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CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

O.A/T.A No. 15/2000

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SECTION OFFICER (Judl.)

FORM NO. 4

(See Rule 42)

In The Central Administrative Tribunal

GUWAHATI BENCH : GUWAHATI

ORDER SHEET

APPLICATION NO. 15/2000

OF 199

Applicant(s)

Jitendra Narayan

Respondent(s)

Union of India and Ors.

Advocate for Applicant(s)

*Mr. M. Chandra, Mrs. N. D. Goowani,
Mr. G. N. Chakraborty.*

Advocate for Respondent(s)

C.G.S.C.

Notes of the Registry	Date	Order of the Tribunal
<p>456745 11/1/2000</p> <p><i>Sd/-</i> Registrar</p> <p>27-1-2000</p> <p>Service of notices prepared and sent to D. Section for issuing of the same to the respondents through Registered post with A.D.</p>	<p>25.1.00</p> <p>trd</p>	<p>Application is admitted. Issue usual notices. Returnable on 23.2.00. Pendency of this application shall not be bar to the respondent to grant relief to the applicant.</p> <p><i>Sd/-</i> Member</p> <p><i>Sd/-</i> Vice-Chairman</p>
	<p>23.2.00</p> <p>trd</p>	<p>On the prayer of Mr A. Deb Roy, learned Sr. C.G.S.C. the case is adjourned to 8.3.00.</p> <p>List on 8.3.00 for further orders.</p>

Member

trd

27/1/2000

(2) 15/2000

Notes of the Registry	Date	Order of the Tribunal
Notice issued to the respondents vide D.Ns. 241 to 243 Dtd-27.1.2000 28.1.2000 7-3-2000 Service report are still awaited.	8.3.00 24.3.00	On the prayer of Mr.A.Deb Roy, learned Sr.C.G.S.C., two weeks time is allowed for filing of written statement. List on 24.3.00 for written statement and further orders. Member (J) Member (A)
Service Reports are still awaited.	24.3.00	On the prayer of Mr.A.Deb Roy, Sr.C.G.S.C. two weeks time is allowed for filing of written statement. List on 7.4.00 for filing of written statement and further orders. Member
Service Reports are still awaited	7.4.00	On the prayer of Mr.B.S.Basumatary, learned Addl.C.G.S.C. two weeks time is allowed for filing of written statement. and List on 28.4.00 for filing of written statement and further orders. Member
W/submit to mah sam b.W.	28.4.00	On the prayer of Mr.B.S.Basumatary, learned Addl.C.G.S.C. two weeks time is allowed for filing of written statement. List on 17.5.00 for filing of written statement and further orders. Member

Notes of the Registry	Date	Order of the Tribunal
<p>10-7-2000</p> <p>No. written statements has been filed.</p>	<p>17.5.00</p>	<p>Mr B.S.Basumatary, learned Addl.C.G. SEE seeks time to file written statement. This is a case of casual labourer seeking reengagement. Therefore the reply should be filed on the next date positively.</p> <p>List on 19.6.00 for written statement and further orders.</p> <p>Member(J)</p>
<p>19.6.00</p>	<p>19.6.00</p>	<p>There is no Bench today. Adjourn to 11.7.00.</p> <p>Member(A)</p>
<p>11.7.00</p>	<p>11.7.00</p>	<p>Present: Hon'ble Mr S. Biswas, Administrative Member</p> <p>Learned counsel Mr M. Chanda for the applicant and Mr B.S. Basumatary, learned Addl. C.G.S.C. for the respondents.</p> <p>The learned counsel for the respondents wants further time to file written statement. Accordingly the case is adjourned and posted to 4.8.00 for written statement.</p> <p>Member(A)</p>
<p>14.12.2000</p> <p>1) Service Report are sent. waited.</p> <p>2) NO W/S has been filed.</p> <p>14/12/2000</p> <p>Work has been filed.</p> <p>16.1.2001</p>	<p>nk</p> <p>4.8.00</p> <p>12-9-00</p>	<p>There is no Bench. Adjourn to 12.9.00.</p> <p>NO Bench. To be listed on 20.11.00.</p> <p>Member(A)</p>

Notes of the Registry	Date	Order of the Tribunal
	20.11.00	Present : The Hon'ble Mr Justice D.N. Chowdhury, Vice Chairman. Three weeks ex time is granted to the respondents to file written statement on the prayer of Mr B.S.Basumatary, learned Addl.C.G.S.C. List on 15.12.2000 for order. Vice-Chairman
No written statement has been filed.	15.12.00	On the prayer of Mr.B.S.Basumatary learned Addl.C.G.S.C. four weeks time is allowed for filing of written statement. List on 17-1-01 for filing of written statement and further orders. Member Vice-Chairman
12-3-01	17.1.01	List it after three weeks enable the respondents to file written statement. Fix it on 7.2.2001. Member Vice-Chairman
No written statement has been filed.	7.2.01	List on 13.3.01 to enable the respondents to file written statement. Member Vice-Chairman
9.4.01	13.3.01	List on 10.4.01 to enable the respondents to file written statement. Member Vice-Chairman

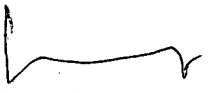
Notes of the Registry

Date

Order of the Tribunal

10.4.2001

Post the matter for hearing on 27.5.01.
In the meantime the respondents may file written statement, if any.


Vice-Chairman
9.5.2001

nkm

W/s has been
submitted by the respondent
No. 1, 2 and 3.

28.5.01

The case is adjourned to 12-7-01
for hearing.


Vice-Chairman

bb

W/s has been filed.

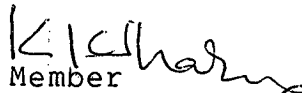
12.7.2001

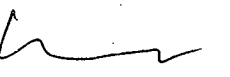
Heard the learned counsel for the
parties. Hearing concluded. Judgment
delivered in open court, kept in
separate sheets. The application is
allowed. No order as to costs.

11.7.2001

Rejoinder has
been submitted by the
applicant in reply to the
W/s.

nkm


Member


Vice-Chairman
31.7.2001

Copy of the Judgment
has been sent to the
Office for issuing the
same to the applicant as
well as to the Govt
Advocate for the Respondents.

Notes of the Registry

Date

Order of the Tribunal

CENTRAL ADMINISTRATIVE TRIBUNAL ::
GUWAHATI BENCH.

O.A./XXX. No. . . . 15 of 2000

DATE OF DECISION .12.7.2001.....

Shri Jitendra Namasudra

APPLICANT(S)

Mr M. Chanda, Mrs N.D. Goswami and

Mr G.N. Chakrabarty

ADVOCATE FOR THE APPLICANT(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.

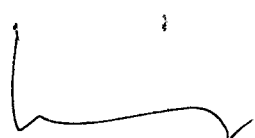
ADVOCATE FOR THE
RESPONDENTS.

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

THE HON'BLE MR K.K. SHARMA, 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 ?
- 5.

Judgment delivered by Hon'ble Vice-Chairman



A

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No.15 of 2000

Date of decision: This the 12th day of July 2001

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

The Hon'ble Mr K.K. Sharma, Administrative Member

Shri Jitendra Namasudra,
Village & P.O.- Irongmara,
District- Cachar (Assam).

.....Applicant

By Advocates Mr M. Chanda,
Mrs N.D. Goswami and Mr G.N. Chakrabarty.

- versus -

1. The Union of India, through the
Secretary to the Government of India,
Home Department,
New Delhi.

2. The Director General,
Central Bureau of Investigation,
New Delhi.

3. The Superintendent of Police,
Central Bureau of Investigation,
Silchar Branch, Silchar.

.....Respondents

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

.....

O R D E R (ORAL)

CHOWDHURY.J. (V.C.)

In this application under Section 19 of the Administrative Tribunals Act, 1985 the applicant has assailed the impugned order of termination dated 16.6.1999, whereby the services of applicant as Waterman in the Central Bureau of Investigation, Aizawl Unit, was terminated, as arbitrary and discriminatory.

2. The applicant was first appointed as a Lower Division Clerk (Casual) for eightynine days and

L

accordingly an order of appointment No.52/93 was issued on 31.3.1993. His appointment was made on being sponsored by the Employment Exchange as a Scheduled Caste candidate. It is stated that the applicant appeared in the interview held on 15.1.1993 and 28.1.1993 and on being selected he was appointed as such. His service was extended from time to time by issuing separate orders after expiry of the stipulated period and in this way he continued to work as such with artificial breaks in his service. On 10.1.1995, the applicant appeared before the respondents for interview at the Central Bureau of Investigation, Aizawl for the post of Waterman. On being selected he was offered with the appointment of Waterman on contract basis by order dated 27.1.1995. He continued in service as Waterman under the same terms and conditions on daily wage contract basis of Rs.62.80 alongwith others. In the last extension of his services the daily wage was raised to Rs.82.30 per working day. The appointment order dated 22.3.1999 was the last extension order, whereby the applicant alongwith three others were allowed to work on contract basis for a period of eighty-nine days. By the impugned order dated 16.6.1999 the services of the applicant were terminated alongwith three others from the afternoon of 18.6.1999. One, Miss Pompi Sultana Borbhuiya, Daftry, Central Bureau of Investigation, Silchar, similarly situated, was also terminated by the impugned order dated 16.6.1999. She challenged the said order of termination before this Bench in O.A.No.305 of 1999. By Judgment and Order dated 2.3.2001 this Bench directed the respondents to consider her case for engagement by granting her temporary status till her services were regularised in the post. The present applicant.....

applicant is similarly situated. The applicant worked for more than 240 days with artificial breaks. The respondents also asserted that the order of termination was issued due to alleged misconduct. According to the respondents he was verbally warned. The order of termination is seemingly violative of the principles of natural justice.

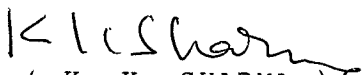
3. We have heard Mr M. Chanda, learned counsel for the applicant and Mr A. Deb Roy, learned Sr. C.G.S.C. Mr Deb Roy submitted that the applicant was on contract basis, and therefore, the applicant was not entitled for any relief under Section 19 of the Administrative Tribunals Act, 1985. The respondents being an instrumentality, the State cannot act contrary to the principles of natural justice, even in the matter of contract. In contractual sphere the State is required to act fairly and in accordance of the principles of natural justice. The termination order, in the circumstances, cannot be sustained.


4. On consideration of the facts and circumstances of the case in its entirety and in the light of the order in O.A.No.305/1999 we direct the respondents to re-engage the applicant against any available like post, in which he was working. The respondents are directed to consider the case of the applicant by granting him temporary status till his services are regularised against a sanctioned post. The respondents shall grant temporary status to the applicant as per the Casual Labourers (Grant of Temporary Status and Regularisation) Scheme as early as possible, preferably within three months from the date of receipt of the order. Needless to state,

after.....

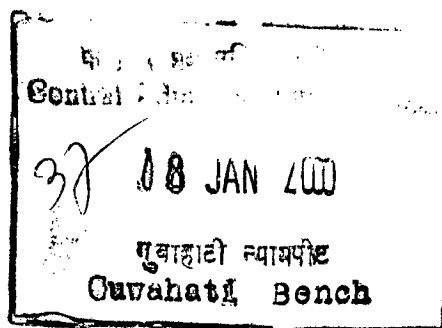
after the applicant is granted temporary status the respondents shall extend the benefit of regular absorption against sanctioned vacancy in the light of the aforementioned Scheme.

5. The application is allowed to the extent indicated. There shall, however, be no order as to costs.


(K. K. SHARMA)
ADMINISTRATIVE MEMBER


(D. N. CHOWDHURY)
VICE-CHAIRMAN

nkm



Filed by the applicant
Shri Jitendra N. D. Goswami
Advocate.
13.1.2000

In the Central Administrative Tribunal

Guwahati Bench ::: Guwahati.

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

Title of the Case

: O.A. NO. 15/2000

Name of the Parties

: Shri Jitendra Namasudra.

... Applicant.

-Vs-

Union of India & Others.

... Respondents.

I N D E X

<u>Sl.NO.</u>	<u>Annexure</u>	<u>Particulars</u>	<u>Page No.</u>
1.	-	Application	1- 13
2.	-	Verification	14
3.	1	Copy of the order dt. 31.3.93	15
4.	2 series	Copies of few orders extending services of the applicant	16-18
5.	3	Copy of the order dt. 27.1.95	19
6.	4	Copy of the order dt. 8.2.95	20
7.	5 series	Copies of few orders extending services of the applicant	21- 32
8.	6	Copy of the aforesaid scheme	33- 36
9.	7	Copy of the order dated 16.6.99	37

Filed by

N.D. Goswami

Advocate.

Jitendra Namasudra

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In the Central Administrative Tribunal

Guwahati Bench : Guwahati.

O.A. No. 15 /99

BETWEEN

Shri Jitendra Namasudra

Son of Shri Sudhanya Namasudra

Vill. & P.O. Irongmara

Dist. Cachar (Assam).

..... Applicant.

AND

1. The Union of India

Through the Secretary to the Govt.

of India, Home Department,

New Delhi - 1.

2. The Director General

Central Bureau of Investigation,

New Delhi.

3. The Superintendent of Police

Central Bureau of Investigation,

Silchar Branch,

Silchar-4.

..... Respondents.

Jitendra Namasudra

DETAILS OF APPLICATION

1. Particulars of Order(s) against which this application is made.

This application is made challenging the Order No. DPSIL 1999/03302-4/83/10/1/99 dated 16.6.99 issued by the Respondent No.3. The Superintendent of Police Central Bureau of Investigation (for short, C.B.I), Silchar, whereby the services of the applicant has been terminated without considering his case for grant of temporary status and subsequent regularisation in the post of Lower Division Clerk (for short, L.D.C./Waterman in terms of Office Memorandum dated 10.9.93 issued by the Govt. of India.

2. Jurisdiction of the Tribunal.

The applicants states that the cause of action has been arisen within the jurisdiction of this Hon'ble Tribunal.

3. Limitation.

The applicants state that the case is filed within the time of period under the Administrative Tribunal Act.

4. Facts of the Case :

4.1. That the applicant is a citizen of India and as such he is entitled to all the rights and privileges guaranteed by the Constitution of India. The applicant belongs to a poor family and as such could not prosecute further studies after passing High School Leaving Certificate

Gitendra Kanasudra

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Examination due to financial Constraints. He therefore had to give up studies and was in search of a job.

4.2. That the applicant states that there was requirement of candidate for the post of L.D.C. under the respondents during the year 1993 and as such requisition was sent to the Employment Exchange ^k in that regard. The name of the applicant was therefore ^a sponsored by the Employment Exchange as a Scheduled Caste Candidate. Accordingly he appeared in the interview held on 15.1.93 and 28.1.93, ^{part} ~~part~~ well in the interview and was duly selected. He was therefore asked by the then Respondent No.3 vide letter dated 18.2.93 to join service on or before 25.2.93. In pursuance thereof the applicant joined on 25.2.93 under the respondent no.3 as L.D.C. (Casual) and an office order no. 52/93 dated 31.3.93 was passed to that effect.

A copy of the said order dated 31.3.93 is annexed herewith as Annexure -1.

4.3. That the applicant states that after his joining service as aforesaid he was entrusted with the work of IDC and he continued to render services with all sincerity and devotion and to the satisfaction of all concerned. It may be stated that though his appointment was initially made temporary for 89 days, the same had been extended from time to time by issuing separate orders after expiry of the stipulated period and in this way he continued to work under the respondents with artificial break in service and without any disturbance from any quarter as the job was of permanent

Gitendra Kamasandra

any disturbance from any quarter as the job was of permanent nature.

Copies of such few orders extending services of the applicant from time to time are annexed herewith as Annexure - 2 Series.

4.4. That in the meantime, on 10.1.95 an interview was held for the post of Waterman at CBI, Aizawl Unit. The applicant appeared in the said interview and was declared selected vide office order dated 27.1.95 and was required to join as Waterman under the Deputy Superintendant of Police, CBI, Aizawl Unit on or before 1.2.95. The applicant accordingly reported to the Aizawl Unit and was appointed as Waterman (Unskilled) in the office of the Deputy Supdt. of Police, CBI, Aizawl Unit w.e.f. 3.2.95 (FN) vide order dated 8.2.95. It was however mentioned in the order dated 27.1.95 that the appointment would be for 89 days from the date of joining.

Copies of the orders dated 27.1.95 and 8.2.95 are annexed herewith as Annexure- 3 and 4 respectively

4.5. That the applicant states that although he was appointed initially for 89 days, his services were extended from time to time by issuing separate orders in regular intervals and as such he was continuing as before but with artificial break. It can therefore safely be held that the nature of work done by the applicant was of permanent nature.

Copies of few orders whereby the services of the applicant were extended from time to time are

Gitendra Kamabudra

are annexed herewith as Annexure -5 Series.

4.6. That as narrated above, the applicant was continuing under the respondents under the aforesaid arrangement and rendering his service with all sincerity and devotion in anticipation of getting regular service benefits in consideration of his long period of service rendered. In this way, the applicant worked for more than six years since his initial appointment as LDC w.e.f. 25.2.93 (four years since his appointment as Waterman w.e.f. 3.2.95) ~~gt~~ till 16.6.99 when he was arbitrarily terminated. It is stated that the applicant on several occasions approached the respondents praying for regularisation of his service, but with no result. The applicant however continued to work as before having no alternative.

4.7. That the applicant states that although the applicant was working under the respondents for several years, he was deprived of regular service benefits viz, pay scale, dearness allowance etc. and the benefit of different schemes of the Central Government for Casual Workers were not extended to him. There were number of Central Government Schemes for regularisation of Casual Workers who continued for several years as casual worker. Some of these schemes were issued under O.M. dated 7.6.88 and lastly a like scheme for grant of temporary status and subsequent regularisation of casual workers was issued by the Government of India on 10.9.93.

Jitendra Kamasudra

A copy of the aforesaid scheme is annexed herewith as Annexure -6.

4.8. That after advent of the scheme for regularisation of casual labour and grant of temporary status in the year 1993; the applicant approached the authorities in high anticipation that the benefit of the scheme would be granted to him. But the authorities turned a ~~de~~ deaf ear to him. He however, did not lose hope and continued to press the authorities to grant him temporary status and regularise his services in accordance with the provision of the scheme. But the repeated approach of the applicant seems to have had annoyed the respondents in consequence whereof the respondent no.3 issued the impugned order dated 16.6.99 thereby terminating the services of the applicant, alongwith others, w.e.f. 18.6.99. In this context, it may also be stated that strangely enough the respondent authorities did not also pay the applicant his salary w.e.f. May '99 to 18.6.99. The applicant states that the impugned order of termination is indicative of the fact that the same has not been issued in order to give artificial breath in his service but to render him jobless. Be it stated that the ~~same~~ respondents ^{and} have not disclosed any reason to justify their action in issuing the impugned order presumably in the garb of executive whims. The action of the respondents is therefore highly arbitrary and contrary to the settled provision of law.

A copy of the order dated 16.6.99 is annexed ^{and} herewith as Annexure -7.

G. K. K. K.

-7-

4.9. That the applicant beg to state that he was being paid less wages than the minimum pay payable to the regular employees belonging to the corresponding cadres, since the applicant was a casual labour. It is worth mentioning that the applicant was entitled to the same privileges and benefits which are enjoyed by the regular employees but the same was denied to him due to hostile discrimination of the authorities.

4.10. That the Hon'ble Supreme Court in Daily rated casual labour employed under P & T. Department through Bharatiya DAK TAR MAZDOOR MANCH - VS- Union of India and another 1988 (1) S.C.C. 122) held that Government cannot take advantage of its dominant position and further held that Daily rated casual labourers are entitled to minimum pay in the pay scale of the regular workers plus D.A. but without increment and further directed to prepare a scheme for absorbing the casual labourers on rational basis who rendered one year casual service in the posts and telegraphs Departments. Similar direction for regularisation of services of casual labourers passed by the Hon'ble Supreme Court in the case of Dhirendra Chamoli and Others - Vs- State of U.P. (1986 (1) S.C.C. 637) wherein it is held as follows :-

" But we hope and trust that posts will be sanctioned by the Central Government in the different Nehru Yuvak Kendra, so that these persons can be regularised. It is

Jitendra Kamasudra

not at all desirable that any Management and particularly the Central Government should continue to employ persons on casual basis in organisations which have been in existence over 12 years. The salary and allowances of Class-IV employees shall be given to these persons employed in Nehru Yubok Kendras with effect from the date when they were respectively employed. The Government of India will pay to the petitioners costs of the writ petitioners fixed at a lump sum of Rs. 1000/-*

The Hon'ble Supreme Court passed similar direction in the cases of Surinder Singh & another - Vs- Engineer-in-Chief, C.P.W.D. and others (1986 (1) S.C.C. 639) and also in the case of U.P. Income Tax Department contingent paid Staff Welfare Association - Vs- Union of India and ~~and~~ others, the Hon'ble Supreme Court directed as follows :

*We accordingly allow this writ petition and direct the respondents to pay wages to the workman who are employed as the contingent paid staff of the Income Tax Department throughout India, doing the work of Class IV employees at the rates equivalent to the minimum pay in the pay scale of the regularly employed workers in the corresponding cadres without any increments with effect from December, 1, 1986, such workers are also entitled to corresponding Dearness Allowance

G. K. Namasani

and additional dearness allowance payable thereon. What ever other benefits which are now being employed by the said workman shall continue to be extended to them, we further direct the respondents to prepare a scheme on a rational basis for absorbing as far as possible the contingent paid staff of the Income Tax Department who have been continuously working for more than one year as Class-IV employees is the Income Tax Department."

In view of the aforesaid position and law laid down by the Hon'ble Supreme Court the applicant is entitled to be re-appointed and regularised with effect from date of his respective engagement.

4.11. That this Hon'ble Tribunal in the cases of Civilian Switch Board Operators, in O.A. No. 185/98, O.A. No. 79/92 and O.A. No. 104/92 in O.A. No. 223/93, in the similar facts and circumstances, was pleased to direct the respondents to regularise the services of the casual Civilian Switch Board Operators. The present applicant is similarly situated and therefore entitled to be regularised in the appropriate pay scale.

4.12. That the applicant states that the post in which the applicant had worked is still existing and therefor if this Hon'ble Tribunal do not interfere immediately in the

Jitendra Kamasu Jra

matter of his re-appointment and regularisation, he would suffer irreparable loss and injury.

4.13. That this application is made bonafide and in the interest of justice.

5. Grounds for Relief with Local Provisions :

- 5.1. For that, the applicant having worked for a considerable period of more than 6 years is entitled to be re-appointed and regularised in the category of ClassIII/IV Staff in the existing vacancies in terms of Office Memorandum dated 10.9.93.
- 5.2. For that it is unjust and unfair to terminate the service of the applicant only because he was initially recruited on casual ~~in~~ basis.
- 5.3. For that similarly situated other employees of Gr. IV has not been terminated and as such the applicant is entitled to be re-appointed and regularised.
- 5.4. For that the nature of work entrusted to the applicant was/is of permanent ~~in~~ nature and therefore, the respondents would not suffer if the applicant is re-employed and regularised.

Gitendra Namasandra

5.5. For that the Central Government being a model employer can not be allowed to adopt a differential treatment as regard payment of wages to the applicant.

5.6. For that the vacancies are still existing in which the applicant worked and as such he can suitably be accommodated in one of those.

6. Details of Remedies Exhausted :

That the applicants have no other alternative and efficacious remedy available to them but to file this application before this Hon'ble Tribunal.

7. Matters not previously filed/or pending with any other Court/Tribunal.

The applicants declare that the subject matter of this application is not pending before any other Court or Tribunal.

8. Reliefs Sought for :

Under the facts and circumstances of the case the applicant prays for the following reliefs :-

8.1. That the impugned order dated 16.6.99 terminating the services of the applicant, amongst others, be declared illegal, void and consequently set aside in so far as it relates to the applicant.

Jitendra Kamasandra

8.2. That the Respondents to directed to reappoint the applicant and the service of the applicant be regularised in the existing vacancies on priority basis in terms of O.M. dated 10.9.93 with all consequential service benefit including monetary benefits from the respective date of engagement immediately.

8.3. That the Respondents be directed to pay the applicant regular salary and allowances in the appropriate scale from the date of his initial engagement, as casual workers.

8.4. Cost of the cases.

The aforesaid reliefs are prayed on the grounds as narrated in para 5 of this application.

9. Interim Reliefs Prayed for :

During the pendency of this application the applicants pray for the following Interim Reliefs :-

9.1. That the Respondents be directed to consider re-appointment in the existing vacancies on regular basis from the date of initial engagement in the appropriate scale on priority basis.

9.2. That the respondents be directed to release the salary of the applicant w.e.f. May '99 to 18.6.99.

Jitendra Namasandra

9.3. Any other interim relief(s) to which the applicant is entitled under the facts and circumstances of the case.

10. This application is filed through advocate.

11. Details of Postal Order :

Postal Order No : 062 45674 S
Date : 11.1.2000
Issued by : G.P.O. Guwahati.
Payable at : Guwahati.

12. Details of Index.

An Index containing the details of documents is enclosed.

13. List of Enclosures :

As per Index.

Verification14/-

Gitendra Ramaswami

29

-14-

V E R I F I C A T I O N

I, Jitendra Namasudra son of Shri Sudhanya Namasudra,
aged about 29 years resident of Village & P.O. Irongmara,
District Cachar (Assam),do hereby verify that the state-
ments made in paras 1- 4 and 6-13 are true to my knowledge
and those made in para 5 are true to legal advice and

I have not suppressed any material fact and I sign

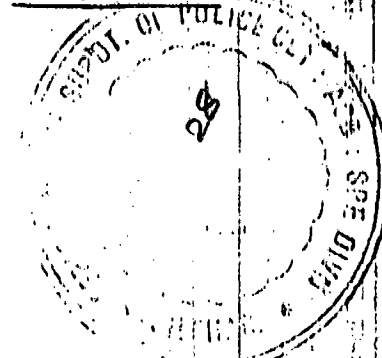
this on this 13th day of January 2000.

Jitendra Namasudra

Signature.

15

ANNEXURE-1

O.O. No. 52/93Date: 31/3/93

In pursuance of this office letter No. 1/10/92-93/SLC/723 dtd. 18/2/93, Sh. Jitendra Namasudra S/O. Sh. Sudhanya Namasudra of Irongmara, Cachar has joined this branch as on 25/2/93 L.D.C. (Casual) for 59 days w.o.f. 25.2.93, i.e. his date of joining.

The appointment is purely temporary and may be terminated at any time without assigning any reason.

Supdt. of Police,
CBI/SPE/Silchar.

No. 1/10/92-93/SLC/1474 38Date: 31/3/93

1. Office order register in original.
2. Accounts Rec./Cashier (in duplicate) for information & n/a.
3. Sh. Jitendra Namasudra LDC (Casual) CBI, Silchar for information.
4. Office copy.

Supdt. of Police,
CBI/SPE/Silchar.

OFFICE ORDER NO. 155 /1993DATED: 2-12-93

Shri Jitendra Namasudra, S/O Shri Sudhanya Namasudra
of Irongmara, Cachar is hereby appointed as LDC, CBI,
Silchar v.o.f. 24/11/93 (FN) as LDC, Casual for 89 days.

The appointment is purely temporary and liable
to be terminated at any time without assigning any reason.

SUPDT. OF POLICE,
CBI: SFE: SILCHAR.

NO. 1/10/92-95/SLC/ 5858Dated: B. 12.93

Copy to the :-

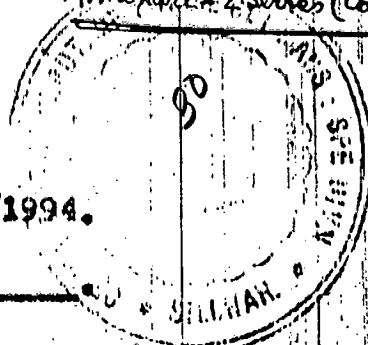
1. Office order register in original.
2. The Accounts Sec. (in duplicate) for
information & necessary action.
3. Shri Jitendra Namasudra, LDC, CBI, Silchar
for information.
4. Office Copy.

R. K. Prasad
2/12/93

SUPDT. OF POLICE,
CBI: SFE: SILCHAR.

17

Annexure-2 Series (Contd.)

OFFICE ORDER NO. 88 /1994.DATED: 24/5/94

Shri Jitendra Namasudra, S/O Shri Sudhanya Namasudra, of Irongmara, Cachar is hereby appointed as LDC, CBI, Silchar w.e.f. 24/5/94(FN) as LDC, Casual for 89 days.

The appointment is purely temporary and liable to be terminated at any time without assigning any reason.

Superintendent of Police,
CBI: SPE: Silchar.

No.1/10/92-94/SLC/3083-56Dtd. & 31/5/94

Copy to the:-

- 1) Office order register in original.
- 2) Accounts Section (in duplicate) for information & necessary action.
- 3) Shri J. Namasudra, LDC, CBI, Silchar for information.
- 4) Office Copy.

.....
Superintendent of Police,
CBI: SPE: Silchar.

24/5/94

18
OFFICE ORDER NO. 111 /1994

DATED: 20/8/94



Shri Jitendra Namasudra, S/O Shri Sudhanya Namasudra of Guwahati Irongpara, Cachar is hereby appointed as LDC, CBI, Silchar with effect from 22/8/94 (FN) as LDC, Casual for 89 days.

The appointed is purely temporary and liable to be terminated at any time without assigning any reason.

Superintendent of Police,
CBI:SP:Silchar.

Memo.No.1/10/92-94/SIC/ 4321-24

Dated: 20/8/94

Copy to the:-

- 1) Office order register in original.
- 2) Accounts Section (in duplicate) for necessary action.
- (3) Shri Jitendra Namasudra, LDC, CBI, Silchar for info.
- 4) Office Copy.

Superintendent of Police,
CBI:SP:Silchar.

-0-0-0-

23

19

Annexure-3

No. 1/10/95-SLC/ 505

Central Bureau of Investigation,
Government of India,
Office of the Supdt. of Police,
Silchar Branch, Silchar.

Dated: 27/1/95

To
Shri Jitendra Namasudra,
S/O Shri Sudhanya Namasudra;
Vill. & P.O: Trongmara;
Distt.: Cachar;
Assam.

Sub.: Offer of appointment on Contract basis
as Waterman CBI, Aizawl Unit @ Rs. 62.80/-
per working day.

-/-

It is hereby intimated that you have been
selected in the interview held on 10/01/95 for the post
of Waterman at CBI, Aizawl Unit.

Hence, if you are willing, you may report to
the Dy. Supdt. of Police, CBI, Aizawl Unit on or before
01/02/95 to join as Waterman purely on temporary basis
i.e. on contract for 90 days from the date of joining
@ Rs. 62.80 per working day only.

W. Singh
27/1/95
Supdt. of Police, CBI, SPE
Silchar.

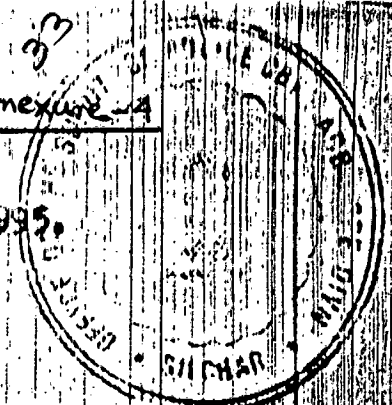
-/-

20

Annexure-4

OFFICE ORDER NO. 29 /1995.

DATED: 08/02/1995.



Shri Jitendra Namasudra, S/O. Shri Sudhanya Namasudra, Vill. & P.O. Irongnara, Dist. Cachar is hereby appointed as Waterman (Unskilled) in the O/O. the Dy. Supdt. of Police, CBI, Aizawl Unit w.e.f. 3/2/95(FN) on daily wages contract basis @ Rs. 62.80 (Rupees Sixty two and paise eighty) only per working day.

The appointment is purely temporary and liable to be terminated at any time without assigning any reason.

Superintendent of Police,
CBI (SPE): Silchar.

Memo.No. 1/10/95-SLC/ 762-71

Dated: 4/2/95

Copy to the:-

1. Office order register in original.
2. Cashier (in duplicate) for n/a.
3. Sh. Jitendra Namasudra, Waterman Aizawl Unit.
4. B.O. for information.

(Signature)
9/2/95
Superintendent of Police,
CBI (SPE): Silchar.

-C-C-O-

DATED: 16/8/95

34

The following persons are hereby appointed as daily wages casual workers (Unskilled) on contract basis in the office of the SP/CBI/SPE/Silchar and its 3(three) units at Imphal, Aizawl and Agartala with effect from 17.8.95(forenoon) for 89(eighty nine) days @ Rs.62.80 per working day.

The appointment is purely temporary and liable to be terminated at any time without assigning any reasons.

Sl. No.	Name of the Casual Workers	Nature of work
1.	Sh. H. Chakraborty, O/O the SP/CBI/SPE/Silchar.	Waterman
2.	Sh. J. Namasudra, O/O the DSP/CBI/Aizawl.	Waterman
3.	Sh. S. Acharjee, O/O the DSP/CBI/Agartala.	Waterman
4.	Smt. Tombi Korainq, O/O the DSP/CBI/Imphal.	Sweeper
5.	Smt. Pampa Sultana Barbhuiya, O/O the SP/CBI/SPE/Silchar.	Doctry

Superintendent of Police
CBI/SPE/Silchar.

Dtd. 16.8.95

Memo No. 1/10/95-SLC/ 119115 119
Copy to the:-

- 1) Office order register in original.
- 2) Accounts Section (in duplicate) for information & w/a.
- 3) DSP/CBI/Imphal, Aizawl, & Agartala for information.
- 4) Persons concerned for information.
- 5) Office Copy.

Superintendent of Police
CBI/SPE/Silchar.

16/8/95

OFFICE ORDER NO. 140 / 1995.DATED: 14/11 / 1995.

The following persons are hereby appointed as daily wages casual workers (Unskilled) on contract basis in the office the SP/CBI/Silchar and its 3 (three) units at Imphal, Aizawl and Agartala with effect from 15/11/95 (forenoon) for 89 (eighty nine) days @ 60'00 per working day.

The appointment is purely temporary and liable to be terminated at any time without assigning any reasons.

Sl. No.	Name of the Casual Workers	Nature of work
1.	M. H. Chakraborty, o/o the SP/CBI/SP/Silchar	Waterman
2.	M. J. Manamwar, o/o the DSP/CBI/Aizawl Unit.	Waterman
3.	M. S. Acharjee, o/o the DSP/CBI/Agartala Unit	Waterman
4.	Mt. Tombi Koring, o/o the DSP/CBI/Imphal Unit.	Sweeper
5.	Mt. Porpi Sultana Barmaniya, o/o the SP/CBI/SP/Silchar.	Daffry

Superintendent of Police,
CBI/SP/Silchar.

Memo No. 6307/10 / 1/10/95-1111

dt. 14-11-95

Copy to the :-

1. Office order register in original.
2. Accounts Section (in duplicate) for information & n/a
3. CBI/CBI/Imphal, Aizawl, & Agartala for information.
4. Persons concerned for information.
5. Office copy.

Superintendent of Police,
CBI/SP/Silchar.

23

Amkure - S. Series (C-10)

OFFICE ORDER NO. 19

DATED. 15/2/96

The following persons are hereby engaged on (Unskilled) Workers ~~on~~ contract basis in the office of the SP/CBI/SPE/Silchar and its 3 (three) Units at Imphal, Aizawl and Agartala with effect from 15-2-96 forenoon for period of 89 (Eighty nine) days @ Rs. 59.00 per working day.

The contract is purely temporary and liable to be terminated at any time without assigning any reasons.

Sl. NO.	Name of the Casual Workers	Nature of Work
1.	Shri H. Chakraborty, O/O the SP/CBI/SPE/Silchar.	Waterman
2.	Shri J. Hemanta, O/O the DSP/CBI/Aizawl Unit.	Waterman
3.	Sh. S. Acharjee, O/O the DSP/CBI/Agartala Unit.	Waterman
4.	Smt. Tombi Koring, O/O the DSP/CBI/Imphal Unit.	Sweeper
5.	Smt. Pampi Sultana Barbhuiya, O/O the SP/CBI/SPE/Silchar.	Daftry

Superintendent of Police
CBI/SPE/Silchar.

Memo No. 9290/83/10/1/95-BLC

Dt. 15/2/96

Copy to the:-

1. Office order register in original.
2. Accounts Section (in duplicate) for information.
3. DSP/CBI/Imphal, Aizawl, & Agartala for information & necessary action.
4. Persons concerned for information.
5. Office Copy.

Superintendent of Police
CBI/SPE/Silchar

Contract Number ES/1996

Date 20/5/96

5

The following persons are hereby appointed as
 (1) Mr. [Name] and (2) Mr. [Name] in the office of the
 [Title] and [Title] from 20-5-96 to 20-5-96 for period of 01 (one) day at Rs. 2000/- per working
 day.

The contract is purely temporary and shall be
 terminated as and when without assigning any reason.

Sl. No.	Name of the person	Signature and Date.
1.	Mr. [Name] [Title]	[Signature]
2.	Mr. [Name] [Title]	[Signature]
3.	Mr. [Name] [Title]	[Signature]
4.	Mr. [Name] [Title]	[Signature]
5.	Mr. [Name] [Title]	[Signature]

Superintendent of Police,
[District]

Page No. 3477 81 of 10/1/96

Date 20/5/96

Copy to:-

1. Office order register in original.
2. [Title] (for duplicate) [Title].
3. [Title], [Title] to [Title] for [Title] and [Title].
4. [Title] for [Title].
5. Office copy.

Superintendent of Police,
[District]

26
OFFICE ORDER NO. 59 /1997.

DATED : 12/5/97.

Annexure 5 Series (Contd.)

The following unskilled workers are hereby engaged on contract basis in the Office of the Supdt. of Police, CBI, Silchar and its 2(two) Units at Aizawl and Agartala w.o.f. the forenoon of 12/05/97 for a period of 89 days @ Rs. 77'40 per working day for the work noted against X each.

Sl. No.	Name of the Casual workers.	Nature of work
---------	-----------------------------	----------------

- | | | |
|----|---|-----------|
| 1. | Shri H. Chakraborty,
O/O. the SP, CBI, Silchar. | Waterman. |
| 2. | Shri J. Manasudra,
O/O. the DSP, CBI, Aizawl Unit. | Waterman. |
| 3. | Shri S. Acharjee,
O/O. the DSP, CBI, Agartala Unit. | Waterman. |
| 4. | Miss Pompi Sultana Borbhuiya,
O/O. the SP, CBI, Silchar. | Dastry. |

Superintendent of Police,
CBI:SP:Silchar.

Memo No. 3343-47/03/10/1/97-SIL. Dtd. 12/5/97.

Copy to the :

- (1) Office order register in original.
- (2) A/Cs. Section (in duplicate) for necessary action.
- (3) DSP/CBI/Aizawl and Agartala Unit for information.
- (4) Persons concerned for information.
- (5) Office copy.

B. C. Bhattacharya
12.5.97
Superintendent of Police,
CBI:SP:Silchar.

No. 23/83/10/1/97-SLC.

Central Bureau of Investigation,
Government of India,
Office of the Supdt. of Police,
Silchar Branch, Panchayat Road,
Silchar-4.

Dated: 28/11/97.

OFFICE ORDER NO. 186/97.

DATED : 28/11/97.

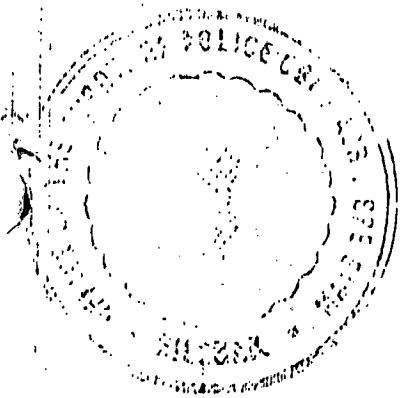
The following unskilled workers are hereby engaged on contract basis in the Office of the Supdt. of Police, CBI, Silchar and its 2 (Two) Units at Aizawl and Agartala w.e.f. the Forenoon of 16-11-97 for a period of 89 days @ Rs. 77.40 per working day for the work noted against each.

Sl.No.	Name of the Casual Worker	Nature of Work.
1.	Shri H. Chakraborty, O/O. the SP, CBI, Silchar.	Waterman.
2.	Shri J. Namasudra O/O. the Dy. SP, CBI, Aizawl Unit.	Waterman.
3.	Shri S. Acharjee, O/O. the Dy. SP, CBI, Agt. Unit.	Waterman.
4.	Miss Pompi Sultana Borbhuiya, O/O. the SP, CBI, Silchar.	Daftry.

Superintendent of Police,
CBI::SPE::Silchar.

Copy to the :-

- (1) Office order register in original.
- (2) A/Cs. Section in duplicate for n/a.
- (3) Dy. S.P., CBI, Aizawl & Agartala Unit for information.
- (4) Persons concerned for information.
- (5) Office copy.



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Annexure-5 Series (Contd.)

No. 1114-97/83/10/1/97-98/SLC.

Central Bureau of Investigation,
Government of India,
Office of the Supdt. of Police,
Silchar Branch, Panchayat Road,
Silchar-4.

Dated: 17/1/98.

OFFICE ORDER NO. 26/1998.

DATED: 17/02/98.

The following unskilled workers are hereby engaged on contract basis in the office of the Supdt. of Police, CBI, Silchar and its 2(two) Units at Aizawl & Agartala w.e.f. the forenoon of 17.2.98 for a period of 89 days @ Rs. 77.40 per working day for the work noted against each.

Sl.No.	Name of the Casual Worker	Nature of Work.
1.	Shri H. Chakraborty, O/O. the SP, CBI, Silchar.	Waterman
2.	Shri J. namasudra O/O. the Dy. SP, CBI, Aizawl Unit.	Waterman.
3.	Shri S. Acharjee, O/O. the Dy. SP, CBI, Agt. Unit.	Waterman.
4.	Miss Pompi Sultana Borbhuiya, O/O. the SP, CBI, Silchar.	Daftry

[Signature]
Superintendent of Police,
CBI::SPE::Silchar.

Copy to the :-

- (1) Office order register in original.
- (2) A/Cs. Section in duplicate for n/a.
- (3) Persons concerned for information.
- (4) Office copy.

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29

Annexure- 5 Series (Contd.)

No. 603/-71/83/10/1/98-99/SLC.
Central Bureau of Investigation,
Government of India,
Office of the Supdt. of Police,
Silchar Branch, Panchayat Road,
Silchar-4.

Dated: 20/08/98.OFFICE ORDER NO. 122/1998.DATED: 20/08/98.

The following unskilled workers are hereby engaged on contract basis in the office of the Supdt. of Police, CBI, Silchar and its 2(two) Units at Aizawl & Agartala w.e.f. the forenoon of 17/8/98 for a period of 89 days @ Rs.85.30 per working day for the work noted against each.

Sl. No.	Name of the Casual Worker	Nature of work.
---------	---------------------------	-----------------

- | | | |
|----|---|-----------|
| 1. | Shri H. Chakraborty,
O/O. the SP, CBI, Silchar. | Waterman. |
| 2. | Shri J. Namasudra,
O/O. the Dy.SP, CBI, Aizawl Unit. | Waterman. |
| 3. | Shri S. Acharjee,
O/O. the Dy.SP, CBI, Agartala Unit. | Waterman. |
| 4. | Miss Pompi Sultana Borbhuiya,
O/O. the SP, CBI, Silchar. | Daftry. |

[Signature]
20.8.98
Superintendent of Police,
CBI:SPE:Silchar.

Copy to the :-

- (1) Office order register in original.
- (2) A/Cs. Section for necessary action.
- (3) Persons concerned for Information.
- ✓ (4) Office copy.

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Annexure - 5 Series (Contd.) 19

No. 1161-11/83/10/1/98-99/SLC.

Central Bureau of Investigation,
Government of India,
Office of the Supdt. of Police,
Silchar Branch, Panchayat Road,
Silchar-4.

Dated: 16/11/98.O R D E R

The following unskilled workers are hereby allowed to work on contract basis w.e.f. the forenoon of 16/11/98 for a period of 89 days at the rate of Rs.82.30 per working day, subject to approval by the Competent authority i.e. Superintendent of Police for the work noted against each. The contract is liable to be terminated at any time without assigning any reason.

Sl. No.	Name of the Casual Worker	Nature of work
1.	Shri H.Chakraborty, O/O.the SP, CBI, Silchar.	Waterman.
2.	Shri J. Namasudra, O/O.the Dy.SP,CBI,Aizawl Unit.	Waterman.
3.	Miss Pompi Sultana Borbhuiya, O/O. the SP, CBI, Silchar.	Daftry.

N. K. M. 11/11/98
Superintendent of Police,
CBI;SPE:Silchar.

Copy to the :-

1. Office order register in original.
2. A/Cs.Section for necessary action.
3. Persons concerned for information.
4. Office copy.

31

Annexure - 5 Series (Contd.)

44



No. CC316-19/83/10/1/98-99/SIC.

Central Bureau of Investigation,
Government of India,
Office of the Supdt. of Police,
Silchar Branch, Panchayat Road,
Silchar-4.

Dated: 18/11/98.

OFFICE ORDER NO. 7/1998.

DATED : 13/11/98.

The following unskilled workers are hereby engaged on contract basis in the office of the Supdt. of Police, CBI, Silchar and its 2 (two) Units at Aizawl and Agartala w.e.f. the forenoon of 16/11/98 for a period of 89 days @ Rs. 82'30 per working day for the work noted against each. The contract is liable to be terminated at any time without assigning any reason.

Sl. No.	Name of the Casual Worker	Nature of work
1.	Shri H. Chakraborty, O/O. the SP, CBI, Silchar.	Waterman.
2.	Shri J. Manasudra, O/O. the Dy.SP, CBI, Aizawl Unit.	Waterman.
3.	Miss Pompi Sultana Borbhuiya, O/O. the SP, CBI, Silchar.	Daftry.

BM
Superintendent of Police,
CBI: SPE, Silchar.
13/11/99

Copy to the :-

1. Office order register in original.
2. A/Cs. Section for necessary action.
3. Persons concerned for information.
4. Office copy.

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Annexure - 5 Series (Contd.)

NO. DPSIL1999/01604-G/83/10/1/98-99/SLC

CPVT. OF INDIA.
CENTRAL BUREAU OF INVESTIGATION.
OFFICE OF THE SUPDT. OF POLICE
SPECIAL POLICE ESTABLISHMENT
PANCHAYAT ROAD, SILCHAR-4.

Dated. 22-3-99ORDER

The following unskilled workers are hereby allowed to work on contract basis w.e.f the forenoon of 22.03.99 for a period of 89 days at the rate of Rs 82.30 per working day, subject to approval by the Competent authority i.e Superintendent of Police for the work noted against each. The contract is liable to be terminated at any time without assigning any reason.

Sl.No.	Name of the Casual Worker	Nature of work.
1.	Shri H.Chakraborty O/O SP/CBI/Silchar	Waterman
2.	Shri J.Namasudra, O/O Dy.SP/CBI/ Aizawl Unit.	Waterman.
3.	Miss Pompi Sultana Borbhuiya O/O SP/CBI/Silchar.	Daftry
4.	Shri Sahin Chowdhury, S/o Shri Ravi Chowdhury, Vill. Panchamukhi, P.O ONGC Agartala. O/O Dy.SP/CBI/Agartala.	Safaiwala.

N. G. Raut
22/3/99
Superintendent of Police
CBI : SPE : Silchar.

- Copy to the
1. Office order register in original.
 2. A/Cs Section for necessary action.
 3. Persons concerned for information.
 4. Office Copy.

No. B106/2/90-Extt (C)
Government of India
Ministry of Personnel, P.O. and Pensions
Department of Personnel & Training

New Delhi, the 10th Sept., 1991

OFFICE MEMORANDUM

Subject : Grant of temporary status and regularisation of casual workers - formulation of a scheme in pursuance of the CAT, Principal Bench, New Delhi judgement dated 16th February, 1990 in the case of Shri Raj Kamal & Others Vs. UOI.

The guidelines in the matter of recruitment of persons on daily-wage basis in Central Government offices were issued vide this Department's O.M. No. 49014/2/86-Extt (C) dated 7.6.88. The policy has further been reviewed in the light of the judgement of the Principal Bench, New Delhi delivered on 16.02.1990 in the writ petition filed by Shri Raj Kamal and others Vs. Union of India and it has been decided that while the existing guidelines contained in O.M. dated 7.6.88 may continue to be followed, the grant of temporary status to the casual employees who are presently employed and have rendered one year of continuous service in Central Government offices other than Department of Telecom, Posts and Railways may be regulated by the scheme as appended.

2. Ministry of Finance etc., are requested to bring the scheme to the notice of appointing authorities under their administrative control and ensure that recruitment of casual employees is done in accordance with the guidelines contained in O.M. dated 7.6.88. Cases of negligence should be viewed seriously and brought to the notice of appropriate authority for taking prompt and suitable action.

sd/-

(Y.G. Paranda)
Director

To

All Ministries/Departments/Offices of the Government of India as per the standard list.

Copy to 1. All attached and subordinate offices of
1) Ministry of Personnel, P.O. and Pensions
11) Ministry of Home Affairs.

2. All offices and sections in the H.O. and Ministry of Personnel, P.O. and Pensions.

sd/-

(Y.G. Paranda)
Director

Sch...

APPENDIX

Department of Personnel & Training, Casual Labourers (Grant of Temporary status and Regulation scheme)

1. This scheme shall be called "Casual Labourers (Grant of Temporary status and Regulation) Scheme of Government of India, 1981.

2. This scheme will come into force w.e.f. 1.9.1983.

3. This scheme is applicable to casual labourers in employment of the Ministries/Departments of Government of India and their attached and subordinate offices, on the date of issue of these orders. But it shall not be applicable to casual workers in Railways, Department of Telecommunications and Department of Posts who already have their own schemes.

Temporary status

i) Temporary status would be conferred on all casual labourers who are in employment on the date of issue of this scheme and who have rendered a continuous service of at least one year, which means that they must have been engaged for a period of at least 240 days (208 days in the case of officers observing 5 days week).

ii) Grant of temporary status would be without reference to the duration/availability of regular posts.

iii) Grant of temporary status on a casual labourer would not involve any change in his duties and responsibilities. The engagement will be on daily rates of pay on need basis. He may be deployed anywhere within the recruitment unit/territorial circle on the basis of availability of work.

iv) Such casual labourers who acquire temporary status will not however, be brought on to the permanent establishment unless they are selected through regular selection process for Group 'B' posts.

Temporary status would entitle the casual labourers to the following benefits :

1) wages at daily rates with reference to the minimum of the pay scale for a corresponding regular Group B official including DA, HRA & CCA.

Contd..

Sch

ii) Benefits of increments at the same rate as applicable to a Group 'D' employee would be taken into account for calculating pro-rata wages for every one year of service subject to performance of duty for at least 240 days (206 days in administrative offices observing 5 days week) in the year from the date of conferment of temporary status.

iii) Leave entitlement will be on a pro-rata basis at the rate of one day for every 10 days of work, casual or any other kind of leave, except maternity leave will not be admissible. They will also be allowed to carry forward the leave at their credit on their regularisation. They will not be entitled to the benefits of encashment of leave on termination of service for any reason or on their quitting service.

iv) Maternity leave to lady casual labourers as admissible to regular Group D employees will be allowed.

v) 50% of the service rendered under Temporary Status would be counted for the purpose of retirement benefits after their regularisation.

vi) After rendering three years continuous service after conferment of temporary status, the casual labourers would be treated on par with temporary Group 'D' employees for the purpose of contribution to the General Provident Fund, and would also further be eligible for the grant of Festival Advance/Good Advance on the same conditions as are applicable to temporary Group D employees, provided they furnish two sureties from permanent Govt. servants of their Department.

vii) Until they are regularised, they would be entitled to Productivity Linked Bonus/Adhoc bonus only at the rates as applicable to casual labourers.

6. No benefits other than those specified above will be admissible to casual labourers with temporary status. However, if any additional benefits are admissible to casual workers working in Industrial establishments in view of provisions of Industrial Dispute Act, they shall continue to be admissible to such casual labourers.

7. Despite conferment of temporary status, the services of casual labourers may be dispensed with by giving a notice of one month in writing. A casual labourer with temporary status can also quit service by giving a written notice

Contd...

36

29

- 20 -

of one month. The wages for the notice period will be payable only for the days on which such casual worker is engaged on work.

8. Procedure for filling up of Group 'B' posts.

- ✓ 1) Two out of every three vacancies in Group B cadres in respective offices where the casual labourers have been working would be filled up as per extant recruitment rules and in accordance with the instructions issued by Department of Personnel & Training from amongst casual workers with temporary status. However, regular group 'B' staff rendered surplus for any reason will have prior claim for absorption against existing/future vacancies. In case of illiterate casual labourers or those who fail to fulfil the minimum qualification prescribed for post, regularisation will be considered only against those posts in respect of which literacy or lack of minimum qualification will not be a requisite qualification. They would be allowed age relaxation equivalent to the period for which they have worked continuously as casual labourer.

9. On regularisation of casual worker with temporary status, no substitute in his place will be appointed as he was not holding any post. Violation of this should be viewed very seriously and attention of the appropriate authorities should be drawn to such cases for suitable disciplinary action against the officers violating these instructions.

10. In future, the guidelines as contained in the Department's O.B. dated 7.6.1988 should be followed strictly in the matter of engagement of casual employees in Central Government offices.

11. Department of Personnel and Training will have the power to make amendments or relax any of the provisions in the scheme that may be considered necessary from time to time.

37
Annexure-7

NO. DPSIL1999/8372-1/83/10/1/99

DATE. 16.6.99

ORDER

The contract of the following contract basis (unskilled) workers of the office of the Supdt. of Police, CBI, Silchar and its 2 (two) Unit Offices at Aizawl and Agartala stands terminated with effect from the afternoon of 18.06.99.

1. Shri H. Chakraborty, Waterman, CBI, Silchar Branch
2. Shri J. Namasudra, Waterman, CBI, Aizawl Unit.
3. Miss Pompi Sultana Borbhuiya, Daftry, CBI, Silchar.
4. Shri Sahin Choudhury, CBI, Agartala Unit.

They need not attend to the work from the forenoon of 19.06.99 unless they are specially asked for the further work.

[Signature]
Superintendent of Police
CBI: SPE: Silchar.

Copy to the :-

1. Dy. Supdt. of Police, CBI, Aizawl Unit.
2. Dy. Supdt. of Police, CBI, Agartala Unit.
3. Persons Concerned.

[Signature]
Attested
Haw
Adm

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

O.A. No. 15/2000

Shri Jitendra Namasudra

-Versus-

Union of India & Others.

In the matter of Written Statement submitted by the Respondent 1, 2 & 3.

Preliminary Submission :

1. The respondent No.3 i.e. the Superintendent of Police, CBI, SPE, Silchar was in badly need of a L.D.C. cum Typist because a post was vacant in the office and accordingly sent requisition to the Staff Selection Commission for sponsoring a suitable candidate at an early date but the Staff Selection Commission was not able to sponsor any candidate for the said vacant post. Considering the heavy load of work and less number of man power, the respondent No.3 sent a requisition to the local Employment Exchange for sponsoring a list of candidates for appointment as L.D.C. purely on temporary basis. On receipt of sponsored list of candidates from the Employment Exchange, Silchar, the interview was held and the applicant found suitable for appointment as L.D.C. cum Typist. Accordingly the applicant was appointed as L.D.C. under Respondent No.3 i.e. the Superintendent of Police, CBI, SPE, Silchar Branch on 31.3.93 against the vacant post of L.D.C. for a period of 89 days or less on the ground that the Respondent No.3 had already filed requisition with the Staff Selection Commission for sponsoring the candidate for the said vacant post. The applicant joined his duties accordingly and continued till the end of his tenure of 89 days.

2. During the aforesaid period, the Staff Selection Commission could not sponsor any candidate and considering the need of typing hand, the applicant was re-engaged in the said post for a further period of 89 days. He has worked as L.D.C. in the like manner till sponsoring of candidate by the Staff Selection Commission because the respondent No.3 did not want to go for further complication for calling candidates from the Employment Exchange time and again and looking to the experience gathered by the applicant, he was reappointed for more further periods.
3. On receipt of qualified candidate sponsored by the Staff Selection Commission, the service of the applicant was terminated on 22.9.94 and regular appointment was issued to the candidate sponsored by the Staff Selection Commission. The applicant was last appointment as L.D.C. in the year 1994 and terminated in the same year. It is about 5 years had already been passed and now the applicant has taken shelter before the Hon'ble C.A.T.. Therefore, it is barred by limitation in totality. Further the applicant has no right to be absorbed regularly because he has not completed 180 days of regular service without any break. His name has also not been sponsored by the Staff Selection Commission for appointment on regular basis. The respondent No.3 cannot appoint any candidate on regular basis locally without the NOC received from the Staff Selection and at that time the Staff Selection Commission has not issued any NOC.
4. The Respondent No.3 looking to the need of the staff further sent a requisition to the Employment Exchange for engagement of a candidate on daily wage basis on the rule "No work no pay" but not extendable after completion of 89 days. Accordingly on receipt of the list of candidates from the Employment Exchange, an interview was held and the applicant found suitable for engagement on contract. An offer of appointment on contract basis

was issued on 27.1.95 (filed by the applicant as Annexure -3) which was for the post of Waterman. It is clarified here that the Respondent No.3 was/is having no sanctioned post of Waterman/civilian Grade-IV post and, therefore, the payment made to such Waterman was from the contingent fund and on daily wage basis.

5. As stated above, the Respondent No.3 without going into complication of further calling candidate from the Employment Exchange and looking to the suitability of the applicant and considering the need of the applicant for earning some money by hook or by crook and on his request, he was re-engaged time and again.

6. On the same way the applicant was working under the respondent No.3 as Waterman upto 16.6.99.

7. During the year 1999, it was found that the present applicant and the applicant in O.A. No. 305/99 (both were appointed as Waterman and Daftry) were leaking out the sensitive information about the functioning of CBI by which the purpose of CBI investigation/enquiry was likely to be demoralised. Accordingly, vide order dtd. 16.6.99 the applicant alongwith other unskilled employees like the applicant were terminated from the office but actually they were terminated from 18.6.99.

Without going into the further complications, the parwise comments are as under :-

1 Re 1 : That with regard to the statements made in the application, the respondents beg to state that the post of L.D.C. is required to be filled up through Staff Selection Commission as per the Recruitment Rule. The

applicant was engaged as L.D.C. purely on temporary basis i.e. for a period of 89 days and he never completed the minimum period of 180 days to become entitled for getting temporary status. Neither the applicant completed 180 days of regular service nor his name was sponsored by the Staff Selection Commission for regular appointment. Therefore, the Office Memorandum dated 10.9.93 of Govt. of India is not applicable in case of the applicant. The applicant has tried to mislead the court through this Circular.

2. Re 2 : No comments.

3 Re 3 : The matter of challenging his regularisation in the post of L.D.C. is totally barred by limitation .

4.1 Re 4.1: No comments.

4.2 Re 4.2 & 4.3 : That with regard to the statements made in the application, the respondents submits that the requisition for sponsoring the candidate by the Staff Selection Commission was already filed with the S.S.C.. Considering the work-load and due to non-availability of suitable candidate from the S.S.C., it was decided to appoint L.D.C. locally but on purely temporary basis (89 days). Accordingly, Employment Exchange, Silchar was requested to sponsor a list of candidate for appointment as L.D.C. on temporary basis. The name of the applicant was also sponsored. The interview was held and the applicant found suitable. He was appointed as L.D.C. for a period of 89 days. After completion of 89 days he was relieved but the Respondent No.3 felt that there was still need of a candidate on temporary basis. Looking to the experience gathered by the applicant, the respondent No.3 re-engaged him for a further tenure of 89 days. Every after 89 days the applicant was engaged afresh and had not

completed 180 days of regular service for getting temporary status. Further his name was not sponsored by the S.S.C. for regular appointment.

4.2 Re 4.4, 4.5 & 4.6 : That with regard to the statements made in the application, the respondents submit that there is no sanctioned post of Waterman in the CBI, Aizawl Unit for providing water to the staff of Aizawl Unit. Considering the need for a person for cleaning the office, providing water to the staff, an interview was held for appointment of Waterman for CBI, Aizawl Unit. The applicant appeared and found suitable. Accordingly offer of appointment on contract basis was issued to the applicant. The applicant shown his willingness and joined there. The engagement was purely temporary and on contract basis i.e. for a period of 89 days. After expiry of the initial period of 89 days, the applicant was reappointed considering his experience about the pattern of working. The applicant never completed 180 days of continuous service to make himself liable to get temporary status in the grade of Waterman also.

4.3 Re 4.7 : That with regards to the statements made in the application, the applicant is not liable to be regularised both in the cases of L.D.C. or Waterman because his services were always terminated after completion of 89 days. Further, there is no provision in the Recruitment Rule for appointing candidates locally for the post of L.D.C.. The post of L.D.C. is required to be filled up through Staff Selection Commission. The post styled Waterman is not a sanctioned post and this arrangements were made only to get services of a person whose job is only to supply Water etc. to the staff purely on temporary and daily wage basis. Therefore, the applicant is not entitled to get temporary status both in the grade of L.D.C. or as Waterman.

4.4 Re 4.8: That with regard to the statements made in the application, the respondents submit that the applicant does not come under the purview of the Scheme of grant of temporary status. There is clear instruction given in the appointment/engagement order that the appointment is purely temporary(89 days) and liable to be terminated without assigning any reason. The applicant was terminated finally vide order dtd. 16.6.99 when it was observed for sometimes that applicant while attending his duties resorted to some undesirable activities and leaking out the confidential matters to the interested persons for which the applicant and other contract basis workers were verbally warned by the Dy.SP on 17.3.99, to be more careful. The applicant again appeared before the Dy.SP on 22.3.99 and regretted for the misdeed. Considering the matter the applicant was given another chance by engaging him on contract basis on 22.3.99. On close observation, it was noticed that the applicant has not given up the habit of undesirable activities. The CBI has no other alternative but to terminate the contract.

4.5 Re 4.9 : Denied. The applicant is not entitled to get any previlages which the permanent employees are getting.

4.6 Re 4.12: Denied. These cases are not having any relation to the case of the applicant at all. There is specific direction to the department concerned in the cases cited by the applicant. Further the applicant resorted to the acts unbecoming of an employee which has been discussed in detail in para No. 4.4. There is no other alternative but to remove/terminate the applicant immediately. The applicant is not liable to be regularised/reappointed considering his doubtful intergrity.

4.7 RE 4.13 : The application is not maintainable and liable to be dismissed straightway.

5 Re 5 : (Grounds)

5.1 Re 5.1 Denied. The applicant never worked under the respondents for a period of 6 years at a stretch and therefore, not liable to be regularised.

5.2 Re 5.2 The termination is made due to the reasons stated in para No.4.4.

5.3 Re 5.3 Denied. All the Gr.IV employees appointed on contract basis were terminated by the same order. This itself proved by the applicant through Annexure-7 filed by the applicant with the application.

5.4 Re 5.4 Denied. The applicant was appointed on contract basis. Even the post of L.D.C. is of permanent nature but as per Recruitment Rules, the post should be filled up through Staff Selection Commission and the post of Waterman is purely temporary and appointed on contract basis.

5.5 Re 5.5 Denied.

5.6 Re 5.6 Denied.

6 Re 6 ; The applicant has not exhausted all other remedies available to him like submission of representation etc. , therefore, liable to be dismissed.

7 Re 7 : No comments.

8 Re 8 : Denied . The applicant is not entitled to get any relief as prayed in the application. The application is liable to be rejected straightway on the reasons mentioned above.

9 Re 9 : Denied. The applicant is not liable to get any interim relief. As averred in sub-para 9.2 of the application it is submitted that the payment for the period May'99 to 18.6.99 have already been paid to the applicant vide Acquittance Roll dtd. 1.9.99. Copy of which is enclosed as Annexure R-I .

10. Re 10 : No Comments.

11 Re 11 : No comments.


12 Re 12 : No comments.

13 Re 13 : No comments.

VERIFICATION

I, Shri Akhileshwar Prasad, Superintendent of Police, CBI (Central Bureau of Investigation), Silchar Branch, Silchar being the competent authority and being one of the Respondent do hereby verify and declare that the statement made in paragraph 1 to 8 of the preliminary submission and paras 1 to 13 of the parawise comments are true to the information gathered from the official records and believed to be true by me.

Verified and signed on this 14th day of May'2001 at Silchar.


1.5.2001

DECLARANT

SUPDT. OF POLICE
CBI : SPE : SILCHAR.

जी. ए. आर. २९

(नियम ११३, ११४, ११५ (२) और १२६ (२) देखिए)

G.A.R. - 29

[See rules 113, 114, 115(2) and 126(2)]

ANNEXURE R/1

पूर्ण रूप से प्रमाणित आकस्मिक बिल

FULLY VOUCHERED CONTINGENT BILL

बिल सं०

BILL No. 98/99-2010

मंत्रालय/विभाग/कार्यालय

Ministry/Department/

Office of... 80/439
S. I. Chandra

वर्ष के

मास के आकस्मिक

प्रभारी का सविस्तार बिल लेखा शीर्ष

Detailed Bill of Contingent

Charges for the month

Police

of 19 00:10:1 Crl. Inv. & Vig.

Head of Account... 1-31

01.01.02-W.R.C.

वाउचर सं०

Voucher No. 21

का of August 1999

के लिए for the

संदाय Payment

मास month of

19 99

August

उप - वाउचर का संख्यांक

Number of
Sub-Voucher

प्रभार का वर्णन और संख्यांक और उन सभी प्रभारों के प्राधिकार का संख्यांक और तारीख जिसके प्रति लिए विशेष मंजूरी अपेक्षित है।

Description of charge and number and date of authority for all charges requiring special sanction

राशि

Amount

रु. Rs.

पै. P.

85

Payable to Sh. H. Chandra, Contd.
Karni Wadhwa, 439, S. I. Chandra
Hqrs. for May 1999 & June 1999 (upto
18-6-99)

2716 =



86

Payable to Sh. J. Namdev, Contd.
Karni Wadhwa / Superintd., 439
District and Hqrs. for 1-5-99
to 18-6-99

4033 =



87

Payable to Sh. Pampi Durbha
Barbhuiya, Contd. basis draft,
439, S. I. Chandra Hqrs. for 1-5-99 to
18/6/99

3045 = 00



88

Payable to Sh. S. Chandra, Contd.
Karni Wadhwa / Superintd.
439, Dist. Unit Hqrs. for
1-5-99 to 18-6-99

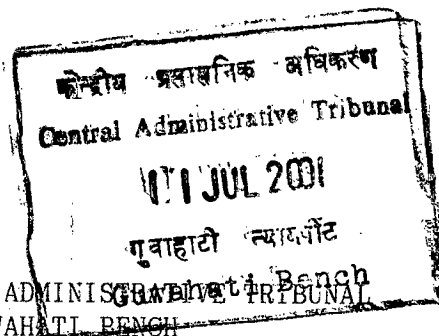
3539 = 00

Sent by draft
on 21/8/99

(1481 + 2058 = 3539)

योग
Total

13,333 = 00



O.A-15/2000
IN THE MATTER OF:

SRI JITENDRA NAMASUDRA

VS

UNION OF INDIA & OTHERS

AND
IN THE MATTER OF:

Rejoinder submitted by the applicant
in reply of the written statement
submitted by the respondents.

The above named applicants-

Most Respectfully beg to stated as under :

1. That he has gone through the written statement and has understood the contents thereof.
2. That in reply to the preliminary submissions in para 1,2,3,4,5, and 6 of the written statement, the applicant begs to state that there was a requirement of candidate for the post of L.D.C. under the respondents during the year 1993 and on requisition from the respondents, the name of the applicant was sponsored by the Employment Exchange as a Scheduled Caste Candidate. Accordingly he appeared in the interview held on 15.1.1973 and 28.1.1993 and having been selected, the applicant joined on 25.2.93 and having been selected, the applicant joined on 25.2.93 as L.D.C. under the respondent No. 3 as asked for. Since then the applicant rendered services with all sincerity and devotion and to the satisfaction of all concerned. Though

his appointment was initially made on temporary basis for 89 days, the same had been extended from time to time by issuing separate order after expiry of the stipulated period and in this way he continued to work under the respondents with artificial break as the job was of permanent nature. Eventually on 10.1.1995, an interview was held for the post of waterman of CBI, Aizawl Unit. The applicant appeared in the said interview and having been selected, the applicant joined as waterman (unskilled) w.e.f. 3.2.95 (FN) in the office of the Dy. Supdt. of Police, CBI, Aizawl Unit vide order dated 8.2.95. Here also, though he was initially appointed for 89 days, his services were extended from time to time by issuing separate orders at regular intervals and as such he was continuing as before but with artificial break. In this way, the applicant worked for more than six years since his initial appointment as L.D.C. w.e.f. 25.2.93 and continued till 16.6.99 when he was terminated arbitrarily.

3. That in reply to the preliminary submission made in para 7 of the written statement, the applicant begs to state that the allegations made therein are false and unfounded. This aspect was heard by the Hon'ble Tribunal in O.A. No. 305/99 pertaining to another similarly situated person who was also terminated along with this applicant under the same order w.e.f. 16.6.99 and the Hon'ble Tribunal was pleased to allow the application vide its judgment & order passed on 2.3.2001 in O.A. No. 305/99, which covers this applicant also.

(Copy of the order dated 2.3.2001 is annexed hereto as Annexure-1).

4. That in reply to para 1 of the parawise reply of the written statement it is stated that non-observance of formalities through staff selection commission for recruitment was not a fault on the part of the applicant and the fact remains that he was appointed as L.D.C. as sponsored by the Employment Exchange and he rendered services as L.D.C. for a total period of about two years from 25.2.93 to till he joined as Waterman on 3.2.95 with some intermittent artificial breaks only. As such, he had worked as L.D.C. for more than 180 days and for all practical purposes, the job was of permanent nature and the intermittent breaks were only artificial and intended for depriving the applicant of the legitimate claims. Hence, the O.M. dated 10.9.93 of Govt. of India is applicable in the instant case in its actual spirit and intent.

5. That in regard to para 3 of the parawise reply of the written statement it is reiterated that the instant case is very much within the period of limitation and there is no question of being barred by limitation.

6. That in reply to Para 4.2 and 4.3 of the parawise reply of the written statement it is stated that the applicant was repeatedly appointed as L.C.C/Waterman for a period of more than six years after proper interview etc. which makes it abundantly clear that the jobs were of permanent nature but the intermittent breaks splitting up each appointment for a period of 89 days were done artificially by the respondents with an ulterior motive only resorting to unfair labour practices in spite of satisfactory services and experiences of the applicant admitted by the respondents in the said para of the written

statement. In view of is the applicant was absolutely entitled to get temporary status both as L.D.C. or as Waterman.

7. That in reply to Para 4.4. of the parawise reply of the Written statement, it is stated that the ground of termination as alleged in the said para is baseless and unfounded and could not stand in the hearing of O.A. No. 305/99 before this Hon'ble Tribunal pertaining to one similarly situated person who was also terminated along with this applicant under the same order dated 16.6.99 on the same ground which covers the case of this applicant as well.

8. That in reply to Para 4.5, 4.6 and 4.7 of the parawise reply of the written statement, it is stated that the applicant was entitled to get the same privileges and benefits as those of regular employees in view of his long services.

Further, the applicant is also entitled to be regularised/reappointed ^{since} ~~service~~ such orders were passed by this Hon'ble Tribunal in similarly situated cases in earlier occasions in O.A. No. 185/98, O.A. No. 79/92, O.A. No. 104/92 and O.A. No.223/93.

Hence the application is maintainable and entitled to be allowed.

9. That in reply to para 5.1.,5.2, 5.3, 5.4, 5.5. and 5.6. of the parawise reply of the written statement, the applicant denies all the contentions of the respondents and affirms that the applicant worked as L.D.C./Waterman for a total period of more than six years under the respondents and was quite eligible for regularisation/appointment on permanent basis.

10. That in reply to para 6 of the parawise reply of the written statement, the applicant begs to state that the applicant

approached the respondents time and again for regularisation of his services but with no result and thus exhausted all remedies available with him.

11. That in reply to para 8 and 9 of the parawise reply of the written statement, the applicant humbly submits that in the facts and circumstances, the applicant is entitled to get all the Relief(s) and interim relief(s) as prayed for in the application and the O.A. deserves to be allowed with cost.

V E R I F I C A T I O N

I, Sri Jitendra Namasudra, Son of Shri Sudhanya Namasudra, resident of village & Post Office Irongmara, Dist. Cachar, Assam do hereby verify that the statements made in paragraphs 1 to 10 are true to my knowledge and the rest is my humble submission.

And I sign this verification on this the 11th day of July, 2001 at Guwahati.

Jitendra Namasudra

Original Application No. 205 of 99

Date of Order: This the 2nd Day of March 2001

HON'BLE MR. JUSTICE D.N. CHOUDHURY, VICE CHAIRMAN
HON'BLE MR. K.K. SHARMA, ADMINISTRATIVE MEMBER.

Smti Pompi Sultana Barbhuyan
Daughter of Abdul Mannan Barbhuyan
Panchayat Road, Silchar.
District-Cachar, Assam.

... Applicant

By Advocate Mr. S. Ali, Mr. I. Hussain.

-Vs-

1. Union of India, represented by the Cabinet Secretary,
Govt. of India, New Delhi.
2. The Director, CBI, CGO, Complex, Lodhi Road,
New Delhi-3.
3. The Superintendent of Police,
CBI/SPE Silchar.
4. Shri N.K. Sharma, Deputy S.P., CBI, Silchar.

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

O R D E R.

D.N. CHOUDHURY, VICE CHAIRMAN:

By Call letter dated 11.1.94 the applicant was advised to attend interview for appointment of Daftary on casual basis on 26.9.94 and asked for her Original Educational Certificate, Birth Certificate, Permanent Residential Certificate, Employment Exchange Registration Card etc. It was also indicated that the post was purely temporary on daily rated basis @ Rs. 62.80. By Communication dated 30.9.94 she was selected in the interview conducted on 26.9.94 and asked her to report and to join duty as Daftary if she was willing to do the duty on purely temporary basis i.e on contract for 89 days from the date of joining @ 62.80 per working day only. The applicant accepted the offer and joined in the post of Daftary with effect from 4.10.94(FN) in the office of Superintendent of Police, CBI, SPE. She was formally appointed by office order dated 24.10.94. The applicant continued to work under the Respondent

eenta/-

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(8)

till 16.6.99. In between during the aforesaid period the respondents used to terminate her service and after a short break was to re-engage her by issue fresh appointment order for 89 days. Two such sample orders are cited herein below:-

No. DPSIL 1999/01633-35/83/10/1/99 dated 18.3.99

O R D E R.

The contract of the following contract basis (unskilled) workers of the office of the Supdt. of Police, CBI, Silchar and its 2(two) Units officers at Aizawl and Agartala is hereby terminated with effect from the afternoon of 18.3.99.

1. Shri H.Chakraborty : Waterman, CBI, Silchar Branch.
2. Shri J.Namasudra, Waterman, CBI, Aizawl Unit
3. Miss Pompi Sultana Borbhuiya, Daftry, CBI, Silchar
4. Shri Sahin Choudhury, CBI, Agartala Unit.

They need not attend to the work from the forenoon of 19.3.99, unless they specifically asked for the further work. "

NO DPSIL 1999/0164-61/83/10/1/98-99/SIC
GOVT. OF INDIA
CENTRAL BUREAU OF INVESTIGATION.
OFFICE OF THE SUPDT. OF POLICE
SPECIAL POLICE ESTABLISHMENT
PANCHAYAT ROAD, SILCHAR-4. dated 22.3.99.

O R D E R.

The following unskilled workers are hereby allowed to work on contract basis w.e.f. the forenoon of 22.03.99 for a period of 89 days at the rate of Rs. 32.30 per working day, subject to approval by the competent authority i.e Superintendent of Police for the work noted against each. The contract is liable to be terminated at any time without assigning any reason.

S.L.No.	Name of the casual worker	Nature of work
1.	Shri H.Chakraborty C/O SP/CBI/Silchar	Waterman
2.	Shri J.Namasudra, O/O Dy.SP/CBI Aizawl Unit.	Waterman
3.	Miss Pompi Sultana Borbhuiya O/O SP/CBI/Silchar.	Daftry
4.	Shri Sahin Chowdhury S/O Shri Ravi Chowdhury Vill.Panchamukhi, P.O.ONGC Agartala O/O Dy-sp/CBI/Agartala:	Sagawala

(9)

By the impugned order dated 16.6.99 the services of the applicant was finally terminated w.e.f. (AF) 18.6.99 along with three others. The aforementioned last orders was not extended. The applicant therefore, moved this Tribunal assailing the order of termination and prayed for a direction for regularisation of her service or in the alternative for direction to accord her temporary status as per the avowed Government scheme. Mr.S.Ali, learned Sr.Advocate appearing on behalf of the applicant, took numerous grounds assailing and questioning the order of termination. One of the ground of challenge pertained to the competence of the respondent No.4 who passed the order of termination. According to Mr.S.Ali the 4th Respondent not being the appointing authority, the said order was liable to be struck down to violative of clause one of Article 311 of the constitution. The learned counsel also submitted that the order of termination was punitive in nature so much so, that behind the innocuous nature of termination, buried the bedrock founded on the alleged mis-conduct alleged undesirable activities mentioned in the written statement of the Respondents. The learned counsel lastly submitted that the applicant rendered her service for a considerable length of time from 94 to 99 and in the circumstances, as per the scheme the applicant was entitled for regularisation of service, in the light of the policy laid down by the Central Government for grant of temporary status, in conformity with the scheme of Casual Labourers (Grant of Temporary Status and Regularisation) 1993. The learned counsel submitted that since the applicant rendered continuous service during the aforementioned period and worked more than the prescribed period mentioned in the scheme, it was a fit case calling for a lawful consideration.

contd/-

69 (10)
Mr. A. Deb Roy, Sr. C.G.S.C. opposed the application and submitted that the applicant was appointed purely on contractual basis. Her terms and conditions of the service of the applicant could not travel beyond the stipulations of the contract.

There is no dispute as regards the continuous services rendered by the applicant with artificial break in the establishment for five years till the impugned order is passed. There is no dispute as to necessity of the service that was rendered by the applicant. The respondents in their affidavit clearly admitted about the indispensability of a daftry in the office and considering her previous experience in the job the applicant was engaged on contract basis from time to time instead of engaging a fresh/new one. The respondents also in their written statement admitted the claim of the applicant to the effect that she had rendered service even on Saturday and Sunday. For such work the applicant though engaged on contract basis sometimes attended the office on Holidays for which the applicant was paid for working on holidays, as per Government of India instruction. Such worker those which worked for atleast 240 days for 3 years or more was to be paid ad hoc bonus of Rs. 726/- and accordingly the applicant was also paid, asserted the respondents in their written statement. A suggestion of course was thrown in the written statement as to the alleged misconduct of the applicant for which she was warned verbally. In the absence of any prior notice to the concerned person such evocative insinuation was not to be taken note of submitted by Mr. S. Ali. As ^{attended} ~~eluded~~ the applicant rendered her services under the respondents for considerable length of period from 94 to 99. The respondents are a public authority entrusted with public power, ^{when} ~~and~~ it is to be ^{excluded in the} ~~rendered~~ by public interest based on public policy. Its underlying policy is the welfare

contd/-

(M)

70

of the inhabitants : "Salus Populi est Suprema lex"
considering the plight of the casual workers in the
light of the constitutional goal, the Government took
a policy decision and formulated the policy known as
Casual Labourers (Grant of Temporary Status and Regulari-
sation) scheme. The primary aim of the scheme is to do
justice. The applicant is squarely covered by the
policy. In the circumstances, the ends of justice will
be met if a direction is issued to the respondents to
consider her case for engagement by granting her temporary
status till her service is regularised against a sanc-
tioned post. The respondents are accordingly directed to
take up the case of the applicant for granting a
temporary status as per the scheme with utmost despatch,
preferably within three months from the order and
thereafter take up her case for regular absorption against
sanctioned vacancy in a Group D posts as laid down in
the same. Subject to the above observations made
above, the application is allowed. There shall, however
be no order as to costs.

Sd/ VICE CHAIRMAN

Sd/ MEMBER (Adm)

Let the order be carried out.

आदेश का क्रियान्वयन

LM

26/9/94

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31.3.93 -

1-6 mar

22.9.94

B

89a

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16/3/94