

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHENNAI BENCH**

O.A.No.12/2019 & M.A.No.7/2019

Dated Friday, the 04th day of January, 2019

PRESENT

Hon'ble Mr.R.Ramanujam, Administrative Member

&

Hon'ble Mr.P.Madhavan, Judicial Member

1.J.Anandhavel

2.R.Ezhumalai

3.V.Velmurugan

4.S.Balamourougane

5.P.Sacravarthy

...Applicants

All are working as Multi Tasking Helper
(Contract basis) in Dr.Ambedkar Government
Law College, Puducherry.

By Advocate M/s V.Ajayakumar

Vs.

1.Union of India,
rep., by the Government of Puducherry
through the Chief Secretary to Government,
Chief Secretariat, Puducherry.

2.The Secretary to Government
for (DP&AR), Chief Secretariat, Puducherry.

3.The Secretary to Government
for Education, Chief Secretariat, Puducherry.

4.The Principal, Dr.Ambedkar
Government Law College, Puducherry.

5.The Director, Directorate of Higher
and Technical Education, Puducherry.

...Respondents

(Order: Pronounced by Hon'ble Mr.R.Ramanujam, Member(A))

Heard. M.A.No.7/2019 filed by the applicants to join together to file a single OA is allowed.

2. The applicants have filed this OA under Section 19 of the Administrative Tribunals Act, 1985 seeking the following relief:

“To direct the respondents to absorb the applicants to regular post of M.T.S. In the Government Law College or any other Department with effect from 02.03.2012, the date on which the applicants have been appointed on consolidated pay basis with all other consequential benefits and to pass such other or further orders in the interest of justice and thus render justice.”

3. It is submitted that the applicants' land holdings had been acquired following which they sought employment with the respondents. As their request was not considered favourably, the matter was considered in WP No.20857/2009 and the Hon'ble Madras High court by an order dated 30.04.2010 directed the first and second respondents therein to consider the claim of the petitioners and pass appropriate orders. The applicants were granted contractual appointment by Annexure A-2 dated 22.03.2012 in pursuance thereof.

4. The grievance of the applicants is that the applicants, based on an assurance given by the Government at the time of land acquisition, were entitled to a regular job. As no regular job was offered to the applicants, they filed OA 862/2017 which was disposed of by this Tribunal by Annexure A-12 order dated 14.06.2017 directing the respondents to duly

consider and dispose of the representations of the applicants dated 02.01.2015 in accordance with rules and as per law and in the light of the directions of the Hon'ble High Court cited supra. The impugned order dated 13.11.2017 came to be passed in compliance thereof aggrieved by which the applicants are before this Tribunal in this third round of litigation.

5. Learned counsel for the applicant would submit that in as much as the applicant had been given an assurance that they would be provided with jobs, their appointment on contractual basis could not be regarded as adequate fulfilment of the assurance. He would accordingly seek a direction to the respondents to appoint the applicant on regular posts.

6. We have considered the prayer at the admission stage. A perusal of the impugned order dated 13.11.2017 would indicate that the matter had been taken up with the Ministry of Finance, Government of India for creation of new posts to accommodate the applicants and sincere steps were being taken to pursue the matter in relaxation of the order of the Ministry of Finance banning creation of posts. It is stated that as and when the order of ban on creation of posts is relaxed by the Ministry of Finance, Government of India, the above named individuals would be appointed on regular posts subject to their eligibility as per rules.

7. Since the applicants' claim has not been turned down and they very much continue on their contractual jobs, we do not consider this matter to be ripe for this Tribunal to interfere. The respondents may

pursue the matter with the Ministry of Finance, Government of India for an expeditious decision and thereafter consider the claim of the applicants in accordance with Para 9 of the impugned order.

8. OA is disposed of with the above directions.

(P.MADHAVAN)
MEMBER(J)

04.01.2019

(R.RAMANUJAM)
MEMBER (A)

M.T.