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6
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

O.A/T.A No. 367/2001

R.A/C.P No.....

E.P/M.A No.....

1. Orders Sheet. O.A- 367/2001 Pg. 1 to 5
2. Judgment/Order dtd. 03/04/2003 Pg. 1 to 3 Dismissed
3. Judgment & Order dtd..... Received from H.C/Supreme Court
4. O.A..... 367/01 Pg. 1 to 17
5. E.P/M.P..... N.I.L Pg..... to.....
6. R.A/C.P..... N.I.L Pg..... to.....
7. W.S.F. filed by the Respondents Pg. 1 to 21
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. Amendment Reply by Respondents.....
15. Amendment Reply filed by the Applicant.....
16. Counter Reply.....

2
SECTION OFFICER (Judl.)

FORM No.4
(See Rule 42)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:GUWAHATI.

ORDERS SHEET

Original APPLICATION NO.

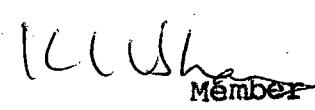
367 /2001

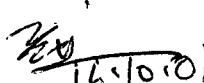
Applicant (s) Pratul Kohli

Respondent(s) U.O.T Govt

Advocate for the Applicant: B.K. Sharma, S. Sarma, U.K. Neir
Min U.Dh

Advocate for the Respondent: C.G.S. K.R. Chaudhury
B.C. DAS.

Notes of the Registry	Date	Order of the Tribunal
Opposite side in form Date of filing of application Petition is filed vide M.P.R. No. 100 for Rs 50/- deposited vide IPO/BC No 3G 548547	19.9.01	Heard Mr. S. Sarma, learned counsel for the applicant. Application is admitted. Issue notice. Call for the records. Notice returnable on 17.10.2001 . List the matter on 17.10.2001 for further orders.
Dated.... 30.8.2001 Dy. Registrar 12/9/01		
		 Vice-Chairman
Service received. Notice Kept and sent to DLS for serving the Respondent No. 1 to 3 by Regd. A.D. 29/9/01	17.10.01	Service is not complete. List on 28.11.01 for orders.
D.M.W. 3694 W 3696 ddt 28/9/01	PG	 Member
① Service report are still awaited		

 (6.10.01)

✓
Service report are 28.11.01
Still awaited.

(2) *✓-64*
List on 13.12.01 for completion
of service report.

By
27.11.01

① Service report are
Still awaited.

mb

By
13.12.01

On the request of Sri B.C.Das, learned
counsel for the respondents 4 weeks time is
allowed to file written statement.

List on 11.1.02 for order.

No written statement
has been filed.

By
10.1.02.

CCUShan
Member

mb

11-1-02

List on 13.2.02 to enable the
respondents to file written statement.

No written statement
has been filed.

By
12.2.02

Vice-Chairman

lm

13.2.02

On the prayer of learned counsel for
respondents 4 weeks time is allowed for
filing of written statement. List on 13.3.02
for orders.

CCUShan
Member

lm

13.3.02

Written statement has not been filed.
Four weeks time is allowed for filing of
written statement. List on 10.4.02 for
filing of written statement and further
orders.

CCUShan
Member

lm

10.4.02

No written statement so far filed nor
any representation made on behalf of the
Respondents. List on 10.5.02 for orders.

Vice-Chairman

lm

O.A.367 of 2001.

Order of the Tribunal

3

Notes of the Registry

Date

10.5.2002

None present for the respondents,
no written statement filed.

List the case again on 5.6.2002 to
enable the respondents to file written
statement.

I C Usha
Member

bb

12.9.02

Respondents are yet to file reply
though opportunity was granted. Mr
B.C.Pathak, learned Addl.C.G.S.C again
asked for further time. 3 weeks time
is allowed to the respondents to file
reply, if any.

~~List on 10.10.02.~~

12.9.02

Since the matter at issue is
analogous to O.A.175/2000 connect this
case alongwith O.A.175/2000.

List on 30.9.02 for hearing.

Vice-Chairman

pg
30.9.2002

This case is not analogous to the
O.A.175 of 2001. List the case on 13.11.
2002, for hearing and in the meantime
the respondents are directed to file
written statement.

I C Usha
Member

Vice-Chairman

10/11/02

bb

13/11.

None appears for the respondents.
Fall over to 14/11/2002

B.M.D
S.K.S
13/11.

14/11

Heard in part. None appears for
the respondents. List for another hearing &
judgment on 15/11/2002.

A.T.G
14/11.

W
OF-367/01

Notes of the Registry	Date	Order of the Tribunal
	15.11.2002	<p>The matter was heard in part on 14.11.2002. We adjourned the matter and kept it for further hearing in presence of the respondents.</p> <p>None appears for the respondents. List the case for hearing and disposal on 27.11.2002 before Single Bench. Shall be heard by a single bench and the order will be communicated to the respondents</p> <p>Member bb</p>
No. Wts has been filed.	15.11.2002	<p>The matter was heard in part on 14.11.2002. We adjourned the matter and kept it for further hearing in presence of the respondents.</p> <p>None appears for the respondents. List the case for hearing and disposal on 27.11.2002. No further adjournment shall be granted.</p> <p>IC ((Sharma)) Member</p>
<u>26.11.02</u>	27.11.02	<p>Heard Mr. S. Sarma learned counsel for the applicant and Mrs. R.H. Choudhury learned counsel for the Respondents.</p> <p>List on 20.12.02 for hearing. The Respondents may file written statement within two weeks from to-day.</p> <p>Vice-Chairman</p>
No. written statement has been filed.	1m 13.12.02	
<u>3/12/02</u>	20.12.2002	<p>Mr S. Sarma, learned counsel for the applicant prays for an adjournment on the ground that he has received a copy of the written statement only today. Prayer allowed. List for hearing on 27.1.2003.</p> <p>K. Sharma Member</p>
	nkm	

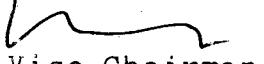
5/1

0 A 367/2003

27/1/2003. Single bench did not sit today,
The case is adjourned to 14/2/2003.
M/s

14.2.2003

Put up again on 21.3.2003
for hearing.


Vice-Chairman

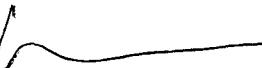
nkm

21.3.2003

Put up the case again on 1.4.2003 in
presence of Mr.S.Sarma, learned counsel for
the applicant for hearing.

Wts has been filed
by the respondents.

bb


Vice-Chairman


1.4.2003

On the prayer of learned counsel
for the respondents the case is adjourned.
List on 3.4.2003 for hearing.


Vice-Chairman

mb

3.4.2003

Heard counsel for the parties.
Judgement delivered in open Court, kept
in separate sheets.

The application is dismissed in
terms of the order. No order as to costs.


Vice-Chairman

16.4.2003

Copy of the Judgnt
has been sent to the
D/see for issuing
one to the applicant
as well as to L/Adv.
for the Regds.

AT

**CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH**

O.A. / ~~XXX~~ No. . . . 367. of 2001

DATE OF DECISION 3.4.2003.....

Mr. B. K. Sharma, S. Sarma, U. K. Nair & Ms. U. Das. ADVOCATE FOR THE APPLICANT(S).

- VERSUS -

Mr.K.N.Chaudhury, I.Chaudhury & ADVOCATE FOR THE
Mr.R.S.Chaudhury. RESPONDENT(S).

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 ?

Judgment delivered by Hon'ble Vice-Chairman.

4

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No.367 of 2001.

Date of Order : This the 3rd Day of April, 2003.

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

Shri Pratul Kalita
S/o:- Late Audi Ram Kalita
Vill:- Sonkuriha (No.1)
P.O:- Barbari
Dist:- Nalbari. Applicant.

By Mr.B.K.Sharma, Sr.Advocate, Mr.Sarma, Mr.U.K.Nair & Ms.U Das.

- Versus -

1. Union of India
Represented by the Secretary
Indian Council of Agriculture Research (ICAR)
Ministry of Agriculture
Krishi Bhawan, New Delhi.
2. The Director General
ICAR, Krishi Bhawan
New Delhi.
3. The Director
ICAR, Research Complex for NEH Region
Umium, Umroi Road, Meghalaya. Respondents.

By Mr.K.N.Chaudhury, Sr.Advocate, Mr.I.Chaudhury & Mrs.R.S.Chaudhury.

O R D E R

CHOWDHURY J.(V.C.):

This is an application under Section 19 of the Administrative Tribunals Act, 1985 praying for the following reliefs :-

"i) To direct the respondents to extend the benefits of the scheme namely the scheme of 1988 and 1993 to the applicant with all consequential service benefits.

ii) To direct the respondents to allow him to resume his duty as casual worker forthwith."

In the application the applicant pleaded that he was initially appointed as Casual Worker in the month of January, 1979 under the respondent No.3. As a Casual Labourer he continued to work as such and he was finally appointed as Workshop Attendant on the basis of selection w.e.f.13.11.1984. It was also pleaded that while the applicant was holding the post of Workshop Attendant under

the respondent No.3 he fell ill and went on medical leave, but thereafter he was not allowed to work though he submitted representation. It was also pleaded in this application that since the applicant worked under the respondents since atleast 1981 as per Annexure-3, he was entitled to be conferred with temporary status.

2. The respondents submitted its written statement denying and disputing the claim of the applicant. The respondents firstly took the plea of limitation and contended that the applicant is time barred. The repondents also denied that the applicant ever worked under the respondents as regular worker though he could have worked as unskilled casual labourer on daily wages under the Experimental Research Farm in Byrnihat in the month of January, 1979 as claimed by the applicant. In the written statement the respondents stated that the applicant was not on the rolls of ICAR at the time of labour agitation in 1986. The respondents also contended that in the list of casual labourer from 1982 to 1986 the name of the applicant was not included. As regards the conferment of temporary status the respondents contended that as per the scheme of 1983 the applicant was to render services 240 days prior to the application of the scheme as required. Since the applicant failed to establish his eligibility, question of conferment of temporary status does not arise.

3. I have heard Mr.S.Sarma, learned counsel for the applicant and also Mrs.R.S.Choudhury, learned counsel appearing for the respondents. Mr.Sarma referred to a number of deicisions rendered by this Bench regarding conferment of temporary status to the employees of ICAR. Mr.Sarma also referred to the decision of this Bench in O.A.175 of 2001 dated 30.9.2002 and contended that on the basis of factual matrix a direction need to be iussed to the respondents for conferment of temporary status to the

applicant. Opposing the claim of the applicant Mrs. R.S.Choudhury, learned counsel for the respondents contention, conferment of temporary status to him did not arise. Mrs.Choudhury submitted that even on scrutinising the records it could not be established that the applicant fulfilled the requirement for granting temporary status, so much so, that the applicant did not render 240 days service and he was not on roll under the respondents at that time. Mrs. Choudhury, in support of her contention, referred to the decision dated 17.5.2000 passed by this Bench in O.A.175/1998. In course of hearing Mrs.Choudhury also produced a list of casual labourers to show and justify that the applicant did not work for that particular period.

4. I have given my anxious consideration on the matter. On consideration of all the materials on record, it is difficult to hold that the applicant fulfilled the requirement for conferment of temporary status. The materials on record did not indicate that the applicant was unlawfully deprived from conferring temporary status. In this circumstances, I do not find any merit in this application and the same is liable to be dismissed.

The application is accordingly dismissed. There shall, however, be no order as to costs.

The dismissal of this application shall not preclude the respondents from considering the case of the applicant with empathy and commisseration ^{for} [^] engaging him as a casual labourer against any existing or future vacancy keeping in mind his past services.


(D.N.CHOWDHURY)
VICE CHAIRMAN

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Title of the case :

O.A. No. 367 of 2001

BETWEEN

Shri Pratul Kalita Applicant.

AND

Union of India & ors. Respondents.

I N D E X

Sl.No.	Particulars	Page No.
1.	Application	1 to 8
2.	Verification	9
3.	Annexure-1	10
4.	Annexure-2	11
5.	Annexure-3	12, 13, 14
6.	Annexure-4	15, 16, 17

Filed by : Usha Das.

Regn. No. :

File : PRATUL

Date :

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

(An application under section 19 of the Central Administrative
Tribunal Act 1985)

O.A.No. 367 of 2001

BETWEEN

Shri Pratul Kalita
S/o Late Audi Ram Kalita
Vill: Sonkuriha (No.1)
P.O.: Barbari,
Dist.: Nalbari.
..... Applicant.

VERSUS

1. Union of India,
Represented by the Secretary,
Indian Council of Agriculture Research (ICAR)
Ministry of Agriculture,
Krishi Bhawan, New Delhi.
2. The Director General
ICAR Krishi Bhawan, New Delhi.
3. The Director,
ICAR, Research Complex for NEH Region,
Umium, Umroi Road, Meghalaya.
..... Respondents.

PARTICULARS OF THE APPLICATION

1. PARTICULARS OF THE ORDER AGAINST WHICH THIS APPLICATION IS

MADE:

This application is directed against the action on the part of the respondents in not considering the case of the applicant for regularisation and grant of temporary status under the scheme preferred by the respondents taking into consideration the case of similarly situated employees like that of the applicant. This application is also directed against the action on the part of the respondents in issuing the impugned order ~~rejecting the claim made by other similarly placed employees claiming similar benefit.~~

2
by
Filed
for
the
applicant through
Advocate
Date
30/8/2001

P.L.K.L.K

23.2.90. Pursuant to the aforesaid Apex Court judgment, the Hon'ble Apex Court dismissed the said appeal vide its judgment and order dated 23.2.90. Pursuant to the aforesaid Apex Court judgment, the respondents reinstated all the applicants thereto. To the effect a news paper notification was issued in the local daily. In view thereof in their respective service. The respondents preferred appeal before the Hon'ble Apex Court and the Hon'ble Apex Court was pleased to direct the respondents to reinstate the applicants thereto in the mean time services of some of the similarly situated employees like that of the applicant, have been terminated. Those applicants preferred Civil Rule No. 712/86 before the Hon'ble High Court. Same was subsequently transferred to this Hon'ble Tribunal and same was renumbered as G.O. 112/87. The Hon'ble Tribunal after hearing the parties to the proceeding was pleased to direct the respondents to reinstate the applicants thereto in their respective service. The respondents preferred appeal before the Hon'ble High Court. Same was subsequently transferred to this Hon'ble Tribunal and same was renumbered as G.O. 112/87. The Hon'ble Tribunal after hearing the parties to the proceeding was pleased to direct the respondents to reinstate the applicants thereto in their respective service. The respondents preferred appeal before the Hon'ble High Court. Same was subsequently transferred to this Hon'ble Tribunal and same was renumbered as G.O. 112/87.

4.2. That the applicant got his initial appointment as casual worker in the month of January 1979 under the respondent No.3. In the capacity of casual worker, the applicant continued for long time. In the mean time services of some of the similarly situated employees like that of the applicant, have been terminated. Those applicants preferred Civil Rule No. 712/86 before the Hon'ble High Court. Same was subsequently transferred to this Hon'ble Tribunal and same was renumbered as G.O. 112/87. The Hon'ble Tribunal after hearing the parties to the proceeding was pleased to direct the respondents to reinstate the applicants thereto in their respective service. The respondents preferred appeal before the Hon'ble High Court. Same was subsequently transferred to this Hon'ble Tribunal and same was renumbered as G.O. 112/87.

4.1. That the applicant is a citizen of India and as such he is entitled to all the rights, privileges and protection as guaranteed under the Constitution of India and laws framed of the case is within the jurisdiction of the Administrative Tribunal.

4. FACTS OF THE CASE:

The applicant further declares that the subject matter of the case is within the jurisdiction of the Administrative Tribunal. The applicant has filed within the limitation period prescribed under section 21 of the Central Administrative Tribunal Act, 1985.

3. JURISDICTION:

The applicant declares that the instant application has been filed within the limitation period prescribed under section 21 of the Central Administrative Tribunal Act, 1985.

2. LIMITATION:

of communication gap some of the applicants and union members also failed to get the appropriate information. The applicant however got his reinstatement in his service and continued for fairly long time.

4.3. That the applicant after his initial appointment as casual worker under the Respondent No.3 continued to work with the satisfaction of all concerned. During his service tenure the applicant applied for the post of Workshop Attendant and he was selected for the said post and w.e.f 13.11.84 he joined the said post. [The applicant continued to hold the said post of workshop attendant under the respondent No.3. Thereafter the applicant fall seek. According the applicant took medical leave enclosing due medical certificate] After the recovery from the aforesaid illness, the applicant made a representation dated 22.12.94 highlighting his grievances with a prayer to allow him to resume his duty.

A copy of the representation dated 22.12.94 is annexed herewith and marked as Annexure-1.

4.4. That the applicant begs to state that his selection for the post of workshop attendant was a temporary arrangement made by the respondents and subsequently he was allowed to work as casual worker. It is pertinent mention here that during his service tenure the respondents issued an advertisement dated 7.1.85 for the post of Messenger SS Grade-1. Accordingly the applicant vide a letter dated 31.1.85 submitted his duly filled application for the said post of messenger SS Grade-1.

A copy of the forwarding letter dated 31.1.85 is annexed herewith and marked as Annexure-2.

4.5. That the applicant states that the respondents issued a circular vide RC(R)37/83 dated 18.4.85 by which a list of casual workers working since 1976 to 1983 has been circulated inviting representation against the date of joining mentioned in the said circular. In the said circular the name of the applicant appeared at Sl.No.10. Persons listed along with the applicant now has been granted with the benefit of the schemes prepared by the respondents for grant of temporary status and regularisation. However, the respondents have denied the said benefit to the present applicant. The respondents even did not allow him to resume his duty after he went on medical leave.

A copy of the circular dated 18.4.85 is annexed herewith and marked as Annexure-3.

4.6. That the applicant begs to state that in the year 1993 applicant fell sick and he had to go on medical leave for 3 months. After availing the leave the applicant vide his representation dated 22.12.94 made a prayer to the concerned authority to allow him to resume his duty but respondents did not allow him to resume his duty. His aforesaid representation dated 22.12.94 remained unanswered. The applicant kept on visiting the office of the respondents with a prayer for his re-engagement but same yielded no result in positie. On the other hand persons similarly situated like that of the applicant has been granted with the benefit of temporary status. It is pertinent to mention here that ICAR workers Union filed OA 40/94 before this Hon'ble Tribunal praying for grant of temporary status in the light of various schemes namely scheme of 1988 and 1993. The respondent during the pendency of the OA granted the benefit of 1993 scheme to applicants of OA 40/94 and taking into consideration that aspect of the matter the Hon'ble Tribunal vide Its judgement and

R.Kali G.C.

order dated 24.9.97 disposed of the said OA.

A copy of the aforesaid judgement and order dated 24.9.97 passed in OA No.40/94 is annexed herewith and marked as Annexure-4.

4.7. That the applicant begs to state that in OA 40/94, he was not a party to the proceeding and therefore the benefit of 1993 scheme was not extended to him. It is stated that the applicant although is a member of the said union but at the time of filing of the OA 40/94 due to communication gap he could not contact the union and therefore he has been deprived of his legitimate claim of temporary status under the schemes.

4.8. That the applicant begs to state that under the respondents there are no.of schemes right from 1968 to 1995. All the schemes have been circulated by the respondents vide letter bearing No.21-21/96-CDN dated 7.4.97 to all the concerned authorities. The case of the applicant is covered by various schemes mentioned in the aforesaid letter dated 7.4.97. However, the respondents neither granted him the benefit of the schemes nor allowed him to resume his duty.

The applicant craves leave of the Hon'ble Tribunal to produce the aforesaid letter dated 7.4.97 at the time hearing of the case.

4.9. That the case of the applicant is required to be considered under the schemes adopted by the respondents taking into consideration of his length of service. The applicant made several requests to the concerned authority, but same yielded no result in positive. Situated thus the applicant comes before the Hon'ble Tribunal praying for direction to the respondents to

P. Kali

X

extend the benefit of the schemes as has been granted to the similarly situated employees i.e. the applicants in OA No.40/94 with a further direction to consider his case for grant of benefit under the scheme of 1988.

4.10. That the applicant begs to state that due to his poverty and continuous ailment, he could not approach this Hon'ble Tribunal at the earliest opportunity. The respondents taking into consideration the aforesaid plight of the applicant denied him the benefit as has been granted to the other similarly situated employees working under respondent No.3. As stated above the applicant made several requests but no result came out in positive. Hence this application praying for an appropriate relief.

5. GROUNDS FOR RELIEF WITH LEGAL PROVISION:

5.1. For that the action/inaction on the part of the respondent in not extending the benefit of the scheme is illegal, arbitrary and violative of the Article 14 and 16 of the Constitution of India.

5.2. For that the respondents have acted illegally in not treating the present applicant at par with the other similarly situated employees to whom the benefit of 1993 scheme has been granted. Applicant being a similarly situated employee is also entitled to similar benefit. Deprivation of same has resulted in hostile discrimination and same depicts non application of mind of the respondents.

5.3. For that there being various schemes in existence, the respondents are duty bound to implement the said schemes in case

of the present applicant without requiring him to approach this Hon'ble Tribunal claiming similar benefit.

5.4. For that the respondents has acted illegally in not allowing him to resume in duty taking into consideration the Apex Court judgement and therefore necessary directions deed be issued to the respondents to allow him to continue his earlier post of casual worker forthwith.

5.5. For that in any view of the matter the action/inaction of the respondents are not sustainable in the eye of law and liable to set aside and quashed.

That the applicant craves leave of the Hon'ble Tribunal to advance more grounds both legal and factual at the time of hearing of the case.

6. DETAILS OF REMEDIES EXHAUSTED:

That the applicant declares that he has exhausted all the remedies available to them and there is no alternative remedy available to him.

7. MATTERS NOT PREVIOUSLY FILED OR PENDING IN ANY OTHER COURT:

The applicant further declares that he has not filed previously any application, writ petition or suit regarding the grievances in respect of which this application is made before any other court or any other Bench of the Tribunal or any other authority nor any such application , writ petition or suit is pending before any of them.

8. RELIEF SOUGHT FOR:

Under the facts and circumstances stated above, the applicant most respectfully prayed that the instant application

10

be admitted records be called for and after hearing the parties on the cause or causes that may be shown and on perusal of records, be grant the following reliefs to the applicant:-

8.1. To direct the respondents to extend the benefit of the scheme namely the scheme of 1988 and 1993 to the applicant with all consequential service benefits.

8.2. To direct the respondents to allow him to resume his duty as casual worker forthwith.

8.3. Cost of the application.

8.4. Any other relief/reliefs to which the applicant is entitled to under the facts and circumstances of the case and deemed fit and proper.

9. INTERIM ORDER PRAYED FOR:

Pending disposal of the application the applicant prays for an interim order directing the respondents to allow him to resume his duty as casual worker forthwith.

10.

11. PARTICULARS OF THE I.P.O.:

1. I.P.O. No. : 7G 548542
2. Date : 11/8/2001
3. Payable at : Guwahati.

12. LIST OF ENCLOSURES:

As stated in the Index.

P. Kalita
Clerk

VERIFICATION

I, Shri Pratul Kalita, S/o Late Audi Ram Kalita, aged about 40 years, resident of Vill. No.1 Sonkuriha, P.O. Barbari, Dist- Nalbari, do hereby solemnly affirm and verify that the statements made in paragraphs 1-3, 41-42, 47 to 410 and 5 to 12 are true to my knowledge and those made in paragraphs 43-46 are also true to my legal advice and the rest are my humble submission before the Hon'ble Tribunal. I have not suppressed any material facts of the case.

And I sign on this the Verification on this the 4th day of Sept. of 2001.

Signature.

Shri Pratul Kalita

Dated Barapani, the 22nd Dec. '94

The Director,
ICAR Research Complex,
for N.E.H. Region,
Barapani.

Subject :- Prayer for engagement in regular job-regarding and my application dtd. 9.11.94 in this respect.

Sir,

Most humbly and respectfully, I beg to submit the following for your kind consideration and sympathetic action please :-

1. That Sir, I was serving in ICAR Research Complex since Jan. '79 a casual worker in the experimental Research farm at Byrnihat under the control of ICAR Complex (certificate enclosed). ✓
2. That Sir, I was subsequently called for an interview to the temporary post of work-shop attendant (copy of the letter enclosed) and was selected in the post (copy enclosed) which I had joined immediately and was serving your Institute as workshop attendant from 13.11.84 (copy enclosed).
3. That Sir, I had thereafter fallen sick and could not be in the job for a brief period.]
4. That Sir, following my recovery from the illness, I had started a family of my own and now I have my wife, a son and an ailing mother who are completely dependent upon me.
5. That Sir, I am presently without any job and therefore, I have come back to your esteemed Institute with the hope that your kindself would probably be sympathetic to my plight and give me an opportunity to earn bread both for myself as well as for my family.

It is now Sir, learnt that most of the casual workers working in your esteemed Institute are going to be permanently absorbed as temporary/permanent employees of the Institute. I would Sir, fervently request you to kindly consider my name and previous service (as per enclosed copies) for regularisation as an employee of your Instt. alongwith my other friends.

I would remain evergrateful to you Sir, for your benevolent act of recommending my name for a permanent job which would help in reshaping my life. I hereby assure you of my best services.

Thanking you,

Address

Shri Pratun Ch. Kalita,
C/O Late Anandi Ram Kalita,
Village : Rait Kuchi
P.O. BARBARI
Distt. Nalbari (Assam)

Yours faithfully,

S. Pratun Ch. Kalita
(Pratun Chandra Kalita)

Enclo : As above.

Attested
V. Kalita
Advocate.

Dated Shillong, the 31st, Jan, 1985.

To

The Assistant Administrative Officer, (Admn),
ICAR Research Cmpplex for N.E.H.Region,
"Cedar Lodge" Jowai Road,
Shillong-793003.

Sub:- Application for the post of Messenger, S₄S
Grade-I.

Ref:- Advt. No.RC(R)25/83. dt. 7th,Jan,1985.

Sir,

Kindly find enclosed herewith an application
formate duly filled by me attested copies ^{contd} are also
enclose^d for your kindly consideration and necessary
action please.

Thanking you.

Yours faithfully

Shri Pratul Ch. Kalita

(Shri.Pratul Ch.Kalita)
Un-Skilled employee
ICAR, O&M, Cell.

Attested
U.S.D.
Advocate.

INDIAN COUNCIL OF AGRICULTURAL RESEARCH
ICAR Research Complex for N.E.H. Region
Cedar Lodge, Jowai Road, Shillong-793003

No. RC(R) 37/83

Dated Shillong, the 18th April, 1985.

C I R C U L A R

A. list of casual employees engaged from 1976 to December, 1983, having minimum educational qualification of Class VIII Passed has been compiled on the basis of their date of engagement is enclosed. If, any casual employee engaged till December, 1983 finds that his/her name is missing or the date of first engagement shown in the list is not correct he/she may bring the same to the notice of the undersigned positively by 30th of April, 1985 at the latest with proper justification. If no complain is received, it will be presumed that the list is in order.

Sd/- M.N. Sharma
Asstt. Administrative Officer (Admn.).

Memo. No. RC(R) 37/83

Dated Shillong, the 18th April, 1985.

Copy with two spare copies forwarded to :-

1. All Heads of Divisions.	They are requested kindly to
2. All In-charge of Divisions.	bring the list to the notice of
3. All Heads of Sections.	the casual employees working
4. Farm Manager, Barapani Farm.	under them. They are also
5. Manager O & M Cell.	requested to maintain a Register
6. P.A. to Director.	of casual employees commencing

with the date of first engagement of any casual employees showing clearly total number of days they are present and also to record their date of termination of casual employment in the Section or Division.

A.H.O. (S)

M.N.Sharma
(M.N. Sharma)
Asstt. Administrative Officer (Admn.).

186

Arrested
CHADIS
Advocate.

LIST OF CASUAL EMPLOYEES ENGAGED FROM 1976 TO 1983
IN ORDER OF SENIORITY.

1976

1. Shri Ram Jatan Rai
(He was under age 12 years, at
the time of initial engagement)

Date of joining

15.11.76

1977

✓ 1. Shri Mahesh Nath ✓

1.7.77

1978

PA 1. Shri Rajani Kanta Deka ✓
PA 2. Shri Biren Deka ✓
PA 3. Shri Ganga Dhar Pradhan ✓

24.5.78

14.6.78

16.7.78

1979

✓ 1. Shri Lal Babu Rai ✓
✓ 2. Shri Faizur Rahman ✓
✓ 3. Shri Olivera Momin ✓
FA 4. Shri Netson Sangama ✓

4.8.79

14.9.79

8.10.79

13.10.79

1980

PN 1. Shri Sukhnandan Rai ✓
NIL 2. Shri Abhimanyu Ch. Ghosh ✓

2.1.80

20.4.80

✓ 3. Smt. Theodara Kharbyngar ✓

.8.80

PN 4. Shri Tej Bahadur Chetry ✓

13.9.80

NIL 5. Shri Baneswar Sharma ✓

14.11.80

PA 6. Shri Durjaya Dhan Barman ✓

1.12.80

PA 7. Shri Chattu Prasad Singh ✓

10.12.80

NIL 8. Shri Munin Kalita ✓

11.12.80

1981

PA 1. Shri Keshob Chandra Saikia ✓
PA 2. Shri Madan Chandra Kalita ✓
PA 3. Shri Keshob Chandra Soud ✓
4. Shri Sukieshwar Kalita ✓
5. Shri Babulal Matak ✓
6. Shri Homeswar Talukdar ✓
7. Shri Bipin Chandra Takuria ✓
8. Shri Melwon ✓
9. Md. Saifuddin Ahmed ✓
10. Shri Pratul Chandra Kalita ✓
④ 11. Shri Sushil Kumar Saikia ✓
12. Shri Birbal T. Sangma ✓

1.3.81

18.3.81

1.4.81

1.4.81

22.4.81

1.6.81

28.6.81

1.9.81

1.9.81

1.1.81

17.11.81

.81

Attested
by
Advocate.

L.P.T.O. 2/....

25
1982

	<u>Date of joining</u>
1. Shri Durjao Chandra Das	1.3.82
2. Shri Lohit Kr. Bordoloi	1.5.82
3. Smt. Sarala Kalita	1.11.82
4. Shri Prafulla Borah	15.11.82
5. Shri Bijoy Kr. Thakur	16.11.82
6. Shri Mahesh Ch. Borah	16.11.82
7. Shri Purneswar Baruah	16.11.82

1983

1. Shri Upinder Singh	11.1.83
2. Shri Sochi Talukdar	1.2.83
3. Smt. Jubirian Lakhia	1.2.83
4. Shri Beeson Marak	22.3.83
5. Shri Hema Kanta Deka	14.4.83
6. Shri Ananda Chandra Das	1.5.83
7. Shri Amrit Chandra Das	23.5.83
8. Shri Lohit Chandra Das	6.6.83
9. Shri Durga Bahadur Chetri	17.6.83
10. Shri Bhupen Kalita	1.8.83
11. Shri Kaliram Baishya	1.9.83

ANNEXURE - 4

Annexure A

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No. 40/94

Date of Order : This the 24th Day of September 1997

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

Hon'ble Shri G.L. Ganguly, Member, Administrative

1. The Indian Council of Agricultural Research (ICAR) Workers Union, Office of Barapani, Shillong, representation by its General Secretary, Smti Maya Thapa.

...Applicants

By Advocate Mr. B.K. Sharma, Mr. M.K. Choudhury.

-Vs-

1. The Union of India, represented by the Secretary, Ministry of Personnel, Public Grievances and Pensions, New Delhi.
2. The Director, Indian Council of Agricultural Research, ICAR Complex, for North Eastern Hill Region, Cedar Road, Shillong-3

...Respondents

By Advocate Mr. S. Ali, Sr.C.B.B.C.

ORDER

BARUAH J(V.C.)

The Applicant is a registered Union of the employees of Indian Council of Agricultural Research (for short ICAR), at Barapani. This Union represents the interest of the members of the Union. The names mentioned in Annexure A are some of the members of the

CACB

Applicant Union. They have been engaged as casual labourers for many years as mentioned in Annexure 'A'. The Govt. of India prepared a scheme known as "casual labourers grant of temporary status and regularisation." This scheme came into force from 1.9.1993. It is admitted that the members of the Applicant Union are entitled to the benefit of said scheme. Inspite of that, authorities have not granted temporary status to them. Hence this present application.

2. The contention of the Applicants is that they are also entitled to get the benefit of the another scheme, as mentioned in Annexure 'C'. They claimed the benefit of the under-mentioned scheme, for grant of temporary status. However, they had not been granted the benefit, therefore, they filed an original application in the year of 1994.

3. We have been both sides. Mr. B.K. Sharma learned counsel appearing on behalf of the Applicants submits that during the pendency of this application, the Respondents granted temporary status to the members of the Applicant as per Annexure 'C' Office Memorandum dated 10.9.93. Therefore, in so far of the Applicants for grant of temporary status is concerned this application has become infructuous. However, the Applicants are also entitled to the benefit of 1989 scheme which was denied to them. All facts regarding

Apposed
X
Advocate

5/17/

the scheme BB are not available here. Records have not been produced before this Tribunal by the Sr. Central Government Standing Counsel on behalf of the Respondents inspite of the order. Therefore, it is not possible for this Tribunal to decide the matter.

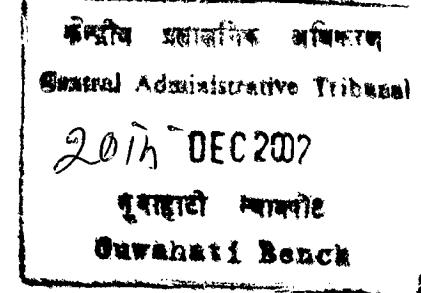
4. In view of the above we dispose of the application with a direction to the Respondents - specifically Respondent No. 2 to consider this aspect to the matter. For that purpose the Applicant Union may submit a representation giving details of the claim before the authority within 3 weeks from to-day. If such representation is filed within the said period the Respondents shall consider the representation also and shall pass a reasoned order within 2 months.

5. Thereafter considering the entire facts and circumstances of the case we make no order as to costs.

Sd/- Vice Chairman

Sd/- Member (A)

Attested
[Signature]
Advocate.



Filed By:
The Respondents

Through: R. S. Chowdhury
Advocate
20/12/2007

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH AT GUWAHATI

D.A.NO.367/2001

Shri Pratul KalitaApplicant.

-Versus-

Union of India & Ors.

....Respondents.

IN THE MATTER OF :-

Written Statement filed on behalf of
the Respondents.

1. That all the averments and submission made in the Original Application are denied by the answering respondents, save and except those which have been specifically admitted herein and that which appears from the records of the case.
2. That with regard to the statements made in Paragraph-1 of the application, the answering respondents state that the same are self revealing of the fact that the applicant has no cause of action to file the instant application. There is no mention of any order/date by which the applicant has been aggrieved and hence the same are vague and not precise.

Contd.....p/-

[2]

3. That the statements made in Paragraph-2 of the Original Application are incorrect and hence denied by the answering respondents. The applicant has approached this Hon'ble Tribunal after a lapse of more than 10 years and hence the application cannot be considered to be within the limitation period as prescribed under Section 21 of the Central Administrative Tribunal Act, 1985 and is liable to be dismissed as time barred.

4. That with regard to the statements made in Paragraph-3 and 4.1 of the application the answering respondents have no comments to offer.

5. That with regard to the statements made in Paragraph-4.2 of the Original Application the answering respondents accept that the applicant might have been engaged as unskilled casual labour on daily wages under Experimental Research Farm in Byrnihat in the month of January 1979 as claimed by the applicant. This might have been done with regard to the requirements from time to time but the respondents deny that the applicant worked regularly for a long period of time. The subsequent statements made in Paragraph-4.2 with regard to the case No. GC 112/87 are in no way applicable in the case of the applicant. It is categorically stated

[3]

that the applicant was not working on the rolls of ICAR at the time of labour agitation which took place in the year 1986 and hence, the statements made to the effect that "in the meantime services of some of the similarly situated employees like that of the applicant have been terminated" are categorically denied and the applicant cannot be considered to be similarly situated to the employees of GC 112/87. Further, the statements of the applicant regarding his reinstatement in service consequent to the judgment of the Apex Court are completely false and misleading and the respondents deny that the applicant was ever reinstated pursuant to the judgment of the Apex Court.

6. That the answering respondents categorically deny the statements made in Paragraph-4.3 of the Original Application since the same are vague and misleading. The applicant was never offered regular appointment for the post of Workshop Attendant, rather he was engaged as unskilled casual worker on daily wages and was engaged as ^{skilled} casual worker with effect from 13.11.84. The other statements made by the applicant that he took medical leave enclosing due medical certificate are denied by the respondents. The applicant has not stated the period of leave and neither as he enclosed the medical certificate. At this stage the respondents

[4]

..... further states that the Office of ICAR has never received any representation dated 22.12.94 made by the applicant. However, a similar representation which has been enclosed as Annexure-I to the D.A. was received on 09.11.94 by the Office concerned. The said representation dated 22.12.94 allegedly submitted by the applicant clearly states that after joining as skilled casual worker the applicant had fallen sick and could not continued. It is further submitted in the representation by the applicant as follows:-

"5. That Sir, I am presently without any job and therefore I have came back to your esteemed institute for the hope that your kindself would probably be sympathetic to my plight and give me an opportunity to earn bread both for myself as well as for my family.

It is now Sir, learnt that some of the casual workers working in your esteemed institute are going to be permanently absorbed as temporary/permanent employees of the institute. I would Sir, fervently request you to kindly consider my name and previous service (as per

[5]

enclosed copies) for regularisation as an employee of your institute along with my other friends".

The said representation is self-explanatory that the applicant is trying to establish his case as analogous to the other casual workers who are on the rolls of ICAR during the labour agitation in the year 1986.

7. That with regard to the statements made in Paragraph-4.4 of the Original Application the answering respondents states that the Annexure-II of the Original Application is nothing but an application submitted by the applicant for the post of Messenger SS Grade-I. The Annexure-II dated 31.01.85 is not a forwarding letter and further the advertisement No.RC(R) 25/83 dated 07.01.85 which has been referred to by the applicant cannot be established because the post of Messenger - SS is filled up through the local employment exchange and not through open advertisement. Hence, the legality and authenticity of the Annexure-II of the O.A. is subject to the scrutiny of this Hon'ble Tribunal.

8. That with regard to the statements made in Paragraph-4.5 the respondents state that the

[6]

Circular No.RC(R) 37/83 dated 18.04.85 was issued by the respondents enclosing therewith the names of casual labourers who are engaged during the year 1976-1983 and their respective date of joining. As per the said list the name of the applicant was shown as working w.e.f. 01.01.1981 and not from June 1979 as has been alleged by the applicant in Paragraph-4.2 of the Original Application. It is further stated that had the applicant been in the rolls of ICAR on 31.04.85 the date on which the said list was circulated, he ought to have clarified about his actual date of joining as casual labourer for correction. The answering respondent further deem it pertinent to mention at this stage that after joining as skilled casual worker w.e.f. 13.11.84 the applicant continued to render his services for only a few weeks and thereafter has unilaterally withdraw himself from his duties abruptly without any intimation to the authorities concerned. It may be surmised that since the applicant was not on the rolls of ICAR in April 1985 he did not inform/approach regarding his actual date of joining as casual labour. The other persons shown in the list might have continued in the rolls of ICAR and hence may have been considered for regularisation and grant of temporary status when the schemes were implemented and as per direction of the Hon'ble Apex Court. The question of denying

Contd.....p/-

[7]

any benefit to the present applicant and the allegation of not allowing him to resume his duty after he went of medical leave are categorically denied by the answering respondents.

9. That the answering respondents categorically deny the contention of the Paragraph-4.6 of the Original Application and further state that the applicant had withdrawn himself from his duties a few weeks after joining as skilled casual worker w.e.f. 13.11.84. The applicant was not on the rolls of ICAR much before the launching of the 1988 and 1993 schemes and hence the question of granting him the benefit of the same does not arise. In this regard, it is pertinent to state that the list of the casual workers on roll from 1982 upto June 1986 does not include the name of the applicant. In that view of the matter, the judgment and order dated 24.09.97 passed in O.A. No.40/94 which has been annexed as Annexure-IV to the O.A. does not for any bearing with the case of the applicant at hand.

The relevant portion of the said list is annexed herewith and marked as
ANNEXURE-A.

The petitioner craves leave to produce

Contd.....p/-

the entire list of casual labours who are engaged in the ICAR Farm Section upto June 1986 if so required by this Hon'ble Tribunal.

10. That the statements made in Paragraphs- 4.7 and 4.8 of the Original Application are denied as the same are vague, misleading and have been made with the sole intention of misguiding the Hon'ble Tribunal. The applicant has not made any specific averments as to under which scheme he is eligible for regularisation. The answering respondents further reiterate the statements made in the foregoing paragraphs regarding the applicant's withdrawal from duties without any intimation to the ICAR authorities.

11. That the answering respondents deny the statements made in paragraphs-4.9 and 4.10 of the application and further reiterate that the applicant is not eligible for any benefit under 1988 and 1993 schemes as he had withdrawn himself from his duties much before the launching of these schemes and hence this application is liable to be rejected.

12. That in order to clarify the matter

[9]

upon learning of the filing of the Original Application before this Hon'ble Tribunal the authorities concerned vide letter issued under Memo No.BK-2/29/51-2001 dated 07.10.2002 queried the Manager of O. & M. Cell regarding engagement of the applicant. In response to the said query the then Manager/O. & M. Cell, ICAR (when the engagement order dated 13.11.84 was issued to the applicant) vide letter dated 30.01.2002 furnish his reply stating therein that the applicant had worked with the officer concern as skilled casual labour in O & M Cell w.e.f. 13.11.84 and had continued hardly 2-3 months. Later on he abruptly disappeared and never reported back on duty.

Copies of the said letters dated 07.01.2002 and 30.01.2002 are annexed herewith and marked as ANNEXURES-B & C respectively.

13. That the answering respondents further deem it pertinent to state that another applicant in O.A. No.175/1998 (Korbalin Nongkesh) had filed the application alleging that he was initially engaged as a casual labour in the year 1983 and thereafter had continued as a casual labour under the respondents. It was further states by the applicant therein that he unfortunately fell ill in

Contd.....p/-

[10]

the year 1993 and continued to suffer till October 1994 but was not allowed to join subsequently. This Hon'ble Tribunal after hearing the parties held that "In my opinion the applicant was not in employment with the respondents on 10.07.93 when the scheme of 1993 was applicable..... the applicant had also not completed 240 days of continuous service on the date of scheme was applicable..... The scheme is onetime measure for giving advantage to casual workers. Therefore, only those casual workers who fulfills these conditions can be given advantage of these schemes..... Original Application deserves to be dismissed and is hereby dismissed".

The answering respondents respectfully submit that the case of the applicant cannot be considered under the scheme 1988 or 1993 as he was not on the rolls of ICAR 240 days prior to the application of the scheme as required. The name of the applicant in fact does not furnish in the list of casual workers of ICAR upto June 1986. In that view of the matter, the respondents humbly submits that the application is liable to be dismissed.

A copy of the Order dated 17.05.2000 passed by this Hon'ble Tribunal in O.A.

Contd.....p/-

28

[11]

No.175/98 is annexed herewith and marked
as ANNEXURE-D.

14. That none of the grounds averred in the Original Application are valid grounds and no fundamental right of the applicant has been infringed in any way. Under the facts and circumstances as have been narrated above it is submitted before this Hon'ble Tribunal that the instant application is devoid of any merit and is to be dismissed with cost.

Verification.....

VERIFICATION

I, Shri/Dr. Karna Malla Bijay Singh son of Shri/Dr. late A.M. Bijay Singh, aged about 50 years, presently working as Director, Indian Council of Agricultural Research Complex, NEH Region, Umroi Road, Barapani, do hereby verify that the statements made in para 1 to 14 are true to my knowledge, belief and records derived therefrom and I have not suppressed any material facts.

Place :

Date :

Karna Malla Bijay Singh
Director/Incharge Director.

Name of La b our	1982	1983	1984	1985	1986 upto June
667. Nuton Ba nik	-	-	1 1	-	-
668. Nirupom Talukdar	-	-	273	98	-
669. Nogen Basumotri	-	-	245	122	-
670. Nogendra Boraha	-	-	134	-	-
671. Nolbadur Thapa	-	-	31	-	-
672. Noren Baruha	-	-	124	75 $\frac{1}{2}$	-
673. Nolbadur Thapa	-	-	122	-	-
674. Noba Dutta	-	-	-	284 $\frac{1}{2}$	31
675. Nripen Sharma	-	-	-	60 $\frac{1}{2}$	-
676. Nathuram Marak	-	-	-	255 $\frac{1}{2}$	6
677. Nikhsang Marak	-	-	-	199 $\frac{1}{2}$	45
678. Nerperson Momom	-	-	-	184 $\frac{1}{2}$	-
679. Narayan Baruha S.	-	-	-	135	36 $\frac{1}{2}$
680. Nando Kumari	-	-	-	151	46
681. Naren Ch. Das	-	-	-	163 $\frac{1}{2}$	6 $\frac{1}{2}$
682. Nandiram Das	-	-	-	162 $\frac{1}{2}$	44
683. Nitson Singhma	-	-	-	202 $\frac{1}{2}$	-
684. Ne ls on Singhma	-	40	304	31 2 $\frac{1}{2}$	45 $\frac{1}{2}$
685. Olda	-	19	163	209	3 6
686. Ontina	-	57 $\frac{1}{2}$	-	-	-
687. Onebish	-	134 $\frac{1}{2}$	-	-	-
688. Podom Bhadur soner	186 $\frac{1}{2}$	02	195 $\frac{1}{2}$	-	-
689. Purnobhadur	5	-	2 3	-	-
690. Pobon Bora	350	277	116	21 $\frac{1}{2}$	<i>Adjusted</i>
691. Purnola l	23	-	-	-	<i>Adjusted</i>
692. Purnobhadur	1	-	-	-	<i>Adjusted</i>
693. P. Sharma	181 $\frac{1}{2}$	134	-	-	<i>Adjusted</i>
694. P.C. Das	57	-	-	-	<i>Adjusted</i>
695. Pot	61 $\frac{1}{2}$	124	-	-	<i>Adjusted</i>
696. Phul May a	67	-	-	-	<i>Adjusted</i>
697. Pro	5	-	-	-	<i>Adjusted</i>
698. Prembadur soner	55	371 $\frac{1}{2}$	18 $\frac{1}{2}$	297 $\frac{1}{2}$	30
699. Pa ele ss	24	253 $\frac{1}{2}$	235	44	-
700. Pholorin	20	-	268	-	-
701. Premis ton	5	-	-	-	-
702. Pospa	-	126 $\frac{1}{2}$	195 $\frac{1}{2}$	272 $\frac{1}{2}$	34
703. Pholonine	-	-	-	272	12
704. Pe t ros s	-	-	238	119	-
705. P huloro Maw long	-	130	57	22	-
706. Pra dip Bora	-	-	237	291 $\frac{1}{2}$	43 $\frac{1}{2}$
707. P odom Bhadur Chetri	-	-	-	301 $\frac{1}{2}$	50

Certified to be true copy.

R. S. Chowdhury

Advo case

Name of labour	1982	1983	1984	1985	1986
			19		
708. Phenam Momim	-	-	234	255½	-
709. Preiston Marak	-	-	117	71	-
710. Pranesh Sanghma	-	-	-	48	-
711. Phonwe 1	-	11 1	266	291½	30
712. Prod ip Kalita	-	-	39	331½	30
713. Padma Nath	-	67	355	327½	43
714. Prosonto Sharma	-	-	300	141½	-
715. Phulan Das	-	-	68	29	-
716. Petila	-	-	74	53	-
717. Pradiprava	-	-	96	142	-
718. Prom iden	-	-	-	59	-
719. Pa thani Pradhan	-	-	-	59	-
720. Phidine Sanghma	-	-	-	127	31½
721. PremNaryan Sharma	-	-	-	19	-
722. Prodip Sanghma	-	-	-	48	-
723. Probhak Bajbaruah	-	-	-	179	49
724. Plntime	-	-	97 39	148	44½
725. P orings ton	-	-	-	6	-
726. P hremon Nongrum	-	-	-	123	50
727. PodomBhadur	-	-	-	288½	50
728. P r omud Thakuria	-	-	-	241	48
729. Fred ish Sanghma	-	-	-	10	-
730. Phena Momim	-	-	-	35	-
731. Philips Marak	-	-	201	69	-
732. Parboti	-	201	69	-	-
733. Phunkumari	-	3	-	-	-
734. Phunkumari	-	58	-	-	-
735. Phuneshwar Da s	-	2	-	-	-
736. Pilamon	-	131	85	-	-
737. Putitic	-	3	-	-	-
738. Purno K anto Gogoi	-	45	-	-	-
739. P. K. Boraha	-	7	-	-	-
740. Petwashar Rava	-	11	-	-	-
741. Pritila	-	109½	-	-	-
742. Pobin Kalita	-	148½	39	-	-
743. P Mazoned	-	98	139	-	-
744. Putu	-	73	-	-	-
745. Probhak Kalita	-	43	2 4	-	-
746. P rasonto Kakoti	-	-	37	-	-
747. Phris	-	-	21	-	-
748. Purshaha	-	-	-	-	-

Amritpur
12/12/07

North East
Region
103

103
Region
103

Name of labour	1982	1983	1984	1985	1986
749. Premjol Bhatta	-	-	30	-	-
750. Prenin Bhadur	-	-	318 $\frac{1}{2}$	-	-
751. Probin Kr. Das	-	-	236 $\frac{1}{2}$	-	-
752. P. C. Marak	-	-	114	-	-
753. Puspa(Ag ro)	-	-	79	-	-
754. Pharkulis h	-	-	4	-	-
755. Phulmaya	-	-	104	-	-
756. Protop Burman	-	-	5	-	-
757. Progoliaya	-	-	522	-	-
758. Petric sanghama	-	-	27	-	-
759. Ratna Bhadur	104 $\frac{1}{2}$	172	-	-	-
760. Robre	164	22	-	-	-
761. Rolkhadur	66	227	214 $\frac{1}{2}$	93	-
762. Rungh	52	-	-	-	-
763. Runa	53 $\frac{1}{2}$	-	-	-	-
764. Rambhadur jad ev	1	-	-	-	-
765. Rameshwzr Kalita	62	71 $\frac{1}{2}$	-	-	-
766. Rambhadur chetru	22	220 $\frac{1}{2}$	2	-	-
767. Radhika	-	9	-	-	-
768. Ropolina	-	29	-	-	-
769. Rafiq uil	-	296 $\frac{1}{2}$	332	270	40
770. Raijee momim	-	9	-	-	-
771. Radaline	-	57	2	-	-
772. Renuka	-	30	-	-	-
773. Ranbhadur	-	23	215	-	-
774. Roklang sheilling	-	22	-	-	-
775. Romila Sanghama	-	7	244	283	50
776. Rambhadur	-	14	218	-	-
777. Rambhadur Doorjee	-	-	328	326	50
778. Rina	-	-	36 $\frac{1}{2}$	-	-
779. Ranu cherti	-	-	215	115	-
780. Rafia r	-	-	138	-	-
781. Renaline	-	-	297 $\frac{1}{2}$	22	-
782. Robinea	-	-	144	119	-
783. RinalanNongrum	-	-	49	-	-
784. Ratneshwar	-	-	150	122 $\frac{1}{2}$	46
785. Radha Chetri	-	-	295	240	28
786. Robegh	-	-	264	50	-
787. Rachina	-	-	25	-	-
788. Robinkalita	-	-	220 $\frac{1}{2}$	-	-



— 16 —
भारतीय कृषि अनुसंधान परिषद्
उत्तर पूर्वी पर्वतीय कृषि अनुसंधान संस्थान
उम्रोई रोड, उमियम (बड़ा पानी)
मेघालय

Gram : Agricoplex
Ph : 570257, 570386, 570355
Fax : 570288

B
ANNEXURE—

33—

Dated....7th...Jan./2002

Bk-2/29/51-2001

Ref. No.....

To:

Shri J.K. Bharali,
Ex Manager, O.M. Cell
ICAR Research Complex for
N.E.H. Region, Barapani - 793 103

Sub: ~~Engagement order~~
The service experience certificate dated 13-11-84
1st March, 1988 issued by you to Shri Pratul
Chandra Kalita, ex skilled labour (copy enclosed)

Sir,

~~Shri~~ N.N. Ram

13-11-84

Kindly refer to the certificate dated 13-11-1984
issued by ~~you~~ in respect of Shri Pratul Chandra Kalita, S/O
Late Anadi Ram Kalita for his engagement as skilled labour.
In this connection, please submit the following information
at an early date.

1. After joining as skilled labour w.e.f. 13.11.1984
upto which period Shri Kalita was working with
you.
2. How the payment was made to him ?
3. Whether Shri Pratul Kalita was working in
ICAR in your cell at the time of labour
agitation which had started in the year
1986.

Encl: as stated above.

Yours faithfully,
Wing 1/12
(H.S. Chakraborty)
AAO (LC)

Received
No copy
7.1.02

82

Certified to be true copy.

R. J. Chowdhury
Advocate

Dated 30.1.2002

34

To :

The Assistant Adm. Officer,
Legal Cell
ICAR, Umiam.

Sub : Information regarding Shri Pratul Ch. Kalita.

Ref : Your letter No. BK-2/29/51-2001
dated 7th January, 2002

Sir,

I am in receipt of your letter dated 7th January, 2002 on the subject as cited above. In this connection, the following information is furnished for your kind perusal.

1. Shri Pratul Chandra Kalita had worked with me as skilled labour in O.M. Cell w.e.f. 13.11.1984 and continued hardly for 2-3 months. Later on he abruptly disappeared and never reported back on duty.
2. For the above brief period he was paid wages through contingency advance drawn by me.
3. No. Shri Pratul Kalita was not working at the time of labour unrest. As clearly stated he abruptly disappeared after working in O.M. Cell for 2-3 months in 1984-85 and never reported for duty in O.M. Cell. Hence he was not present at the time of labour unrest.

J.K. Bharali
(J.K. Bharali)
Ex Manager, O.M. Cell, ICAR
(RC) for NEH Region, Umiam.

1/c Legal Cell may please
See altu information furnished
by Sir J.K. Bharali regarding
above referred letter of the Legal
Cell of the Complex.

The legal cell 1/2/02
seen p7 *1/2/02*

Certified to be true copy.
R. S. Chowdhury
Advocate

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

O.A. NO.175 OF 1998

Date of Order - 17th May, 2000.

HON'BLE MR. A.K. MISRA, JUDICIAL MEMBER.

Shri Korbalin Nongkesh,
C/O Shri P.L. Lngdoh,
Resident of Ladumsaw,
Barapani, Meghalaya.

- APPLICANT

By Advocate Mr. S. Sarma.

- Versus -

1. Indian Council of Agricultural Research, Krishi Bhawan, New Delhi, represented by its Director General.
2. The Director, Indian Council of Agricultural Research, ICAR, Research Complex, N.E. Hills Region, Barapani, Meghalaya, Pin 793 003.
3. The Union of India, Represented by the Secretary to the Government of India, Ministry of Agriculture, Krishi Bhawan, New Delhi.

- RESPONDENTS

By Advocates Mr. K.N. Choudhury, Mr. P. Bhowmik, ICAR.

JUDGMENT AND ORDER

The applicant has filed this O.A. with a prayer that the respondents be directed to reinstate the applicant in his services as casual employee (Grade-'D') with retrospective effect will all consequential benefits. The

26/5/2000
Certified to be true copy.

R. S. Choudhury
Advocate

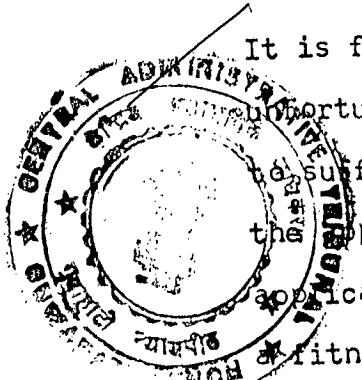
applicant ...



applicant has further prayed that the respondents be directed to extend the benefit to the applicant as envisaged under the "Casual Labourers (Grant of Temporary Status and Regularisation) Scheme of Government of India, 1993 (for short "the 1993 Scheme"), with costs of the application.

2. The applicant in his O.A. has alleged that he was initially engaged as a casual labourer in the year 1983. Thereafter, he continued as a casual labourer under the respondents. For non-fulfilment of demands of the daily rated casual workers there was a strike in November, 1985. The respondents resorted to lock out and rendered the applicant and others jobless. Due to action of the respondents, the applicant and others filed a writ petition in Gauhati High Court which was ultimately transferred to this Tribunal and in that case the respondents were directed to re-engage the casual labourers rendered jobless by the action of the respondents. The order of the Tribunal was upheld by the Supreme Court by order dated 28th February, 1990 and consequent thereto the respondents allowed the casual labourers to resume their duties under the department.

It is further alleged by the applicant that thereafter unfortunately the applicant fell ill on 7.3.93 and continued to suffer till 7th October, 1994. All through the period, the applicant was being treated for his ailment. The applicant on 8th October, 1994 reported for his duty with a fitness certificate but was not allowed to join his duty. He thereafter made many representations to the concerned authorities i.e. the respondents. The applicant



7.3.93 to 7.10.94
7 months
was ...

was verbally assured to be taken on duty but the assurance ~~was~~ never materialised and thus, the applicant was forced to file the present O.A. It is stated by the applicant that in order to regularise the services of the casual labourers the Government of India formulated a scheme in the year 1993. Consequent thereto the applicant is entitled to the benefit of the said 1993 Scheme as prayed in the O.A.

3. On notice to the respondents, the respondents filed reply in which it is stated that the applicant is not entitled to the benefit of the said Scheme of 1993 because on the date the Scheme was made applicable the applicant was neither in employment nor had rendered services for 240 days immediately preceding the date of the Scheme. Hence, no benefit as claimed by the applicant can be extended to the applicant for grant of temporary status. The O.A. has no merit and deserves to be dismissed.

4. I have heard the learned counsel for the parties and perused the case file. Both the learned counsel for the parties have argued on the lines of their pleadings.

5. I have considered the rival contentions. In my opinion, the applicant was not in employment with the respondents on the 10th September, 1993 when the Scheme of 1993 was made applicable. In fact, the applicant was absent from duty on account of his ailment from 7.3.93 to 7.10.94. Thus, the applicant had also not completed 240 days of continuous service on the day the Scheme was

made ...

made applicable. For applicability of the Scheme and for taking advantage of the Scheme the claimant employee should fulfill both the conditions i.e. he should have been in employment of the respondents on the date the Scheme was made applicable and had also rendered 240 days service to the respondents on the given date. In the instant case, the applicant who is seeking advantage of the Scheme does not fulfill the two conditions as mentioned in the Scheme. Therefore, no advantage can be extended to the applicant in this regard. The applicant might have rendered 9 years of continuous service earlier but that does not help the applicant for claiming advantage of the Scheme. The Scheme is one-time measure for giving advantage to the casual workers. Therefore, only those casual workers who fulfill the given conditions of the Scheme can be given advantage of the Scheme. In the instant case, the applicant is not entitled to the benefit of the Scheme as he does not fulfill the given conditions of the Scheme for applicability of the same.

6. / The O.A. deserves to be dismissed and is hereby
dismissed. /

SD/ MEMBER(J)



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प्रसागित प्रतिलिपि

१८७१ मार्च