

CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH

Original Application No. 040/00245/2018

Date of Order: This, the 24th day of July 2018

THE HON'BLE SMT. MANJULA DAS, JUDICIAL MEMBER

Ms.Anima Talukdar

Daughter of Late Gopal Talukdar

Multi Tasking Staff

Central Water Commission,

Government of India, Middle Brahmaputra Division,

C.W.C. Complex

Behind Adabari Bus Stand

Post office-Guwahati University

Guwahati, Assam, PIN-781014

Applicant

By Advocate Mr.Adil Ahmed

1. The Union of India represented by the Secretary to the Government of India, Ministry of Water Resource, New Delhi, PIN-110001.
2. The Director
Central Water Commission,
Government of India, Sewa Bhawan,
R.K.Puram, New Delhi,PIN-110066
3. The Chief Engineer
Brahmaputra & Barak Basin
organization, Central Water Commission

Government of India, Ministry of Water Resources,
Rebekka Ville, Barik Point Lower Lachumiere,
Shillong -793001
Meghalaya

4. The Superintending Engineer
Hydrological Circle
Central Water commission,
Government of India, C.W.C.Complex
Behind Adabari Bus Stand
Post Office-Guwahati University
Guwahati, Assam
PIN-781014

Respondents

By Advocate : None

O R D E R (ORAL)

MANJULA DAS, JUDICIAL MEMBER:

By this O.A., applicant makes a prayer for direction to the respondents to regularize the service of the Applicant from the same date of regularization of the similarly situated employee and to direct the respondents to grant the applicant all financial benefits including ACP/MACP Scheme and other consequential service benefits as granted to similarly situated employee.

2. Heard Mr. A. Ahmed learned counsel for the applicant.

Perused the pleadings and the documents relied upon.

3. Mr.Ahmed submitted that the applicant was initially engaged as work charged Khalasi (Casual Worker) vide memorandum dated 05.03 1984 in the Central Water Commission (CWC in short), Government of India, Guwahati. Her appointment was continued from time to time without any break. The learned counsel further submitted that the instant applicant along with another similarly situated person namely, Aibuddin Ahmed has approached this Hon'ble Tribunal by filing O.A.No.235 of 2006 by praying direction to regularise their service in Group 'D' post in terms of O.M. dated 10.09.1993/Casual Labour Scheme. This Hon'ble Tribunal by order dated 25.05.2009 had directed the respondents to take step for regularization of the Applicants by treating them as Casual Labourers with Temporary Status. Respondent No.4 vide office Memorandum dated 23.12.2009 had appointment the Applicant to the post of Chowkidar in terms of Hon'ble CAT order passed in O.A.No.235 of 2006. The Executive Engineer, M.B Division, CWC, by

office order dated 07.08.2010 has re-fixed pay scale of the Applicant without granting her ACP benefit. One similarly situated employee Shri Aibuddin Ahmed (Co-Applicant with the instant Applicant in O.A.No.235 of 2006) service has been regularized w.e.f. 15.05.1993 and granted him 1st financial up-gradation w.e.f. 15.05.2005 under ACP Scheme and 1st financial upgradation w.e.f. 01.09.2008 under MACP Scheme.

4. Being aggrieved of non granting the financial upgradation under ACP/MACP Scheme, the applicant has submitted representations on 06.08.2013, 03.07.2013, 11.07.2016 and 04.08.2017 before the authority for granting all financial benefits under ACP/MACP. But till date the respondents have not granted the ACP/MACP benefits to her inspite of granting same to the similarly situated persons and regularization date of effect from the similarly situated person ie. Aibudin Ahmed.

5. In view of the above, without going into the merits of the case and for the ends of justice, I direct the respondents to dispose

of the pending last representation of the applicant dated 04.08.2017 and also by treating the instant Original Application No.245 of 2018 as comprehensive representation and pass a reasoned and speaking order.

6. It is needless to mention that the representation shall be disposed of by the respondent authorities within two months from the date of receipt copy of this order by giving adequate opportunity to the applicant of being heard and whatever decision is taken thereto shall be communicated to the applicant within forthwith.

7. Accordingly, O.A. stands disposed of at the admission stage itself. No order as to costs.

(MANJULA DAS)
JUDICIAL MEMBER

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