

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

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O.A.No. 210

of 1997

DATE OF DECISION.....17.11.1999.....

Shri Vinod Prasad Singh

(PETITIONER(S))

Mr B. Malakar

ADVOCATE FOR THE
PETITIONER(S)

-VERSUS-

The Union of India and others

RESPONDENT(S)

Mr A. Deb Roy, Sr. C.G.S.C. and
Mr B.S. Basumatary, Addl. C.G.S.C.


ADVOCATE FOR THE
RESPONDENTS.

THE HON'BLE MR JUSTICE D.N. BARUAH, VICE-CHAIRMAN

THE HON'BLE MR G.L. SANGLYINE, ADMINISTRATIVE MEMBER

1. Whether Reporters of local papers may be allowed to see the Judgment ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the judgment ?
4. Whether the Judgment is to be circulated to the other Benches ?

Judgment delivered by Hon'ble Vice-Chairman.



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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No.210 of 1997

Date of decision: This the 17th day of November 1999

The Hon'ble Mr Justice D.N. Baruah, Vice-Chairman

The Hon'ble Mr G.L. Sanglyine, Administrative Member

Shri Vinod Prasad Singh,
Vill.- Chajayaru, P.O. Bishnuput Titidha,
District- Vausbali, Bihar.Applicant
By Advocate Mr B. Malakar.

- versus -

1. The Union of India, represented by the
Chief Engineer, CWC,
Shillong, Meghalaya.
2. The Superintending Engineer,
North Eastern Circle, CWC,
Shillong.
3. The Executive Engineer,
North Eastern Investigation Division, CWC,
Aizawl, Mizoram.Respondents

By Advocates Mr A. Deb Roy, Sr. C.G.S.C.
and Mr B.S. Basumatary, Addl. C.G.S.C.

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O R D E R

BARUAH.J. (V.C.)

The applicant was a casual employee. He was engaged in the month of February 1995. He continued to work under such engagement till 20.12.1995, i.e. about 250 days. Thereafter, his engagement was terminated. He submitted a representation before the authority. The said representation was not disposed of. Being aggrieved, he approached this Tribunal by filing O.A.No.292 of 1996. The said O.A. was disposed of by this Tribunal by order dated 20.12.1996 with direction to the respondents to consider



the representation filed by the applicant and dispose of the same within the time mentioned in the order of the Tribunal. After the said order of Tribunal the respondents disposed of the representation rejecting the claim of the applicant on the ground that the applicant was not entitled to the benefit of the Scheme, known as the "Casual Labourers (Grant of Temporary Status and Regularisation) Scheme, 1993". This Scheme was prepared to accommodate those persons who are casually engaged as after being engaged for a particular period as mentioned in the Scheme they would be entitled to be given temporary status and subsequent appointment. The main object of this Scheme was to regularise the illegal casual engagement with a hope that there would be no such irregular appointments in future. Admittedly, the applicant is not covered by the said Scheme. Therefore, the applicant is not entitled to get the benefit of the Scheme. However, in spite of the Scheme prepared, the authority continued to make casual engagements like that of the applicant. This approach, we feel, is not correct. The authority ought to have stopped giving casual engagements after the Scheme was over.

2. We have heard Mr B. Malakar, learned counsel for the applicant and Mr B.S. Basumatary, learned Addl. C.G.S.C. It is made to understand by the learned counsel for the parties that a fresh Scheme was prepared. However, the applicant has not mentioned about the said Scheme. At the time of hearing the learned counsel for the applicant has made a suggestion that there is a fresh Scheme.

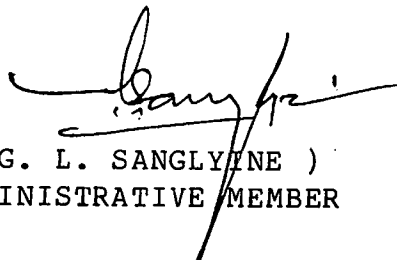
3. The purpose of making the Scheme is to regularise the engagements and not to make such casual engagements in future. If the applicant was not entitled to get any benefit.....

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benefit of the subsequent Scheme, we feel that the respondents have committed irregularity by making the casual engagements and for that purpose it is for the respondents to prepare a Scheme on the same principle as the Scheme prepared earlier.

4. Accordingly, we direct the applicant to file a fresh representation seeking the benefit of the said Scheme withing two months from today and if such representation is filed that should be considered by the respondents in the light of our order. The respondents are directed to dispose of the representation within a period of two months from the date of receipt of the same.

5. The application is accordingly disposed of. No order as to costs.



(G. L. SANGLYINE)
ADMINISTRATIVE MEMBER



(D. N. BARUAH)
VICE-CHAIRMAN