

Supreme Court of India

Jawaharlal Nehru Krishi Vishwa ... vs Bal Kishan Soni & Ors on 7 April, 1997

Bench: K. Ramaswamy, D.P. Wadhwa

PETITIONER:

JAWAHARLAL NEHRU KRISHI VISHWA VIDYALAYA, JABALPUR, M.P.

Vs.

RESPONDENT:

BAL KISHAN SONI & ORS.

DATE OF JUDGMENT: 07/04/1997

BENCH:

K. RAMASWAMY, D.P. WADHWA

ACT:

HEADNOTE:

JUDGMENT:

O R D E R Leave granted.

This appeal by special leave arises from the order of the High Court of Madhya Pradesh passed in Misc. Petition No. 2935 of 1986 on 9th February, 1995 and the order passed in Review petition (MCC No. 461 of 1995) dated 12th July, 1996. On a Scheme sponsored by the Indian Council of Agricultural Research, the appellant-institute had taken up the project. As many as 625 posts were created in different scales. The respondents while working as Binders, Machine Operators & Class IV employees respectively in the regular pay scales of Rs.750-945, filed a writ petition in the High Court for regularisation of their service, by the impugned order, the high Court allowed the writ petition, feeling aggrieved,, the appellant-institute has filed this appeal by special leave.

It is not in dispute that the Scheme is sponsored by Indian Council of Agricultural Research and, therefore, permanent posts cannot be created. The posts are co-terminus with the scheme. On abolition of the Scheme, posts also necessarily stand abolished. We are informed that the Scheme may continue to be in force; but it depends upon the Scheme being sponsored and the posts made available by the Indian Council of Agricultural Research. Therefor, the direction to regularise the services is violative of their right to posts. The order of the High Court to that extent is modified. On whatever posts the respondents are working and discharging their duty, the scale of pay the said post is directed to be paid.

The appeal is accordingly disposed of. No costs.