

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHENNAI BENCH**

OA/310/01294/2014

Dated Wednesday the 13th day of March Two Thousand Nineteen

CORAM: HON'BLE MR. R. RAMANUJAM, Member (A)

1. C.Alamelu,
2. A.Murugan,
3. A.Rassa,
4. R.Rani.

....Applicants

By Advocate M/s. Giridhar & Sai

Vs

- 1.Union of India rep by,
Under Secretary to Government (Agriculture),
Chief Secretariat,
Government of Puducherry,
Puducherry.
 - 2.The Director of Agriculture,
Directorate of Agriculture,
Government of Puducherry,
Puducherry.
 - 3.The Deputy Director of Agriculture,
Directorate of Agriculture,
Government of Puducherry,
Puducherry.
 - 4.The Member Secretary,
Puducherry Ground Water Authority,
Puducherry.
-Respondents

By Advocate Mr. R. Syed Mustafa

ORAL ORDER

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

Both sides present. The applicants have filed this OA seeking the following reliefs :

"i. To direct the respondents to regularise the services of the applicants in any of the Group D/Group C posts w.e.f. the date of their initial appointment with arrears of pay and allowances and all other consequential benefits;

ii. to award costs and pass such further and other orders as may be deemed and proper and thus render justice."

2. It is submitted that the 1st & 2nd applicants were appointed as Casual Labourers on 14.03.2005 on daily wage basis. The 3rd applicant was appointed also on 14.03.2005 as daily rated driver. The 4th applicant was appointed as full time clerk under the 4th respondent office on 01.03.2006. The applicants sought regularisation of their services on which no decision has been taken so far. The proposal in this regard has been pending since 2009.

3. The applicants submitted a representation dt. 24.08.2010 seeking to be absorbed on regular basis. The applicants' names figured in the final list of casual labourers under the Pondicherry Casual Labourers (Engaging and Regulation) Scheme, 2009. Since no decision is taken, this OA has been filed seeking the aforesaid reliefs.

4. Respondents have filed a reply in which it is submitted that in the 10th meeting of Pondicherry Ground Water Authority held on 12.03.2009, it was unanimously resolved to regularise the four daily rated employees working on full time basis. It was recommended that a proposal be sent to the Government

for creation of posts so as to absorb the incumbents. The proposal was sent to Secretary, Government of India, Ministry of Agriculture for seeking approval for creation of posts in relaxation of the ban order. The Central Ground Water Authority had agreed with the requirement of manpower and recommended the proposal to the competent authority on 16.12.2014. Clarifications sought by the Ministry of Water Resources had also been provided by the Authority. However, the final decision is still awaited.

5. The respondents further submit that approval for the final list of four full time casual labourers was obtained from the Lt. Governor with the concurrence of the Finance Department and clearance of Department of Personnel & Administration Reforms of the Government of Puducherry. The approval had been obtained as per the Pondicherry Casual Labourers (Engagement & Regularisation Scheme), 2009 and the matter is pending only for the want of creation of posts which is still pending with the 1st respondent.

6. Learned counsel for the applicant would submit that there was no requirement of prior permission of Central Government for creation of posts as Pondicherry Legislature was competent to create posts. She seeks to rely on the order of the Hon'ble Madras High Court in WPs No. 25599 & 26237/2009 dt. 09.07.2013. The applicants accordingly pray for a direction to the respondents to create the posts and regularise the applicants.

7. I have considered the matter. It is not in dispute that various authorities below the competent authority have recommended the creation of posts to

accommodate the applicants. It is not also in dispute that the applicants have not been deprived of their employment and they are continuing on their present posts. As for the creation of posts, it is a matter between the Government of Puducherry and the Union Government. It does not appear possible for this Tribunal to direct a legislature to create posts to accommodate certain daily wagers. It is entirely for the legislature to consider the matter appropriately. However, since it is stated that the matter is pending with the first respondent, the competent authority is directed to consider and take a decision on creation of posts for the purpose recommended by the subordinate authorities within a period of four months from the date of receipt of a copy of this order.

8. OA is disposed of. No costs.

(R. Ramanujam)
Member(A)
13.03.2019

SKSI