

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

283 1998
O.A. NO. of

DATE OF DECISION. 15.3.2000....

Mrs Asura Begam & Ors

PETITIONER(S)

Mr. M. Chanda & Mrs. N.D. Goswami

ADVOCATE FOR THE
PETITIONER(S)

-VERSUS-

Union of India & Ors

RESPONDENT(S)

Mr. B.C. Pathak, Addl. CGSC

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

ADVOCATE FOR THE
RESPONDENT(S)

THE HON'BLE M.R. G.L. SANGLYINE, ADMINISTRATIVE MEMBER

THE HON'BLE SMT LAKSHMI SWAMINATHAN, JUDICIAL MEMBER

DATE OF DECISION.....

1. Whether Reporters of local papers may be allowed to see the judgment ? PETITIONER(S)

2. To be referred to the Reporter or not ?

3. Whether their Lordships wish to see the fair copy of the judgment ? ADVOCATE FOR THE

4. Whether the Judgment is to be circulated to the other Benches ?

Judgment delivered by Hon'ble Smt Lakshmi Swaminathan, Member (Judicial)

No

REB/BB/

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

ADVOCATE FOR THE
RESPONDENT(S)

THE HON'BLE

THE HON'BLE

DR. B. B. BHOWMIK

1. Whether Reporters of local papers may be allowed to see the judgment ? PETITIONER(S)

2. To be referred to the Reporter or not ?

3. Whether their Lordships wish to see the fair copy of the judgment ? ADVOCATE FOR THE
RESPONDENT(S)

4. Whether the Judgment is to be circulated to the other Benches ?

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

O.A. 283 OF 1998

Date of Order - March 15, 2000

HON'BLE MR G.L. SANGLYINE, ADMINISTRATIVE MEMBER
HON'BLE SMT LAKSHMI SWAMINATHAN, JUDICIAL MEMBER

1. Mrs. Asuran Begam,
Daughter of Md. Mammat Ali,
Resident of Pub Sahani,
P.O. & P.S. Rangia,
Dist Kamrup, Assam.
2. Mr. Ahed Ali,
Son of Md. Mammat Ali,
Resident of Vill. Chikubari No.1,
P.O. Rangia, Dist Kamrup.
3. Mr. Moslem Ali,
Son of Md. Alumuddin,-
Vill. Murara, P.O. & P.S. Rangia,
Dist Kamrup.

- APPLICANTS

By Advocates Mr. M. Chanda and Mrs. N.D. Goswami.

- Versus -

1. Union of India,
Through the Secretary to the
Govt of India, Ministry of
Defence, New Delhi.
2. Additional Director General of
Staff Duties (SDGE), General Staff
Branch, Army Headquarters, D.H.Q.
New Delhi-II.
3. Administrative Commandant,
Purv Kaman Mukhyalaya,
Headquarters, Eastern Command,
Fort William, Calcutta-21.
4. Administrative Commandant,
Station Headquarters, Rangia,
C/O 99 A.P.O.

- RESPONDENTS

By Advocate Mr. B.C. Pathak, Addl.C.G.S.C.

O R D E R (ORAL)

SMT LAKSHMI SWAMINATHAN, MEMBER (JUDICIAL)

The applicants, three in number, are aggrieved by the order passed by the Respondent No.4 dated 14.2.1998 rejecting the claim for grant of temporary status and regularisation to the post of Conservancy Safaiwalas .The applicants claim that they have worked with the Respondent as Conservancy Safaiwalas from different dates from 1989 onwards till November, 1993 and May 1994, ^{when they were terminated} by verbal order. The applicants earlier had filed O.A. 99/97 which was disposed of by Tribunal's order dated 21.11.1997. By this order, the Tribunal has directed the respondents to extend the benefit of the Casual Labourers (Grant of Temporary Status and Regularisation) Scheme, 1993 which came into effect from 1993 (hereinafter referred to as 'the Scheme') and consider the question of conferring temporary status to them and thereafter regularise them, if found eligible. In pursuance of this order of the Tribunal, the respondents had passed the impugned order dated 14.2.1998.

2. The main contention of Mr.B.C. Pathak, learned Addl. C.G.S.C. is that from the records available with the respondents, none of the applicants are in service on the date when the aforesaid Scheme came into operation i.e. 1.9.1993. He has submitted the service records of three applicants, which is placed on record. The learned counsel has submitted that in view of the above facts, the applicants cannot be granted any of the benefits provided in the scheme.

3. The above facts has been disputed by Mr. M. Chanda, learned counsel for the applicants who has submitted that the respondents have in fact engaged the applicants till November, 1993 and May, 1994 and the records of the respondents to the contrary are not correct regarding these facts. However, he is unable to produce any record to augment his submissions and in the circumstances, we are not in a position to reject the submissions of Mr. Pathak, learned counsel, on this factual issue.

4. Mr. M. Chanda, learned counsel for the applicants has submitted that even now the respondents have a number of vacancies of Conservancy Safaiwalas. He has submitted that as the applicants have rendered long service to the respondents satisfactorily, he prays that a direction should be given to the respondents to consider re-engagement of the applicants in any suitable post taking into account their past services. Mr. Pathak, learned counsel, however, submits that this matter has to be clarified from the record whether there are still existing any vacant posts of Conservancy Safaiwala.

5. Taking into account the facts and circumstances of the case, O.A. is disposed of with the following direction :-

If the respondents have any vacancy/need for employment of any casual labourer for doing the job of Conservancy Safaiwala, they shall

18/

consider ...

consider engaging the applicants immediately in accordance with the relevant rules and regulations, subject to their suitability, in preference to the outsiders and juniors.

It is made clear that they would, however, not be entitled to any pay and allowances during the period they were out of service. No costs.

Lakshmi
(SMT LAKSHMI SWAMINATHAN)

Member (Judicial)

Sanglyine
(G.L. SANGLYINE)

Member (Admn)

mk