

CENTRAL ADMINISTRATIVE TRIBUNAL ::
GUWAHATI BENCH.

O.A./~~XXXX~~ No. 301 of 1998 of

22.3.01
DATE OF DECISION

Peer Mohammed

PETITIONER(S)

Mr. I. Hussain

ADVOCATE FOR THE
PETITIONER(S)

VERSUS -

Union of India & Ors.

RESPONDENT(S)

Mr. A. Deb Roy, Sr. C.G.S.C.

ADVOCATE FOR THE
RESPONDENTS

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

THE HON'BLE MR. K.K.SHARMA, MEMBER (A).

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.

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No. 301 of 1998

Date of order : This the 22nd day of March, 2001.

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

Hon'ble Mr. K.K.Sharma, Member(A).

Peer Mohammed
Son of Afzuddin Ahmed
Village - Kanikuchi,
P.O. Kaniha,
P.S. Rangia,
District-Kamrup

...Applicant

By Advocate Mr. I. Hussain.

-vs-

1. The Union of India
Represented by the Secretary
Ministry of Defence, Government of India,
New Delhi.
2. The Additional Director General
of Staff Duties (SPGE), General
Staff Branch, Army Head Quarters,
D.M.G.P.O., New Delhi
PIN 110011.
3. The Administrative Commandant,
Purav Kaman Mukhayalaya,
Headquarter, Eastern Command,
Fort William
Calcutta-700021.
4. The Administrative Commandant,
Station Headquarters,
Rangia,
C/O 99 APO.

...Respondents

By Advocate Mr. A. Deb Roy, Sr. C.G.S.C.

O R D E R (ORAL)

CHOWDHURY J.(V.C.).

This matter relates to extension of benefit of Casual Labourers (Grant of Temporary Status and Regulatisation) as per the Scheme formulated by the Government of India and benefit of guidelines under O.M. dated 7.6.1988. The applicant was engaged as Safaiwala/Mazdoor in the

establishment of Station Headquarter, under the Administrative Commandant. He was employed through Employment Exchange on daily wages basis in March 1990. According to the applicant he continued to hold the said post up to November 1993 and according to the respondents the applicant continued to hold the post up to November, 1992. The applicant earlier moved this Tribunal by filing of an application under Section 19 of the Administrative Tribunals Act, 1985. The aforesaid OA was numbered and registered as O.A. No. 98 of 1997 and the said O.A. was disposed of on 21.11.1997 along with O.A. No. 91 of 1997. The Tribunal by its decision issued direction on the respondents to extend the benefit of the scheme and consider the question of conferring temporary status to the applicant and thereafter regularisation, if he was otherwise found eligible. By an order dated 14.2.1998 the respondent no. 4 rejected the claim of the applicant on the ground that the applicant was neither found eligible nor covered under the provision of scheme of 1993 for grant of temporary status. Hence this application.

2. The respondents have filed its written statement and stated that the applicant was engaged on daily wages basis for carrying out conservancy and sanitation duties. It was stated that the units of the station was located in modified field areas. The requirement of Conservancy Safaiwala have been decreased. According to the respondents the Station Headquarter, Rangia requires conservancy safaiwala as and when field units move out of field stations for operational commitments. There was no regular sanctioned vacancy in the Headquarter for conservancy safaiwala. The applicant was engaged only on stop gap basis on purely temporary basis and his service was disengaged on genuine grounds when his service was no longer required.

3. The issue raised in this application are already adjudicated upon by the Tribunal in a number of decisions like O.A. No. 248 of 1994, dated 10.11.1994, O.A. No. 249 of 1995 dated 17.11.1995, O.A. No. 108 of 1996 dated 28.4.1997, O.A. No. 98 of 1997 and O.A. No 99 of 1997 dated 21.11.1997.

4. We have heard Mr. I. Hussain learned counsel for the applicant and Mr. A. Deb Roy, learned Sr. C.G.S.C. for the respondents. The reasons assigned by the impugned order dated 14.2.1998 in a most cryptic manner. The Tribunal in its earlier order directed the respondents to consider the case of the applicant in the light of the Scheme issued by the Govt. of India. No reasons has been assigned in the impugned order dated 14.2.1998 by the respondents as to why the benefit of the scheme could not be granted to the applicant. The reasons indicated in the written statement were already considered by the Tribunal in O.A. No. 249 of 1995 disposed of on 10.11.1995 and in O.A. Nos. 98 of 1997 and 99 of 1997 dated 17.11.1997.

4. In view of the decisions rendered by the Tribunal consistently in the aforementioned O.A.s we are of the view that this case is also squarely covered by the decision of the aforementioned O.As. and accordingly the following order is passed :

1. The respondents are directed to consider extending the benefit of Casual Labourers (Grant of Temporary Status and Regularisation) Scheme 1993 of the Government of India and benefit of guidelines under O.M. dated 7.6.1988 to the applicants and the question of conferring temporary status on him and thereafter regularisation against the post as may be available subject to his eligibility and availability of posts wherever available.

2. The respondents No. 3 & 4 may, if necessary, seek sanction for the posts to enable consideration of regularisation of the applicant if he is otherwise found eligible for the same under the Scheme.
3. The circumstance of disengagement of the applicant may be considered in the light of the scheme and guidelines respectively if applicable as stated above.
4. The respondents to examine the cases of the applicants in the light of above directions as expeditiously as possible but in any case within a period of three months from the date of receipt of a certified copy of this order and intimate the decision to the applicant accordingly.
5. The question of consequential benefits, if any, available to the applicants under the Scheme/Guidelines in the event of his being considered for regularisation may be extended to him.
6. The respondents may not confine their consideration in respect of the applicants for the aforesaid purpose only at Rangiya Field Station but may consider if they can be accommodated at any other place.
7. It will be open to the respondents to offer casual engagement to the applicants when possible.
5. The application is allowed accordingly to the extent indicated above. There shall however, be no order as to costs. It is expected that respondents shall take prompt steps to implement this order as early as possible preferably within six months from the date of receipt of a certified copy of this order.

1c (Ushar)
(K.K.SHARMA)
Member

(VICE-CHAIRMAN)
Vice-Chairman