



2025:DHC:5954-DB



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Date of decision: 23.07.2025

+ W.P.(C) 7684/2023 & CM APPL. 29737/2023, CM APPL. 164/2024

HARENDRA AND ORS.Petitioners

Through: Mr.T. N. Singh and Mr.Vikas
K. Singh, Advs.

versus

INDIAN COUNCIL OF AGRICULTURAL RESEARCH AND
ORS.Respondents

Through: Mr.Dhruv Sheoran and
Mr.Archit Upadhyay, Advs.
Mr.V. Senthil Kumar, Mr.N. M.
Thertha Gowda, Mr.N. T.
Anees, Mr.K. Hariharan, Mr.R.
Saranga and Ms.Bharathi,
Advs.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MS. JUSTICE RENU BHATNAGAR

NAVIN CHAWLA, J. (ORAL)

1. This petition has been filed by the petitioners, challenging the Order dated 29.03.2023 passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi (hereinafter referred to as, 'Tribunal') in O.A. No.1385/2016, titled ***Faiyaz & Ors. v. Indian Council of Agricultural Research, Krishi Bhawan & Ors.***, dismissing the O.A. filed by the petitioners herein.

2. By the above O.A., the petitioners had approached the learned



Tribunal with the following prayers:

- “i. To allow this application of the applicants by way of quashing and setting aside Office Orders dated 02.03.2016 passed by the respondent No. 2, whereby representations of these applicants are disposed of without conferring them benefit as rendered in paras 22 and 23 by this Hon’ble Tribunal on 20.05.2014 in O.A. No.3003/2012 (Maman Singh & Ors. Vs. Union of India & Ors.) in favour of similarly situated casual labourers ;*
- ii. To issue a direction to the respondents to grant temporary status to the applicants 1, 2 and 4 and 5 in the light of Casual Labourers (Grant of Temporary Status) Scheme, 1993 in terms of para 22 of said decision rendered by this Hon’ble Tribunal in O. A. No. 3003/2012 (Maman Singh & Ors. Vs. Union of India & Ors.) in favour of similarly situated casual labourers;*
- iii. To issue a direction to the respondents to regularize the services of these applicants from their respective dates in terms of O.M. No. 490142/2/86 Estt. (C) dated 07.06.1988 as well as O.M. No. 49019/1/2006-Estt. (C) dated 11.12.2006 of D.O.P.& T. and also in terms of decisions rendered by the Hon’ble Apex Court in cases of State of Karnataka Vs. Uma Devi and State of Karnataka Vs. M. L. Keshari & Ors. as well as said order 20.05.2014 passed by this Hon’ble Tribunal in O.A.No.3003/2012 at an early date;”*

3. In the O.A., it was claimed by the petitioners that the petitioners were engaged by the respondent no.1 between various periods as Casual Labourer on daily-wage basis. They themselves had claimed their period of employment as under:



<i>Petitioner</i>	<i>Period of Employment</i>
<i>Petitioner No.1, Harendra</i>	<i>October, 1993 upto April, 2004</i>
<i>Petitioner No.2, Tiraj</i>	<i>October, 1992 upto April, 2004</i>
<i>Petitioner No.3, Ganga Charan</i>	<i>February, 1994 upto April, 2004</i>
<i>Petitioner No.4, Sohan Pal</i>	<i>July, 1988 upto May, 2003</i>
<i>Petitioner No.5, Om Prakash</i>	<i>February, 1993 upto April, 2004</i>
<i>Petitioner No.6, Faiyaz</i>	<i>October, 1989 upto October, 2003</i>

4. The petitioners submitted that in terms of the Casual Labourers (Grant of Temporary Status) Scheme, 1993, they, having completed 240 days before 01.09.1993, were entitled to get the temporary status. They further claimed regularisation of their services with the respondent no.1.

The said prayers of the petitioners were rejected by the learned Tribunal, observing that pursuant to the Order dated 12.10.2006 passed in the earlier O.A.(s) filed by the petitioners, being O.A. Nos. 2713/2004, 3063/2004, 3059/2004 and 2854/2005, the prayer of the petitioners for grant of temporary status and regularisation had already been rejected by the learned Tribunal. The said Order had not been challenged by the petitioners and, therefore, had attained finality. The learned Tribunal further held that the petitioners had not worked for 240 days in any given year and, therefore, were not entitled to any relief.

5. We quote from the Order of the learned Tribunal as under:

“11. The aforesaid order passed by this



Tribunal on 12.10.2006 has not been challenged and, therefore, the same has attained finality. Subsequently, this Tribunal decided another O.A. filed by Maman Singh & others, i.e., O.A Nos. 3003/2012 and 3118/2012 on 20.05.2014. The operative paragraph of the said order reads as under:-

“23. In the above facts and circumstances of the case, the Respondents shall grant temporary status to all eligible casual labourers as on 01.09.1993 irrespective of the availability of regular vacancies in terms of the “Casual Labourers (Grant of Temporary Status and Regularisation) Scheme of Government of India, 1993”. They shall also be paid wages at daily rates with reference to the minimum of the pay scale for a corresponding regular Group ‘D’ official including DA, HRA and CCA. This shall be done within a period of two months from the date of receipt of a copy of this order. Meanwhile, they shall make an assessment of the work being done by the regular staff for output and productivity and if it is found that it is not possible to entrust all the work handled by the casual worker to them, the required number of additional regular post should be created in terms of the DOP&T OM dated 07.06.1988. The Respondents shall also first regularize those Applicants to whom the temporary status has thus been granted and against the balance vacancies, the Applicants who have completed 10 years of service as on 10.06.2006 shall be regularized from the respective dates in terms of the judgment in Uma Devi’s case (supra). Rest of them shall be paid at the rate of 1/30th of the pay at the minimum of the relevant pay scale plus dearness allowance for work of 8 hours a day as revised from time to time. The aforesaid direction shall also be complied with, within a period of four months from the date of receipt of a copy of this order.”

12. Vide the aforesaid order, the Tribunal directed the respondents to grant temporary



status to all eligible casual labourers as on 01.01.1993, irrespective of the availability of regular vacancies in terms of the “Casual Labourers (Grant of Temporary Status and Regularisation) Scheme of Government of India, 1993”.

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17. *In the above order, details have been provided in respect of the period of working of the applicants, i.e., from 1988-89 to 2003. The Casual Labourers (Grant of Temporary Status and Regularisation) Scheme of Government of India, 1993, which came into force w.e.f. 01.09.1993, is applicable to casual labourers in employment on the date of issue of these orders. Accordingly, the temporary status is to be conferred on all casual labourers, who are in employment on the date of issue of the said O.M. and who have rendered a continuous service of at least one year, which means that they must have been engaged for a period of at least 240 days in a year. The scheme was conceived as one time measure and it was not applicable in respect of those casual employees, who fulfil the criteria of 240 days of service after 01.09.1993. It is also mentioned in the impugned office order that as per the records, the applicant No.1 had worked for 75 days in 1990, 144 days in 1991, 189 days in 1992 and 80 days in 1993, up to 01.09.1993; and thus, applicant No.1 does not fulfil the conditions for grant of temporary status on the date of announcement of the scheme; and, therefore, was not granted temporary status. It is further mentioned in the order that the applicant No.1 was engaged on seasonal nature of work, which is carried out between mid September to March. This practice of engaging casual labourers has already been discontinued and that no casual labourer was engaged against any vacant post of the Institute on regular nature of work. Accordingly, the representations were rejected with the impugned order. Similar details of the applicants reveal that they are also not*



covered by the provisions of the said scheme.

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20. I find that the applicants worked only during the period between 1988-89 and 2003-04 and were disengaged thereafter, whereas the applicants in O.A. No.3003/2012 & connected matter, had worked continuously for over 20 years from 1977 to 2017 onwards. The applicability of the judgment of Tribunal in O.A. No.3003/2012 & connected matter is to the extent that the applicants were eligible and covered under the Casual Labourers (Grant of Temporary Status and Regularisation) Scheme of Government of India, 1993. Vide the impugned office orders, the respondents have clarified the rule position of the said scheme and also the ineligibility of the applicants. In terms of the policy, they were ineligible to be granted the temporary status."

6. Aggrieved thereof, the petitioners have filed the present petition.

7. The learned counsel for the petitioners, placing reliance on the Office Order dated 04.02.2022, submits that the respondents have come up with a policy whereby the daily wage/ad-hoc/employees who had put in ten years of continuous service as on 10.04.2006 with the respondent no.1, as a one-time measure, would be considered for regularisation. He submits that as the petitioners had worked for more than ten years, they all were entitled to be regularised in service.

8. The learned counsel for the petitioners further submits that similar relief has been granted by the learned Tribunal in favour of other employees, which has been upheld by this Court in its Judgment in ***Union of India & Ors v. Manman Singh & Ors.***, 2019:DHC:7065-DB. He submits that, therefore, the learned Tribunal has erred in



dismissing the O.A.

9. On the other hand, the learned counsel for the respondents submits that the O.A. had been rightly dismissed by the learned Tribunal, finding that the Order dated 12.10.2006 had attained finality, whereby the claim of the petitioners for grant of temporary status under the 1993 Scheme had been rejected.

10. He further submits that for availing the benefit of the Office Order dated 04.02.2022, the employee must be in service as 'on' 10.04.2006. He submits that in the present case, as the petitioners, on their own showing, have not been in service of the respondent no.1 since 2004, they were not entitled to avail the benefit of the said Office Order.

11. We have considered the submissions made by the learned counsels for the parties.

12. It remains undisputed that the earlier Order passed by the learned Tribunal, rejecting the grant of temporary status to the petitioners herein, remains unchallenged since 2006. Merely because some other employees have been granted the benefit of temporary status and thereafter regularisation in terms of the policies, would not give a new cause of action to the petitioners.

13. It is also the own case of the petitioners that the petitioners last worked with the respondent no.1 only in the year 2003-2004. They cannot, therefore, avail the benefit of the Office Order dated 04.02.2022 which, *inter alia*, states as under:

"The issue of regularization of daily-wage/adhoc/those employees who had put in 10 years of continuous service on 10.4.2006 in



ICAR was under consideration of the Competent Authority as one-time measure in accordance to DoP&T guidelines issued vide OM No.49019/1/2006-Estt(C) dated 11th December, 2006 and No.49014/7/2020-Estt.(C) dated 7th October, 2020 in the light of judgment of Hon'ble Supreme Court in case of Uma Devi vs State of Karnataka.

2. After due consideration on the basis of information provided by Institutes through SMDs, the post of Skilled Supporting Staff (SSS) has been sanctioned as indicated in Annexure as one-time measure for regularization of daily-wage/adhoc/those employees who had put in 10 years of continuous service as on. 10.4.2006 in ICAR in accordance to DoP&T O.M. dated 11.12.2006, 07.10.2020 and with following terms & conditions:-

I. They should have been on Muster Roll of the concerned Institute. ...”

14. A reading of the above Office Order would show that it is applicable only to the daily wage/ad-hoc/employees who had put in ten years of continuous service ‘on’ 10.04.2006. They also have to be on the Muster Roll of the respondent no.1 as on that date. In the present case, as the petitioners were not on the Muster Roll of the respondent no.1, they could not have been granted the benefit of the said Office Order.

15. Accordingly, we find no merit in the present petition. The same, along with the pending applications, is dismissed.

NAVIN CHAWLA, J

RENU BHATNAGAR, J

JULY 23, 2025/sg/ik