

**Central Administrative Tribunal  
Madras Bench**

**OA/310/00436/2013 a/w OA/310/00326/2015**

**Dated 20<sup>th</sup> December Two Thousand Eighteen**

**P R E S E N T**

**Hon'ble Mr. P.Madhavan, Member(J)  
&  
Hon'ble Mr.T.Jacob, Member(A)**

1. M.Kannan
2. S.Harikumaran Nair
3. P.Chandrasekaran
4. R.Arumugaperumal
5. S.Perumal
6. M.Subramanian
7. M.Jackson
8. L.Francis Ashok Gopu
9. P.Deva Asirvatham
- 10.I.Thangamani
- 11.C.Ponnuthurai
- 12.R.Iyyappan
- 13.P.Arumugam
- 14.S.Velu
- 15.R.Shanmuga Ravi @ R.Ravi
- 16.V.Rajesh Kumar
- 17.R.Muthukumar
- 18.S.Suyambu
- 19.P.Ravithurai @ P.Ravi
- 20.S.M.Neela Raman

.. Applicants in OA 436/13

.. Applicants in OA 326/2015

By Advocate **M/s.N.Subramanian**

**Vs.**

1. Union of India, rep by its  
Secretary to Government,  
Dept. of Space,  
New Delhi.

2. Indian Space Research Organization,  
rep by its Chairman,  
Antariksh Bhavan, New BEL Road,  
Bangalore 560 231.
3. Liquid Propulsion Systems Centre,  
Mahendragiri, rep by its  
Controller, Valiamala P.O.,  
Thiruvananthapuram 695 547. .. Respondents in both the OAs

By Advocate **Mr.K.Rajendran**

**ORDER**

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

The applicants in these two OA's were the applicants in OA 455/2009 which was disposed of earlier.

2. The applicants have filed these OAs seeking the following relief:-

OA 436/2013:

“to call for the records of the first respondent relating to the framing of Scheme entitled, “Gang Labourers (Employment for Sporadic Types of Work) Scheme” of Department of Space, Government of India, 2012” which came into effect from 03.9.2012 and communicated to the first applicant on 18.10.2012 and quash the same and consequently direct the first respondent to create adequate number of posts retrospectively from the date of the initial appointments of the applicants with time scale of pay on par with Group-D post and regularize the services of the applicants by appointing them retrospectively in the said posts from the date of their initial employment with all consequential monetary and service benefits including arrears and pensionary benefits therefor and further to award appropriate compensation for exploiting the applicants all these years and to pass such other order or direction as this Tribunal may deem fit and proper in the circumstances of the case and thus render justice.”

OA 326/2015:

“to call for the records of the first respondent relating to the framing of Scheme entitled, “Gang Labourers (Employment for Sporadic Types of Work) Scheme” of Department of Space, Government of India, 2012” which came into effect from 03.9.2012 and quash the same and consequently direct the first respondent to create adequate number of posts retrospectively from the date of the initial appointments of the applicants with time scale of pay on par with Group-D post and regularize the services of the applicants by appointing them retrospectively in

the said posts from the date of their initial employment with all consequential monetary and service benefits including arrears and pensionary benefits therefor and further to award appropriate compensation for exploiting the applicants all these years and to pass such other order or direction as this Tribunal may deem fit and proper in the circumstances of the case and thus render justice.”

3. Since the relief sought and the issues raised therein are of a similar nature, these OAs are taken up together and disposed of by this common order.

4. The applicants in both the OAs are working as daily wage employees for 14 years and more in Mahendragiri unit of the 3<sup>rd</sup> respondent. The 1<sup>st</sup> respondent had framed a scheme conferring temporary status for casual labourers in 1993. On coming to know that scheme, applicants filed representation to 3<sup>rd</sup> respondent to regularize the applicants as per scheme of 1993. But no action was taken by the respondents. Then the applicants together filed OA 455/2009. The CAT, Madras Bench directed the respondents to frame a scheme for the Sporadic Casual Workers of the 3<sup>rd</sup> respondent. The respondents filed WP against the said order. But it was dismissed by the Hon'ble High Court. Thereafter, an SLP was also filed and the Hon'ble Supreme Court also dismissed the same. Thereafter the applicants filed a CA 101/2011 in OA 455/09 and the respondents came up with a scheme “Gang Labourers (Employment for Sporadic Types of Work) Scheme” Department of Space, Government of India, 2012. The scheme is produced as Annexure A6. According to the applicants, the scheme framed is contrary to the direction of this Tribunal in OA 455/09 which was confirmed by the Hon'ble High Court and Apex Court. So, the applicants seeks to quash the Gang Labourers (Employment for Sporadic Types of

Work) Scheme” Department of Space, Government of India, 2012 and to direct the respondents to create adequate number of posts retrospectively from the date of initial appointment with all consequential monetary benefits.

5. Respondents 1 to 3 had filed a detailed reply for and on behalf of all the three respondents. According to them, the impugned scheme was implemented as per directions of the CAT in OA 455/09 w.e.f. 03.9.12. The applicants were engaged a gang labourers in the Liquid Propulsion Systems Centre (LPSC), Mahendragiri for sporadic works. They were being paid daily wages as and when they were engaged. These labourers were giving representations for conferring temporary status under Casual Labourers (Grant of Temporary Status & Regularization) Scheme, 1993. But since they did not fulfil the conditions for grant of temporary status under the scheme of 1993, they were rejected. Thereafter, the applicants filed OA 455/09 in CAT, Madras Bench for absorbing them to the post of Helper/Group-C and regularize their services. Respondents admitted the filing of WP before the Hon'ble High Court and SLP before the Apex Court. A draft scheme was submitted to the Department of Legal Affairs and the scheme implemented was approved by the respondents. According to the respondents, the applicants were engaged as and when requests came and their work was sporadic. The claim of long service is not correct. The scheme is applicable to all casual labourers who were in employment on the date of issue of the scheme.

6. The only point to be considered is whether the impugned scheme at Annexure A6 is liable to be quashed.

7. We have heard the applicants and respondents counsel and perused the pleadings of both sides.

8. The scheme for employment of gang labourers engaged for sporadic types of work in the LPSC, Mahendragiri, Valiamala and MVIT/VSSC, Valiamala, Thiruvananthapuram of Department of Space, Government of India on regular basis was issued in 2012. The said scheme was made as per order of the CAT, Madras Bench in OA 455/09 dated 09.3.10. After discussing the various aspects of the nature of sporadic engagement, security of the establishment, Tribunal proposed to formulate a scheme or issue adhoc rules creating post, to employ such persons for sporadic type of work on a permanent basis. The applicants in these OAs were working as a sporadic gang labourers under the Mahendragiri project. Since the Tribunal found that these workers were working for a long period, it ordered for preparation of adhoc rules or preparation of scheme. As ordered by this Tribunal, the respondents had formulated the scheme giving employment on a regular basis from the date of issue of the scheme. The scheme had provided for payment of wages with reference to the minimum of pay band for Group-D employees and they are also made eligible to get increments, transport allowance, payment of wages on monthly basis through the Savings Bank Accounts, grant of Festival Allowance, adhoc Bonus, Uniform Allowance etc. The scheme also provides filling up of Group-D posts 2 out of every 3 vacancies going to these workers. On going through the scheme, it can be

seen that the respondents had framed the scheme keeping in view of the order passed in OA 455/09 and there is no grounds brought out for quashing the scheme. The applicants are already given the benefits as per scheme. The counsel for the respondents also invited the attention of the Tribunal to the decision of the Hon'ble Supreme Court in *Satya Prakash v. State of Bihar reported in 2010 (4) SCC 179* wherein it was held that if the applicant was engaged without having a sanctioned post, he cannot claim any permanency to the engagement. They also invited the attention of the Tribunal to the decision of the Hon'ble Supreme Court in *All India SC&ST Employees Association v. Arthur Jeen reported in (2001) 6 SCC 380* where it was held that long engagement on daily wages will not give any legal right for regularization especially when they were not appointed in accordance with law.

9. The applicants were also sporadic gang labourers on daily wages and they are not entitled to get permanency or retrospective regularization or monetary benefits. They are only entitled to get the benefits granted as per scheme implemented in this case.

10. **In view of what is said above, we are of the view that the applicants are not entitled to get any reliefs as claimed in this OA.**

11. **In the result, OAs 436/13 and 326/15 will stand dismissed. No costs.**

(T.Jacob)  
Member(A)

(P.Madhavan)  
Member(J)

20.12.2018

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