

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

ORIGINAL APPLICATION NO.170/00190-00219/2016

DATED THIS THE 23RD DAY OF OCTOBER, 2018

HON'BLE DR.K.B.SURESH, MEMBER (J)

HON'BLE SHRI C V SANKAR, MEMBER (A)

1. Sri.Mudalaiah,
S/o Late Giriyappa,
Aged about 53 years
Working as Skilled Farm Worker,
Central Silk Board,
Madiwala, BTM Layout,
Bangalore-560068.

2. Sri.D.R.Devaraja,
S/o Ramachandrappa,
Aged about 55 years,
Working as Skilled Farm Worker,
Research Extension Center,
Central Silk Board,
Silk Farm, Bidarayaguppe Post,
Anekal Taluk,
Bangalore Rural District.

3. Sri.M.S.Siddaramappa,
S/o P.M.Shivaswamy,
Aged about 48 years,
Working as Skilled Farm Worker
RSRS, Central Silk Board,
Near Railway Station,
Chamarajanagar Town,
Chamarajanagar Taluk and District.

4. Sri.Puttaswamy,
S/o Pape Gowda,
Aged about 44 years,
Working as Skilled Farm Worker
Regional Sericultural Station,
Central Silk Board,
Nanjangud Road,

Chamarajanagar Town,
Chamarajanagar Taluk and District.

5. Sri.C.Papa Reddy,
S/o Chinnappa,
Aged about 54 years,
Working as Skilled Farm Worker,
Central Silk Board Research Extension Center,
Silk Farm, Bidarayaguppe Post,
Anekal Taluk,
Bangalore Rural District.

6. Sri.B.Basavalingaiah,
S/o Late Boraiah,
Aged about 55 years,
Working as Skilled Farm Worker,
Central Silk Board,
Dollar Scheme, Madiwala,
Bangalore – 560 068.

7. Smt. Parvathamma,
D/o Gangadharappa,
Aged about 52 years,
Working as Skilled Farm Worker,
NSSO, Central Silk Board,
Kunigal Town,
Tumkur District

8. Sri Kumbalaiah,
S/o Siddaiah,
Aged about 55 years,
Working as Skilled Farm Worker,
SPRL, Central Silk Board,
Odattur, Sarjapura Road,
Bangalore

9. Sri.H.H.Rajappa,
S/o Late Adappa,
Aged about 53 years,
Working as Skilled Farm Worker,
SSPC, Central Silk Board, Vijayapura,
Bangalore District.

10. Sri.H.A.Rangame Gowda,
S/o Late Adappa,
Aged about 52 years,
Working as Skilled Farm Worker,
SSPC, Central Silk Board,

Vijayapura,
Bangalore District.

11. Sri.P.Narasimha Murthy,
S/o Late Poojappa,
Aged about 53 years,
Working as Skilled Farm Worker,
Silk Worm Production Center,
National Seed Worm Organisation,
Central Silk Board,
Guddaru, Hindupur, Andhra Pradesh.

12. Sri.M.K.Sundar Rao,
S/o M.K.Barmaji Rao,
Aged about 50 years,
Working as Skilled Farm Worker,
Silk Worm Production Center,
National Seed Worm Organisation,
Central Silk Board,
Guddam, Hindupur,
Ananthapur Taluk,
Andhra Pradesh.

13. Sri.T.Anjana Reddy,
S/o Thimmaiah,
Aged about 46 years,
Working as Skilled Farm Worker,
P2 BSF, Madaksira NSWOW,
Central Silk Board,
Ananthapur, Andhra Pradesh.

14. Sri.K.Chowdappa,
S/o Late Chowdappa,
Aged about 47 years,
Working as Skilled Farm Worker,
P2 BSF, Madaksira NSWOW,
Central Silk Board,
Haresamudram,
Ananthapur, Andhra Pradesh.

15.Sri.K.Nagaraju,
S/o Late N.Nagappa,
Aged about 48 years,
Working as Skilled Farm Worker,
Central Silk Board,
P2 BSF, NSWOW, Madaksira,
Andhra Pradesh.

16. Smt. D.Rahamathbi,
D/o Baba Sab,
Aged about 46 years,
Working as Skilled Farm Worker,
Central Silk Board,
SSPC/NSWO, Hindupur,
Andhra Pradesh.

17. Sri.K.Mallaiah,
S/o Late K.Eswarappa,
Aged about 51 years,
Working as Skilled Farm Worker,
SWSP Center, NSSO,
Central Silk Board,
Guddam, Hindupur,
Ananthapur Taluk, Andhra Pradesh.

18. Sri.K.Ramappa,
S/o Late K.Narayanappa,
Aged about 51 years,
Working as Skilled Farm Worker,
Central Silk Board,
Odamathi Road, Hindupur,
Ananthapur Taluk, Andhra Pradesh.

19. Sri.L.Shankar Reddy,
S/o O.B.Reddy,
Aged about 55 years,
Working as Skilled Farm Worker,
RSRS, Central Silk Board,
Ananthapur, Andhra Pradesh.

20. Sri.K.Parandhama Reddy,
S/o K.Rami Reddy,
Aged about 51 years,
Working as Skilled Farm Worker,
RSRS, Central Silk Board,
Ananthapur, Andhra Pradesh.

21. Sri.B.Aipera,
S/o Vannurappa,
Aged about 50 years,
Working as Skilled Farm Worker,
RSRS, Central Silk Board,
Ananthapur,
Andhra Pradesh.

22. Sri.K.Nagalingamaiah,

S/o late K.Venkataramudu,
Aged about 49 years,
Working as Skilled Farm Worker,
RSRS, Central Silk Board,
Ananthapur, Andhra Pradesh.

23. Sri.D.Nagappa,
S/o Late T.Beeranna,
Aged about 51 years,
Working as Skilled Farm Worker,
RSRS, Central Silk Board,
Ananthapur, Andhra Pradesh.

24.Sri.T.Chandrashekar Goud,
S/o. D.Chinna Honnurappa,
Aged about 50 years,
Working as Skilled Farm Worker,
RSRS, Central Silk Board,
Ananthapur, Andhra Pradesh.

25. Sri.P.Gaveppa,
S/o Late T.Rangaiah,
Aged about 52 years,
Working as Skilled Farm Worker,
SWSP Center, NSSO,
Central Silk Board, Guddam,
Hindupur, Andhra Pradesh.

26. Sri.L.Anandaraj,
S/o Lourduswamy,
Aged about 48 years,
Working as Skilled Farm Worker,
NSSO, Central Silk Board,
Tusnagar, Hosur, T.N.

27. Sri.P.Nagaraju,
S/o Papaiah,
Aged about 48 years,
Working as Skilled Farm Worker,
SWSP Center, NSSO, Central Silk Board,
Hosur, T.N.

28. Sri.D.Gopal,
S/o Doddaiiah,
Aged about 45 years,
Working as Skilled Farm Worker,
CSGRC, Central Silk Board,
Thally Road, T.V.S.Nagar,

Hosur, T.N.

29. Sri.Rajanna,
S/o Subbarayappa,
Aged about 45 years,
Working as Skilled Farm Worker,
Silk Worm Seed Prodn. Center,
Central Silk Board,
Chintamani-563125.

30. Sri.G.M.Venkateshiva Reddy,
S/o Late Munivenkatappa,
Aged about 52 years,
Working as Skilled Farm Worker,
Silk Worm Seed Prodn. Center,
Central Silk Board,
Chintamani-563 125.

.....Applicants

(By Advocate M/s.Subbarao & Co.)

Vs.

1. Union of India,
Represented by its Secretary,
Ministry of Textiles,
Government of India,
Udyog Bhavan,
New Delhi – 110 011.
2. The Chairman,
Central Silk Board,
Central Silk Board Complex,
6th Floor, B.T.M Layout,
Hosur Road, Madiwala,
Bangalore – 560 068.
3. The Member Secretary,
Central Silk Board,
Central Silk Board Complex,
6th Floor, B.T.M Layout,
Hosur Road, Madiwala,
Bangalore – 560 068.
4. The Deputy Director
Central Silk Board,
Central Silk Board Complex,
6th Floor, B.T.M Layout,
Hosur Road, Madiwala,

Bangalore – 560 068.

5. Sri P.Jayaraju
6. Smt. Sowmya
7. Sri Alekhya Byreddi
8. Sri Nagaraja, R.Y
9. Smt. Sarungbam Bijayalaxmi Devi
10. Sri Jiban Kumar Das
11. Sri Rabindra Nath Mishra
12. Sri Dolly Choudhury
13. Sri Lowerence Gurung
14. Sri Shivnandan Sharma
15. Smt Jameela Akhter
16. Smt Ayesha Siddique
17. Sri Raghavendra, A.P
18. Sri Raut Rupa Keshav
19. Sri Umeshkumar.V.
20. Smt Keerthana, G
21. Sri Ronald Sudarshan Joseph
22. Sri Chandrashekar Reddy, M.
23. Sri Munirathnam Reddy,C.
24. Sri Shaik Muhammad Ibrahim
25. Sri Hemanta Bordoloi
26. Sri Md. Sazzad Ali
27. Sri Bahadur Krishen
28. Smt Aparana.G
29. Smt Kanthamma, R
30. Smt Nida Mushtaq
31. Sri Harish, H.N.
32. Sri Sabale Shubhangi Vitthalrao
33. Sri Mahammad Ali Zinna Shaik
34. Sri Selvam.R
35. Smt K.J.Ashwini
36. Sri Mahadeva.S
37. Sri Umesh Nath
38. Sri Probin Dutta
39. Sri Tikaram Poudyal
40. Sri Lourembam Hemachandra Singh
41. Sri Md.Majid Shah
42. Sri Uttam Chandra Deka
43. Sri Essar Ali Shaikh
44. Sri Soumik Chatterjee
45. Sri Sanjay Kumar
46. Sri Asraf Ali Munshi
47. Sri Kartik Ram Sidar
48. Sri Damodar Acharya
49. Smt Susmita Hati
50. Sri Manoj Kumar Singh

51. Sri Sankat Mochan Singh
52. Sri Venkatesha.M
53. Sri Biplab Pramanick
54. Smt Akalya
55. Sri Manalisha Das
56. Sri Babusona Mondal
57. Sri Rakesh Kumar Prasad
58. Sri Pavan Kumar
59. Sri Rangaiah
60. Sri Rajib Roy
61. Sri Bijoy Sarkar
62. Sri Shambhu Charan Mondal
63. Sri Raj Narayan
64. Sri Siddaraju.S
65. Sri Bijoy Das,
66. Sri Chandra Sena Bodokarnavat
67. Sri Sake Maruthi
68. Sri Bawarson Sangma
69. Sri Mickwa Tshering Lepcha
70. Sri Ravindra Naik.V
71. Sri Mohd. Riaz
72. Sri Pokhar Udai Sureshrao
73. Smt. Devangam Aparna
74. Sri Waikhom Ramen Singh
75. Sri Md. Yasin Ansari
76. Sri Ashok Kumar Yadav
77. Sri Tilak Ram Chowhan
78. Sri Meganath.V
79. Sri Ingale Ashwin Dilip
80. Sri Syed Haseebuddin
81. Sri Utpal Bora
82. Sri Niranjan Kumar Nirala
83. Sri Pronobesh Ghosh
84. Sri Sanatan Dass
85. Sri Darade Santosh Laxman
86. Sri Srinivasa Raju.K.V
87. Sri Muniraj.P
88. Sri Vankala Venkataramana
89. Sri Thimmappa.T.R
90. Sri Boopathi.K
91. Sri Papanna.M
92. Sri Thanuram Gogoi
93. Sri Malay Mandal
94. Sri Priyagshu Das
95. Sri Devendra Kumar Vishwakarma
96. Sri Paramasivam
97. Sri Azam Ansari
98. Sri Ram Jiwan

99. Sri Ram Preet
100. Sri Abhinandan Yadav
101. Sri Girish Yajaman.K.S
102. Sri Sridhar.M.S
103. Sri Gnanaprakash.B
104. Sri Udai Prakash
105. Sri Ramesh Singh
106. Sri Priyabrata Ghosh
107. Sri Biplab Dhali
108. Sri Kagalu Munda
109. Sri Dilip Mili
110. Sri Mathiyas Jate
111. Sri S K Mainuddin
112. Sri Ramesh.K.V.
113. Sri Jayadevaiah.P
114. Sri Ashish Kumar Verma
115. Sri Ganesh Bagade
116. Sri Bijay Kumar Das

Respondents No. 5 to 116 are at

C/o The Deputy Director,
Central Silk Board,
Central Silk Board Complex,
6th Floor, B.T.M Layout,
Hosur Road,
Madiwala,
Bangalore – 560 068.

....Respondents

(By Sri.N.S.Prasad for Counsel for R-2 to 4 and
Shri Vishnu Bhat Counsel for R-35)

ORDER (ORAL)

DR. K.B. SURESH, MEMBER (J):

Before hearing of the matter the learned counsel for the applicant submits that because of the order passed by the Hon'ble High Court in Writ Petition No. 37168-172/2016 dated 01.09.2016, he is not pressing the first prayer. It is recorded.

2. This seems to us to be a matter of much ado about nothing. The applicant claims regularization. Shri N.S. Prasad, learned counsel for R2-4, produces a circular which had been kept forth for regularizing and prior to it

granting a temporary status in accordance with DoPT OM dated 51016/2/90-Estt. (C) dated 10.09.1993. The applicants' case is that they have been working from various periods ranging from 1975 – 1985. That being so, they squarely come within the ambit of the 1993 scheme. We quote the scheme:

“Sub: Implementation of Temporary Status Scheme of CSB-Reg.

This is to inform that the Ministry of Textiles has considered the proposal of the Central Silk Board to extend the benefits of the Temporary Status Scheme (TSS) under the Casual Labourers (Grant of Temporary Status and Regularization) Scheme of Govt. of India, 1993 to the eligible Skilled Farm Workers (SFWs) of CSB subject to following the procedure as detailed below while implementing the conferment of temporary status in accordance with DoPT OM No.5106/2/90-Estt.(C) dated 10.9.1993.

- (i) CSB may proceed further under Rule-28 of the CSB Rules, 1955 to implement the Grant of Temporary Status Scheme in accordance with the DoPT's Casual Labourers (Grant of Temporary Status & Regularization) Scheme of Govt. of India, 1993.*
- (ii) All Farm Workers have filed Writ Petition before various High Courts and other Courts all over the country, will withdraw these cases.*
- (iii) No additional budgetary support for meeting the expenditure on account of conferment of Temporary Status will be provided by the Ministry and CSB will have to meet the additional financial burden on this account within the existing budgetary allocation.*
- (iv) The EFC/CCEA while approving the XII Plan schemes of the Central Silk Board decided to book the wages of Farm Workers under Plan Schemes. Govt. of India has sanctioned limited budget for Plan Schemes and diversion of more funds from Plan Schemes for meeting the wages for Farm Workers with retrospective effect will hamper the sericulture development activities in the form of Research and Development and Seed Organization Schemes thereby adversely affect the growth trajectory of Silk Industry. That is why financial benefit to TSFWs accruing out of conferment of Temporary Status to TSFWs will be granted from prospective effect, viz., with effect from the date of approval of the same by the Board.*

2. As per the above instructions of the Ministry, the proposal to extend TSS to the SFWs of CSB has been considered by the Board under Rule-28 of the Central Silk Board Rules, 1955 and the same has been approved for implementation w.e.f. 01.07.2015 vide its Resolution dated 13.07.2015.

3. With regard to condition No.(ii) above, an official letter dated 13.7.2015 was issued to the concerned Directors to see that Farm Workers have withdrawn all the pending cases or otherwise to get the cases disposed of, thereafter it was proposed to implement the said Scheme w.e.f. 01.07.2015. In this regard, the pending cases on the issue of TSS filed by the Farm Workers working in Jammu & Kashmir, BSMTC, Bilaspur and CTR&TI, Ranchi have been withdrawn. As regards the W.P. No. 19130/2007 (LABOUR) pending on the file of the Hon'ble High Court of Karnataka at Bangalore filed by Shri.S.Ramesh and 171 others, the Hon'ble High court of Karnataka, Bangalore has discharged 100 workers from the said case based on their Memo for withdrawal. The remaining workers are still continue to be the parties to the case. Besides this, there are two more Writ Petitions No.3535/2008 and No.20513/2008 filed by the Workers' Union pending before the Hon'ble High Court of Karnataka and the Union has not agreed to withdraw the said cases. There is one more case filed by two Workers in OA No.949/2012 pending on the file of CAT, Hyderabad which they have not so far withdrawn. As these cases are still pending, the CSB could not implement the scheme as resolved by the Board. This was again taken up with the Ministry and the Ministry of Textiles vide their letter dated 23.03.2016 have decided to grant the Temporary Status to those Skilled Farm Workers who are non-litigants and those who have withdrawn the cases pending on the issue of TSS and payment of wages and arrears to them w.e.f. 01.07.2015 (from the date of approval of the Board) from Non-Plan Budget allocation of CSB. The Ministry has made very clear that the implementation of the scheme to the litigants shall be operative as and when they withdraw the court cases.

4. According to the revised approval of the Ministry, the approval of the Competent Authority is here by conveyed to implement the TSS to the eligible SFWs of the board w.e.f. 01.07.2015 who are non-litigants and to those who have withdrawn the cases. The list of litigants as per this office records is enclosed herewith as Annexure –I.

5. Subject to the above conditions, it may kindly be noted that (i) Temporary Status will be conferred on all the eligible SFWs who are in employment in CSB as on 01.09.1993 and who have rendered continuous serviced of atleast one year as on the said date and continue to remain in the service of the Board as on 01.07.2015, (ii) the implementation of TSS to all such eligible SFWs is w.e.f 01.07.2015 which is the date of approval of the Board for the implementation of the said scheme, (iii) the benefits available under the TSS are indicated in **Annexure-II** and (iv) an undertaking may be obtained from the eligible

*SFWs (if not already given) in the formant enclosed as **Annexure-III**. All the annexures form part & parcel of this Circular.*

6. The TSS cannot be implemented to a Farm Worker against who disciplinary/criminal case is pending.

7. The ban imposed on fresh engagement of Casual Labour will continue to apply.

*8. Accordingly, immediately action may be taken to implement the TSS as per the above instructions/guidelines and the arrears of wages may be settled on or before 30.03.2016 from out of the **Non-Plan** Budget allocation after deducting all the statutory dues and other dues if any. The fund requirement in this regard may be indented by the concerned Institute and its nested units immediately so as to provide the required funds for disbursement before 30.03.2016.*

9. While implementing the benefits covered in the Circular, it may be ensured that no over payment is made due to any form of misinterpretation. Any such case of over payment will be viewed seriously and the concerned officer will be held personally liable to make good the financial loss. Any clarification needed in implementing the above benefits, same may be referred to Central Office for a decision.

*10. All those Farm Workers who do not come under the eligibility criteria, will continue to be paid wages and other allowances as per the existing Board's scheme. Action may be taken on **Top Priority basis** strictly as per the above guidelines.*

This issues with the approval of the Member Secretary."

3. After this the Government of India vide No. 25011/30/1993-Silk dated 05.04.2016 had issued the following letter. In this letter it is mentioned that with effect from 01.07.2015 benefit of the scheme may be taken for extension of the scheme of 1993. We quote from the letter:

*"The Member Secretary,
Central Silk Board,
BTM Layout,
Bangalore-560068.*

Sub: Representation from Shri.Mudalaiah, General Secretary, Central Silk Board, Employees Union, Bangalore regarding enhancement of salary to Labourers of Central Silk Board by Grant of Temporary Status to them under Casual Labourers (Grant of Temporary Status & Regularization) Scheme of Government of India, 1993-regarding

Sir,

In continuation of this Ministry's letter of even number dated 23.3.2016 regarding grant of Temporary Status to non-litigants Time Scale Farm Workers/Skilled Farm Workers and those TSFWs/SFWs who have withdrawn their court cases w.e.f. 01.07.2015, I am directed to say that it has been further decided with the approval of competent authority to grant temporary status to TSFWs/SFWs, who are still litigants and have not withdrawn their court cases, but agree in writing to take the benefit of the scheme w.e.f. 01.07.2015 along with other TSFWs/SFWs.

2. You are also informed that Secretary (Textiles) met Smt.P.M.Kamamma, Hon'ble Member of National Commission for Scheduled Castes in her Chamber on 1st April, 2016 to discuss the above subject representation of Shri.Mudalaiah.

3. During the course of discussion, the Hon'ble Member of NCSC also made a reference about a false caste certificate case of Shri.Mariamamma of CSB. In this connection, you are requested to look into the details of the case and send a status report to the Ministry.

4. This issues with the approval of Secretary (Textiles)."

4. This stipulation of 2015 seems to us to be an artificial stipulation as the DoPT has already issued a circular in 1993 and if the applicants would come under the scheme then they will be eligible to be considered under the scheme issued by the Government and that scheme will have pre-eminence rather than the letter issued on 01.07.2015. The matter is also covered by Umadevi judgment as much before the judgment the applicants have completed the necessary stipulation in time to be eligible for regularization. But the respondents stipulate that they are ready to grant regularization under the scheme as mentioned on 10.09.1993. Therefore there is no need to further elucidate the matter at all. We will therefore remit the matter back to the respondents to do the needful under the scheme dated 10.09.1993 within 3 months next.

5. The OA is disposed off as above but with liberty. No order as to costs.

(C V SANKAR)
MEMBER (A)

(DR.K.B.SURESH)
MEMBER (J)

/ksk/

Annexures referred to by the applicant in OA No.170/00190-00219/2016

Annexure A1 : Copy of the Tabular Statement showing the details of the applicant

Annexure A2 : Copy of the Interim Order dated 28.7.2010 passed in OA No.310/2010

Annexure A3 : Copy of the order dated 15.9.2010 passed on MA in OA No.310/2010

Annexure A4 : Copy of the Notification bearing No.CSB/2/2014

Annexure A5 : Copy of the order dated 22.4.2014 passed in OA No.424-435/2014

Annexure A6 : Copy of the order dated 24.3.2015

Annexure A7 : Copy of the Notification dated 24.3.2015

Annexure A8 : Copy of the order dated 23.5.2015.

Annexure A9 : Copy of the Select List for the post of Field Assistants

Annexure A10 : Copy of the Statement awarding of marks to the
selected candidates

Annexure A11 : Copy of the Appointment order of the first applicant

Annexure A12 : Copy of the Appointment order dated 12.11.1991 of the third applicant.

Annexure A13 : Copy of the Appointment order dated 12.11.1991 issued to the fourth applicant

Annexure A14 : Copy of the Appointment order of the applicant No.7 dated 3.7.1990

Annexure A15 : Copy of the Appointment order of the applicant No.16 dated 11.3.1991

Annexure A16 : Copy of the Interview letter dated 6.3.1987 issued to the applicant No.18

Annexure A17 : Copy of the Interview letter of the applicant No.26 dated 27.1.1988.

Annexure A18 : Copy of the appointment order dated 23.3.1988 issued to applicant No.26

Annexure A19 : Copy of the Interview letter dated 20.2.1987 issued to applicant No.27

Annexure A20 : Copy of Memorandum dated 11.3.1987.

Annexures referred with Reply Statement.

Annexure R1: Copy of the CAT, Bangalore Bench order dated 9.11.2011
in OA No.310/2010

Annexure R2: Copy of the Notification dated 13.3.2015

Annexure R3: Copy of the orders dated 26.4.2016 passed in Contempt
Petition 128 to 138/2015 in OA 424-435/2014

Annexure R4: Copy of the CAT, Hyderabad Bench dated order 20.2.2009 in
OA No.34/2008.

Annexure R5: Copy of the letter dated 19.1.2016

Annexure R6: Copy of the Judgment dated 28.10.1996 passed by the
Hon'ble Apex Court

Annexures with Additional Reply statement

Annexure R7: Copy of the order dated 24.06.2016 in O.A. No. 22-32/2016

Annexure R8: Copy of the OM dated 29.12.2005

Annexures with Additional Reply statement

Annexure R9: Copy of the order dated 11.06.2015 issued by Ministry of Textiles

Annexure R10: Copy of the list of workers who were extended the Temporary Status Scheme

Annexure R11: Copy of the Temporary Status Scheme
