

Jawaharlal Nehru Krishi Vishwa Vidyalaya, Jabalpur, M.P.

Vs

Bal Kishan Soni and Others

Civil Appeal No. 2888 of 1997

(K. Ramaswamy, D. P. Wadhwa JJ)

07.04.1997

ORDER

1. Leave granted.

2. This appeal by special leave arises from the order of the High Court of Madhya Pradesh passed in Miscellaneous Petition No. 2935 of 1986 on 9-2-1995 and the order passed in review petition (MCC No. 461 of 1995) dated 12-7-1996. 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 and Class IV employees respectively in the regular pay scales of Rs. 750-945, filed a write 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.

3. It is not in dispute that the Scheme is sponsored by the Indian Council of Agricultural Research and, therefore, permanent posts cannot be created. The posts are conterminous with the Scheme. On abolition of the Scheme, the 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. Therefore, 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 of the said post is directed to be paid.

4. The appeal is accordingly disposed of. No costs.