

( SEE RULE - 4 )

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH  
GUWAHATI

ORDER SHEET

Original Application No : \_\_\_\_\_  
Misc. Petition No. \_\_\_\_\_  
Contempt Petition No. 60 / 02 in O.A. 353/02  
Review Application No. \_\_\_\_\_

Applicant(s): Heeralal Rawath

- Vs. -

Respondent(s): Maj. Anil Vishnoi

Advocate for the Applicant(s): Mr. A. Das Gupta, Mr. S. Bhuyan

Advocate for the Respondent(s): Mr. A. K. Chaudhry, Addl. Case.

Notes of the Registry

Date

Order of the Tribunal

This Contempt petition  
has been filed by the 27.11.2002  
petitioner praying for  
initiation of a Contempt  
proceeding for wilful  
and deliberate violation  
of the order passed by  
this Hon'ble Tribunal  
on 11.2.2002 in O.A.  
353/02

Laid before the  
Hon'ble Court for further  
orders.

for Secretary

bb

6.1.2003

Issue notice on the respondents  
to show cause as to why contempt pro-  
ceeding shall not be initiated agai-  
nst the alleged contemner, returnable  
by four weeks.

List the case on 6.1.2003.

Vice-Chairman

Present: Hon'ble Mr Justice V.S.  
Aggarwal, Chairman  
Hon'ble Mr K.K. Sharma,  
Administrative Member

On 27.11.2002 this Tribunal  
had directed that notice of the  
contempt petition be issued to the  
respondents.

There is no appearance on  
behalf of the applicant. The record  
reveals that no steps had been taken  
even by the applicant. It is patent  
that the applicant is not pressing  
the matter.

contd/-.....

Slips not taken  
1/1/03. Notice prepared on 2/12/02  
but no steps received.  
12/12/02

(2)

C.P.No.60/2002 (In O.A.No.353/2001)

N

No. reply has been  
biled.

6.1.2003

The Contempt Petition stands  
dismissed.

31.03

17.1.2003

Copy of The order  
has been sent to The  
Offec. for issuing  
the fine to the applicant  
as well as to the Add.  
G.S.C.

HS

IC/Whan  
Member

GS Ag  
Chairman

nkm

Filed by the  
applicant - 3  
Rudra Marut  
Shreangh  
Subrat Bhuyan Advocate

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH: GUWAHATI.

CONTEMPT APPLICATION NO. 60 /2002.

IN THE MATTER OF:

An application Under Section 17  
of the Administrative Tribunal  
Act, 1985 for initiation of a  
Contempt proceeding for willful and  
debatate violation of the order  
passed by this Tribunal on 11.2.2002  
in O.A. 353/2002.

-AND-

IN THE MATTER OF:

1. Sri Heeralal Rawath  
Son of Sri Ramdeo Rawath,  
Sector-B, Dinjan Cantt.  
Station Head Quarter,  
P.O. panitola,  
Dist. Dibrugarh.

contd...

*Rubul Mout*

2.

2. Sri Rubul Mout,  
son of Sri pulin Mout,  
Village Dongerchuk  
P.O. Bishmile,  
P.S. Chabua,  
Dist.Dibrugarh,  
pin 786184.

3. Sri Umesh Kumar,  
son of Late Ram Kumar,  
Kharjan T.P. , 14 No.L<sup>2</sup>ne,  
Dist.Dibrugarh.

4. Sri Kiran Goswami  
Son of late Ramdas Baishab  
(Adpptive father).  
village Kajani Bari  
P.O. Dinjan,  
P.S. Chabua,  
Dist.Dibrugarh.

5. Sri Upendra Raut,  
son of Shiv Charan Raut,  
c/o Jayram Store,  
Vill Kajani Bari,  
P.O. Dinjan,  
P.S. Chabua,  
Dist.Dibrugarh.

6. Sri Mohan Tanti,  
son of Rajendra Tanti,  
vill Dinjan (Gherkhibasti)  
P.O. Dinjan,P.S. Chabua,  
Dist.Dibrugarh.

contd..

5  
Rupul Maat

7. Sri Jaimangal Rawath

son of Sri Rambiraji Rawath  
Sector -B, Dinjan Cantt,  
P.O. Dinjan, P.S. Bhabua,  
Dist.Dibrugarh.

8. Sri Phonen Gogoi,

Son of late Monuram Gogoi,  
Vill Pubdeodhaigaon  
P.O. Chabua,  
P.S. Chabua,  
Dist.Dibrugarh,  
pin 786184.

9. Sri Kanak Das,

Son of Sri Bhola Ram Das,  
Sector B, DinjanCantt.  
P.O. Dinjan,  
Dist.Dibrugarh,  
Pin 786189.

10. Sri Kailash Yadav,

son of Munnu Yadav  
village Dinjan (Gherkhihasti  
P.O. Dinjan,  
Dist.Dibrugarh  
pin 786189.

contd...

*Rubel Maat*

4.

11. Sri Hiralal Kurmi

son of late Kalipada Kurmi  
vill Chaklivoria,  
P.O. Panitola,  
P.S. Chabua,  
Dist.Dibrugarh.

12. Sri Nar Bahadur Thapa,

son of Sri Mon Bahadur Thapa,  
Vill Dhigatibasi, Baglimari,  
P.O. Panitola,  
Dist.Dibrugarh.

13. Sri Daneshwar Kurmi

son of Sri Hemenath Kurmi  
vill Chanlivoria  
P.O. Panitola,  
Dist.Dibrugarh.

14. Sri Tenzong Das,

Son of late Kushal Das,  
Vill & P.O. Chabua,  
Dist.Dibrugarh.

15. Sri Jinen Sarkar,

Son of Sri Dinesh Sarkar,  
vill Mirigaon,  
P.O. Mulukgaon,  
P.S. Chabua,  
Dist.Dibrugarh.

contd..

5.

16. Sri Chilan Duarah,

Son of Sri Aneswar Duarah,

Vill Chatiagaon,

P.O. Chatiagaon,

Dist.Dibrugarh.

17. Sri Loknath Boruah,

Son of Sri Dondée Boruah,

Vill Gorpara gaon,

P.O. Gorpara, (Dikom).

Dist.Dibrugarh.

18. Sri Robin Das,

Son of Sri Bhubul Das

Vill Bhardhara,

P.O. Bhardhara (Kanjicaowa).

Dist.Dibrugarh.

19. Sri Midul Das,

son of late Phukan Das,

Vill Morichagaon,

P.O. Chetriagaon, Chabua,

Dist.Dibrugarh.

20. Sri Kadom Phukan,

son of Sri Malok Phukan,

Vill Chetia pathar,

P.O. Rangchangi,

P.S. Chabua,

Dist.Dibrugarh.

contd..

Rubul Marut

6.

21. Sri Rupam Das,  
son of Late Sumeswar Das,  
vill Morichagaon,  
P.O. Chetiagaon(Chabua).  
Dist.Dibrugarh.

22. Sri Bijoy Gogoi  
son of Sri Naren Gogoi,  
Vill Chetiagaon,  
P.O. Chetiagaon  
Chabua,  
Dist.Dibrugarh.

23. Sri Ranjan Saikia,  
Son of Sri Kamleswar Saikia,  
Vill Chabua,  
P.S. Chabua,  
Dist.Dibrugarh.

24 . Sri Binod Das,  
Son of Sri Surjya Das,  
Vill Morichagaon,  
P.O. Chetiagaon,  
P.S. Chabua  
Dist.Dibrugarh.

25. Sri Rajib Rajkhowa  
son of Sri Rajen Rajkhowa,  
vill Mudoigaon,  
P.O. Bogdung(Panitola),  
Dist.Dibrugarh, Assam,  
pin 786183.

contd..



7.

26. Sri Amit Tanti,  
son of late Bharat Tanti,  
Vill Nagaon(Basti)  
P.O. Dinjan,  
P.S. Chabua,  
Dist. Dibrugarh.
27. Sri Binod Dihingia,  
Son of Sri Susla Dihingia,  
Vill Dihingiapar,  
P.O. Dinjoysatta(Chabua).  
Dist.Dibrugarh.
28. Sri Atul Chetia,  
Son of Sri Lubeshwar Chetia,  
Vill Bogoritaliagaon,  
P.O. Mohmora(Dikom).  
Dist.Dibrugarh.
29. Sri Fulena Prashad,  
son of Sri Harilal Prashad,  
Vill Kajani bari,  
P.O. Dinjan,  
P.S. Chabua,  
Dist.Dibrugarh.
30. Sri Kulendra Gogoi ,  
son of Sri Ghonen Gogoi,  
vill Naharani,  
P.O.Borchapuri(Panitola).  
Dist.Tinsukia.

contd..

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Ruhul Maat

31. Sri Manik Chetia,  
son of Late Budeshwar Cehitia,  
vill Chetiagaon,  
P.O. Chetiagaon,  
P.S. Chabua,  
Dist. Dibrugarh.

... Applicants.

-Versus-

Maj. Anil Vishnoi,  
o/c Administration & Service Wing,  
2 Mountain Division,  
ordnance Unit,  
c/o 99 APO.

... Respondent/Contemner.

The applicants above named :-

MOST RESPECTFULLY SHEWETH:-

1. That the applicant preferred an application under Section 29 of Administrative Tribunal Act, 1985 before this Hon'ble Tribunal with a prayer for a direction to confer temporary status.

contd..

*Rubel Marti*

9.

2. That the brief facts which resulted to file to initiate a contempt proceeding before this Hon'ble Tribunal is that the applicants were recruited as casual employees by the authority of two MTD Division, Ordinance unit on the basis of an interview. The applicants were directed to join their duties on and from 2.12.97. The applicant number 29, 30 and 31 were in the waiting list for appointment and subsequently the applicant no.29 and 30 joined their duties on 23.4.98 and the applicant no.31 joined his duty on 28.4.98. Since their date of joining they had been continuously working till 28th April 2001 when they were terminated by a verbal order.

3. That the applicants had completed more than 240 days of work in a year. In order to establish this fact they had narrated in detail number of days worked for the year 1998 .

A copy of the detailed particulars of number of working days in the year 1998 as stated in O.A. 353/2001 is annexed hereto and marked as Annexure -A to this application.

4. That it is evident that in the year 1998 itself the applicants had completed more than 240 days of work, The table as set up is Annexure-A

contd...

12  
Rubel Maat

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is based upon the record maintained by the Respondent Authority for the year 1998. It was further stated that though the applicants completed 240 days in the year 1999 and 2000 but their actual date of working was not reflected in the record maintained by the respondent Authority. Be that as it may, the applicants by dint of their work for a period more than 240 days in the year 1998 are entitled to have temporary status. It was specifically stated in their application that a casual employee after completion of 240 days of work in a year is entitled to have a grant of temporary status. As all these applicants worked for a period of more than 240 days as evident from the record maintained for the year 1998, they are entitled for temporary status.

5. That the respondent authority filed their written statement and contested the proceeding. It was, inter-alia, stated that the applicants were not granted temporary status as there was no provision. They relied upon an order issued from Adjutant General's Branch, Head Quarters, New Delhi as contained in letter No. 15225/ORG 4(Civ) (A) dated 29th Jan, 1998 wherein it was stated that granting of temporary status to the casual labourers was a one time affair and it was applicable in respect of these casual employees who were

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Rubul Maat

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in service on the date of notification of the scheme i.e. 20 th Sept. 1992 and had rendered 240 or 206 days as the case may be ~~that~~ on that date. They also stated that conferring of temporary status to the applicants is not applicable as they were subsequently employed.

A copy of the letter dated 29.1.98 issued from the Office of the Adjutant General's Branch as Annexure-B of the written statement is also annexed herewith and marked as Annexure-B.

6. That this Hon'ble Tribunal passed his Judgment and order on 11.2.2002 in O.A. 353 of 2001. The point raised by the respondent Authority whether grant of temporary — status is one time arrangements for the employees who joined prior to 1993. was elaborately dealt with. This Hon'ble Tribunal after elaborate discussion specifically held that, —

“ In the instant case, the respondent authority was smarting under the misconception that the scheme of 1993 in itself was a one time scheme. The scheme is still existing and the casual labourers working under the department are to be conferred with

contd..

*Rubaul Maait*

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temporary<sup>status</sup> that is the pure and simple meaning of the scheme. We, therefore, remand the matter to the concerned authority to examine the case on merits in the light of the scheme of 1993 and in so doing the authority should take note of the services of all the workers who worked for 240 days without taking note of the artificial breaks. The department will be free to take a decision on the subject on merit, keeping in mind its need, the available work force and the object of the scheme. The respondents are directed to complete the exercise within four months from today and pass necessary speaking order as per laws.\*.

A copy of the order dated 11.2.2002  
passed by this Hon'ble Tribunal  
in O.A. No.353/2001 is annexed as  
Annexure-C.

7. That a copy of the aforesaid order was communicated to the respondent authority and on 24.5.2002 one Maj Anil Vishnoi o/c Administration & Service wing passed a speaking order on behalf of the commanding officer as per direction of this Hon'ble Tribunal. In the said order it was contented that as the applicants were not in

contd...

employment with the Unit prior to the 1993 scheme they are not entitled to conferrment of Temporary status and reliance was put to a letter dated 29.1.98 of the Adjutant General's Branch, Army Head quarters where it was stated that the granting of temporary status to casual labourer by the 1993 scheme was an one time affair .The applicants were untimated by similar orders issued from time to time.The applicants cdaves leave of this Hon'ble Tribunal to produce copies of the order served on each of them at the time of hearing.

A copy of the order dated 24.5.02 served on Sri Rubul Mout is annexed as

Annexure-D.

8. That the applicants state that the respondent/ contemner deliberately and willfully violated the order passed by this Hon'ble Tribunal on 11.2.02 .This Hon'ble Tribunal clearly defined the meaning of the 1993 scheme of Grant of Temporary status to casual employees and held that it is not a one time scheme.This Hon'ble Tribunal directed to examine the case of the applicants on merit in the light of the scheme of 1993 .But , the respondent/ contemner instead of examining the case of the applicants on merit questioned the applicability

contd...

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Rubeel Maht

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of the scheme of 1993 on the applicants in the line of the letter dated 29.1.98 issued by the adjutant General's Branch whose interpretation was actually overruled by this Hon'ble Tribunal by order dated 11.2.02. The contemner by this order dated 24.5.02 again agitated the point already decided by this Hon'ble Tribunal failed to comply with the order to examine the case of the applicants on merit.

9. That the applicants submit that it is a fit case where this Hon'ble Tribunal may be pleased to initiate a contempt proceeding against the contemner for wilfull and deliberate <sup>violation</sup> ~~disobedience~~ of the order dated 11.2.02 passed in O.A. 353/01.

10. That the applicants do not have any alternative remedy and the remedy sought for is just, proper and adequate.

11. That the petition is made bonafide and for the interest of justice.

It is therefore, prayed that this Hon'ble Tribunal may be pleased to initiate a contempt proceeding against

contd...



15.

*Rubaul Nant*

the respondent/ contemner for wilfull <sup>and</sup>  
~~deliberate~~ violation of the order dated 11.2.2002  
of this Hon'ble Tribunal and punish  
the contemner accordingly and pass  
any other order or orders as your  
Honour may deem fit and proper.

And for this act of kindness, your petitioners shall  
ever pray.

contd...

IN THE COURT OF MAGISTRATE(K) AT GUWAHATI.A F F I D A V I T

I, Sri Rubul Maut, son of Sri Pulin Maut, aged about 26 years resident of Village-Dongerchuk, PO-Bishmile, PS-Chabua, District-Dibrugarh, Assam do hereby declare and state as follows :-

1. That I am one of the petitioners, and as such well acquainted with facts and circumstances of the case and have been duly authorised and competent to swear this affidavit.
2. That the statement made in paragraphs are true to my knowledge and shall made in paragraphs 1, 2, 3, 4, 5, 6, 7, are matter of records which I believe to be true and rest are my humble submission before this Hon'ble Tribunal.

And I sign this affidavit on this        th day of August, 2002 at Guwahati.

Identified by -

*Rubul Maut*

*Subrat Bhuyan*

DEPONENT.

Advocate

Solemnly affirmed and declared before me by the deponent who is identified by Sri Subrat Bhuyan, Advocate on this 27th day of August, 2002 at Guwahati.

*[Signature]*  
MAGISTRATE

**Subrat Bhuyan**  
**Advocate**



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ANNEXURE :- A

PARTICULARS OF NUMBER OF WORKING DAYS IN THE YEAR 1998

Applicant Number	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	TOTAL DAYS
1	23	25	26	24	25	26	25	26	24	24	26	274
2	23	25	26	24	26	26	22	25	24	22	18	261
3	23	25	26	24	25	26	25	26	24	23	26	272
4	23	25	16	13	26	25	23	26	24	24	26	251
5	23	25	25	24	26	25	25	20	7	23	26	259
6	23	25	23	24	24	25	24	26	24	24	25	267
7	23	25	26	24	24	26	24	24	20	24	26	266
8	23	25	23	23	25	25	NIL	-	-	23	25	192
9	23	25	26	24	25	26	25	26	24	20	26	270
10	23	25	16	15	26	26	25	26	24	24	26	256
11	23	25	22	24	26	23	25	25	24	24	26	267
12	23	25	24	24	26	25	21	22	23	23	25	262
13	23	25	23	24	25	26	25	26	24	23	26	272
14	23	25	26	24	26	26	25	26	18	10	24	253
15	23	25	19	24	26	24	25	26	22	22	26	262
16	23	25	23	23	26	23	22	25	22	23	26	264
17	23	25	19	20	24	26	25	23	24	23	26	258
18	23	25	22	23	26	26	23	25	24	22	20	259
19	23	25	19	3	NIL	26	23	26	24	21	23	213
20	23	25	23	24	21	24	21	26	24	24	19	255
21	23	25	24	23	26	26	19	24	24	24	24	262
22	23	25	24	24	26	26	24	24	24	24	23	267
23	23	25	22	23	25	26	23	26	24	24	26	267
24	23	25	26	23	26	23	25	26	24	24	26	270
25	23	25	24	24	25	26	24	26	24	24	26	271
26	23	25	26	24	25	26	25	26	24	24	26	274
27	23	25	20	24	26	25	24	26	22	24	24	263
28	23	25	24	21	26	26	25	26	24	24	26	270
29	7	24	26	26	24	26	24	24	26	NIL	NIL	207
30	7	24	26	26	11	23	24	23	22	NIL	NIL	179
31	3	24	26	NIL	22	24	24	22	25	NIL	NIL	170

Attended  
8/2/98

ANNEXURE - B.

(COPY)

Tele :- 3375033

IMMEDIATE

15226/org 4(Civ)(a)

29 Jan. 98.

ADJUTANT GENERAL'S BRANCH

Org 4(Civ) (a)

CLARIFICATION :- GRANT OF TEMPORARY STATUS AND  
REGULARISATION SCHEME FOR CASUAL LABOUR.

1. Grant of Temporary Status and Regularisation Scheme  
Circulated by the Deptt. of Personnel and Training under their  
OM No. 5101602/90-Estt(c) dated 10 Sep, 93 was disseminated to  
all the Branches /Dates of Army HQ vide our note No. 71881/CL/  
org 4(Civ)((a) dated 19 Oct, 93. Recently, while examining a  
case on grant of temporary status to casual employees, the D.P.  
& T have clarified that the said scheme was a one time affair  
and is applicable in respect of only those casual employees who  
were in service on the date of the notification of the scheme,  
i.e. 10/9/93 and had rendered one year of continuous service with  
240 or 206 days, as the case may be, on that date. Thus conderring  
temporary status is not applicable to those who had not completed  
240 or 206 days, as the case may be, on 10 sept.93 and also  
those employed as casual labours subsequently.
2. In view of the above, it is requested that all the  
Units /Estts under your administrative control may be apprased  
of the above clarification immediately for compliance.
3. Please acknowledge.

Sd/- illegible

(Seal illegible )

Attended  
By

ANNEXURE - C  
~~~~~

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH  
~~~~~

Original Application No.No.353 of 2001

Date of decision : This the 11th day of February 2002

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

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

Shri Heeralal Rawath,  
Sector - B Dinjan Cantt.,  
Station Headquarter,  
P.O. Panitola, District - Dibrugarh,  
and 30 others

... Applicants.

By Advocates Mr. A. Dasgupta and Mr. S. Bhuyan.

- Versus -

1. The Union of India, represented by the  
Secretary to the Government of India,  
Ministry of Defence.
2. The General Officer Commanding,  
2 Mountain Division,  
C/o 99 A.P.O.
3. The General Officer Commanding,  
4 Corps, C/o 99 A.P.O.
4. The Commanding Officer;  
2 Mountain Division,  
Ordinance Unit,  
C/o 99 A.P.O.

... Respondents.

By Advocate Mr. A.K. Choudhury, Addl. C.G.S.C.

\*\*\*\*\*

O R D E R (ORAL)  
~~~~~

CHOWDHURY. J. (V.C.)  
~~~~~

Confermaent of temporary status has again  
surfaced in this proceeding in the following  
circumstances :

Contd. 2..

Attested  
8/2/02

The applicants are thirtyone in number. They claim that they worked under the respondents as casual labourers continuously and intermittently for more than 240 days. But, instead of conferring them temporary status as per the Scheme they were thrown out of the department.

2. From the material cited in the application it appears that these applicants were selected on daily wages through the Employment Exchange and to that effect appointment orders were issued on 1.12.1997. In para 4(viii) of the application the applicants indicated the period of service rendered by them in 1998. Though they averred that they worked for more than 240 days in a year, save and except the statements they have not shown the specific period they worked in a year. From 8.4.2001 the applicants were not allowed to work and verbally they were told that they were terminated from service. It was also averred that after termination, steps were taken by the respondent authority for recruiting casual labours on daily wages through the Employment Exchange. The Employment Exchange put queries to the respondents as to whether the respondents would provide any preference including age factor to the ex casual labourers who worked in the department for a considerable period. Failing to get appropriate remedy the applicants submitted representations before a number of authorities including the Ministry seeking relief. As nothing happened they moved this Tribunal praying for a direction on the respondents to consider their case for regularisation in service.

Contd. 3..

Attended  
8/1/98

- 3 -

3. Respondents submitted their written statement denying and disputing the claim of the applicants. In the written statement the respondents stated that the 2 Mountain Division Ordnance Unit was responsible for providing logistic support to all the Units dependent on it. The work load of the Unit had increased manifold as a result of additional role assigned to the Units in counter insurgency operations. The dependent Units were spread over vast areas and located in remote areas of Upper Assam and Arunachal Pradesh. As a result, to overcome the shortage of manpower sanction was sought from the higher authority to employ porters/labourers on daily wages on a required basis to tide over the additional work load of non-routine nature. The formation headquarters had accorded sanctions to the Unit for opening of supply and service Imprest Account Budget Head 105 (F) with effect from 15.9.1997 for employment of civilian labourers and porters on daily wages. The names of the candidates were obtained from the district Employment Exchange, Dibrugarh. A board of Officers was convened to assess the suitability of the candidates and to recommend names for employment as labourer on daily wages. These labourers were employed only to perform the tasks of non-routine nature like clearance of grass to avoid fire risk during summer and also for monsoon stocking of detachments located across the rivers. They were paid for the actual number of days they were employed in a month out of supply and Services Imprest Account allotted by the formation Headquarters. It was

Contd. 4..

Attested  
8/1/98

specifically averred that the daily wages were paid as per the attendance register. As regards grant of temporary status, it was averred that the temporary status was not granted as there was no provision. It mentioned the communication vide letter No. 15225/Org 4(Civ)(a) dated 29.1.1998 issued from the Adjutant General's Branch, Army Headquarters, New Delhi, wherein it was stated that granting of temporary status to the casual labourers was a one time affair and it was applicable in respect of those casual employees who were in service on the date of notification of the Scheme i.e. 10.9.1993 and had rendered one year of continuous service with 240 or 206 days as the case may be on that date. In reference to seeking for additional persons, the respondents did not dispute the requisition for sponsoring additional persons by the establishment of 2 Mountain Division Ordnance Unit and it was forwarded to the District Employment Exchange, Dibrugarh on 22.6.2001. However, in the mean time the necessity of employing additional persons was reviewed and since the necessity was not felt the process was discontinued. It was also stated that during that period the regular troops were available for the extra work. Since the combatant manpower was readily available and it proved to be more economical to the State the Unit management decided to stop employment of porters in future.

4. We have heard Mr. A. Dasgupta, learned counsel for the applicant and also Mr. A.K. Choudhury, learned Addl. C.G.S.C. at length. There is no dispute at the Bar that the Scheme for granting temporary status was

Contd. 5..

Attested  
S. K. Sanyal



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introduced to regulate the employment of casual labourers in a fair manner and to avoid victimisation or unfair labour practice in conformity with the consistent legal policy laid down by the Supreme Court on this matter. The grant of Temporary Status and Regularisation Scheme of the Government of India, 1988 was introduced for engagement of casual labourers in Central Government offices keeping in mind the decisions of the Supreme Court, more particularly the decision in Surinder Singh Vs. Engineer-in-Chief, CPWD, reported in (1986) 1 SCC 693. The whole Scheme was intended to provide work to these casual labourers on a continuous basis and to make these casual labourers regular subject to availability of vacancies. The aforesaid Scheme was again followed by the 1993 Scheme for conferment of temporary status on all casual labourers who were in employment on the date of issue of O.M. 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 (206 days in the case of office observing 5 days week). 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. The notification itself indicated that the guidelines contained in the O.M. should be followed strictly in the matter of engagement of casual employees. The entire Scheme was introduced with the avowed object mentioned above. Such a Scheme cannot be termed as a onetime measure as was submitted by Mr. A.K. Choudhury, learned Addl. C.G.S.C. A decision on

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Attested  
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this issue has already been rendered by the Full Bench of the Central Administrative Tribunal in O.A.No.1146-HP-96 decided on 3.10.2001. The Schemes were introduced as per the constitutional mandate and in response to the decisions of the Supreme Court. As alluded earlier the Scheme was introduced to protect the working force. When there is a perennial nature of work, in those instances the labourers who are engaged are to be conferred, with temporary status. It is for the authority to take a decision in the matter in the light of the Scheme. In the instant case, the respondent authority was smarting under the misconception that the Scheme of 1993 in itself was a one time Scheme. The Scheme is still existing and the casual labourers working under the department are to be conferred with temporary status, that is the pure and simple meaning of the Scheme. We, therefore, remand the matter to the concerned authority to examine the case on merits in the light of the Scheme of 1993 and in so doing the authority should take note of the services of all workers who served for 240 days without taking note of artificial breaks. The department will be free to take a decision on the subject on merit, keeping in mind its need, the available work force and the object of the Scheme. The respondents are directed to complete the exercise within four months from today and pass necessary speaking order as per law.

The application is allowed to the extent indicated. No order as to costs.

Sd/ VICE CHAIRMAN  
Sd/ MEMBER (ADMN)

TRUE COPY

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Section Officer

Central Administrative Tribunal

Guwahati Bench, Guwahati -1.

Attested  
8/11/01

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ANNEXURE - D.

Sri Rubul Mout S/o. Sri Pulin Mout  
Vill- Dengerchuk, P.O. Bishmile  
P.S. Chibua  
Dist. Dibrugarh  
Pin- 786184.

24 May, 2002.

SPEAKING ORDER

1. Ref to Central Administrative Tribunal Guwahati Bench Judgement and order dated 11 Feb 2002 passed in OA No. 333 of 2001 (Heeralal Rawat & 30 VS UOI). The department has perused the judgement and under stood the same.

2. This unit / department has perused the case and the judgment regarding thirty one individuals inclusive of Shri Heeralal Rawat (Names are att as appx. 'A') employed as casual labours on daily wages ( herric rates ) and who ~~were~~ paid from Budget Head 105 (F). On perusal of all related documents and the judgement the following inferences are made :-

(a) Adjutant General's Branch, Army Headquarter, New Delhi vide its letter No. 15225/org/a (Civ)(a) dt. 29 Jan 98 has stated that granting of temporary status to the casual labourers was a one time affair and it was applicable in respect of those casual labourers / employees who were in service on the date of the Govt. of India notification of the scheme of 10 Sep 93 and who had rendered one year continuous service i.e. 240 or 206 days as the case may be on that date. But as regards to the thirty one casual labourers employed on daily wages by this unit / department, they were not working prior to the Govt. of India notification of 1993 with this unit /

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department and therefore, can not be conferred the status they are demanding for according to the regulations.

3. ~~3x~~ In view of the aforesaid, the above applicants Shri Heeralal Rawat and others cannot be given temporary status as they were employed much later and not prior to the Govt. of India notification of 1993 and there is no provision given by Ministry of Defence Govt. of India to this unit /department to facilitate the same.

4. In view of the above, it is not possible on the part of the department to confer temporary status to the applicants.

31 in numbers in OA 333/01.

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DRAFT CHARGE

Laid down before this Hon'ble Tribunal for wilfull non-compliance of Judgment and order dated 11.2.2002 passed in O.A. No. 353 of 2001. Therefore the Hon'ble Tribunal would be pleased to impose penalty upon the alleged contempners for non-compliance of the Judgment and order dated 11.2.2002 in O.A. No. 353 of 2001 and further be pleased to pass any other order/orders as deem fit and proper.