dist.Dhanbad, Jharkhand,
 Presently at New Delhi.

94 Sunil Goroi, aged 39 years,
 S/O Baikunth Gorol, Mahesh Prasad,
 R/O Vill: Dhaiya Mandal Basti,
 P.S: ISM,
 Dist.Dhanbad, Jharkhand,
 Presently at New Delhi

95 Manoj Kumar , aged 32 years,
 S/O Gulichi Ram,
 R/O Vill:Shimla Nagar,
 P.S:ISM,
 Dist.Dhanbad, Jharkhand,
 Presently at New Delhi

96 Jairam Singh aged 34 years,
 S/O Late Sachidanand Singh,
 R/O CIMFR Colony,
 Barwa Road,PO: CIMFR,

Dist.Dhanbad, Jharkhand,
Presently at New Delhi

97 Goutam Kumar Beed, aged 37 years,
S/O Gaurupado Beed,
R/O CMRI Gate No.2
Barwa Road,
Dist.Dhanbad, Jharkhand,
Presently at New Delhi

98 Sangita Prasad, aged 46 years,
S/O Uttam Kumar Saw,
R/O G.T.Road, Lal Bazaar, Govindpur,
Dist.Dhanbad, Jharkhand,
Presently at New Delhi

99 Sabita Roy, aged 39 years,
W/O Siya Ram Roy,
R/O Jagivan Nagar,
Old Doctors Colony, Qtr.No.24,
Dist.Dhanbad, Jharkhand,
Presently at New Delhi

.....Applicants,

(By Advocate: Mr. Apurb Lal)

Versus

- 1 Ministry of Science & Technology,
Through its Secretary,
Technology Bhawan,
New Mehrauli Road,
New Delhi-110016
- 2 Counsel of Scientific & Industrial
Research(CSIR)
Through its D.G.
Anusandhan Bhawan,
2, Rafi Marg, New Delhi-01
- 3 Central Institute of Mining &
Fuel Research(CIMFR)
Through its Director,
Barwa Road, Dhanwad,
Jharkhand. .. Respondents.

(By Advocates: Dr. Ch. Shamsuddin Khan for Respondent No.1 and Mr. Praveen Swarup for respondent nos. 2 & 3)

O R D E R

Dr. B.K. Sinha, Member (A):

MA No. 2847/2014 for joining together is allowed.

2. In the instant Original Application under Section 19 of the Administrative Tribunals Act, 1985, the applicants are aggrieved with the communication, dated 11.03.2004 rejecting their claim for giving the benefits of OA Nos.625-27 of 1999 on the ground that they are not similarly placed.

3. The applicants have prayed for the following reliefs:-

- (i) set-aside the letter dated 11.03.2014.
- (ii) direct the Respondents to grant same benefits to the applicant which the applicants of OAs No. 625-27 of 1999 got in terms of order dated 8.8.2002 and also in view of the Committee Report date 11.11.2013.
- (iii) call for the record of the case of the Applicants from the office of Respondent No.3.
- (iv) pass such other or further order as may deem fit and proper.”

4. The facts of the case, in brief, are that the respondent no.2 is a premier autonomous Research and Development (R&D) organization with 38 laboratories and 47 regional centres under respondent no.1. The applicants were engaged as per the details mentioned hereinbelow:-

S.No.	Name of applicant	Date of appointment	Designation
1.	Maan Thapa	01.04.1995	Assistant
2.	Swapan Kumar	01.05.1995	Assistant
3.	Shant Mandal	April, 2000	Assistant
4.	Manish Kumar	September, 2000	Assistant/Care Taker
5.	Jitendra Kumar	14.06.1999	Assistant

6	Abani Mandal	1.04.1995	Assistant
7.	Kishor Mandal	1.05.1995	Assistant
8.	Bimal Kumar Mandal	April,2000	Assistant
9.	Bharat Kumar	Sept, 2000	Assistant/Care taker
10.	Tapan Kumar Beed	14.06.1999	Assistant
11.	Ashok Kumar Mandal	June 1999	Assistant
12.	Anand Kumar	1.07.2000	Assistant/Driver
13.	Vijay Kumar Soren	1.05.1999	Assistant/Driver
14.	Manbodh Kumar Mandal	15.10.1998	Assistant
15.	Dilip Kumar Singha	1.07.2000	Assistant
16.	Suraj Bahadur	1.12.1998	Assistant/Electrician
17.	Nilu Kumar Misra	w.e.f the year 1990	Assistant
18.	Ram Dayal Ojha	May, 2003	Assistant
19.	Hari Krishan Tudu	2.01.2000	Assistant
20.	Bhikhu Mandal	31.12.2000	Assistant
21.	Bishwanath Mandal	1.01.2000	Assistant
22.	Binod Koranga	11.06.2000	Assistant/Storekeeper
23	Kamla Kumari	1.01.1999	Assistant
24.	Sanjay Mandal	1.12.1997	Assistant
25.	Subash Gope	1.01.2002	Assistant/Librarian
26	Sanjeev Gope	3.04.2001	Assistant/Librarian
27	Dhan Bahadur	26.08.1992	Driver
28.	Pawan Paswan	1.12.1998	Assistant
29.	Ashok Kumar Mandal	4.12.1998	Assistant
30	Sanjit Kumar Thakur	August, 2003	Assistant
31	Sita Ram Rawani	1.03.1988	Assistant/Caretaker
32.	Santost Kumar Mahto	October 1992	Assistant
33.	Mathur Gope	February, 1986	Assistant/Electrician
34.	Ainul Rab Ansari	15.7.1996	Assistant
35.	Ram Bahadur	6.08.1997	Assistant/Electrician
36.	Hippy Marandi	25.05.1997	Assistant/Caretaker
37.	Mukesh Hari	08.06.1999	Assistant/Electrician
38.	Vishwakarma Yadav	1.04.1988	Assistant/Caretaker
39.	Gurupad Deyaged	1.03.1999	Assistant/Storekeeper
40.	Arjun Prasad Dasondhi	1.01.1997	Assistant
41.	Basudev Koranga	March, 2000	Assistant
42.	Pramod Kumar	1.03.2002	Assistant
43.	Pankaj Kumar Haldar	1.07.2002	Assistant
44.	Bimal Kumar Singh	15.06.1989	Assistant
45	Jain Kumar Rajak	5.06.2000	Assistant

46.	Basudeb Mukherjee	29.03.2001	Assistant
47	Niraj Kumar	1.03.1996	Assistant
48.	Bipin Kumar Mistry	12.06.1999	Assistant/Mechanic
49.	Gauri Shankar Dhar	02.01.1998	Assistant
50.	Santosh Kumar Karanga	June 2002	Assistant
51.	Hira Rajak	August, 1988	Assistant/Caretaker
52	Ritest Kumar Das	1.01.2002	Assistant
53	Ajit Kumar Mandal	January 2002	Assistant
54.	Chhotu Koranga	20.05.2000	Assistant/Caretaker
55.	Ranjeet Hari	1.02.1988	Assistant/Caretaker
56.	Nimai Mondal	1.01.2003	Assistant
57.	Dukhan Ravi Das	1.04.1989	Assistant/Caretaker
58.	Rajender Rajwar	1.03.1999	Assistant
59.	Dipcharan Mahto	10.02.1999	Assistant/Caretaker
60.	Binod Rajwar	June, 2000	Assistant
61.	Hemlal Rajwar	June, 2000	Assistant
62.	Sudhir Rajwar	June, 2000	Assistant
63.	Mahadeo Rajwar	June, 2000	Assistant
64.	Rajesh Mahto	1.06.1994	Assistant
65.	Manoj Kumar Mandal	1.12.2000	Assistant
66.	Dilkush Ansari	22.02.2002	Assistant
67.	Birendra Kumar	28.3.2000	Assistant
68	Pasu Mahto	June, 1994	Assistant
69.	Binod Kumar Mahto	1.06.1995	Assistant
70.	Ramesh Kumar Singh	13.04.1997	Assistant
71.	Uttam Kumar	31.03.1999	Assistant
72.	Md. Shahjahan	1.07.2004	Assistant
73	Shankar Prasad	5.02.1995	Assistant/Caretaker
74.	Sabita Koranga	8.09.1999	Assistant/Caretaker
75.	Ajay Kumar Hari	10.05.2000	Assistant/Caretaker
76	Naresh Kumar Mandal	5.01.2000	Assistant
77	Suresh Saw	July, 1987	Assistant
78.	Tapan Singh	June 1987	Assistant
79.	Shek Kalim	July 1997	Assistant
80	Anup Kumar Mandal	20.11.1999	Assistant
81	Biru Hari	Jan, 1999	Assistant
82	Kushmi Devi	6.7.1996	Assistant
83	Haru Mandal	3.03.1996	Assistant
84	Gurucharan Gope	Aug., 1996	Assistant
85.	Durga Charan Gope	1.3.1997	Assistant
86	Tajendar Singh	1.6.1999	Assistant

87	Deepak Handsa	June, 1998	Assistant
88	Vijay Kumar	October, 2000	Assistant
89	Prem Chand Mahto	May, 1997	Assistant
90	Manoj Kumar	March 1999	Assistant
91	Aejaz Ahmad	Feb, 2000	Assistant
92	Manik Chandra Mandal	March, 1997	Assistant
93	Rajesh Tiwari	1.2.2004	Assistant
94	Sunil Goroi	Nov., 1997	Assistant
95	Manoj Kumar	Aug, 2003	Assistant
96	Jairam Singh	19.1.1996	Assistant
97	Goutam Kumar Beed	19.12.1995	Assistant
98	Sangita Prasad	15.4.2000	Assistant
99	Sabita Roy	12.2.2001	Assistant

5. It is the case of the applicants that they have been working against various posts of Assistants, Drivers, Care Takers, Electricians, Store Keepers etc., as casual workers against regular and permanent vacancies with the approval of the respondent no.2. They were also issued identity cards and have worked to the satisfaction of respondent no.3. Payment was being made to them through a contractor fund provided by respondent no.2 under the supervision of respondent no.3. They have also been provided with the medical card as per list circulated for this purpose. The applicants have been making demands for grant of temporary status and regularization from the respondents in view of the settled proposition of law regarding regularization of services of

such categories of employees. The applicants claim that their cases had been recommended by the 32nd Parliamentary Committee on petition vide their report dated 27.11.2007 and they are squarely covered by the decision of the Mumbai Bench of this Tribunal in OA Nos. 625, 626 & 627 of 1999, dated 08.08.2002.

6. The afore OA Nos.625, 626 and 627 of 1999 were decided by the said common order dated 08.08.2002. The applicants therein were Assistant (Accounts), Stenographer and Clerk in OA No.625/1999, OA No.626/1999 and Clerk in OA No. 627/1999 respectively. They were working in Central Research Institute, Regional Central, Nagpur and were being paid daily wages on the basis of casual employees engaged on daily basis. They had been seeking wages in their respective pay scales as also temporary status and other benefits, leading to absorption and regularization on the ground that they had been working continuously for six years and had completed 31 years of age. Therefore, they were ineligible to hold other jobs. The respondents, on the other hand, in these three OAs, had adopted the ground that the applicants were contract workers and not casual workers, they could not, therefore, be considered for grant of temporary status and pay scales

of the posts. Moreover, there was a ban on engaging any casual worker after 01.04.1990 and, therefore, the Scheme for Casual Labour (Grant of Temporary Status and Regularization) dated 10.09.1993 would not be applicable to them. Even the Scheme for Institute dated 06.02.1995 would not be applicable to the applicants by virtue of the fact that they were post-01.04.1990 appointees and the scheme of 06.12.1998 supersedes all other schemes. The applicants had relied upon the decision of the Principal Bench in OA No. 1446/1998 in **Rampal & others vs. Union of India**, ATJ 1999(1) 415 and that of Guwahati Bench in OA No. 192/1994 in **Ramprasad & Ors. vs. Union of India** decided on 03.04.1991 to contend that even contractual workers are eligible for regularization. It was further the case of the applicants that a Committee of five senior high ranking officers had recommended for their absorption. The Coordinate Bench of this Tribunal, relying upon the Full Bench judgment of the Punjab and Haryana High Court in the case of **Vijay Sharma vs. State of Punjab**, LAWS(P&H)-2001-12-28 wherein facts were similar, held that the applicants were entitled to minimum pay scale as admissible to regular employees. The Tribunal had further relied upon the judgment of the Hon'ble Supreme

Court (a three judge Bench) in the case of **State of Haryana & Ors. v. Piara Singh & Ors.**, 1992(3) ATSLJ (SC) 34, which held as under:-

“So far as the work charged employees and casual labours are concerned, the effort must be to regularize them as far as possible and as early as possible subject to their fulfilling the qualifications, if any, prescribed for the post and subject also to availability of work. If a casual labourer is continued for a fairly long spell – say two or three years, a presumption may arise that there is regular need for his services. In such a situation it becomes obligatory for concerned authority to examine the feasibility of his regularization.”

The Tribunal had found that the applicants fulfilled the criteria laid down in the Scheme of 10.09.1993, which had been adopted later on by CISR in 1994 and accordingly, directed the respondents in that case to grant temporary status at the minimum pay scale of the post in which the applicants had been working.

7. The applicants, in the instant OA, therefore, claim that they are similarly placed as applicants in OA No. 625, 626 and 627 of 1999.

8. The respondents have filed the counter affidavit, contending that the applicants are engaged only in Council of Research and Development for a national cause and are not an industry in a commercial sense, as there is not trade, production, manufacturing or business involved. While admitting that the applicants were engaged as per the requirement of projects and they continue to perform their duties on minimum wages paid

through contractor from the institutional infrastructure fund. Conciliation as provided under the Industrial Disputes Act was attempted but failed. It is also an admitted that they were issued identity cards and that they were assigned various tasks by the discipline heads and not against any specific post. They are being paid through contractor from the Institutional Infrastructure Fund and have also been issued with medical cards as a welfare measure. In reply to the averments in paragraph 4.111, the respondents have stated in their reply, that the OA Nos. 625, 626 and 627 of 2009, the applicants were not contractor's men because they were drawing their wages directly from the office without involving any contractor, whereas the applicants, in the instant case, are getting their wages from the contractor and as such, do not stand to derive benefit of the orders of the Coordinate Bench in afore OAs 625, 626 and 627 of 2009. The respondents have further stated that they had set up a committee to examine whether there was a similarity between OA No.3942/2012 & OA No. 3944/2012 with that of OA Nos. 625, 626 and 627 of 1999. This Committee had opined that they were being paid by the local contractor and were not falling under CSIR Temporary Status Scheme of 1990. The

respondents have, therefore, strongly prayed for dismissal of the OA.

9. We have carefully gone through the pleadings of the rival parties as also the documents so adduced by them and law citations relied upon by the learned counsels for the parties. We have also patiently heard the oral submissions made on their behalf.

10. The only issue to be decided by us is that whether the applicants in the instant OA are similarly placed as the applicants in the OA Nos. 625, 626 and 627 of 1999.

11. We have taken note of the report of the Committee dated 11.11.2013, which is for the sake of clarity, is being reproduced as under:-

“The Committee discussed threadbare the contentions of OA No. 3942/2012, OA No. 3944/2012 and OA Nos. 625, 626 and 627/1999 and finally found the following similarity between the applicants of OA Nos. 625, 626 & 627/1999 and OA No. 3942 & 3944/2012 as per instructions of CSR vide letter No.36-15(121)/2012-Law dated 06.09.2013.

SI. No.	Facts related to OA Nos. 625, 626 & 627/1999	Facts related to OA Nos. 3942 & 3944/12 Shri Man Tarkeshwar Jha & Ors. vs. Union of India & Ors.
1.	They were doing perennial nature of job	They are also doing perennial nature of job
2.	They were working since pretty long period.	They are also working since pretty long period.
3.	They were doing the job which are different from Group-D.	Actually they are working in different stream such as pump operation, Sanitation, Gardening and in different Departments of different work (list attached) which have already been sent to CSIR

		duly signed by the then COA & FAC. However, applicants have mentioned their designation in the OA as Assistant which is not correct as already contradicted before Hon'ble CAT by this Office in the counter affidavit.
4.	They were getting their wages through one of the co-workers (who was self styled Contractor) and he used to draw their wages from office for all including for himself. Hence they were not getting direct payment through office.	They are getting their wages through local Contractor engaged by CIMFR, Dhanbad for supply of manpower. Hence they are not getting direct payment through office.
5.	They were paid minimum wages as per rates of Min. of Labour, Govt. of India, announced from time to time.	They are also being paid minimum wages as per rates of Govt. of India, Min. of Labour, announced from time to time.
6.	Prior to issue of Hon'ble CAT order, a report of committee of CIMFR were sent to CSIR for consideration of their cases for Temporary Status.	Prior to issue of Hon'ble CAT order, a report of committee of CSIR after formulating a scheme known as CSIR-CIMFR Infrastructure Support Scheme.
7.	Their cases were not falling under the CSIR Temporary Status Scheme, 1990	Their cases are also not falling under CSIR Temporary Status Scheme, 1990.

In view of above analysis of the facts, the committee opined that their cases appear to be similar as compared to the applicants of OA No.625, 626 & 627/1999 and may be sent to CSIR for further consideration/advice in terms of CSIR letter No. 36-15(121)212-Law dated 6.9.2013

Approved

D. CIMFR

13.11.2013."

12. We have also taken note of the common order passed in OA Nos.3942/2012 and OA No. 3944/2012, which is being reproduced hereunder:-

“In view of the aforementioned, this Tribunal is not convinced to grant the relief prayed in the OA. However, in view of the stand taken by the respondents in their reply, they are directed to take a final decision regarding Welfare Measures to be ensured by them regarding making direct payments to these workers and extending medical facilities to them. In case the respondents have granted the benefits of order dated 8.8.2002 to the Stenographer/Assistant (Accounts) and Clerk, it would be open to them to consider the applicants also for the same benefits.

Subject to said observations, OAs are disposed of. No costs.”

13. The applicants, who had filed the afore OAs 3942/2012 and 3944, are the same those in the instant Original Application. They had also prayed for issuance of direction to the respondents to extend the same benefits as had been given to the similarly situated persons in OA Nos. 625, 626 and 627 of 1999 and had also placed reliance on DOP&T OM dated 10.09.1993. However, in view of the decision in OA Nos. 3942/2012 and OA No 3944/2012, the case for grant of Temporary Status and pay scales of the posts they are occupying has been conclusively rejected. The Tribunal had directed the respondents to take a final decision regarding Welfare Measures to be ensured by them regarding making direct payments to these workers and extending medical facilities to them. The respondents were also directed

that in that case, they have granted the benefits of order dated 8.8.2002 to the Stenographer/Assistant (Accounts) and Clerks, it would be open to them to consider the applicants also for the same benefits. The CP No. 33/2014 in OA No. 3942/2012 was also dismissed as being bereft of merit while reiterating that the petitioner would be at liberty to work out his claim against the aforesaid communication dated 11.03.2014 in accordance with law. Thus, the allegation against the respondents in not conferring the temporary status upon the applicants and the services rendered by them was rejected and the Contempt Petition was dismissed, while taking note of the judgment of the Hon'ble Supreme Court in **J.S. Parihar v. Ganpat Duggar & Ors.** JT 1996(9) SC 611.

14. In view of the afore discussions, we find that the claim of the applicants to be accorded benefits flowing out of the order of the OAs 625, 626 and 627 of 1999 had already been considered and rejected in OA Nos. 3942/2012 and OA No. 3944/2012. However, the respondents were directed to take a final decision regarding Welfare Measures to be extended directly to the applicants in those OAs and extending medical facilities to them. However, they were not directed to extend the

similar benefits as were given to the applicants in OA Nos. 625, 626 and 627 of 2009. While doing so, this Bench of this Tribunal had relied upon the decision of the Hon'ble Supreme Court in **Secretary State of Karnataka and Ors. vs. Uma Devi and Ors.** (2006) 4 SCC 1 (para 6) and also noted that a specific proposal mooted to grant temporary status/casual status to the workers in the CSIR/CIMFR was turned down by the Ministry of Finance. For the sake of clarity, relevant excerpts are extracted hereinbelow:-

“The Committee on petition has inter alia recommended that an exercise be initiated urgently in consultation with the representatives of the contract workers for compiling details of the contract workers performing duties which are perennial in nature and granting of Temporary Status/Casual Status should be considered.

XXX

XXX

XXX

The proposal for formulating of scheme for CIMFR workers was placed before 176th meeting of GB under Agenda Item No.10 and was forwarded to Ministry of Finance vide CSIR's UO Note No.5-1 (55)/2009-PB dated 09.05.2011. The Finance Ministry commented that “No such scheme as proposed by CSIR exists in GOI. In view of this, the proposal was not agreed to.”

15. The CP alleging the contempt of court's order dated 01.07.2014 in OA No. 3942/2012 was also considered and dismissed. The respondents have also considered the claim of the applicants vide order dated 11.03.2014 and

have rejected the same. We, thus, find that the claim of the applicants having been once considered and rejected, cannot be allowed. As such, the rule of *res judicata* as provided under Section 11 of CPC will apply to the facts of this case. This issue has also been dealt with in **M.**

Nagabhushana vs. State of Karanataka & Ors. (2011) 3

SCC 408 wherein the Hon Supreme Court has held as under:-

“14. The principles of Res Judicata are of universal application as it is based on two age old principles, namely, ‘interest reipublicae ut sit finis litium’ which means that it is in the interest of the State that there should be an end to litigation and the other principle is ‘nemo debet his ve ari, si constet curiae quod sit pro un aet eademn cause’ meaning thereby that no one ought to be vexed twice in a litigation if it appears to the Court that it is for one and the same cause. This doctrine of Res Judicata is common to all civilized system of jurisprudence to the extent that a judgment after a proper trial by a Court of competent jurisdiction should be regarded as final and conclusive determination of the questions litigated and should for ever set the controversy at rest.

15. That principle of finality of litigation is based on high principle of public policy. In the absence of such a principle great oppression might result under the colour

and pretence of law in as much as there will be no end of litigation and a rich and malicious litigant will succeed in infinitely vexing his opponent by repetitive suits and actions. This may compel the weaker party to relinquish his right. The doctrine of Res Judicata has been evolved to prevent such an anarchy. That is why it is perceived that the plea of Res Judicata is not a technical doctrine but a fundamental principle which sustains the Rule of Law in ensuring finality in litigation. This principle seeks to promote honesty and a fair administration of justice and to prevent abuse in the matter of accessing Court for agitating on issues which have become final between the parties.”

17. In view of our above discussions, we find that the instant OA is hit by principle of res judicata and, therefore, no relief can be granted to the applicants. The instant OA stands dismissed accordingly. MA No. 4210/2015 also stands disposed of. No order as to costs.

(Dr. B.K. Sinha)
Member (A)

(V. Ajay Kumar)
Member (J)

/1g/