

**Central Administrative Tribunal
Madras Bench**

CP/310/00037/2017 in OA/310/00393/2015

Dated the 30th October Two Thousand Eighteen

P R E S E N T

**Hon'ble Mr.R.Ramanujam, Member(A)
&
Hon'ble Mr.P.Madhavan, Member(J)**

.. Applicant

1. E.Sakthivel Krishnan
No.1/40A, Sivan Koil Street,
Ambalavanapuram, Mahendragiri (PO),
Thirunelveli (Dist) 627133.
2. R.Subramaniam
S/o S.Ramachandran,
No.1/223, Milk Society Street,
Ambalavanapuram, Mahendragiri (PO),
Thirunelveli (Dist) 627133.
3. P.Lekshmanan
S/o Palavesathevar,
Main Road, South Kurungulam(PO),
Thirunelveli(Dist) 627133.

.. Applicants

By Advocate **M/s.S.Ramaswamyrajarajan**

Vs.

1. Union of India, rep by
Mr.Kiran Kumar,
The Secretary to Government,
Union of India,
Department of Space, New Delhi.
2. Mr.Kiran Kumar
The Chairman,
Indian Space Research Organisation,
Bangalore 560231.
3. Mrs.Navamani

The Controller,
Liquid Propulsion System Centre,
Valiyamala, Thiruvananthapuram 695547.

4. Mr.Manodoss
The Senior Administrative Officer,
Liquid Propulsion System Centre,
Mahendragiri, Kavalkinaru,
Thirunelveli District 627 133.

.. Respondents

By Advocate **Dr.G.Krishnamurthy**

ORDER

[Pronounced by Hon'ble Mr.P.Madhavan, Member(J)]

This is a petition filed by the applicants in OA 393/2015 alleging the following contempt:-

According to the applicants, they were the applicants in OA 393/2015 seeking a direction to the respondents to regularise the services of the applicants in the erstwhile Group 'D' Cadre and to grant other benefits for which they are entitled as per the Scheme which came into force w.e.f. 03.9.2012. After hearing the applicants the Tribunal passed the following orders on 18.7.2016:-

“To expedite the process of identifying the vacancies for regularizing the Gang Labourers and thereafter, if the applicant comes under that category orders may be issued in accordance with the Gang Labourers (Employment for Sporadic Types of Work) Scheme and based on their seniority, within a period of three months from the date of receipt of a copy of the order.”

The applicants submits that they had given representations to the respondents alongwith a copy of the above order in OA 393/2015, but till date the respondents in OA have not implemented the order of the Tribunal dated 18.7.2016. Thus the action of the respondents is in gross violation of the order passed by the Tribunal and they had committed deliberate contempt of the order of this Tribunal. So, the Tribunal may initiate contempt proceedings against the respondents and punish them for having committed contempt of this Tribunal by disobeying its order .

2. Notice was issued and the respondents appeared and filed a reply. Stating the following facts:-

As per the direction of the Tribunal they had examined the availability of vacancies in Group 'D' and identified two numbers of Group 'D' vacant posts. As per Para-4(vi) of the "Gang Labourers (Employment for Sporadic Types of Work) Scheme" of Department of Space, Government of India, 2012, it is mentioned that "there shall not be any age limit prescribed for employment on temporary basis as per the said scheme. But for the purpose of subsequent regularization, if any, the conditions regarding age and educational qualifications prescribed in the relevant Recruitment Norms/Rules will apply." The respondents had also sought the clarification of the Nodal Ministry of Government of India-Department of Personnel & Training (DOPT) on the issue and the Nodal Ministry had clarified that no relaxation in age prescribed in the Recruitment Rules can be granted. As per the Recruitment Rules, recruitment may be through Employment Exchange/directly applied against advertisement. The age limit prescribed is 25 years(age relaxation is admissible to SC/ST/OBC/PWD/Ex-Servicemen candidates as per Government of India Orders on the subject). As per the Government of India orders, the present applicants have crossed the prescribed age limit of 25 years. Even if the respondents extend the age relaxation as per the norms of the Government of India, then also the applicants will not be eligible for regularisation in Group 'D' post. There is no wilful disobedience to the order of the court and in fact the applicants were communicated regarding the above decision on 20.3.2017 itself. The respondents also tendered their apology for any delay caused and submitted that there is no intention behind it.

3. Heard the learned counsel on both sides. We have perused the pleadings and

records produced in this case. On a perusal of the pleadings, we find that the litigation started in OA 455/2009 and as per the directions of the Central Administrative Tribunal, the respondents were directed to prepare a Scheme for regularisation and appointments in the premises of the respondents. Accordingly the respondents had framed a scheme for the appointment and regularisation of the applicants as per Annexure R2 which is known as Scheme for Employment of Gang Labourers Engaged for Sporadic Types of Work in LPSC, Mahendragiri and Valiamala of Department of Space, Government of India on temporary basis. As per provision 8 of the Scheme, a procedure is made for filling up Group 'D' posts. Two out of every Three vacancies in the erstwhile Group 'D' Cadres if available for operation in respective Units where the Gang Labourers have been working will be filled up on regular basis as per extant Recruitment Norms/Rules and in accordance with the instructions issued by Department of Space from amongst Gang Labourers employed on temporary basis. The above provision clearly stipulates that the regularisation should be in accordance with the Recruitment Rules/Norms of the Group 'D' Cadre. It has come out of evidence that OA 455/2009 was filed by 28 labourers and they have got the benefit of the Scheme. Now applicants 1 to 3 in the above OA had filed this application contending that they are not regularised in Group 'D' post as per the Scheme. The respondents submitted that two posts were available for regularisation but the applicants 1 to 3 in the CP are not eligible for appointment as they had already crossed the age limit. Even if they are eligible for any relaxation of age they will be over aged.

4. So considering the above facts, we find that there is absolutely no contempt or any wilful disobedience on the part of the respondents in this case. There is no merit in the CP and the CP will stand dismissed. Notices of contempt are discharged.

(P.Madhavan)
Member(J)

(R.Ramanujam)
Member(A)

30.10.2018

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