

GUWAHATI BENCH  
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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SECTION OFFICER (Judl.)

FORM NO.4

(See Rule 42)

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

ORDER SHEET  
APPLICATION NO

131 OF 2001

Applicant (S) *S. Mallik*

Respondent(s) *V. O. D. Roy*

Advocate for Applicant(s) *M. Chanda, Mrs. N. D. Goswami*

Advocate for Respondent(s) *Cafe*

Notes of the Registry

Date

Order of the Tribunal

This application is in form

of the Tribunal

Part - I of the Tribunal

Part - II of the Tribunal

Part - III of the Tribunal

Part - IV of the Tribunal

Part - V of the Tribunal

Part - VI of the Tribunal

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Part - XXX of the Tribunal

11.4.01

List on 9.5.01 for Admission.

Vice-Chairman

lm

9.5.2001

Heard Mr. M. Chanda, learned  
counsel for the applicant.

The application is admitted. Call  
for the records.

List on 13.6.2001 for orders.

Vice-Chairman

20.4.2001

bb

An additional statement  
has been submitted 13.6.01  
by the counsel for the  
applicant on 20.4.2001

At the request of Mr. A. Deb Roy  
Sr, C.G.S.C. four weeks time is  
allowed for filing of written state-  
ment. List on 13.7.01 for filing of  
written statement.

Member

20/4/2001

lm

22/5/01 Enlosure not submitted  
Notice prepared & sent  
to D/S for now the  
respondent No 1 to 5  
vide A/No 1874 to 1878  
dated 23/5/01  
22/5/01.

O.A. 131 of 2001

Mr. A. Deb Roy, Sr. C.G.S.C. request for  
time to file written statement. List on  
17.8.01 for filing of written statement and  
further orders.

ICUShan  
Member

12-7-2001

No. W/S has been  
file by Respelt. lm

17.8.01

At the request of Mr. A. Deb Roy,  
Sr. C.G.S.C. 4 weeks time is for filing of  
written statement. List on 14.9.01 for  
orders.

ICUShan  
Member

No. W/S has been  
Submitted,

lm

14.9.01,

Pleadings are complete. The case now be listed  
for hearing on 16/11/01.

Vice-Chairman

20-8-2001 mb

W/S has been 16.11.01

Submitted by the  
respondents.

PD

Mr. M. Chanda, learned counsel for the  
applicant prays for a short adjournment  
for his personal difficulties. Prayer  
allowed.

List the matter again for  
hearing on 21.12.2001.

ICUShan Member

4-9-2001

trd  
21.12.01

Response submitted  
by the applicant in  
reply to the W/S filed  
by the respondents.

Mr. M. Chanda, learned counsel for  
the applicant prays for short adjournment  
on the ground that he has to take some  
instructions in the matter. Prayer is  
accepted. List on 6.2.2002 for hearing.

ICUShan  
Member

The case is ready  
for hearing. mb


20.12.01

21/2/2002

Copy of the Judgment  
has been sent to the  
Office for issuing  
the same to the applicant  
as well as to the D.C.G.S.C.  
by hand.

6.2.01

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

  
Vice-Chairman

trd

**THE GAUHATI HIGH COURT  
:(THE HIGH COURT OF ASSAM, NAGALAND, MEGHALAYA, MANIPUR,  
TRIPURA, MIZORAM AND ARUNACHAL PRADESH)**

**WRIT PETITION (C) NO. 7808 OF 2002**

1. Union of India,  
represented by the Secretary, Ministry of Information and Broadcasting,  
New Delhi.
2. Director General,  
All India Radio, Akashvani Bhawan, New Delhi.
3. The Chief Engineer (Civil),  
Civil Construction Wing, All India Radio, New Delhi.
4. The Superintending Engineer,  
Civil Construction Wing, All India Radio.
5. The Executive Engineer (Civil),  
Civil Construction Wing,  
All India Radio, Dibrugarh.

... PETITIONERS.

-Versus-

Shri Shyamal Kumar Mallick.  
Son of late Satish Chandra Mallick,  
Borbari Railway Colony. Quarter No.45/A,  
District Dibrugarh, Assam.

... RESPONDENT.

**P R E S E N T  
HON'BLE THE CHIEF JUSTICE MR. B.SUDERSHAN REDDY  
HON'BLE MR. JUSTICE P.G.AGARWAL**

Advocates for the petitioner : Mr.H.Rahman, Asstt. Solicitor General

Advocates for the Respondent : Mr.M.Chanda,  
Mr.S.Ghosh

Date of hearing : December 15, 2005

Date of Judgment : December 15, 2005

**JUDGMENT AND ORDER  
(ORAL)**

**AGARWAL, J:** The Union of India has preferred this writ petition against the order dated 06.02.2002 passed by the Central Administrative Tribunal, Guwahati Bench in Original Application No. 131/2001.

2. The Respondent Shri Shyamal Kumar Mallick, a member of the Scheduled Caste, was serving as a Casual Labourer under the Government of India and his services were verbally terminated in the year 1990. The respondent was eligible for appointment under the scheme of Government of India - "Grant of Temporary Status and Regularisation Scheme, 1993" and he approached the Central Administrative Tribunal for a direction to absorb him in a Group-D post. The Respondent/applicant had earlier approached the Central Administrative Tribunal in O.A.No.172/95, which was disposed of with the observation that the Chief Engineer(C), CCW, All India Radio shall take necessary decision and convey the same to the applicant within a period of two months from the date of receipt of the order. Thereafter, a contempt petition was also filed, which was withdrawn on the assurance that necessary orders will be passed in the matter. However, as no relief was given, the matter was finally heard and the learned Tribunal disposed of the matter directing the Respondent Authorities to resolve the situation either by absorbing the Respondent/applicant against any vacant Group 'D' post as per the communication dated 15.10.1996 or to take steps for conferment of temporary status. The above direction was issued in view of the assertion of the applicant that he had worked for the required period of time for conferment of temporary status or for absorption against the vacancy of Group 'D' post.

3. We have heard Mr.H.Rahman, learned Assistant Solicitor General for the petitioner and Mr.G.Lal, learned counsel appearing for the Respondent.

4. The factual matrix of the case are not disputed and the direction of the learned Tribunal was only to resolve the situation in accordance with the Rules and as such this petition is devoid of any merits. Accordingly, this petition is dismissed.

5. The Respondent/applicant is seeking relief for the last 10 years and we direct that the order of the Central Administrative Tribunal be given effect within a period of 60 days from the date of this order.

84/- PS AGARWAL  
JUDGE

84/- BS SINGH  
CHIEF JUSTICE

Contd.....

15 - 3 JAN 2006

Guwahati Bench.

गुवाहाटी न्यायापीठ  
R.M. dtd. 21/06

48-52  
Memo No.HC.XXI

Copy forwarded for information and necessary action to :

- Spl. Mess
1. Union of India, represented by the Secretary, Ministry of Information and Broadcasting, New Delhi.
  2. Director General, All India Radio, Akashvani Bhawan, New Delhi.
  3. The Chief Engineer (Civil), Civil Construction Wing, All India Radio, New Delhi.
  4. Shri Shyamal Kumar Mallick, Son of late Satish Chandra Mallick, Borbari Railway Colony, Quarter No. 45/A, District - Dibrugarh, Assam.
  5. Deputy Registrar, Central Administrative Tribunal, Guwahati Bench, Rajgarh Road, Bhangagarh, Guwahati-781005. He is requested to acknowledge receipt of the following case records. This has a reference to his letter No. CAT/GHY/68/2001/Judl/348 dated 24-04-2003

Enclo :-

1. G.A. 131/01 (Part-A)

contents

- ① O/S-(2)
- ② Judgment dtd. 6.2.02-  
4 pages
- ③ Application (Pages 1 to 9.)  
2 other connected papers,  
annexures and documents.

By Order

Asstt. Registrar (I&E)  
Guwahati High Court, Guwahati

24.12.05

3-1-06  
So (Judl)  
4/1/06

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CENTRAL ADMINISTRATIVE TRIBUNAL ::  
GUWAHATI BENCH.

✓ O.A./R.A. NO. 131/2001 . . . . . of

DATE OF DECISION 6.2.02 . . . . .

Sri Shyamal Kumar Mallick

APPLICANT(S)

Mr. Manik Chanda

ADVOCATE FOR THE APPLICANT(S)

- VERSUS -

Union of India & Ors.

RESPONDENT(S)

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

ADVOCATE FOR THE  
RESPONDENTS.

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

THE HON'BLE

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

V.  
h



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CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

Original Application No. 131 of 2001.

Date of decision : This the 6th day of February, 2002.

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

Shri Shyamal Kumar Mallick  
Son of Late Satish Chandra Mallick  
Borbari Railway Colony  
Rly. Quarter No. 45/A  
P.O. Dibrugarh  
Assam

....Applicant

By Advocate Mr. M.Chanda

-versus-

1. Union of India  
Through Secretary, Govt. of India  
Ministry of Informations and Broadcasting,  
New Delhi.
2. Director General,  
All India Radio,  
Akashvani Bhawan,  
Parliament Street,  
New Delhi-110001.
3. The Chief Engineer (Civil)  
Civil Construction Wing (CCW)  
AIR, New Delhi.
4. The Superintending Engineer (Civil),  
Civil Construction Wing,  
All India Radio,  
Guwahati.
5. Executive Engineer (Civil)  
Civil Constructin Wing,  
All India Radio  
Dibrugarh

...Respondents

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

O R D E R (ORAL)

CHOWDHURY J. (V.C.)

This is a second round of litigation centering round absorption under the respondents. The applicant earlier moved this Bench for permanent absorption in Group D post. In the application he claimed that he was engaged as casual labour

and his service was terminated by a verbal order. This Bench dealt with the matter in detail in the said Application which was numbered as O.A. 172/95 and while disposing the application on 13.9.95 the Tribunal expressed its view and desired to take decision on the request for absorption of the applicant in Group 'D' category staff expeditiously by the Chief Engineer (C), CCW, AIR, New Delhi with whom the matter rested since July 1994. The authority was accordingly directed to take decision. Since no action was taken a Contempt Petition was filed and the same was numbered as C.P. No. 33/96(O.A.172/95). The said Contempt Petition was thereafter withdrawn because of some assurances given by the office of the Director General, All India Radio, New Delhi vide letter dated 15.10.1996. The full text of the said letter is reproduced below :

" Chief Engineer (C)-II, CCW, AIR, New Delhi has sympathetically considered your application mentioned above and I am directed to inform you that at present there is no vacant post in Group D cadre and your case will be considered sympathetically as & when the vacancy arises."

The applicant also mentioned in his application that in the year 1988-89 and 1989-90 he completed 348 days and 310 days of work.

2. The respondents submitted its written statement and contended that the applicant could not be accommodated for want of vacancy and on the surplus ground 4 employees belonging to Dibrugarh had to sent to far of places. The applicant submitted its rejoinder and additional rejoineder. In the rejoinder the appicant pointed out that a vacancy arose on the death of Babul Chandra Dey, Peon in the Silchar Electrical Sub Division under the Guwahati Electrical Division, Civil Construction Wing, All India Radio, Guwahati.

Contd...

3. Heard Mr. M.Chanda, learned counsel appearing on behalf of the applicant and Mr. A. Deb Roy, learned Sr. C.G.S.C. for the respondents.

4. From the facts stated it thus emerges that a direction was issued by this Bench in the earlier O.A. for consideration of the case of the applicant against the vacant post. The respondents on their own letter dated 15.10.1996 admitted that his case was under consideration. The Govt. of India already issued an Office Memorandum No.5106/2/90-Estt(C) dated 10.9.1993 in the light of the earlier O.M. for conferment of temporary status. The scheme for grant of temporary status and regularisation of casual workers is also applicable in All India Radio as appears from the Office Memorandum issued by the Directorate General, All India Radio dated 30.11.1994. For consideration of granting temporary status there is no requirement of vacancy, that apart one such vacancy has arisen due to death of Babul Chandra Dey under Silchar Electrical Sub-Division under the Guwahati Electrical Division, Civil Construction Wing, All India Radio, Guwahati, as cited by Mr. M.Chanda, learned counsel for the applicant.

5. From the facts stated above I do not find any reason as to why the case of the applicant for absorption was not considered so long either for conferment of temporary status or for absorption against the vacancy in Group 'D' cadre despite the assurance given by the authority as far back in 1996 and keeping the matter alive.

6. In the circumstances a direction is issued to the respondents to resolve the situation either by absorbing the applicant against any vacant Group 'D' post as per the communication dated 15.10.1996 or take steps for conferment of temporary status expeditiously. The respondents shall complete

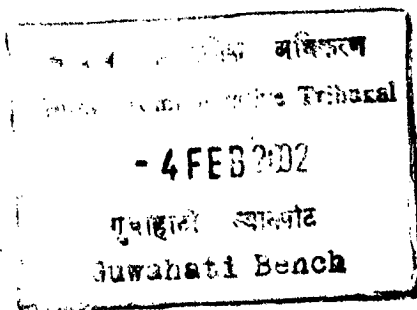
Contd...

the exercise at any rate within a period of four months from the date of receipt of a copy of this order.

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

(D.N.CHOWDHURY)  
Vice-Chairman

trd



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

In the matter of :

O.A. No. 131 of 2000

Sri Shyamal Mallick

-VS-

Union of India & Ors.

-And-

In the matter of :

Additional Rejoinder submitted by the  
applicant;

The above named applicant most humbly and respectfully begs to  
state as under :

1. That the applicant begs to state that he has come to learn from a reliable source that very recently one post of Peon has fallen vacant in Silchar Electrical Sub-Division due to sudden death of the incumbent Late Babul Chandra Dey under the Guwahati Electrical Division, Civil Construction Wing, All India Radio, Guwahati.
2. That in the circumstances narrated above, there is no impediment on the part of the respondents to appoint the applicant against the said post on regular basis. It is pertinent to mention here that the applicant continuously rendered his services under the respondents for a period of two years without any break and therefore the applicant has acquired a valuable and legal right for regular absorption in service.

Filed by the applicant  
through advocate Sri  
G. N. Chakravarty on  
4.2.02.

14

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3. That your applicant states that the above fact was not within his knowledge at the time of filing of the rejoinder and as such he could not make any statement on this point earlier. The applicant continuously worked for 348 days for the first year and 310 days for the 2<sup>nd</sup> year without any break and it would be evident from the details of Muster Rolls of the applicant for the year 1988 and 1990. The applicant has rendered service on casual basis on required number of days as required under the rule for grant of temporary status. As such he has acquired a valuable and legal right for grant of temporary status and regularization in service in any Group D post under the respondents.

4. That the Hon'ble Tribunal be pleased to accept this Additional Rejoinder and treat the same as a part of the Rejoinder filed by the applicant.

5. That this additional rejoinder has been filed bona fide and in the interest of justice.

In the facts and circumstances stated above, the Original Application deserves to be allowed with costs.

5

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VERIFICATION

I, Shri Shyamal Mallick, son of Late Satish Mallick, resident of Borbari, Railway Colony, Railway Quarter No. 45A, Dibrugarh, do hereby declare and verify that the statements made in paragraphs 1 to 4 are true to my knowledge and the rests are my humble submission before the Hon'ble Tribunal and I have not suppressed any material fact.

And I sign this verification on this the 4th day of Februar, 2002.

Shyamal Mallick.

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3 APR 2001 222

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

(An Application under Section 19 of the Administrative  
Tribunals Act, 1985).

Title of the Case : O.A. No. 131 /2001  
Sri Shyamal Mallick : Applicant

-versus

Union of India & Ors. : Respondents

I N D E X

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2	-	Verification	10
3	1	Judgement & Order dt.13.9.95	11-13
4	2	Hon'ble Tribunal's order in C.P.No.33/96	14
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9	7	Letter dt. 14.1.99 (amis).	19-19d
10	8	Memorandum dt. 4.7.86	20-21
11	9	Letter dt. 15.10.96	22
12	10	Certificated dt. 18.9.91	23

Date :

Filed by

Advocate

Filed by applicant  
Sri Shyamal Mallick  
Advocate  
2/4/01



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH

(An Application under Section 19 of the Administrative  
Tribunals Act, 1985).

O.A. No. \_\_\_\_\_/2001

BETWEEN

Shri Shyamal Kumar Mallick

Son of Late Satish Chandra Mallick

Borbari Railway Colony

Rly. Qtr. No. 45/A

P.O. Dibrugarh

Assam

....Applicant

-And-

1. Union of India,  
Through Secretary, Govt. of India  
Ministry of Information and Broadcasting,  
New Delhi.
2. Director General,  
All India Radio,  
Akashvani Bhawan,  
Parliament Street,  
New Delhi-110001.
3. The Chief Engineer (Civil)  
Civil Construction Wing (CCW)  
AIR, New Delhi.
4. The Superintending Engineer (Civil),  
Civil Construction Wing,  
All India Radio, Guwahati.

Contd.....

*Shyamal Mallick*

5. Executive Engineer (Civil)

Civil Construction Wing

All India Radio,

Dibrugarh

..... Respondents

1. Particulars for which this application is made.

*For*  
This application is not made any particular order but *praying for a direction upon the respondents* made for grant of temporary status ~~to~~ the applicant on priority basis in any regular Group 'D' vacancy in the All India Radio since the applicant has fulfilled the prescribed condition for the same.

2. Jurisdiction.

The applicant declares that the case is within the jurisdiction of this Hon'ble Tribunal.

3. Limitation

The applicant further declares that the case is within limitation prescribed under Section 21 of the Administrative Tribunals Act, 1985.

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 under the Constitution of India. The applicant belongs to Schedule Caste Community. He belongs to poor family having no other source of income.

*San*

*[Faint, illegible text]*

Contd...

*Shyamal Mallik.*

4.2 That the applicant is a Matriculate and was initially engaged as Casual Labour with effect from 1.12.1988 in the office of the Assistant Engineer, Civil Construction Wing, All India Radio, where he was entrusted with different nature of works including even clerical works sometimes. The applicant continuously worked without any break for 348 days from 1st December 1988 to 31st December 1989 and for <sup>u</sup> further period of 310 days during the year 1990 as per official records maintained for casual workers. This would be evident from the details of Muster Rolls of the applicant for the year 1988 and 1990.

4.3 That the factum of rendering services for two years without break as casual worker, entitled the applicant for grant of temporary status/absorption on regular basis in terms of the decisions held by the Hon'ble Tribunal of the Principal Bench, New Delhi in the case of Vasudev and Ors. Vs. Union of India & Ors. in O.A. No. 894, 2322 and 1775 of 1990 decided on 8.2.91 and also in Rajkamal & Ors. Vs. Union of India & Ors. (O.A. No. 2306/89 decided on 16.2.90) and the policy adopted by the Government of India.

4.4 That surprisingly, the service of the applicant was terminated with a verbal order in the month of November, 1990. Thereafter, the applicant approached the authorities <sup>y</sup>and again for his re-engagement as casual labour but only to meet with futility, out of sheer frustration, the applicant ventured to submit an application to the Hon'ble Prime Minister of India on 16.3.1994

Shyamal Mallick

which followed a series of departmental correspondence amongst various authorities of the All India Radio (for short AIR) resting on the absorption of the applicant in a Group 'D' post but yielding no fruitful result.

4.5 That the applicant eventually preferred an application before this Hon'ble Tribunal vide O.A. No. 172/95 placing therein all the facts and circumstances of the case which was completed by the Respondents and this Hon'ble Tribunal was gracious enough to dispose of the case directing the Respondents to take an expeditious decision within two months for absorption of the applicant in a Group D post and further granted liberty to the applicant to approach this Hon'ble Tribunal for relief should he feels aggrieved.

A copy of the Judgement dated 13.9.95 passed in O.A. 172/95 is anneded hereto and marked as Annexure-1. I

4.6 That due to non compliance of the aforesaid order, of this Hon'ble Tribunal by the Respondents, the applicant filed a contempt petition before this Hon'ble Tribunal. But having given an assurance by the Respondents that the absorption of the applicant would be most sympathetically considered as on when the vacancy arises, the applicant, on good faith, withdrew the Contempt Petition and the withdrawal was granted by the Hon'ble Tribunal vide order dated 4.10.1996.

A copy of the said order dated 4.10.96 is annexed as Annexure-2. 2

4.7 That the applicant thereafter has approached the authorities time and again for implementation of the order and preferred applications to the authorities at regular intervals which were duly forwarded by the site officers of the AIR to their appropriate authorities for immediate action, all of which went in vein. In this context, the letter Nos. SSW-II-13 (6-A)/96-S/725 dated 06.6.96 and another letter No. SSW-II-13 (6-A)/96-S/850 dtdd 2.7.96 of Superintending ~~Engin~~ Surveyor, AIR to Chief Engineer (C)-II, AIR. ~~xxxxxx~~

Copies of the letters referred to above are annexed as Annexures 3 & 4 respectively.

4.8 That the applicant has still ~~be~~ <sup>and consistently</sup> applying persistently to the authorities for ~~his~~ absorption but to no reply.

Copies of the Applications dated 12.2.2000 and 27.4.2000 preferred by the applicant are annexed hereto as Annexure 5 & 6 respectively.

4.9 That the applicant begs to state that in the meantime the scheme of regularisation of casual workers/ grant of temporary status have duly been adopted by the Prasar Bharati (Broadcasting Corporation of India) in the light of directives laid down by the Deptt. of Personnel & Training, Govt. of India under O.M. No.51016/2/90-Estt(c) dated 10.9.93 and it has been duly notified by the Director General of All India Radio for necessary implementation, vide communication No. 4/8/98-SVI dated 14.1.1999.

A copy of the said communication dt. 14.1.99 is annexed as Annexure-7

Spyamal Mallik.

4.10 That it is stated that the applicant after passing of the Judgement and order dated 13.9.95 in O.A. No. 172/95 approached this Hon'ble Tribunal through Contempt Petition No. 33/96, for non-compliance of the Hon'ble Tribunal, order dated 13.9.95. However in view of the Director General Order dated 15.10.96 the said Contempt Petition was withdrawn is because ~~the~~ <sup>an</sup> assurance was given by the D.G. AIR, that the case of the applicant would be considered sympathetically, as and when the vacancy arises. But unfortunately several correspondences was made thereafter but no communication is received regarding appointment of the applicant as per order of this Tribunal passed in O.A. No. 172/95, thereafter applicant also prayed for grant of temporary status which would also be evident from the several representations submitted before the respondents, which would also be evident from the representation dated 27.4.2000, address to the Chief Engineer, (Civil)-II, New Delhi, but to no result. The claim of the applicant is also supported by the Memorandum dated 4.7.1986 issued by the Director General.

Copy of the Memorandum dated 4.7.86 and letter dated 15.10.96 are annexed as Annexures 8 & 9 respectively.

4.11 That your applicant begs to state that the certificate dated 18.9.1991 issued by the Assistant Engineer, CCW, AIR, Dibrugarh, also established beyond all doubts that the applicant has rendered, service on casual basis on numbers of ~~occasions~~ occasions as ~~was~~ required under the rule for grant of temporary status, as such he has acquired a valuable and legal right for grant of temporary status and regular absorption in any group D post in AIR.

Copy of the certificate dt. 18.9.91 issued by Assistant Engineer, is annexed as Annexure-10.

4.12 That the applicant begs to state that in view of the aforesaid scheme formulated by the Government and the same as adopted by the All India Radio, the claim of the applicant for grant of temporary status and regularisation is more relevant and stands on its own merit for consideration on priority basis.

4.13 That this application is made bonafide and for the cause of justice.

5. Grounds for relief(s) with legal provision.

5.1 For that the applicant rendered two years continuous service as casual worker without any artificial break.

5.2. For that the applicant is eligible and entitled to be granted temporary status, in terms of Central Govt. Policy/scheme which has also been adopted by the All India Radio under which the applicant had been working.

5.3 For that the applicant has acquired a legal and valuable right for appointment on regular basis by virtue of his continuous service which awaits the availability of vacancy only and under such circumstances, the grant of temporary status to the applicant till such time he is appointed on regular basis is his legitimate minimum demanded.

5.4 For that the claim <sup>for</sup> of grant of temporary status to the applicant squarely confirms to the scheme

Shyamal Mallick.

adopted and notified by the Respondents vide their No. 4/8/98-SVI dated 14.1.1999.

5.5 For that the applicant has no source of earning for maintaining himself and his other dependent family members, as he belongs to a very poor family.

6. Details of remedies exhausted.

That the applicant has no other alternative and efficacious remedy available to him but to file this instant application before the Hon'ble Tribunal. The applicant filed representations in the direction of the Hon'ble Tribunal passed in 192/95 but no positive result yielded.

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

The applicant declares that he had filed an application before the Hon'ble Tribunal which was registered as A.O. No. 172/95 and the said O.A. was disposed of <sup>on</sup> 13.9.95 with direction to dispose of the representation of the applicant but the case of the applicant has not been considered. The applicant further declares that no such application is pending before any other authority or any other court or Tribunal.

8. Reliefs sought for :

In view of the facts stated in paragraph 4 of this application, the applicant prays for the following reliefs :

(  
Shyamal Mallik.



- 8.1 That the respondents be directed to confer Temporary Status to the applicant for a Group 'D' post under the administrative control of the respondents on priority basis with immediate effect.
- 8.2 That in terms of the Section 24 of the Administrative Tribunals Act, 1985, the Respondents be directed to give immediate effect to the order of the Hon'ble Tribunal passed on 13.9.95 disposing the O.A. 172/95.
- 8.3 That any other relief, deemed fit and proper under the fact and circumstances of the case.
- 8.4 Costs of the Application.

The above reliefs are prayed on the basis of the facts described under Paragraph 4 of this application.

9. Interim Reliefs prayed for :

During the pendency of this application, the applicant prays for the following relief(s)

- 9.1 That the respondents be directed to consider the case of the applicant for re-appointment Group 'D' in the existing/vacancies available on priority basis with immediate effect.

10. ....

This application is filed through advocate.

11. Details of I.P.O.

i.	I.P.O. No.	:	662792127
ii.	Date of Issue	:	29/3/07

Shyamal Mallick.

- iii. Issued from : G.P.O., Guwahati.
- iv. Payable at : G.P.O., Guwahati.

12. List of Enclosures

As stated in the Index.

..... Verification

Shyamal Mallik.

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

I, Shri Shyamal Mallick, Son of Late Satish Mallick, resident of Borbari, Railway Colony, Railway Quarter No. 45A, Dibrugarh, do hereby declare and verify that the statements made in paragraphs 1 to 4 and 6 to 12 are true to my knowledge and those made in paragraph 5 are the legal advice which I believe to be true and I have not suppressed any material fact.

And I sign this verification on this the 19<sup>th</sup> day of March, 2001.

*Shyamal Mallick*

Signature

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH, GUWAHATI

Original Application No. 172 of 1995

Shyamal Kr. Mallick ...Applicant

-vs-

U.O.I & Ors ...Respondents

For the Applicant(s) : Mr. B.K.Sharma  
Mr. M. Chanda  
Mr. B. Mehta  
Mr. S.Sarma

For the Respondent(s) : Mr. G.Sarma, Addl.C.G.S.C.

O R D E R

13.9.95

Mr. B.K.Sharma for the applicant.

Mr. G. Sarma, Addl. C.G.S.C. for the respondents.

O.A. admitted. Notice waived.

Prima facie it appears from Annexure B that the applicant who belongs to Scheduled Caste should be eligible to be appointed under the Scheme "Casual Labourers Grant of Temporary Status and Regularisation) Scheme" of Government of India 1993" meant for permanent absorption of Group D staff since the applicant belongs to Group 'D'. The service of the applicant was terminated by a verbal order in the Month of November, 1990. The applicant had been representing to the authorities to absorb him. Eventually he addressed a representation to the Prime Minister's office. That being referred to the Director General of All India Radio, the office of the Directorate requested the Assistant Engineer(Civil), Civil Construction Wing, All India Radio, Dibrugarh by letter

Contd..

Shyamal Mallick.

*Trustful*  
*AD*  
*Adl.*

O.A. 172 of 1995

Annexure-1(Contd.)

13.9.95 dated 11.5.95 to submit his comments to the Directorate at the earliest. The information was furnished but it transpires that the matter was to be dealt with by the Chief Engineer(C), CCW, AIR, New Delhi and therefore the Assistant Engineer(C), CCW, AIR, Dibrugarh by letter dated 15.7.94 requested the Directorate to despatch all the related documents in respect of the applicant to Chief Engineer (C), CCW, AIR, New Delhi for early action. It is seen that by earlier letters Assistant Engineer(C), CCW, AIR, Dibrugarh has recommended for sympathetic consideration of the case of the applicant as he was a good, efficient and sincere worker and was a needy person and only earning member of the family. The Chief Engineer(C), CCW, AIR, New Delhi does not appear to have taken the decision even though the matter has been pending since July 1994 and anxiety was shown by the Directorate by letter dated 11.5.94 to decide the matter early in view of the reference from Prime Minister's office. It is now the grievance of the applicant that while the matter is thus pending some others who were junior to him are being absorbed and thus injustice is being caused to him.

In the circumstances it is desirable that the decision on the request for absorption of the applicant in Group 'B' category staff be taken expeditiously by the Chief Engineer(C), CCW, AIR, New Delhi with whom the matter seems to have rested since July 1994. The said authority is therefore directed to take the decision and convey it to the applicant within a period of two months from the date of communication of this order. In the event of no such decision being taken within that time or the applicant feels

Contd...

Shyamal Mallik.

O.A. No. 172/95

Annexure-1 (Contd.)

13.9.95

aggrieved by such decision he will be at liberty to approach this Tribunal for relief.

O.A. is accordingly disposed of.  
No order as to costs.

Sd/- Vice-Chairman

Sd/- Member (A)

*Attestal  
Sd/-  
Adm.*

*Shyamal Mallik.*

Annexure 2

THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH, GUWAHATI

Contempt Petition No. 33/96 (O.A. 172/95)

Sri S.K.Mallick - Applicant

-versus-

Sri V.K.Choudhury & Anr. - Respondents

PRESENT

THE HON'BLE SHRI G.L.SANGLYINE, MEMBER (A)

For the Applicant ; Mr. M. Chanda, Advocate  
For the Respondents : Mr. S.Ali, Sr.C.G.S.C.

3.10.96

Mr. Chanda for the petitioner.

Mr. S. Ali, Sr. C.G.S.C. for the  
alleged contemnors has submitted the  
show cause for the alleged contemnors  
and served copy on Mr. M. Chanda. Mr.  
Chanda submits that he may be allowed  
to withdraw the Contempt Petition.  
Prayer allowed.

Contempt Petition is disposed of  
on withdrawal.

Sd/- MEMBER (A).

Memo No. 3349

Dated 4.10.96

Copy for information and necessary action to :

1. Sri S.K.Mallick, S/o Late S.C.Mallick, Railway Qr.No.  
45/A, Barabari, Dibrugarh Assam.

Sd/- Illegible  
SECTION OFFICER (J).

*Attested  
Sd/-  
Adl.*

*Shyamal Mallik.*

Annexure-3 3

COURT CASE/CAT CASE  
MOST IMMEDIATE

GOVERNMENT OF INDIA  
DIRECTORATE GENERAL : ALL INDIA RADIO  
CIVIL CONSTRUCTION WING

2nd Floor, PTI Building,  
4 Parliament Street,  
New Delhi-110 001

No. SSW-II-13 (6-A)/96-S/725 Dated 06/6/96

The Chief Engineer-II  
CCW, AIR, Sookhna Bhavan  
New Delhi-110 003.

Subject : Prayer of Sh. Shymal Mallick for implementation of court order of the Hon'ble "Central Administrative Tribunal" passed on 30.9.95 in the Original Application of 172/95.

A letter from Sh. Shyamal Mallick along with the photo copies of the CAT orders passed on 30.9.95 ~~xxxxxx~~ ~~original application~~ by Guwahati Bench on the subject cited above has been received in this office.

It is requested that necessary action in the matter be taken at your end since it pertains to jurisdiction of C.E. II office.

An urgent action is requested please.

Sd/- Y.K. SHARMA

E.A. to Superintending Surveyor of Works II  
Enclo As above.

Copy to Sh. Shymal Mallick, Barbari Railway Colony, Qr. No. 45A, Dibrugarh, Assam, PIN 786001 with request to take up the matter with CE-II since it pertains to them.

Sd/- Illegible

E.A. to Superintending Surveyor of  
Works - II



-16

33

Annexure-4 4

MOST IMMEDIATE  
COURT CASE

GOVERNMENT OF INDIA  
DIRECTOR GENERAL : ALL INDIA RADIO  
CIVIL CONSTRUCTION WING

2nd Floor, PTI Building,  
4, Parliament Street,  
New Delhi-110 001

No. SSW-II-13 (6-A)/96-S/850 Dated 01/7/96  
2

The Chief Engineer (C)-II,  
CCW, AIR, Soochna Bhavan,  
C.G.O. Complex, Lodhi Road,  
New Delhi-110 003

Sub : Representation for implementation of Court Order  
of the Hon'ble Central Admn. Tribunal, passed on  
30.9.95 in the original application of 172/95  
by Sh. Shyamal Mallick.

Enclosed please find herewith the original copy of  
letter from Sh. Shyamal Mallick, Barbari Rly. Colony,  
Qr. No. 45/A, Dibrugarh, Assam on the subject cited  
above, for further necessary action at your end please.

It is requested that the similar representation of  
Sh. Shyamal Mallick received from EE(C), CCW, AIR, Itanagar  
alongwith photo copies of Guwahati CAT Bench decision has  
already been sent to you by this office letter of even  
No. dated 10.1.96 for early settlement of this matter.

This may please be treated as Most urgent please.

Sd/- Y.K. Sharma  
E.A. to Superintending Surveyor of Works II

Enclo : As above.

Copy to Sh. Shyamal Mallick, Barbari Rly. Colony, Qr. No.  
45/A, Dibrugarh, Assam-786 001. Further it is requested  
that the further correspondence may please be held directly  
to the CE-II, Soochna Bhavan, New Delhi.

Sd/-  
E.A. to Superintending Surveyor of Works II

Shyamal Mallick.

Annexure-5

To

The Chief Engineer (Civil)-II  
Civil Construction Wing  
All India Radio  
Soochna Bhawan 6th floor,  
C.G.O. Complex, Lodhi Road,  
New Delhi-3.

Sub : Prayer for implementation of court order of the  
honourable CAT, Guwahati Bench on 13.09.95 in the  
O.A. No. 172/95.

Respected Sir,

In response to your letter No.A-45011/2/96-CW-V 15.10.96 (Copy enclosed), I am to inform you that already more than (three) years had over but no action for my absorption has been taken as yet.

That Sir, in the case O.A. No. 172/95, the honourable CAT passed an order dated 13.09.95 directing the competent authority for my absorption with a period of 2 (two) months (copy enclosed) and after having no fruitful response from the side of the respondent, I was compelled to file the contempt petition in the appexed court and the honourable court also issued so cause notice on dated 8.9.96. (copy enclosed).

That Sir, in reply to the so cause notice dated 8.9.96, your goodself informed me vide your letter No. A-45011/2/96-CW-V dated 15.10.96 that my case shall be considered as and when vacancy arises. Accordingly as a good will, I have withdrawn my contempt petition duly allowed by the Honourable court on dated 3.10.96 (Copy enclosed.)

Now Sir, my grievances is that neither the competent authority considered my absorption nor initiated any favourable action to implement the above court order as yet. In the meantime Govt. of India, Min. of personnel, P.G. and pension, Department of Personnel and training, New Delhi vide O.M. No. 51016/2/96-Estt(c) dated 10.9.93 alongwith its guidelines (Copy enclosed) issued instructions for grant of temporary status to those casual workers on the basis of the judgement of the Honourable CAT Principal Bench, New Delhi.

I pray your goodself that at lease you will be kind enough for me to grant temporary status till a regular Group 'D' vacancy arises and save me as well as my poor family in these hard days and will not compel me to re-open the contempt petition again.

And for this act of your kindness I shall remain ever grateful to you.

Enclo : As above  
Dated Dibrugarh  
the 12th February 2000

Copy forwarded to :

Yours faithfully,

Sd/- Shyamal Mallick  
Barbari Rly. Colony, Qr. No.45/A  
Dibrugarh

1. The SE (C), CCW, AIR, Guwahati alongwith the enclosures as above for favour of early action please.
2. The EE (C), CCW, AIR, Itanagar alongwith all enclosures referred to above for favour of necessary action please.

Sd/-

To  
The Chief Engineer (Civil)-II  
Col. D.S. Manchande by name  
Civil Construction Wing  
All India Radio  
Soochna Bhawan, 6th Floor,  
C.G.O. Complex, Lodhy Road,  
New Delhi-110003

Sub : Prayer for implementation of court order of the  
honourable CAT, Guwahati Bench on 13.9.1995 in  
the O.A. No. 172/95.

Sir,

Most humbly and respectfully, I would like to draw  
your kind attention to my application dated 12.2.2000  
(Copy enclosed) praying for my absorption as per Govt. of  
India Ministry of Personnel, P.G. and Pension, Deptt. of  
Personnel and Training, New Delhi, O.M. No.5/0/6/2/90-  
Estt(c) dated 10.9.93 circulated vide D.G.AIR, New Delhi  
4.8.98 SVI, dated 14.1.99.

That Sir, the honourable CAT, Guwahati Bench in case  
OA No. 172/95 issued order for consideration of any absorp-  
tion on dated 13.9.95 directing the respondents to implement  
the order within two months. But due to non-implementation  
of the order within the stipulated time, a contempt petition  
was filed in the apex court, After issue of notice by the  
Honourable ~~xxxxx~~ CAT Guwahati Bench, you honour informed  
vide letter No.A-45011/2/96/CW-V dated 13.10.96 that my  
case will be considered as and when vacancy arises. Accord-  
ingly, in respect of your honour, I have withdrawn my  
contempt petition duly allowed by the honourable CAT, Guwahati  
bench on dated 3.10.96.

But Sir, even after conveying Government decision for  
allowing temporary status as equivalent to Group 'D' staff  
without availability of any sanctioned post, the competent  
authority has not initiated any action in my favour as yet.

I, therefore, pray to your goodself to consider my  
absorption on the light of the directives of Govt. of India  
as stated above at an early date within one month i.e. from  
the date of issue of this letter through speed post failing  
which I shall be compelled to file another contempt petition  
to approach the apex court against the erring officers in  
this regard. I hope you will not compel me to do so and  
pleased to consider my case for offering me the temporary  
status and save me as well as my poor family for which act  
of your kindness, I shall remain ever grateful to you.

Enclosed As above  
Dated Dibrugarh  
27th April 2000

Yours faithfully,

Sd/- Shyamal Mallick  
Barbari Rly. Colony  
Quarter No. 45/A  
Dibrugarh

Copy forwarded to

1. The SE(C), CCW, AIR, Guwahati, for information and necessary action please.
2. The EE(C), C.C.W., AIR, Itanagar for information and necessary action please.

Sd/-

Shyamal Mallick.

Annexure-~~7~~ (sum)

PRASAR BHARATI  
(BROADCASTING CORPORATION OF INDIA )  
DIRECTORATE GENERAL : ALL INDIA RADIO

No. 4/8/98-SVI

New Delhi, dated 14.1.99

Subject : Regularisation of casual workers/grant of temporary status.

I has been brought to the notice of this Directorate that casual workers engaged at some of the AIR Stations/ Offices, inspite of fulfilling the prescribed eligibility criteria, are neither granted temporary status nor considered for regularisation of their services. Attention in this connection is invited to Deptt. of Personnel & Training O.M. No. 51016/2/90-Estt.(C) dated 10th September, 1993. copy enclosed for ready reference. All Heads of Stations/ Offices are requested to grant temporary status and consider regularisation of services of eligible casual workers who fulfil the prescribed conditions in accordance with DOPT OM dated 10.9.93.

Sd/- R.C.Gaur  
Dy Director of Admn(G)  
for Director General

Copy to

All Heads of AIR Stations/Offices.

Shyamal Mallick.

12a

Shux-7

Algebra - 1

## Annexure-III

Appendix III

Government of India  
Directorate General: All India Radio  
\*\*\*\*\*

St. No. 1(R)

No. 4/116/94-SVI/

New Delhi, dated 30.11.94

Subject : Scheme for grant of temporary status and regulari-  
sation of Casual Workers.  
\*\*\*\*\*

A copy of DP&T O.M. No. 51016/2/90-Estt (C) dated 10.9.93 is sent herewith for information, guidance and necessary action.

Wesley

(M.K. Sharma)  
Section Officer  
for Director General

All Stations/Offices of AIR.

196

38

G.I., Dept. of Per&Trg., C.M.No51016/2/90-Estt (C) Dt. 10.9.93

SCHEME FOR GRANT OF TEMPORARY STATUS AND REGULARISATION  
OF CASUAL WORKERS

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-Estt(C) dated 7.6.1988(Sl. No.310 of Swamy's Annual, 1988). The policy has further been reviewed in the light of the judgment of the CAT, Principal Bench, New Delhi, delivered on 16.2.1990, in the writ petition filed by Shri Raj Kamal and others v. Union of India and it has been decided that while the existing guidelines contained in OM dated 7.6.1988 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 7.6.1988. Cases of negligence should be viewed seriously and brought to the notice of appropriate authorities for taking prompt and suitable action.

APPENDIX

DEPARTMENT OF PERSONNEL & TRAINING, CASUAL LABOURERS  
(GRANT OF TEMPORARY STATUS AND REGULARISATION) SCHEME

1. This scheme shall be called "Casual Labourers (Grant of Temporary Status and Regularisation) Scheme of Government of India, 1993".

2. This scheme will come into force with effect from 1.9.93.

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 Telecommunication and Department of Posts who already have their own schemes.

4. Temporary status

- (i) Temporary status would be conferred on all casual labourers who are in employment on the date of issue of this OM 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 (245 days in the case of offices observing 5 days week).

(ii) Such conferment of temporary status would be without reference to the creation/availability of regular Group 'D' posts.

- (iii) Conferment of temporary status on a casual labourer would not involve any change in his duties and responsibilities. His 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 'D' posts.

5. Temporary status would entitle the casual labourers to the following benefits :-

- (i) Wages at daily rates with reference to the minimum of the pay scale for a corresponding regular Group 'D' official including DA, HRA and CCA.
- (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, Flood Advance on the same conditions as are applicable to temporary Group 'D' employees, provided they furnish two sureties from permanent Government servants of their Department.
- (vii) Until they are regularised, they would be entitled to Productivity Linked Bonus/Ad-hoc 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 a casual labourer 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 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 'D' posts:-

- (i) Two out of every three vacancies in Group 'D' 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 'D' 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 this Department's OM dated 7.6.1988 should be followed strictly in the matter of engagement of casual employees in Central Government Offices.

11. Department of Personnel & 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.

-----



TRUE COPY

GOVERNMENT OF INDIA  
DIRECTORATE GENERAL :: ALL INDIA RADIO

No. 11/58/86.S-II

New Delhi, the 4th  
July '86

MEMORANDUM

Subject : Engagement of casual laboureres Appointment of Casual Laboureres against regular Group 'D' posts in AIR.

It is observed that a few stations/offices are engaging casual laboureres on continuous basis. The sudden termination of those engaged will naturally involve considerable hardship to the individuals concerned. Due to this, these casual labourers approach the higher authorities i.e. Ministry, Prime Minister of India and President of India directly and through VIPs. This results in avoidable correspondence. Government's orders issued from time to time on this subject are clear. However, some more important among them, are summarised below :-

- i) That casual employment should be restricted to work of a truly casual nature. (Ministry of Finance (Department of Expenditure) O.M. No. F8(2) Est (SPL)/60, dt. 24.1.1961).
- ii) That employment of casual laboureres for work of a regular nature or against the requirements of vacant posts on regular establishment is irregular and should not be resorted to (Ministry of Finance (Department of Expenditure) O.M. No. F-10(15)E(Coord)/67, dt. 23.09.1987).
- iii) That casual laboureres initially recruited through Employment Exchange and having long experience in such employment in an office should be referred to others for appointment to regular establishment in that office. (Ministry of Home Affairs O.M. No. F-6/52/60 Estt (A) Dated 16.02.1961).
- iv) That persons having a minimum of two years continuous service as casual labourer would be deemed to have "long experience" in terms of (iii) above, and at least 240 days employment as casual labourer in a calender year would be deemed to continue "continuous service" (Ministry of Home Affairs O.M. No. 16/10/66-Estt(D) Dated 2.12.1966 and 14/1/68-Estt (c) dated 12.2.1969)
- v) That only those casual labourers who have been recruited initially through employment exchange would be considered for possible appointment against regular class IV posts (Now Group 'D' staff posts) mentioned above (Reference Ministry of Home Affairs O.M. No. 16/10/66-Estt(D) dt. 2.12.1966)
- vi) Since there is complete ban on engagement of additional staff on daily wage basis in different Ministers/Departments imposed by Ministry of Finance (Department of Expenditure) vide their O.M. No. 14(24) E Coord/74 dated 30th Aug'74 and reiterated under the Ministry of Finance (Department of Expenditure) O.M. No. 14(4) E Coord/77 dated the 27th May'77 employment of additional staff on daily wage basis is irregular (Ministry of Home Affairs (DP & AR) O.M. No.49014/4/77-Estt(C) dated 21st March'77.)

vii)

That such casual employees as were recruited in various Ministries/Departments and their attached/subordinate offices before 21.3.1979 may be considered for regularisation in Group 'D' posts even though they may have crossed the age limit prescribed for the post provided they are otherwise eligible for regularisation i.e.

1. A daily wage worker casual have put in at least 20 days of service as such (including broken periods of service during each of two preceding years 4 years in the case of part time casual workers) on the basis of appointment against a regular Group 'D'.
2. A daily wage worker should be eligible in respect of maximum age limit on the date of appointment to the regular posts. For this purpose the period spent by him as daily wage worker is reduced from his actual age.
3. A daily wage worker should possess the minimum educational qualifications prescribed for the post. (Ministry of Home Affairs (Department of (P&AR) O.M. No. 49014/7/83-Estt(C) dated 13.10.83)

viii)

That in the organisations observing five day week casual workers may be considered for regular appointment to Group 'D' posts, if otherwise eligible, if they have put in two years service as casual workers, with 206 days of service during each year (as against the usual 240 days) (Ministry of Home Affairs (DP&AR)'S O.M. No. 49014/19/84-Estt(C) dt. 26.10.1984.)

ix)

That casual workers recruited before the issue of these instructions may be considered for regular appointment to Group 'D' posts in terms of general instruction, even if they were recruited otherwise that through the Employment Exchange provided they are eligible for regular appointment in all other respects (Department of Pernal's & Training O.M. No. 49014/19/84-Estt (C) dt. 1.5.1985)

It appears that many of the stations/offices have not been following the instructions reproduced above. A casual labour should normally be engaged for casual work e.g. shifting of store from one room to another sprinkling of water in summer etc. casual labourers should not be engaged for such of items of work of regular nature. The casual workers who fulfil the conditions mentioned in the Government instructions should be considered mentioned in the Government instruction should be considered for appointment against Group 'D' vacant posts by the Stations/Offices of all India Radio.

Sd/-

(MOHAN FRANCIS)

DEPUTY DIRECTOR OF ADMINISTRATION  
for DIRECTOR GENERAL.

1. Head of All stations/offices of All India Radio.
2. SV/GA/D(S) Cell/CWI/CWIV/AR/Unit/DDA(M)
3. Spare copies - 50.

Attested

*MS.*  
Executive Engineer (Civil)  
Civil Construction Wing

GOVERNMENT OF INDIA  
DIRECTORATE GENERAL : ALL INDIA RADIO  
(Civil Construction Wing)

\*\*\*\*\*

By Registered Post

No. A-45011/2/96-CW-V

Soochana Bhavan, 6th floor,  
C.G.O. Complex, Lodhi Road,  
New Delhi, dated: 15.10.96.

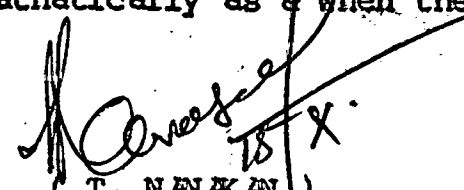
To

Shri Shyamalal Mallic,  
Barbari Railway Colony,  
Counter No. 45/A,  
Dibrugarh, Assam,  
Assam-786 001.

Subject: Prayer for implementation of court order of the Hon. CAT  
passed on 30/9/95 in the O.A. 172/95.

Ref. : Your letter No. nil dated nil addressed to CE(C)-I, CCW, AIR,  
Soochana Bhavan, New Delhi.

Chief Engineer(C)-II, CCW, AIR, New Delhi has sympathetically  
considered your application mentioned above and I am directed to  
inform you that at present there is no vacant post in Group-D cadre  
and your case will be considered sympathetically as & when the vacancy  
arises.

  
T. NAKKAN  
E.O. III to C.E.(C)-DI  
for Director General

Copy to:

1. Deputy Registrar, CAT, Guahaty for favour of information pl.
2. SE(C), CCW, AIR, Guahaty for information & necessary action please.
3. EE(C), CCW, AIR, Itanagar for favour of information & n/a pl.  
This is w.r.t. his letter No. EE-ITA/29(1)/93-G/1283-84 dt.  
7.X.96.

for Director General

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Annexure-10

DETAILS OF MUSTER ROLL WAGES OF MR. SHYAMAL MALLICK  
FOR THE YEAR OF 1989 AND 1990.

M.R. No. & Date	Month	Days	Rate	Amount
105/21.12.88	January'89	31 days	17/-	527/-
118/30.01.89	February'89	28 days	17/-	476/-
130/02.03.89	March'89	27 days	17/-	459/-
145/31.03.89	April'89	26 days	17/-	442/-
008/01.05.89	May'89	31 days	17/-	527/-
15/30.05.89	June'89	24 days	17/-	407/-
024/12.06.89	July'89	31 days	17/-	527/-
042/20.07.89	August'89	31 days	17/-	527/-
054/23.08.89	September'89	30 days	17/-	510/-
69/19.09.89	October'89	30 days	17/-	510/-
89/20.10.89	November'89	28 days	17/-	476/-
110/27.11.89	December'89	31 days	17/-	527/-
		348 days		
124/02.12.89	January'90	20 days	17/-	340/-
128/23.01.90	February'90	28 days	17/-	476/-
138/13.02.90	March'90	31 days	17/-	527/-
154/23.03.90	April'90	24 days	17/-	408/-
012/25.04.90	May'90	29 days	17/-	493/-
023/25.05.90	June'90	29 days	17/-	493/-
030/03.07.90	July'90	29 days	17/-	493/-
036/31.07.90	August'90	31 days	17/-	527/-
Hand Receipt	September'90	29 days	17/-	493/-
Hand Receipt	October'90	31 days	17/-	527/-
Hand Receipt	November'90	29 days	17/-	493/-
		310 days		

verified from S/O's record

Assistant Engineer (civil)  
CCW: AIR: DIBRUGARH

Assistant Engineer (Civil)  
C.C.W. A.I.R. Dibrugarh

Annexure X

PRASAR BHARATI  
(BROADCASTING CORPORATION OF INDIA)  
DIRECTORATE GENERAL : ALL INDIA RADIO  
CIVIL CONSTRUCTION WING

CCW, AIR Guwahati  
Bdry No. 8/32  
9/12/99

No. SSW-II-10 (1)(2)/97/1237 New Delhi Dated 1.12.99

ORDER

The following transfers in the grade of Peon/Safaiwala are ordered in public interest with immediate effect.

S.No.	Name	From	To	Remarks
1.	Sh. Jasbir Singh, Safaiwala	O/o EE(C) Itanagar	O/o EE(C) Jammu	Existing Vacancy
2.	Sh. Gopal Das, Safaiwala	CCW, AIR Dibrugarh	O/o EE(C) Itanagar	Vice Sh. J. Singh transferred
3.	Sh. Vinod Kumar Peon	O/o EE(C)-II CCW, AIR New Delhi	O/o SE(C) MH Project Circle	Existing Vacancy
4.	Sh. S. Sen, Peon	CCW, AIR, Dibrugarh	O/o EE(C)-II New Delhi	Vice Sh. V. Kumar Transferred
5.	Sh. B. K. Hazarika, Peon	-do-	O/o SE(T) New Delhi	Existing Vacancy
6.	Sh. A. B. Mitra, Peon	-do-	SSW-II unit	Existing vacancy

This issues with the approval of CE-I

(A.K. Sinha)  
Engineer Officer-I to CE-I

Copy to:

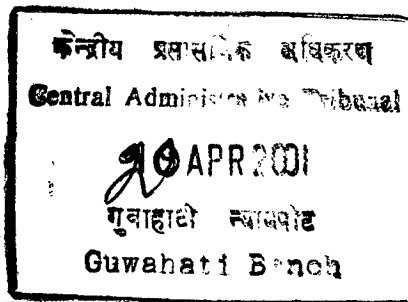
- CE-I/CE-II/Ch. Arch./CE(P)
- SD, AIR, New Delhi/Dibrugarh/Itanagar
- DDG(NER), AIR Guwahati
- SE(C), Ghy/SE(C)-MH, ND/SE(T)/SE(C)-II, ND
- EE(C), Itanagar/Jammu/EE(C)-II, ND
- PAO, New Delhi/Guwahati
- Security Cell, DG: AIR
- Vigilance Section DG: AIR/Ministry of I&B
- Sh. N.S. Samar, Secy., All India AIR & TV SC/ST
- Employees Welfare Association, Akashvani Bhavan, New Delhi.
- Persons concerned/Guard File

S. Dutta  
for n. a.

9/12/99

(A.K. Sinha)  
Engineer Officer-I to CE-I

Action taken  
Accounting  
12/12/99



4c  
Filed by the  
applicant through  
Siddhesh  
Adv. No. A.2001

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

In the matter of :

O.A. No. 131 of 2001

Sri Shyamal Mallick

-vs-

Union of India & Ors.

-And-

In the matter of

An additional statement submitted by the applicant

In support of the contention made in the Original

Application No. 131 of 2001.

-And-

In the matter of :

Shri Shyamal Mallick

Son of Late Satish Chandra Mallick

Barbari Railway Colony

Railway Quarter No. 45/A

P.O. Dibrugarh,

Assam

.....Petitioner

-vs-

Union of India & Ors.

..... Respondents

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That the petitioner above named most humbly and respectfully begs to state as under :

1. That your applicant approached the Hon'ble Tribunal by filing an Original Application under Section 19 of the Administrative Tribunals Act 1985 praying inter alia for grant of temporary status in terms of the casual labour, grant of temporary status and regularisation scheme issued under Memorandum dated 10.9.1993 by the DOPT, Govt. of India and also in the light of the decision communicated by the Directorate General, All India Radio issued under letter bearing No. 4/8/98-SVI, New Delhi dated 14.1.1999 whereby it is directed that all eligible casual workers who fulfilled the prescribed conditions in accordance with O.M. dated 10.9.1993 be granted temporary status, the applicant in the instant case seeking grant of temporary status in the light of the decision communicated by the Directorate General AIR by the aforesaid letter dated 14.1.1999.

Copy of the said letter dated 14.1.1999 is annexed hereto as Annexure-7.

2. That the applicant is a Matriculate and was initially engaged as Casual Labour with effect from 1.12.1988 in the office of the Assistant Engineer, Civil Construction Wing, All India Radio where he was entrusted with different nature of works including clerical works as and required. The applicant continuously worked without any break for 348 days from Ist December 1988 to 31<sup>st</sup> December 1989 and for further period of 310 days during the year 1990 as per official records maintained for casual workers. This would be evident from the details of Muster Roll of the applicant for the years 1988 and 1990.

3. That surprisingly, the service of the applicant was terminated with a verbal order, in the month of November, 1990. Thereafter, the applicant approached the authorities time and again for his re-engagement as casual labour but only to meet with futility, out of sheer frustration, the applicant ventured to submit an application to the Hon'ble Prime Minister of India on 16.3.1994 which followed a series of departmental correspondence amongst various authorities

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of All India Radio (for short AIR) resting on the absorption of the applicant in Group 'D' post but yielding no fruitful result.

4. That the applicant eventually preferred on application before this Hon'ble Tribunal vide O.A. No. 172/95 placing therein all the facts and circumstances of the which was completed by the Respondents and this Hon'ble Tribunal was graciously enough to dispose of the case directing the Respondents to take an expeditious decision within two months for absorption of the applicant in a Group D post and further granted liberty to the applicant to approach this Hon'ble Tribunal for relief if he feel aggrieved.

5. That due to non compliance of the aforesaid order, of this Hon'ble Tribunal by the Respondents, the applicant filed a contempt petition before this Hon'ble Tribunal. But having given an assurance by the Respondents that the absorption of the applicant would be most sympathetically considered as on when the vacancy arises, the applicant, on good faith, withdrew the Contempt Petition and the withdrawal was granted by the Hon'ble Tribunal vide order dated 4.10.1996.

6. That the applicant thereafter approached the authorities time and again for implementation of the order and preferred applications to the authorities at regular intervals which were duly forwarded by the concerned officers of the AIR to their appropriate authorities for immediate action, all of which went in vein. In this context, the letter Nos. SSM-II-13(6-A)/96-S/725 dated 06.6.96 and another letter No. SSM-II-13(6-A)/96-8/850 dated 2.7.96 of Superintending Surveyor, AIR to Chief Engineer (C)-II, AIR.

7. That it is stated that the applicant thereafter consistently pressing the case for grant of temporary status with the respondents without any break and the applicant was under a bona fide belief that his case for grant of temporary status would be considered by the respondents in terms of the assurance granted to the applicant vide their letter bearing No. A-45011/2/96-CW-V dated 15.10.1996 but surprisingly the respondents did not take any steps for grant of temporary status in spite of the fact that the applicant repeatedly approached the authorities for



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considering his case for re-instatement, regularisation and also for grant of temporary status several representations were submitted by the applicant in waiting but unfortunately no action initiated by the respondents for his absorption in the light of the direction passed by this Hon'ble Tribunal in OA No. 172/95 and also in terms of the assurance given by the respondents through their letter dated 15.10.1996.

8. That it is stated that the Directorate General, All India Radio vide their letter dated 14.1.1999 it is informed to All Heads of Station/Offices to grant temporary status and regularisation of services of all eligible casual workers who fulfills the prescribed conditions in accordance with D.O.P.T., scheme for grant of temporary status issued under OM dated 10.9.1993. The applicant thereafter was under the firm belief that his case would be considered for grant of temporary status under the aforesaid DOPT scheme dated 10.9.1993. Accordingly the applicant had submitted his representation dated 12.2.2000 and 27.4.2000 (Anexure 5 and 6 to the O.A.) addressed to the Chief Engineer, Civil Construction Wing, AIR, New Delhi, the relevant portion of the representation dated 12.2.2000 and 27.4.2000 are quoted below:

**Representation dated 12.2.2000**

"Now Sir, my grievances is that neither the competent authority considered my absorption nor initiated any favourable action to implement the above court order as yet.

In the meantime Govt. of India, Min. of personnel, P.G. and Pension, Department of Personnel and Training, New Delhi vide O.M. No. 51016/2/90-Estt(C) dated 10.9.1993 along with its guidelines (Copy enclosed) issued instructions for grant of temporary status to those casual workers on the basis of the judgment of the Hon'ble CAT Principal Bench, New Delhi.

I pray your good self that at least you will be kind enough for me to grant temporary status till a regular Group 'D' vacancy arises and save as well as my poor family in these hard days and will not compel me to re-open the contempt petition again."

**Representation dated 27.4.2000.**

"But Sir, even after conveying Government decision for allowing temporary status as equivalent to Group 'D' staff without availability of any sanctioned post, the competent authority has not initiated any action in my favour as yet.

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I, therefore, pray to your good self to consider my absorption on the light of the directives of Govt. of India as stated above at an early date within one month i.e. from the date of issue of this letter through speed post failing which I shall be compelled to file another contempt petition to approach the Apex Court against the erring officers in this regard. I hope you will not compel me to do so and be pleased to consider my case for offering me the temporary status and save me as well as my poor family for which act of your kindness, I shall remain ever grateful to you."

From above, it is quite clear that the decision for grant of temporary status and regularisation in the fact decided by the Directorate General only on 14.1.199 and directed all Heads of Station/Officers of AIR to consider the cases for grant of temporary status and regularisation in the light of the DOPT Scheme issued under OM dated 10.9.1993. Therefore, further course of action arises for grant of temporary status with effect from 14.1.99 in the light of the decision communicated by the Director General of All India Radio and the applicant after waiting a reasonable period after issuance of the letter dated 14.1.99 submitted his representation only on 12.2.2000 but finding no response again submitted another representation on 27.4.2000, but most surprisingly the respondents did not take any action thereafter in the process the matter is delayed at the instance of the respondents whereas the respondents by their letter dated 15.10.1996 categorically asserted the applicant for consideration of his case for regular absorption as soon as vacancy arises.

9. The applicant being an unemployed youth and also belongs to a very poor family could not approach this Hon'ble Tribunal once again immediately after submission of his representation as stated above but he was expecting a favourable order regarding grant of temporary status and regularisation of his service and in the process the matter is further delayed for no fault of the applicant after issuance of the order dated 15.10.1996 the applicant was eagerly waiting for a favourable order for regularisation of his services in the light of the assurance given by the respondents in terms of the earlier judgement and order passed by the

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Hon'ble Tribunal and in the process, the applicant eagerly waiting for last 4-5 years for a favourable order and the matter got delayed to the extent stated above but the circumstances stated above this Hon'ble Tribunal be pleased to condone the delay if any in approaching this Hon'ble Tribunal in filing the Original Application No. 131/2001.

10 That this additional statement is filed bona fide and for the cause of justice.

In the facts and circumstances stated above the Hon'ble Tribunal be pleased to admit this additional statement as a part of record of the O.A. No. 131/2001 and further be pleased to condone the delay if any, in filing the Original Application No. 131/2001 and also be pleased to pass any other such order or orders as deemed fit and proper by this Hon'ble Tribunal.

And for this act of kindness the applicant as in duty bound shall ever pray.

X

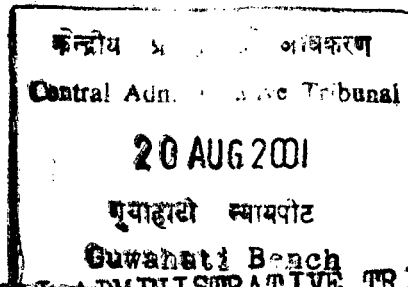
**VERIFICATION**

I, Shri Shyamal Mallick, son of Late Satish Mallick, resident of Borbari, Railway Colony, Railway Quarter No. 45A, Dibrugarh, do hereby declare and verify that the statements made in paragraphs 1 to 9 are true to my knowledge and the rests are my humble submission before the Hon'ble Tribunal and I have not suppressed any material fact.

And I sign this verification on this the      day of April, 2001.

---

Shyamal Mallick.



Filed by  
20/8/01

(A. DEBROY)  
Sr. C.O. & C.

Guwahati Bench

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH :: GUWAHATI.

O.A. NO. 131 OF 2001

Shri Shyamal Mallick

- Vs -

Union of India & Others.

- And -

In the matter of :

Written Statement submitted  
by the respondents

The respondents beg to submit the written statement as follows :

1. That with regard to paras 1, 2, 3 and 4.1, the respondents beg to offer no comments.
2. That with regard to para 4.2, the respondents beg to state that Shri Shyamal Mallick was engaged as Casual Labour in the office of the Asstt. Engineer (C), CCW, AIR, Dibrugarh without sponsoring from the employment exchange. He was assigned only labour jobs when ever his service was required.
3. That with regard to para 4.3, the respondents beg to ~~state~~ offer no comments.
4. That with regard to para 4.4, the respondents beg to state that the applicant was engaged on Muster Roll when ever his service was required by the Department and there is no question of terminating the service of the applicant. As

-2-

As there was no vacancy in the cadre of group 'D' in the Department the application of the applicant for regularisation could not be considered.

5. That with regard to para 4.5, the respondents beg to state that the direction of the Hon'ble Court was considered by the Department, but could not be implemented by the Department as there was no vacancy in the department. On the contrary, there was surplus staff in the Department in group 'D' cadre waiting for ~~re~~ retransference or transfer to other parts of the country. The decision of the CE-(C)-II was conveyed to the applicant on 15.10.96 ( Annexure IX of the application ).

6. That with regard to para 4.6, the respondents beg to state that it is a matter of fact.

7. That with regard to para 4.7 , the respondents beg to state that the application of the applicant was considered but the Department could not do anything as there was no vacancy in the cadre of group 'D' cadre.

8. That with regard to para 4.8, the respondents beg to state that as mentioned above the applicant could not be considered as there was no vacancy in the Department. Moreover, 4(four) regular employees in the cadre of group 'D' staff belonging to Dibrugarh had to to be sent to far way places like Delhi to adjust in other sections of the Department in order to avoid retrenchment ( Annexure -X ).

9. That with regard to para 4.9, the respondents beg to state that the temporary status has been approved by the

Department of Personnel and Training vide their circular dated 10.9.93 on conditions that -

- a. The Casual Worker should be in employment as on 10.9.93.
- b. The scheme will come into effect from 1.9.93.
- c. The confirmation of temporary status would be without reference to the creation/availability of regular group 'D' staff.
- d. Casual Labour who acquire temporary status will not be brought to the permanent establishment unless they are selected through selections process for group 'D' staff post.

As per the circular of Prasar Bharati and the Department of Personnel and Training, Shri Shyamal Mallick is not entitled to be considered for temporary status. Shri Shyamal Mallick was engaged in 1988 and 1989 when the above circular was not issued at all. Moreover, Shri Shyamal Mallick was not in service in 9/93 when DOPT circular was issued. There was no vacancy available to accommodate the applicant.

10. That with regard to para 4.10, the respondents beg to state that as explained above the application of the applicant could not be considered as there was no vacancy available in the group 'D' post. Moreover, due to closure of some divisions in 1995, about 4 group 'D' staff of Dibrugarh were declared surplus and was forcibly adjusted in some other section of the Department in order to avoid retrenchment.

11. That with regard to para 4.11, the respondents beg to state that the applicant was engaged on Muster Roll in

in 1988-89 and 1989-90. He can not be considered for temporary status as per the DOPT circular as he was engaged on casual basis before 1993, the date of issue of DOPT circular.

12. That with regard to para 4.12, the respondents beg to state that as per any Govt. order the applicant is not eligible for giving temporary status or regularization.

13. That with regard to para 4.13, the respondents beg to offer no comments.

14. That with regard to para 5.1, the respondents beg to state that the applicant rendered two years service as Casual worker in 1988-89 and 1989-90.

15. That with regard to para 5.2, the respondents beg to state that the All India Radio circular as well as DOPT circular for granting temporary status is for those employees who were in service as on 9/93. As Shri Shyamal - Mallick was engaged quite before the issue of above circular, the applicant is not entitled for grant temporary status.

16. That with regard to para 5.3, the respondents beg to state that the CE(C)-II has already promised that the applicant's case will be considered whenever there is a vacant post in group 'D' cadre arises. As there is no vacant post available in the Department the appointment on regular basis could not be considered.

17. That with regard to para 5.4, the respondents beg to state that as per the notification of the Respondent vide letter No. 4/8/98-S.VI dated 14.1.89 the applicant is is not ~~in~~ entitled for granting temporary status.



18. That with regard to para 5.5, the respondents beg to state that the applicant is not in Muster Roll engagement from 1990 onwards. The Department is not in a position to grant any employment as there is no vacancy in the group 'D' cadre in the entire department.

19. That with regard to para 6 & 7, the respondents beg to ~~not~~ offer no comments.

20. That with regard to para 8.1 to 8.4, the respondents beg to offer no comments.

verification.....


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

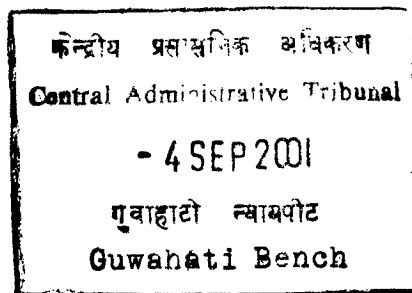
I, Shri K. PONNIAH

being authorised do hereby verify and  
declare that the statements made in this written statement  
are true to my knowledge, information and believe and  
I have not suppressed any material fact.

And I sign this verification on this      th  
day of      2001.

Declarant.

  
Superintendent Engineer (C)  
CCW, AIR, Guwahati



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Filed by the applicant  
Shreegish N. D. Goswami  
Advocate.  
4/9/2001

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

In the matter of :

O.A. No. 131 of 2001

Sri Shyamal Mallick

-vs-

Union of India & Ors.

-And-

In the matter of :

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

The above named applicant most humbly and respectfully begs to state as under :

1. That you're applicant categorically denies the statements made in para 2 and 4 of the written statement and further beg to state that applicant was engaged as casual labour with effect from 1.12.1988 for a period of 2 (two) years. The applicant continuously rendered his service without any break. But surprisingly, respondent No.5 terminated the service of the applicant by a verbal order in the month of November, 1990. Applicant approached the authorities for his reengagement as a casual labour but the respondents denied to re-engage the applicant in service on the ground that the name of the applicant was not sponsored by the Employment Exchange, which cannot be a plea at this belated state after extracting works from the applicant for years together. This apart, non-sponsoring of name by the Employment Exchange cannot be a bar for regularization of the service of the applicant.
2. That with regard to the statements made in paragraphs 5,7 and 8 of the written statement, the applicant begs to state that the applicant approached the Hon'ble Tribunal through O.A. No. 172 of 1995 regarding

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his grievances and the Hon'ble Tribunal was pleased to dispose of the said O.A. directing the respondents for absorption of the applicant in a Group D post. The respondents were also directed by the Hon'ble Tribunal to take the decision and to convey the same to the applicant within a stipulated period of two months from the date of communication of the said judgement and order dated 13.9.1995. Liberty was also granted by the Hon'ble Tribunal to the applicant for approaching the Hon'ble Tribunal again if he is aggrieved by the action/inaction of the respondents. It is pertinent to mention here that the applicant continuously rendered his services under the respondents for a period of two years without any break and therefore the applicant has acquired a valuable and legal right for regular absorption in service.

3. That your applicant categorically denies the statement made in paragraphs 9, 10 and 11 of the written statement and further begs to state that the applicant was engaged prior to the circular dated 10.9.1993 issued by the Department of Personnel & Training. But those who were engaged prior to the circular dated 10.9.198, their absorption should be on the basis of the total number of days worked by the persons concerned. The present applicant continuously worked for 348 days for the first year and 310 days for the 2<sup>nd</sup> year without any break and it would be evident from the details of Muster Rolls of the applicant for the year 1988 and 1990. The applicant has rendered service on casual basis on required number of days as required under the rule for grant of temporary status. As such he has acquired a valuable and legal right for grant of temporary status and regularization in service in any Group D post under the respondents.

4. That with regard to the statements made in paragraphs 12,14,15,16 and 18 of the written statement, the applicant categorically denies the same and further begs to state that the applicant has fulfilled all the requirements for grant of temporary status and regularization in terms of the Central Government Policy/scheme issued by the Ministry of Personnel and Training which has also been adopted and notified by the respondents vide their Circular No 4/8/98 SVI dated 14.1.1999 (Annexure-7).

In the facts and circumstances stated above, the Original Application is deserves to be allowed with costs.

VERIFICATION

I, Shri Shyamal Mallick, son of Late Satish Mallick, resident of Borbari, Railway Colony, Railway Quarter No. 45A, Dibrugarh, do hereby declare and verify that the statements made in paragraphs 1 to 4 are true to my knowledge and the rests are my humble submission before the Hon'ble Tribunal and I have not suppressed any material fact.

And I sign this verification on this the 4th day of September, 2001.

Shyamal Mallick