
(2011) 08 DEL CK 0050

In the Delhi High Court

Case No : Writ Petition (C) No. 2747 of 2001

Indian Agricultural Research Institute and Another

APPELLANT

Vs

Central Administrative Tribunal and Another

RESPONDENT

Date of Decision : 09-08-2011

Acts Referred:

Citation : (2011) 08 DEL CK 0050

Hon'ble Judges : Sudershan Kumar Misra, J;Anil Kumar, J

Bench : Division Bench

Advocate : Gagan Mathur, for the Appellant; Nemo, for the Respondent

Judgement

Anil Kumar, J.—The Petitioner has impugned the order dated 21st September, 2000 passed by the Central Administrative Tribunal, Principal Bench in OA No. 677/1998 titled as Sh. Anil Kumar Gupta v. Indian Agriculture Research Institute, whereby the original application filed by the Respondent No. 2 was allowed in terms of the order dated 31st March, 1997 passed by the Tribunal in OA No. 438/1997 titled as Dr. D.S. Rana and Ors. v. Union of India and Ors., whereby the Tribunal had directed the Petitioner to consider the applicants in OA No. 438/1997 for appropriate placement including appointment pursuant to a scheme or for their absorption. The Tribunal had passed the order dated 21st September, 2000 in the original application of the Respondent No. 2 on the same terms and conditions and had directed regularization of the Respondent No. 2 within two months.

2. The learned Counsel for the Petitioner has impugned the order dated 21st September, 2000 on the ground that the Tribunal has relied on the order dated 31st March, 1997 passed in OA No. 438/1997, which order was modified in Civil Writ Petition No. 3417/1997 titled as Indian Agricultural Research Institute and Ors. v. Dr. D.S. Rana and Ors. by order dated 9th July, 1999 holding that instead of regularizing the services of Dr. D.S. Rana and others, the applicants in OA No. 438/1997, they would be considered for regularization against the regular vacancy or post as and when they will occur in accordance with the Rules and

Guidelines of the Petitioner.

3. The learned Counsel for the Petitioners has further contended that even order dated 9th July, 1999, modifying the order dated 31st March, 1997 passed in OA No. 438/1997 titled Dr. D.S. Rana and Ors. v. Indian Agricultural Research Institute and Ors. was further modified in CM No. 13141/1999 in CW No. 3417/1997 by order dated 20th October, 2000 holding that the applicants in the said OA shall be considered for absorption as and when regular vacancy or post would occur. The operative portion of order dated 20th October, 2000 reads as under:

As and when regular vacancy or post occurs, Respondent No. 2 shall be considered against the same as a separate block and not along with fresh entrants on the basis of the record available to the Petitioner, in accordance with the rules and guidelines of the Petitioner.

4. Since the original application of the Respondent No. 2 was allowed in terms of order dated 31st March, 1997 in OA No. 438/1997, which was modified by order dated 9th July, 1999 and 20th October, 2000, consequently it is contended that the impugned order passed on the original application of the Respondent No. 2 is also liable to be modified in terms of orders dated 9th July, 1999 and 20th October, 2000.

5. No one is present on behalf of the Respondent No. 2. Since the original application of the Respondent No. 2 was decided based on the order dated 31st March, 1997 in OA No. 438 of 1997, which order was modified by order dated 9th July, 1999 and 20th October, 2000, the impugned order dated 21st September, 2000 in OA 677/1998 is also liable to be modified. The learned Counsel for the Petitioner has contended that the facts and circumstances of the Respondent No. 2 are similar to the applicants in OA No. 438 of 1997 titled Dr. D.S. Rana and Ors. v. Indian Agricultural Research Institute and Ors..

6. Therefore, for the forgoing reasons the impugned order dated 21st September, 2000, especially para 4 of the said order giving directions to the Petitioner is also modified in terms of the order dated 9th July, 1999 and 20th October, 2000 passed in CW No. 3417/1997 titled as Indian Agricultural Research Institute v. D.S. Rana and Ors., in this case also, as and when regular vacancy or post occurs, Respondent No. 2 shall be considered against the same as a separate block and not along with fresh entrants on the basis of the record available to the Petitioner, in accordance with the rules and guidelines of the Petitioner.

7. With these directions, the writ petition is disposed of. Parties are, however, left to bear their own costs. All the pending applications are also disposed of.