5/100

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES,1990)

INDEX

(1) MP 85/03 order page-1 to 5 withdrawn 25.12.04 O.A/T.A No. 420/2000
(2) MP 68/03 order page-1 to 3 withdrawn 26.12.04 R.A/C.P No. 43/01
(3) MP 161/02 order page-1 to 4 withdrawn 26.12.04 E.P/M.A No.

1. Orders Sheet OA Pg. 1 to 3
CP 43/01 order page 1 to 2 dropped 12.12.02
2. Judgment/Order dtd. 9.5.2001 Pg. 1 to 5 Allowed
3. Judgment & Order dtd. Received from H.C/Supreme Court
4. O.A. 420/2000 Pg. 1 to 20
5. E.P/M.P. MP 85/2003 page-1 to 3
MP 68/03 Pg. 1 to 3
MP 161/02 page-1 to 5
6. R.A/C.P. 43/01 Pg. 1 to 13
7. W.S. Pg. 1 to 14
8. Rejoinder Pg. to
9. Reply Pg. to
10. Any other Papers Pg. to
11. Memo of Appearance
12. Additional Affidavit
13. Written Arguments
14. Amendement Reply by Respondents
15. Amendment Reply filed by the Applicant
16. Counter Reply

SECTION OFFICER (Judl.)
22/12/17

CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH:GUWAHATI.5

ORIGINAL APPLICATION NO. 620/2000

Smt. Mahima Deka .....Applicant.

versus

Union of India & Ors ..... Respondents.

For the Applicant(s) Mr A. Khaleque

For the Respondents. C.G.S.C .....

NOTES OF THE REGISTRY	DATE	O R D E R
This application is in form and is filed/C.P. for Rs. 50/- IPO/BD No. 77/015 Dated 23-11-00 Dy. Registrar. 5/12/00	7.12.2000	Present: Hon'ble Mr Justice D.N. Chowdhury, Vice-Chairman Heard Mr A. Khaleque, learned counsel for the applicant and Mr A. Deb Roy, learned Sr. C.G.S.C. The application is admitted. Call for the records. Issue notice returnable by four weeks. List the case for orders on 4.1.2001. Pendency of this application shall not stand in the way of the respondents to consider the case of the applicant sympathetically. Vice-Chairman
Steps & envelopes are filed. 5/12/2000	nkm	
Notice prepared and sent to D.Sec for issuing the respondent No 1 to 3 by Hand & Regd A/D. vide D No 1385 to 87 dtd 12/12/2000. 12/12/00		
① Notice served by hand on R.No. 2 & 3, respondent No. 1 are awaited. 3.1.2001	4-1-2001.	Thereafter reference adj. to 11.1.2001.
11-1-01 Notice served on 11.1.01. Placed on 22.1.01.		

(2)

O.A. 420/2000

24.1.01 List on 14.2.2001 to enable the respondents to file written statement.

Vice-Chairman

Notice duly served on R No. 1. Service completed
25/01/01.

trd

14.2.2001 No return, so far, filed. Mr A. Deb Roy, learned Sr. C.G.S.C. again prays for time to file written statement. The matter pertains to pensionary benefit including family pension. In the circumstances, the case is ordered for hearing on 28.2.01. The Respondents in the meantime file written statement if any.

Vice-Chairman

No written statement has been filed.
13.2.01

nkm

No written statement has been filed.
27.2.01

28.2.2001 The learned counsel for the applicant has submitted that he has received the written statement in the course of the day and therefore he has prayed for an adjournment. Prayer allowed. The applicant may file rejoinder, if any, within two weeks from today. List it on 21.3.01 for hearing.

Vice-Chairman

5.3.2001
W/S has been submitted by the Respondents.

nkm

21.3.01 Mr.A.Khalique learned counsel for the applicant stated that the applicant has been treated as a person who was not qualified in the formal test and his services were not regularised. He wants the service records of the applicant be produced before this Tribunal The respondents are directed to produce of the service records of the applicant before this Court.

List on 25.4.01 for hearing.

Member

lm

Notes of the Registry	Date	Order of the Tribunal
	01.05.01	The matter was brought for being spoken to the parties to point out to certain aspects of the case which was not addressed earlier. Counsel were asked to clarify all those position. Mr. A. Deb Roy, learned Sr. C.G.S.C. is requested to produce the records as well as the minutes of the literary test held on 7.2.1993 and 21.6.1997 and also the records containing the regularisation of Nalini Baishya and Sandhaya Rani Bora in service by relaxing the normal recruitment rules. The learned Sr. C.G.S.C. shall also produce the relevant Recruitment Rules. List the matter again for further hearing on this issue on 9.5.2001. Vice-Chairman
	trd	
23.5.2001 Copy of the Judgment has been sent to the Deptt. for issuing the same to the applicant as well as to the L/Adv for the Respdts. pg	9-5-01	**Heard learned counsel for the parties. Hearing concluded. Judgment delivered in open Court, kept in separate sheets.** **The application is allowed in terms of the order. No order as to costs.** **Vice-Chairman**
	pg	

4

Notes of the Registry	Date	Order of the Tribunal

CENTRAL ADMINISTRATIVE TRIBUNAL ::
GUWAHATI BENCH.

O.A./~~X.X.~~ No. . 420 . . . . of 2000.

DATE OF DECISION 9-5-2001

Smt. Mahima Deka ..... APPLICANT(S)

Mr A. Khaleque ..... ADVOCATE FOR THE APPLICANT(S)

- VERSUS -

Union of India & Ors. ..... RESPONDENT(S)

Sri 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

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 ?

5. Judgment delivered by Hon'ble Vice-Chairman.

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No. 420 of 2000.

Date of Order : This the 9th Day of May, 2001.

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

Smt. Mahima Deka,
Wife of Late Arun Chandra Deka,
(Ex-temporary Group-D employee of
Deptt. of Post, Guwahati H.R.O,
Mails, Guwahati)
resident of Vill. Nizmadartola,
P.O. & P.S.Kamalpur, Dist. Kamrup
(Assam). . . . Petitioner

By Advocate Mr A.Khaleque.

- Versus -

1. Union of India,
represented by the Secretary,
Deptt. of Post, Govt. of India,
New Delhi.

2. The Director of Postal Service,
Assam Circle,
Guwahati.

3. The Senior Superintendent of Post Offices,
R.M.S, Division, Guwahati. . .Respondents.

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

O.R D E R

CHOWDHURY J.(V.C)

The subject matter relates to entitlement of the pensionary benefits of a temporary employee who was subsequently regularised as Group D employee. The applicant is the wife of late Arun Chandra Deka who has assailed in this application the impugned order dated 7.4.99 passed by the respondent No.3, the Senior Superintendent refusing her prayer for family pension.

2. The relevant facts for the purpose ~~for~~ of adjudication of the case are as follows :-

The deceased husband of the applicant Arun Chandra Deka was recruited as a casual labour (extra Mazdoor) in

contd..2

the year 1985 after undergoing a recruitment test/interview. He was directed to work at Sub-Record Officer at Rangia. On 4.9.87 he was transferred to Head Record Office,Mails, R.M.S.,Guwahati. The deceased Deka worked as a casual worker continuously and by order dated 31.12.92 he was granted temporary status as per the scheme circulated by circular No.45-95/87-SPB.1 dated 12.4.91 treating certain temporary employees as Group D employee. By memo No. B-2/ Ext-Maz/96 dated 28.5.96 the applicant alongwith 10 others were ordered to be treated at par with the temporary Group D employees with effect from the date showing against each of them and from that date they would be entitled to the benefits as admissible to temporary Group D employees on regular basis in accordance with letter dated 30.11.92. The name of the applicant was shown at sl.No.4 and he was granted temporary status with effect from 29.11.89 and treated at par with temporary Group D employees with effect from the date on 29.11.92. Alongwith the applicant one Miss Sandhya Rani Borah who was given temporary status with effect from 25.4.92 was treated at par with temporary employee with effect from 25.4.94. The husband of the applicant expired on 16.1.99. The present applicant i.e. wife of the deceased Arun Ch. Deka submitted one application on 23.3.99 requesting the respondents authority to sanction her the family pension and retirement benefits in her favour in view of the fact that her husband completed 14 years of service continuously from 9.2.85 to 15.1.99. Thereafter also she moved the authority from time to time for such pensionary benefits, which was not favourably responded. By order dated 7.4.99 the reppondent No.3 informed the applicant that as per departmental rules there was no provision for family pension and retirement benefits for

contd..3

casual Mazdoor and accordingly her case was rejected. Hence this application asaailing the legality and validity of the action of the respondents in refusing to grant pensionary benefits.

3. The respondents in its written statement stated that a sum of Rs.1000/- was provided to the applicant as financial assistance. It asserted that the departmental rules did not permit any family pension or retirement benefits for casual mazdoor. The respondents in its written statement admitted the fact that the husband of the applicant alongwith other eligible extra Mazdoors were conferred temporary status with effect from 29.11.89 and he continued as casual labour as well as a regular Group D employee. The respondents in its written statement stated that the husband of the applicant rendered 13 years 11 months 7 days service but regularisation was not possible due to non qualifying of literacy test. The respondents stated that steps were taken for regularisation and literacy test was held on 7.2.93 and 21.6.97 on the basis of residual vacancies but since the husband of the applicant could not qualify himself he was not regularised. In para 10 of the written statement the respondents stated that 5 persons were regularised after clearing the literacy tests which was held on 21.6.97 as per merit of the test. Out of those 5 persons Sri Nalini Baishya and Miss Sandhya Rani Borah were regularised by relaxing the normal recruitment rules. Mr A.Deb Roy, learned Sr.C.G.S.C however submitted that Miss Sandhya Rani Borah was regularised by relaxing the recruitment rules as she was appointed on compassionate ground. From the records made available it transpires that the husband of the applicant Sri Arun Ch.Deka was granted temporary

contd..4

status on and from 29.11.89 and treated at par with temporary Group D employees from 29.11.92. He was working as casual labour from 9.2.85. The only objection of the respondents for denying pension to the wife of the deceased employee was that the said Arun Ch.Deka despite the opportunities provided to him could not qualify himself in the literacy test and therefore he could not be considered for regularisation though on their own showing they regularised the other persons in 1993 and 1997. The husband of the applicant was not regularised according to the applicant on the alleged ground that he did not qualify in the literacy test. No such requirement of passing literacy test was pointed out to me nor to that effect any recruitment rules were produced insisting for literacy test for regularisation. The respondents on their own admitted the regularisation of one of such employee Miss Sandhya Rani Borah by invoking its relaxation power. According to the respondents since her appointment was made on compassionate ground by relaxing the educational qualification. The husband of the applicant had rendered temporary service and worked as casual labour from 9.2.85. On the basis of his length of service and as per the direction of the Supreme Court and as specified in the scheme he was employed by the respondents and was also granted temporary status and treated at par with temporary Group D employees with effect from 29.11.92. Since he was treated at par with temporary Group D employees such person almost termed to be regular employee. So much so all the service benefits were made available to them including counting of service for the purpose of pension and terminal benefits as in the case of temporary employee appointed on regular

contd..5

basis who were given temporary status and who completed 3 years of service in that status. As per Central Civil Services(Temporary Services) Rules 1965 in the event of death of a temporary Government Servant while in service, his family shall be eligible for family pension and death gratuity at the same scale and under the same provisions as are applicable to permanent Central Civilian Government Servants under the CCS (Pension) Rules 1972. The husband of the applicant in all practical purposes was treated as regular employee and at par with Group D employees. Once he was treated as such he is entitled for the service benefits since those period cannot be treated as non qualifying period. No such rules are cited to exclude those period. In these circumstances it is difficult to hold the contentions raised by Mr A.Deb Roy that the applicant was not entitled to family pension on the alleged purported ground that he failed in the literacy test. For the aforesaid reason the impugned communication dated 7.4.99 is set aside and quashed and the respondents are directed to take necessary steps for grant her family pension and retirement benefits with effect from 9.2.85, more so, he was granted the Group D status.

For the reasons stated above the application is allowed. There shall, however, be no order as to costs.

(D.N.CHOWDHURY)
VICE CHAIRMAN

PG

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : GUWAHATI BENCH:

G U W A H A T I.

An application under Section 19 of the Central Administrative Tribunal Act 1985.

O.A. NO. 420 /2000

F I L I N G S L I P

I N D E X

Sl.No.	Particulars	Page
1.	Petition with Verification	1 to 11
2.	Annexure ----A.	12
3.	Annexure ----B.	13
4.	Annexure ----C.	14
5.	Annexure ----D1	15
6.	Annexure ----D2	16
7.	Annexure ----E	17
8.	Annexure ----F	18
9.	Annexure ----G	19

Filed by -

Abdul Khaleque
30/11/2000

A. Khaleque,
Advocate.

Filed by the applicant
through
Abdul Khaliq
Advocate
30/9/2000

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : GUWAHATI BENCH

GUWANATI.

O.A. No. 420 /2000.

Smti Mahima Deka
Wife of Late Arun Chandra Deka,
(Ex-temporary Group-D Employee of
Deptt. of Post, Guwahati H.R.O.
Mails, Guwahati)
resident of Vill. Nizmadartola,
P.O. & P.S. Kamalpur, District Kamrup,
Assam.

.....PETITIONER.

-Versus -

1. Union of India, represented by the Secretary, Deptt. of Post Govt. of India, New Delhi.
2. The Director of Postal Services, Assam Circle Guwahati.
3. The Senior Supdt. of RMS Guwahati Divn. Guwahati.

.....RESPONDENTS.

1. Particulars of order against which application is made.

The application is against the following order

(i) Order No. B-9/CL/A.C.Deka
(ii) Date : 7.4.99
(iii) Passed by - Respondent No.3
(iv) Subject in brief :- Non- regularisation of the services and non-payment of consequental service benefits.

Contd..2.

Mahima Deka

~~or pension etc and other service benefits.~~

2) Jurisdiction of the Tribunal :

The petitioner declares that the subject matter against which she wants redressal is within the jurisdiction of the Tribunal as the petitioner and the main respondents against whom the relief is sought are within the jurisdiction of this Hon'ble Tribunal.

3) Limitation :

The applicant furthe declares that the application iswithin the limitation prescribed under Section 21 of the Administrative Tribunal's Act 1985.

4) Facts of the Case :

4.1. The respondent No. 3 , conducted a recruitment Test and interview for selecting some casual labour in the year 1984, and the petitioner's husband Sri Arun Ch. Deka also appeared in the test and interview and he was selected and appointed as casual labour(extra-Mazdoor) and he was directed to work at Sub-Record Officer, at Rangia. It may mentioned that Sri Arun Ch. Deka's name was sponsored by the local employment exchange and was appointed after observing all departmental procedure on and from 9.2.85 and was posted at Rangia . On 4.9.87, the services of the petitioner's

Contd... 3

Mahima Deka

husband was transfered to Head Record Officer, (Mails) R.M.S. Guwahati Division vide letter No. 2-1/C-M/87-88 dt. 4.9.87.

Copy of the said order is annexed herewith and marked as Annexure-"A".

4.2. That the petitioner's husband continued his service, as casual Mazdoor without any break of service. On 31.12.92 the respondent No. 3 issued a circular on the matter of regularisation of the services of the Casual workers.

Copy of the said Circular is annexed herewith and marked as Annexure-"B".

4.3. That as per direction of the aforesaid circular the Service of the petitioner's husband was granted the temporary Group "D" employees status from 29.11.89 and he was given the salary and other benefits as a group "D" employee of that department.

Copy of the order granting temporary status to the petitioner's husband is annexed herewith and marked as Annexure- "C".

4.4. That the petitioner's husband continued his service as a group "D" employee having temporary status

Contd.. 4

Mahima Deka

till his ~~service~~ death on 16.1.99, and he rendered 14 years of Service to the respondent since 9.2.85.

4.5. That the petitioner's husband during his tennure of 14 years of Service made representations before the respondent no. 3 for regularisation of his services, but his services were not regularised.

4.6 That the petitioner's husband did the same job which were done by the other regular Group "D" employees of the department under the respondents.

4.7. That due to non-regularisation of the services of the petitioner's husband, her family has been deprived from the pension and gratuity which were due to the petitioner's husband.

4.8. That the petitioner begs to state that Services of all the temporary employees who were given group "D" employees status vide Letter No. B/2/9/CM/Reg. dt. 31.12.92 (Annexure-"C") are all regularised except the services of the petitioner's husband and were given permanant status.

Contd.. 5

Mahima Deka

4.9. That, the respondent no. 3 regularised the services of the temporary employees with group "D" employees status in most whimsical and arbitrary manner without following any norms or seniority of Service. The Services of some of the Junior employees who where junior to the petitioner's husband by 10 yrs, or 5 years has been regularised leaving aside the petitioner's husband. For instance the services of Sri Khagen Kalita, Sri Raba Kanta Bora, Sri Nalini Baishya and Smti. Sandhya Roni Bora were all junior to the petitioner's husband but their services were regularised (As per Annexure-"C").

4.10. That the petitioner begs to submit that her late husband had rendered 14 years of service and he had a right to get his services regularised prior to his junior employees.

4.11. That the petitioner's husband died on 16.1.99 while he was in service.

4.12. That the petitioner wrote several representation before the respondent praying for payment of gratuity and pension etc. but the respondent no. 3 did not paid her the aforesaid service benefit in spite

Contd... 6

Mahima Deka

of several remainders, the petitioner also prayed for her appointment in any job on compenssionate ground, but it was not considered.

Copy of some of her representation are filed herewith as Annexure- D1, D2.

4.13. That in reply to the petitioner's representation, the respondent no.3 rejected the prayer for payment of Pension and retirement benefit to the petitioner vide their letter dt. 7.4.99.

Copy of the said letter is annexed herewith and marked as Annexure- "E".

4.14. That on receipt of the said letter the petitioner filed an appeal before the respondent No.2, and prayed for payment of pension and retire-ment benefit after regularising the services of her late husband.

Copy of the said appeal is annexed and marked as Annexure- "F".

4.15. That getting no reply from the respondent No.2 the petitioner filed another appeal/representation before the respondent no.2, but the respondent no.2 has not yet consider the appeal of the petitioner.

Copy of the said appeal is annexed herewith and marked as Annexure- "G".

Contd....7.

Mahima Deka

19

4.16. That the petitioner begs to submit that her husband late Arun Ch. Deka worked as a temporary group "D" employee under the respondent against a substantive permanent Post and as such he had a right to be regularised in that post. But the respondents took a discriminatory attitude towards the petitioner's husband and his services was not regularised, but the person who were much junior to the petitioner's husband has been regularised in the said group D employees post.

4.17. That the petitioner begs to submit that under the relevant rules her husband completed qualifying length of service entitling him the regularisation of his services in the post in which he worked for last 14 years. That as per the departmental circular dtd. 31.12.92, which was issued in persuance of a supreme Court judgment, (Annexure-"B") , it was stated in para No. 3 that,"temporary employee who were given temporary group D status, and who has completed 3 years of service in that capacity will be entitled for pension and terminal benifits, after regularisation." But although the petitioner's husband has completed about 10 years, service in temporary status, his services were not regularised. As the petitioner's husband was appointed taking formal test and interview ,there is no need for taking further test in regularising his services at the same job.

Contd.. 8

Mahima Deka

4.18. That the petitioner begs to submit that due to illegal non-regularisation of the services of her husband, the petitioner has been deprived from the legitimate, service benifits retirement benifits and family pension etc. and had the services of her husband regularised ~~the~~ in time she and her minor children would not have been deprived from those benefits.

4.19. That the petitioner begs to submit that she has constitutional and statutory right to receive pension/Family pension and other service benefits due to her late husband , but due to the inaction/illegal action of the respondent those has not been paid to her.

4.20. That the petitioner begs to submit that the petitioner had no other source of income and the service benefit of her late husband is the only source income, and if she is deprived of this benefit she shall subtain much hardship with her three minor children.

5) ~~Th~~ GROUNDS FOR RELIEF WITH LEGAL PROVISIONS :

5.1. The act of respondents (not regularising the services of petitioner's husband in time)violate the rights under Article 16 of the Constitution of India.

5.2. That as the petitioner's husband was working against a substantive post for a long time he has

Contd.. 9

Mahima Deka

a right to be regularised.

5.2. That the applicant is entitled to the pensionery benefits/family pension under the provision of the Constitution and also under relevant statutory rules.

5.3. That therespondents illegally and arbitrarily held up the regularisation of thepetitioner's husband and thereby deprive her and her minor children from their legitimate pensionery benefit/family pension.

6) Details of remadies exhausted :

The petitioner declares that she availed of all the remadies available to her under the relevant rules.

7) Matter not pending before any other Courts etc.:

The petitioner declares that the matter regarding the payment of pension, family pension and other service benefit has not been made to any other court of law or any other authority or any other bench of the Tribunal. The applicant further declares that the present application is specifically for grant of family pension and other service benefits.

8) Relief Sought :

8.1. The respondents may be directed to pay the ~~dues~~

Contd... 10

Mahima Deka

petitioner the service benefit of her late husband and also pensionery benefit, she is entitled in the relevent rules.

9) Interim order if prayed for :

Pending disposal of this petition, the gratuity payable to her Late husband may be directed to be paid immediately.

10) Particulars of Bank draft in respect of the application fee :-

No. of I.P.O. 6G 771015
Name of issuing post office : Guwahati G.P.O.
Date of Issue of postal order: 23.11.2000
Post office of which payable : Guwahati G.P.O.

11) List of Enclosures :

11.1 Copy of letter dt. 4.9.87, transfering the services of the petitioner's husband from Rangia to Guwahati.

11.2 Copy of circular issued by D.T.E., dt. 31.12.92 regarding regularisation of Casual labour.

11.3 Copy of letter dt. 28.5.96 granting in temporary group"D" employee's status to petitioner's husband.

11.4 Copies ~~of~~ representations filed by the petitioner for granting service benefit and ~~appertment~~ appointment on compensionate ground.

11.5 Copy of the order dt.7.4.99 passed by the Senior Supdt. of RMS, Guwahati Division, Guwahati

Contd... 11

Mahima Deka

11.6 Copy of the appeal of the petitioner dt. 26-7-99.

~~Dxxxxxxxxxx xxxxxxxxx the appeal of the petitioner.~~

11.7 Copy of another appeal dt. 22.12.99, filed by the petitioner before the Director of Postal Services for payment of service benefit.

VERIFICATION

I, Smti. Mahima Deka, Wife of Late Arun Ch. Deka, aged about 34 years, by profession house-wife, by religion Hindu, a resident of Vill. Nizmadartala, P.O. Baihata, Dist. Kamrup, Assam, do hereby verify that the statement made in paragraph No. 4.1 to 4.15 are true to my personal knowledge and in paragraph No. 4.16 to 4.20, are believed to be true on legal advice and that I have not suppressed any material facts.

And I sign this verification on this 28th day of September, 2000 at Guwahati.

Smt Mahima Deka
(Signature of the Applicant)

(Copy)

Sub-Record Officer

RMS 'GH' DN, Rangia -781365

24

2-1/CM/87-88

Dated at Rangia

the 4.9.87

ANNEXURE- "A"

To
The H.R.O.(Mails)
RMS "GH" Dn.
Guwahati-781008.

Sub : Engagement of Extra Mazdoor.

Ref- SSRM GH Dn. Letter No. B-2/9/E-A1/Ch-1
dt. 31.5.87.

5 Nos of Extra Mazdoor working under SRO Rangia whose names are given below are hereby advised to report your office for their duty at mail Agency Guwahati as per SSRM GH Dn. Ghy-8 letter noted above.

Kindly act accordingly.

1. Md. Firdouch Ahmed.
2. Md. Matibar Rahman
3. Sri Keshab Das.
4. Sri Arun Deka
5. Md. Mahibuddin Ahmed.

(Seal)

Sub Record Officer
RMS. GH. Divn, Rangia-781365

Copy to 1) Platform Inspector, Ghy. RMS for information and n/a.

2) All Extra Mazdoors (S)

Sd/- 4.9.87

(Seal)

Sub Record Officer,
RMS 'GH' Dn, Rangia-781365

Attested
Advocate

Annexure - "B"

(copy)

DEPARTMENT OF POSTS INDIA

O/O the Senior Superintendent RMS 'GH' Dn, Guwahati - 781001.

1) All Concerned in RMS 'GH' Division.
2) Divl. Accountant.
3) Est. branch Divl. office.

No.B-2/9/CM/Rlg. Dated Guwahati-1 the 31.12.92.

Sub :- Regularisation of casual labourers.

A copy of Dte's letter no. 66-9/91-SPB-1 dtd 30.11.92 circulated vide C.U. Ghy letter no Est/29-9/Rlgs dtd 16.12.92 is appended below for favour of kind information, guidance and n/a.

Sd/Illegible
for Senior Superintendent
RMS 'GH' Dn, Guwahati-1.

Copy of the letter :-

Sir,

Vide this office circular letter No. 45-95/87-SPB.1 dtd. 12.4.91, a scheme for giving temporary status to casual labourers fulfilling certain conditions was circulated.

2. In their judgement dtd 29.11.1989, the Hon'ble Supreme Court have held that after rendering three years of continuous service with temporary status, the casual labourers shall be treated at par with temporary Group 'D' employees of the Department of posts and would thereby be entitled to such benefit as are admissible to Group 'D' employees on regular basis.

3. In compliance with the above said directive of the Hon'ble Supreme Court it has been decided that the Casual labourers of this Department conferred with temporary status as per the scheme circulated in the above said circular No. 45-95/87- SPB-I dtd 12.4.1991 be treated at per with temporary Group 'D' employee with effect from the date they complete three years of service in the newly acquired temporary status as per the above said scheme. From that date they will be entitled to benefit s admissible to temporary Group 'D' employees such as :-

1. All kinds of leave as to temporary employees.
2. Holidays as admissible to regular employees.
3. Counting of service for the purpose of pension and terminal benefits as in the case of temporary employees appointed on regular basis for those temporary employees who are given temporary status and who complete 3 years of service in that status while granting them pension and retirement benefits after .....their regularisation.
4. Central Government Employees Insurance scheme.
5. G.P.F.
6. Medical Aid.
7. L.T.C.
8. All Advance admissible to temporary Group 'D' Employees.
9. Bonus.

Further action may be taken accordingly and proper service records of such employees may also be maintained.

Sd/-
(R. KRISHNAMUORTHY)
A.P.G (SPN)

*****

Attested
Advo.

(Copy)

ANNEXURE - C

DEPARTMENT OF POSTS INDIA

O/O the Senior Superintendent RMS "GH" Dn. Guwahati-
Head record Officer.

Memo No. B-2/EXt-Maz/96.
Dated Guwahati-1 the 28.5.96.

The following casual labourers who have been granted temporary status vide Dte's letter No. 45-95/87-SPS-1dtd.12.4.91 and have rendered 3 years continous service with temporary status, be treated them at per with temporary group"D" employees w.e. from the date shown against each and from that date they will be entitled to benefits as admissible to temp. group"D" employees on regular basis in accordance with Date's letter No. 66-9-91-SPB-1 dtd. 30.11.92 circulated through the SSRM "GH" Dn. letter No. B-2/9/CM/Rlg. dtd. 31.12.92 such as -

1) All kinds of leave admissible to temporary employees.
2) Holidays as admissible to regular employees.
3) Counting of service for the purpose of pension and terminal benefits as in the case of temporary employees appointed on regular basis for those temporary employees who are given temporary status and who complete 3 years of service in that status while granting them pension and retirement benefits after . . . . their regularisation.
4) Central Government employees Insurance Scheme.
5) G.P.F.
6) Medical Alid.
7) L.T.C.
8) All advance admissible to temporary group 'D' employees.
9) Bonus.

Name of casual labour.	Date from which temp. working.	Granted Status.	Treated as per with temp. Group D employees.
1. Sri Ram Bahadur Chetry	11.5.84	29.11.89	29.11.92
2. Sri Keshab Ch. Das	9.2.85	- do -	- do -
3. Sri Bhudhar Deka	9.2.85	- do -	- do -
4. Sri Arun Ch. Deka	9.2.85	- do -	- do -
5. Sri Khagendra Kalita	11.2.85	- do -	- do -
6. Sri Firdus Ahmed.	13.2.85	- do -	- do -
7. Sri Azizur Rahman	27.2.85	- do -	- do -
8. Sri Rabi Kanta Borah	5.5.87	- do -	- do -
9. Sri Ismail Ali	11.2.85	- do -	- do -
10. Sri Nalini Baishya	24.10.89	24.10.90	- do -
11. Miss Sandhya Rani Borah	25.4.94	25.4.92	25.4.94.

Regularised as per Relaxation in Normal Recruitment Rules.

Copy to :
1. The SSRM'GH' Dn, Guwahati-1, W.r.t. his letter No.B-2/9/CM, Rlg.dtd. 31.12.92.
2. The HRO(A/C)'GH'Dn, Guwahati.
3. The SRM(Stg)Guwahati RMS
4. The AERM(TMO) - do -
5.-15. Official concerned.
16-20 .O/C & spare.

(B. R. Narzary)
HRO RMS "GH" Dn. Guwahati-1.

(B.R. Narzary)
HRO RMS 'GH' Dn.
Guwahati-1.

Attested
Advocate

(Copy)

Annexure D1

To,
The Senior Superintendent RMS, GH-Dn, Guwahati-781001.

Dated at Nizmadartola, the 23.3.1999.

Sub : Prayer for Family pension & Retirement Benifit.

Sir,

Most humbly and respectfully, I beg to state the following few lines for favour of kind consideration to grant family pension and retirement benifit in favour of me.

1) That Sir, my husband Arun Ch. Deka C.M. under HRO(Mails) Guwahati expired on 16.1.99 in herness. My husband worked in the office w.e.f. 9.2.1985 vide your letter no. 3-1/CM/87-88 dtd. 4.9.1987.

2) That Sir, my husband completed 14 years service into the department continusely from 9.2.85 to 15.1.99. The matter of death of my husband was intimated to your office on submission of one application on 18.1.99. In connection of this letter application Rs. 1000/- was sanctioned as immediate financial assistance vide your letter no. Z/WLF-1/Ch V dtd. 21.1.99 in favour of me and the same was drawn through IRM Guwahati RMS on . . . . .

3) That Sir, after that nothing was communicated to me till now whether I may be given the family pension and retirement benifit . That Sir, by this time I am in too hardship to maintain my family as I have no other income source ~~to run~~ except my dwelling house in 2 Katas of land.

4) Late Deka left behind the following members of his family;

i) Sri Amar Deka (Son)	Aged -	31-3-88 -	11	years.
ii) Sri Sanjoy Deka (Son)	" -	17-1-91 -	8	"
iii) Miss Queen Deka (Daughter	" -	1-7-93 -	6	"
iv) Miss Kalyanee Deka	" " -	11-2-96 -	3	"
v) Smti. Mahima Deka (W) myself .	-	1-1-71-	30	"

With these five number of my family I am now in a very deplorable condition.

5) That Sir, I wish to intimate regarding my educational qualification for favour of your kind and sympethetic consideration for engagement in your establishment for my livelyhood as well as to my minor children.

That Sir, I read up to class-VIII.

Under the above circumstances I co-ordially request you kindly to look into my case and sanction me the family pension and retirement benifit in favour of me at an early date. For your act of this kindness I shall remain ever grateful to you.

Your's faithfully,
Sd/-
(Smti. Mahima Deka)
Wife of Late Arun Ch. Deka
Ex-Casuel Mazdur, HRO(Mails) Ghy.

Enclo : Medical Certificate.

Attested
Advocate
28/9

Annexure-D2

(Copy)

To,

The Senior Supdt, RMS,"GH" Division
Guwahati-1.

Sub : Payment of Family Pension and other benifit to the family of Late Arun ch. Deka.

Ref : My letter dated 23.3.99

Sir,

Most humbly I beg to state that in my earlier letter I prayed you for granting family pension etc. Now I come to learn from office that due to non- regularisation of the services of my late husband, I and my minor children has been deprived from the family pension. Had the services of my husband regularised in time, I would have get the pension. I come to know that the services of casual worker who werejunior to my late husband several years has been regularised long ago but the service of my husband was not regularise.

Sir, my late husband completed 14 yrs continous service in the same job and he has been given all other benefit of a permanent employee except pension and retirement benefit.

I now therefore request you kindly to consider the case sympathically and pay us the pension and other benefit after regularising services of my late husband.

Yours faithfully

sd/-

(Smt. Mahima Deka)
Vill. Nizmadartola
P.O. Baihata, Dist-Kamrup.

Attested
Adv
28/9

(Copy) ANNEXURE- "E".

DEPARTMENT OF POSTS INDIA

O/O THE SENIOR SUPERINTENDENT RMS 'GH' DIVISION GUWAHATI-781001

To

Smt. Mahima Deka,
C/O Late Arun Ch. Deka, Ex-Casual Mazdoor
Vill- Nizmadartola,
P.O.- Baihata Charali,
Dist- Kamrup (Assam)

No. B-9/CL/A.C.Deka, Dated at Guwahati-1 the 7-4-99.

Sub :- Prayer for grant of Family pension and retirement benefit etc.

Ref :- Your application dtd. 23-3-99.

Dear Madam,

As per existing departmental rules a sum of Rs. 1000/- being financial assistance has since been sanctioned and paid to you. Since the departmental rules do not permit family pension and retirement benefits etc for casual Mazdoor (T/S), Your case cannot be considered and regretted.

This is for your kind information.

Yours faithfully,

Sd/-Illegible
(B. S. SADAP)
SENIOR SUPERINTENDENT,
RMS GH' DN GUWAHATI-1.

***

Attested
Advocate

(Copy)

Annexure-"F"

30

26.7.99

To.

The Director of Postal Services

Assam Circle, Guwahati-1.

Sub : Payment of Family pension & Retirement benefit to the family of A.C.Deka, Ex. C.M. (Temp status)

Ref :- Sri Supdt, of R.M.S.,"GH" Divn's letter dt. 7.4.99, and My letter dt. 3.4.99

Sir,

With reference to the abovenoted letter, I beg to state that my late husband worked under your honour for last 14 yrs and from 1985 and from 29.11.89 he was given the status of temporary Group "D" employee and he got the benefit like all the permanent employees except the pension and retirement benefits. That sir my husband did the same job as done by the other regular employees continuously for last 14 yrs and completed the qualifying period of service entitling him to get his services regularised. That Sir I come to know that due to non regularisation of his service my late husband has been deprived from Family Pension and retirement benefits.

I applied before the Sr. Supdt of R.M.S. Guwahati, but my prayer is rejected.

I now therefore humbly appeal before your honour kindly to consider my case and be kind enought to pay me the family pension and retirement benifit even after regularising the services of my late husband.

Yours faithfully

sd/-

Smt. Mahima Deka

Vill-Niz Madartola

Baihata.

Attested

Adv. 28/9

Annexure-"G"

(Copy)

22.12.99

To,

The Director of Postal Services,

Assam Circle, Guwahati-1

Sub :- An appeal for payment of Family Pension and retirement benifit to the family of Late A.C.Deka Ex.C.M.

Ref : My earlier appeal dt. 26.7.99

Sir,

Most humbly and respectfully I beg to state that I have filed an appeal on 26.9.99 praying for paying me the family pension and retirement benifit of my late husband Late A.C.Deka. That Sir I have no other source of Income except my Late husband's job. Sir my husband worked continous for 14 years as casual worker (Temp. status) and he was given all the benifits of a regular Group "D" employee except the Family Pension and gratuity. I came to know that due to non-regularisation of the services of my late husband Family Pension and other benefit are not paid. My late husband completed the qualifying length of Service for regularisation still his services was not regularised. Moreover many person who were much junior to my late husband has been regularised in their services.

Sir, I am passing very hard days with my four minor children for want of maintenance as I have no other source of livelihood.

I now therefore once again appeal you kindly to consider my case and pass necessary orders to pay me the pension and gratuity after regularising the services of my late husband.

Yours faithfully,

Sd/-

(Smt. Mahima Deka)

Vill- Nizmadartola

P.O. Baihata.

Attested
Neeta
Adv
28/12

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:::: GUWAHATI

O.A. NO. 420 OF 2000.

Smt. Mahima Deka

Vs

Union of India and others.

IN THE MATTER OF

Written statement submitted by the respondants.

The respondants beg to submit the written statement as follows:-

1. In reply to the petitioner's prayer dated 23-03-1999. She was informed that a sum of Rs.1000/ being financial assistance has since been sanctioned, and paid. Since department rules do not permit family pension/retirement benefit etc. for casual mazdoor (T/S), case regretted. Vide No. B-9/CL/A.C. Deka, dated 7-4-1999.

Copy of letter dt. 7-4-99 is annexed hereto and marked as ANNEXURE-A.

2. That with regard to para 2 and 3 the respondants beg to offer no comments.

3. That with regard to para 4.1 the respondants beg to state that Late Arun Ch. Deka was selected as casual mazdoor and joined under SRO Rangia on 09-02-1985 as per SSRM/GH memo no. B-2/9/Extra Mazdoor dated 07-01-1985 on daily wage basis.

As the work of Rangia RMS did not justify retention of extra Mazdoor, the official was brought to Guwahati under HRO(M)/GH w.e.f. 04-09-1987

Contd.....2/-

to provide relief to the official so that he may get wages for maximum days along with other four official of the same cadre.

4. That with regard to para 4.2 the respondants beg to state that the circular no. B-2/9/CM/Rlg dated 31-12-1992 issued by the SSRM/GH in pursuance of Dte's no. 66-9/91-SPB-1 dated 30-11-1992 received vide CPMG/GH letter no. Est/29-9/Rlgs dated 16-12-1992, which was as per judgement of the Hon'ble Supreme Court dated 29-11-1989, which inter-alia narrated the procedure to be followed for conferring temporary Status Casual Labourer along with entitlement etc.

Copy of circular dt. 30-11-92 is annexured hereto and marked as ANNEXURE- B.

5. That with regard to para 4.3 the respondants beg to state that as per guidelines and judgement of the Hon'ble Supreme Court, the petitioner's husband along with other eligible extra mazdoor were conferred temporary status vide HRO (A/C) 'GH' memo no. B-2/Ext-Maz/96 dated 28-05-1996 and effect given w.e.f. 29-11-1989 for nine officials and SL 10 and 11 from24- 0-1990 and 25-04-1992 respectively. The confirment of temporary status done as per SSRM/CH No. B.2/9/CM Rlg dt.31-12-92 (annexure-B)

Copy of Memo dated 28-5-1996 is annexed hereto and marked as ANNEXURE-C.

6. That with regard to para 4.4 the respondants beg to state that the petitionergs husband continued his services as casual labour (T/S) (not as a regular Group-D employee) till his death on 16-01-1999 and rendered 13 years 11 months 7 days services (since

09-02-1985 ie. date of selection as extra mazdoor on daily wage). His services were not regularized as he could not come out successful in the leteracy test hold on 07-02-1993 and 21-06-1997.

7. That with regard to para 4.5 the respondants beg to state that the services can be regularized only after qualifying in the literacy test conducted by the nominated officer (officer nominated by the CO) of the department and as the official did not qualify his case of service as regular employee could not be considered.

8. That with regard to para 4.6 the respondants beg to state that the contention is not correct, the services of regular Group 'D' are being utilized for all kinds of work of the department but such officials are only being utilized for carrying of mails from one platform to other etc. as unskilled Mazdoor so long they cannot pass, the leteracy test and become regular Group 'D' employee.

9. That with regard to para 4.7 the respondandants beg to state that for re gularization literacy test on 07-02-1993 and 21-06-1997 on the basis of residual vacancies, but due to non-qualifying petitioner's husband was not regularized and hence he is not entitled to get family Pension/Gratuity etc. Which is clearly indicated in Dte's circular Para-3 SL-3. (66-9/01-SPB-1 dated 30-11-1992 (annexure-B).

Contd..... 4/-

23

10. That with regard to para 4.8 the respondants beg to state that the petitioner's submission that all the officials annexed at Annexure-C were regularized except the services of her husband was not correct. The services of the following were regularized after the literacy test held on 21-06-1997 as per merit of the exam test.

SL NO.	NAME	REMARKS
1.	Sri Khagendra Kalita	After passing the L/Test
2.	Sri Rabikanta Borah	"
3.	Sri Ismil Ali	"
4.	Sri Nalini Baishya	Regularized as per relaxation of normal recruitment rules.
5.	Miss Sandhya Rani Borah	"

As per existing orders, such casual labourers are given chance to pass literacy test and become regular Group 'D' employee. (officials including the applicants husband not regularized due to non qualifying in the literacy tests hold.)

11. That with regard to para 4.9 the respondants beg to state that this Literacy test for regularisation conducted by the officer nominated by the higher officer. On the basis of the result of the test, merit list drawn up and officials regularized accordingly since the applicant's husbabd failed to qualify the test, his case did not come up for consideration. There is no question of

Contd.....5/-

any whimsical/arbitrary action. Norms of service seniority is not a criteria for such selection.

Again, confirment of temporary status does not automatically imply that the casual labourers would be appointed as a regular Group 'D' employee within any fixed time frame. Appointment to Group 'D' vacancies will continue to be done as per the extent of recruitment rules, which stipulates preference to eligible ED employees before such casual labourer.

Copy of Dte's letter no. 45-95/87-SPB dated 12-04-1991 circulated vide CPMG/GH no. Staff/13-2/88/Casual Labour/Rlg dated 24-04-1991 is annexed hereto and marked as ANNEXURE - D.

12. That with regard to paras4.10 and 4.11 the respondants beg to offer no comments.

13. That with regard to para 4.12 the respondants beg to state that the petitioner's representation dated 23-03-1999 was received on 25-03-1999 and she was informed vide letter no. B-9/CL/A.C. Deka dated 07-04-1999. (annexure- A)

Hence, petitioner's submission is not correct. The representation dated 03-04-1999 appears not received. However, representation dated 02-06-1999 with photocopy of representation dated 23-03-1999 received on 07-06-1999 and replied on 07-07-1999.

The petitioner's prayer for her appointin any job on compassionate ground is not acceptable as per guidelines conveyed vide Dte's no. 37-25/98 SPB I dated 21-10-1998.

25

37

Copy of reply dt. 7-7-1999 and guidelines dated. 21-10-1998 are annexured hereto and marked as ANNEXURE -E and F respectively.

14. That with regard to para 4.13 the respondants beg to state that prayer rejected as per Rule 2 of (b) of CCS (Pension) Rules.

Photo copy of Rule is annexed as ANNEXURE- G.

15. That with regard to paras 4.14 and 4.15 the respondants beg to offer no comments.

16. That with regard to para 4.16 the respondants beg to state that the petitioner's husband was conferred temporary status w.e.f. 29-11-1989 and that does not mean that such employee be appointed as Group 'D' automatically within any fixed frame. (annexure D)

17. That with regard to para 4.17 the respondants beg to state that petitioner's husband rendered 13 years 11 months 7 days services till death and regularization not possible due to non-qualifying in the literacy test. Pensionery benefits etc. also not admissible as per Dte's no. 66-9/91-SPB I dated 30-11-1992. (annexure- B)

18. That with regard to para 4.18 the respondants beg to offer no comment.

19. That with regard to para 4.19 the respondants beg to offer no comment.

20. That with regard to para 4.20 the respondants beg to state that action as permissible already taken and amount due also paid.

VERIFICATION

I Shri Som Kamei, Sr. Superintendent, Rms 'Gt' Sa, Guwahati being authorised do hereby solemnly declare that the statements made in this written statement are true to my knowledge and information and I have not suppressed any material fact.

And I sign this verification on this 28th day of February 2000.

DECLARANT

(8) 27 39

Annexure - A
Para I (i) to (v)

Regd/AD

DEPARTMENT OF POSTS INDIA
O/O THE SENIOR SUPERINTENDENT RMS 'GH' DIVISION GUWAHATI-781001

To

Smt. Mahima Deka,
C/O Late Arun Ch. Deka, Ex-Casual Mazdoor
Vill- Nizmadartola,
P.O- Baihata Charali,
Dist :- Kamrup (Assam)

No. B-9/CL/A.C. Deka, Dated at Guwahati-1 the 7-4-99.

Sub :- Prayer for grant of Family pension and retirement benefit etc.

Ref :- Your application dtd. 23-3-99.

Dear Madam,

As per existing departmental rules a sum of Rs. 1000/- being financial assistance has since been sanctioned and paid to you. Since the departmental rules do not permit family pension and retirement benefits etc for casual Mazdoor (T/S), your case cannot be considered and regretted.

This is for your kind information.

Yours faithfully,

(B.S. SADAP)
SENIOR SUPERINTENDENT,
RMS GH' DN GUWAHATI-1.

***

(9) Annexure – B 28

(12)

DEPARTMENT OF POSTS INDIA

[illegible] Senior Superintendent RMS [illegible]

[illegible] All Concerned in RMS, [illegible]
2) Divl. Accountant.
3) Est. branch Divl. office.

[illegible]/CN/Rlg. Dated Guwahati-1 the 31-[illegible]

Regularisation of casual labour [illegible]

[illegible] copy of [illegible] D.G. [illegible]

[illegible]

[illegible] the letter [illegible]

[illegible] this office circular [illegible] scheme for giving [illegible] fulfilling certain conditions [illegible]

In these [illegible] temporary status [illegible] temporary [illegible] Group [illegible]

[illegible]

[illegible] temporary status [illegible] admissible to [illegible] counting of service for the purpose [illegible] in the case of [illegible] those [illegible] status and who [illegible] granting them [illegible] their regularisation [illegible] Central Government Employees [illegible]

[illegible] admissible to temporary [illegible] bonus.

Further action may be taken [illegible] service records of such employees may also [illegible]

(R. KRI[illegible])

(10) Annexure-C 29 34

DEPARTMENT OF POSTS INDIA
To the Senior Superintendent RMS 'GH' Dn, Guwahati -
Hd Record Officer

Memo No. B-2/Ext-Maz/96.
Dated Guwahati-1 the 28.5.96.

The following casual labourers who have been granted temporary status vide Dte's letter No.45-95/87-SPB-I dtd 12.4.91 and have rendered 3 years continuous service with temporary status, be treated them as per with temporary group 'D' employees w.e.from the date shown against each and from that date they will be entitled to benefits as admissible to Temp. group 'D' employees on regular basis in accordance with Dte's letter No.66-9/91-SPB-I dtd 30.11.92 circulated through the Supt 'GH' Dn, letter No.B-2/9/CM/Rlg. dtd 31.12.92 such as -

1) All kinds of leave admissible to temporary employees.
2) Holidays as admissible to regular employees.
3) Counting of service for the purpose of pension and terminal benefits as in the case of temporary employees appointed on regular basis for those temporary employees who are given temporary status and who complete 3 years of service in that status while granting them pension and retirement benefits after .....their regularisation.
4) Central Government employees Insurance scheme.
5) G.P.F.
6) Medical Aid.
7) L.T.C.
8) All advance admissible to temporary Group 'D' employees.
9) Bonus.

Name of casual labour.	Date from which working.	Granted temp. status.	Treated as per with Temp. Group 'D' employees.
1. Sri Ram Bahadur Chetry.	11-5-84	29-11-89	29-11-92
2. " Keshab ch. Das.	9-2-85	-do-	-do-
3. " Bhudhar Deka.	9-2-85	-do-	-do-
4. " Arun Ch. Deka.	9-2-85	-do-	-do-
5. " Khagendra Kalita.	11-2-85	-do-	-do-
6. " Firdus Ahmed.	13-2-85	-do-	-do-
7. " Azizur Rahman.	27-2-85	-do-	-do-
8. " Rabi kanta Borah.	5-5-87	-do-	-do-
9. " Ismail Ali.	11-2-85	-do-	-do-
10. " Nalini Baishya.	24-10-89	24-10-90	25-4-94
11. Miss Sandhya Rani Boarh.	25-4-94	25-4-92	

(D.R.Narzary)
HRO RMS 'GH' Dn.
Guwahati-1.

Copy to :-

1. The SSRM 'GH' Dn, Guwahati-1.w.r.t.his letter No.B-2/9/CM/Rlg. dt. 31.12.92
2. The HRO(A/C) 'GH' Dn, Guwahati.
3. The SRM(stg) Guwahati RMS.
4. The ASRM(TMO) -do-
5-15. Official concerned.
16-20. O/C & spare.

(D.R.Narzary)
HRO RMS 'GH' Dn.
Guwahati-1.

DEPARTMENT OF NORTH INDIA
[illegible]

1) [illegible] RMS [illegible]
2) [illegible] (M[illegible]) Guwahati
3) [illegible] RMS [illegible]
4) [illegible]

[illegible]/Rig. Dated Guwahati the 30-5-91

(Casual Labourers (Grant of [illegible] and Regularisation) Scheme

A copy of the DG's letter [illegible] 12.4.1991 and circulated under G.O. Guwahati [illegible]2/88/Casual Labourers/Rig dtd 24.4.91. On the [illegible] reproduced below for favour of your [illegible] n/a.

All the appointing authorities [illegible] open service records w/o fail and [illegible] Fortnight time.

For Senior [illegible]
RMS [illegible]

[illegible] the letter referred to above [illegible]

In compliance with the directions of the [illegible] above [illegible] by the Department [illegible] the Ministry of Law, Ministry has [illegible] been placed to approve the [illegible] above.

Temporary status would be conferred on [illegible] 29.11.89 and who [illegible] have completed continuous service [illegible] the year. They must have been engaged [illegible] day in the week of office [illegible]

[illegible] casual workers engaged for [illegible] hours each time will be [illegible] the payment of [illegible] [illegible] 0/- [illegible] 2.00.

[illegible] of temporary status [illegible] employed would be taken into account [illegible] wages after completion of [illegible] the date of conferment of temporary status [illegible] be taken into account after every one [illegible] period of duty for [illegible] 240 days [illegible] (240 days being five days week) [illegible]

[illegible] would be one day [illegible] leave or any other [illegible] of [illegible] will not be [illegible] [illegible] and labourers [illegible]

5. Maternity Leave to lady full time casual labourers will be allowed as admissible to regular group 'D' Employees.

6. 50% of the service rendered under Temporary status would be counted for the purpose of retirement benefits after regularisation as a regular group 'D' official.

7. Conferment of Temporary status does not automatically imply that casual labourers would be appointed as a regular group 'D' employee within any fixed time frame. Appointment to group 'D' vacancies will continue to be done as near the extent recruitment rules which stipulate preference to eligible EX employees.

8. After rendering three years continuous service after conferment of temporary status the casual labours would be treated at par with temporary group 'D' employees for the purpose of contribution to central provident fund. They would also further be eligible for the grant of festival Advance/Flood Advance on the same conditions as are available to temporary Group 'D' employees, provided they furnish two sureties from permanent Govt. Servants of this Department.

9. Their entitlement to productivity Linked Bonus will continue to be at the rate applicable to casual labourers.

10. Temporary status does not debar dispensing with the services of a casual labourer after following the due procedure.

11. If a labourer with temporary status commits a misconduct and the same is proved in an enquiry after giving him reasonable opportunity, his services will be dispensed with.

12. Casual labourers may be regularised in units other than recruiting units also subject to availability of vacancies.

13. For purpose of appointment as a regular group 'D' official, the casual labours will be allowed age relaxation to the extent of service rendered by them as casual labourers.

14. The engagement of the casual labourers will continue to be on daily rates of pay on need basis.

15. The engagement of the casual labourers will continue to be on daily rates of pay on need basis.

16. The conferment of temporary status has no relation with casual labourers availability of sanctioned regular group 'D' posts.

17. No recruitment from open market for group 'D' posts except compassionate appointments will be done till casual labourers with requisite qualification are available to fill up the posts in question.

Further action may be taken in regard to the casual labourers by each unit as per the above said scheme. This issues with the approval of Ministry of Finance and concurrence of Labour Ministry vide their Dy. 1282-F/91 dt. 10-4-91.

sd/-
(T. Govindrajan)
Director (Staff)

******

Staff-2 (2) 13 31 124

DEPARTMENT OF POSTS
OFFICE OF THE CHIEF POSTMASTER GENERAL :: ASSAM CIRCLE
GUWAHATI -781001.

Annexure- R

To
All Divisions
in Assam Circle/Region.

No. Staff/16-Rlg/88 Dated Guwahati the 27-10-98

Sub:- Dependents of Casual Labourers conferred with Temporary status not eligible for appointment on Compassionate grounds.

Enclosed please find herewith a copy of Directorate's letter No.37-25/98-SPB-I dtd. 21-10-98 on the above subject for your information, guidance and necessary action.

Enclo:- As above

(I. Pangernungsang)
APMG(Staff)
For Chief Postmaster General,
Assam Circle, Guwahati-1.

Copy of the Dte. letter No.37-25/98-SPB-I dtd. 21-10-98

There was a demand from a section of Unions regarding grant of appointment to the dependents of casual labourers (conferred with temporary status) who die in harness leaving the family in distress.

The matter has been examined in consultation with the DOP&T, the nodal Ministry in this regard. The grant of temporary status to the casual employees is without reference to the availability of regular posts. Hence, such casual employees are not entitled to the benefits as are admissible to regular employees holding civil posts. The dependent of casual employees with temporary status are, therefore, not entitled to the benefit of compassionate appointment.

It may be noted with great concern that there is a complete ban on engagement of casual labourers. If a need persists it has to be done according to the instructions issued by the Estt. Branch vide No. 2-10/88-PE-I dt. 4-2-97(Flag A). The above instructions are hereby brought to the notice of all concerned for strict compliance.

Sd/- (Aruna Jain)
Director (Staff)

.....

No. B-2/9/CM/Rly dt. 27/11/98
to All concerned

Annexure – G (14)

CENTRAL CIVIL SERVICES
PENSION RULES[1]

CHAPTER I
Preliminary

1. Short title and commencement

(1) These rules may be called the Central Civil Services (Pension) Rules, 1972.

(2) They shall come into force on the 1st June, 1972.

2. Application

Save as otherwise provided in these rules, these rules shall apply to Government servants including civilian Government servants in the Defence Services, appointed substantively to civil services and posts in connection with the affairs of the Union which are borne on pensionable establishments, but shall not apply to—

(*a*) railway servants;

(*b*) persons in casual and daily rated employment;

(*c*) persons paid from contingencies;

(*d*) persons entitled to the benefit of a Contributory Provident Fund;

(*e*) members of the All India Services;

(*f*) persons locally recruited for service in diplomatic, consular or other Indian establishments in foreign countries;

(*g*) persons employed on contract except when the contract provides otherwise; and

(*h*) persons whose terms and conditions of service are regulated by or under the provisions of the Constitution or any other law for the time being in force.

GOVERNMENT OF INDIA'S DECISIONS

(1) Employees of Union Territories are also governed by CCS (Pension) Rules, 1972.— Reference U.O. Note No. 115-Audit/95-83, dated 31-1-1984, from the Office of the Comptroller and Auditor-General of India, on the above subject. The employees of the Delhi Administration as

1. Published, *vide* G.I., M.F., Notification No. 8 (1)-E. V/69. dated the 1st March, 1972.