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**CENTRAL ADMINISTRATIVE TRIBUNAL**  
**GUWAHATI BENCH**  
**GUWAHATI-05**

(DESTRUCTION OF RECORD RULES, 1990)

**INDEX**

O.A/T.A No. 64...36/2002

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

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

1. Orders Sheet.....OA.....Pg.....1.....to.....2.....
2. Judgment/Order dtd. 1.8.02.....Pg 1.....to 3.....Rejoinder
3. Judgment & Order dtd.....Received from H.C/Supreme Court
4. O.A.....36/02.....Pg. 1.....to 32.....
5. E.P/M.P.....Pg.....to.....
6. R.A/C.P.....Pg.....to.....
- ✓ 7. W.S.....Pg 1.....to 3.....
8. Rejoinder.....Pg.....to.....
9. Reply.....Pg.....to.....
10. Any other Papers.....Pg.....to.....
11. Memo of Appearance.....
12. Additional Affidavit.....
13. Written Arguments.....
14. Amendment Reply by Respondents.....
15. Amendment Reply filed by the Applicant.....
16. Counter Reply.....

SECTION OFFICER (Judl.)

balita  
22/11/17

FORM NO. 4

(See Rule 42)

In The Central Administrative Tribunal :: Guwahati Bench  
Guwahati

ORDER SHEET

APPLICATION NO. 36/2002

Applicant(s) Makibar Rahman & ors.

Respondent(s) U.O. 1 & ors.

Advocate for Applicant(s) Mr. Adil Ahmed.

Advocate for Respondent(s) Adv. G. S. C. A. K. Choudhury.

Notes of the Registry	Date	Order of the Tribunal
<p>This is application in form C. F. for 2. 50/- deposited vide IP <u>46550091</u> Dated <u>28.01.2002</u> <u>Dy. Registrar</u> <u>4/02/02</u></p> <p><u>Stake taken</u> <u>Notice prepared and sent</u> <u>to D/S for my etc</u> <u>Respondent No 1 to 4 by</u> <u>Regd A/D.</u> <u>7/2/02</u> <u>D/No 472 to 475</u> <u>Std Nil</u></p> <p><u>No written statement</u> <u>has been filed.</u> <u>By</u> <u>4/4/02.</u></p>	<p>5.2.02</p> <p>mb 7.3.02</p> <p>mb 5.4.02</p> <p>mb</p>	<p>Heard Mr. A. Ahmed, learned counsel for the applicant.</p> <p>The application is admitted. Call for the records.</p> <p>List on 7.3.2002 for order.</p> <p><u>K. Usha</u> Member</p> <p><u>Vice-Chairman</u></p> <p>List on 5.4.2002 to enable the Respondents to file written statement.</p> <p><u>K. Usha</u> Member</p> <p><u>Vice-Chairman</u></p> <p>Put up on 8/5/2002 for filing written statement by the Respondent.</p> <p><u>K. Usha</u> Member</p> <p><u>Vice-Chairman</u></p>

11.4.2002

W/S submitted  
by the Respondent No. 1 to 4.

8.5.02

Written statement has been filed.  
The case may now be listed for hearing  
on 10/6/2002. The applicant may file  
rejoinder if any, within two weeks  
from today.

List on 10/6/2002 for hearing.

*K. C. Sharma*  
Member

*[Signature]*  
Vice-Chairman

mb

No rejoinder has  
been filed.

*[Signature]*  
7.6.02

10.6.2002

List again on 11.7.02  
for hearing enabling the respondents  
to produce the connected records.

*K. C. Sharma*  
Member

*[Signature]*  
Vice-Chairman

nkm

11-7-

List again on 26/11/2002  
in the presence of learned Counsel  
for the respondents.

*MS*  
*[Signature]*  
11-2

1.8.2002

Heard counsel for the parties. Hearing  
concluded. Judgment delivered in ~~the~~ open  
Court, kept in separate sheets.

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

*K. C. Sharma*  
Member

*[Signature]*  
Vice-Chairman

pg

Recd copy  
of the order  
of the SC  
dated 13/8/02

Order dated 1/8/02  
communicated to the  
applicant & the parties  
concerned.

CENTRAL ADMINISTRATIVE TRIBUNAL.  
GUWAHATI BENCH

O.A./R.A.No. 36 ..... of 2002.

DATE OF DECISION..... 1.82002.

Md. Makibar Rahman & another

APPLICANT(S)

Mr A. Ahmed

ADVOCATE FOR THE APPLICANT(S)

-VERSUS-

Union of India & Ors.

RESPONDENT(S)

Sri A.K.Choudhury, Addl.C.G.S.C.

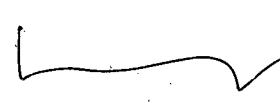
ADVOCATE FOR THE  
RESPONDENT(S)

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

THE HON'BLE MR K.K.SHARMA, ADMINISTRATIVE MEMBER.

1. Whether Reporters of local papers may be allowed to see the judgment ,?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the judgment ?
4. Whether the judgment is to be circulated to the other Benches ?

Judgment delivered by Hon'ble Vice-Chairman.



CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No. 36 of 2002.

Date of Order : This the 1st Day of August, 2002.

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

THE HON'BLE MR K.K.SHARMA, ADMINISTRATIVE MEMBER.

1. Md. Makibar Rahman,  
S/o Md. Muslim Ali,  
Vill-Pub Sahan,  
P.O. Rangia,  
Dist. Kamrup, Assam.

2. Sri Mohan Kalita,  
S/o Late Jogen Kalita,  
Vill-Chapti,  
P.O. Rangia, Kamrup.

...Applicants.

By Advocate Mr Adil Ahmed.

- Versus -

1. The Union of India,  
represented by the Secretary to the  
Government of India,  
Ministry of Defence,  
New Delhi.

2. The Additional Director General of  
Staff Duties (SDGE),  
General Staff Branch,  
Army Head Quarters D.H.Q.,  
New Delhi-11.

3. The Administrative Commandant,  
Purav Kaman Mukhalaya Head  
Quarter, Eastern Command,  
Fort William, Calcutta-700021.

4. The Administrative Commandant,  
Station Head Quarter, Rangia,  
C/o 99 APO.

...Respondents

By Sri A.K.Choudhury, Addl.C.G.S.C.

O R D E R

CHOWDHURY J.(V.C)

This is the second round of litigation. One more case of conferment of temporary status. The two applicants came earlier before this Tribunal alongwith

one Syeda Anjali Begum for conferment of temporary status. The Tribunal by its judgment and order dated 12.7.2001 in O.A.66/2000 directed the respondents to consider the case of these applicants also for extending the benefit of the scheme of 1993. By the impugned order dated 13.12.2001 the respondents authority rejected the claim of the applicants for conferment of temporary status. The legitimacy of the action of the respondents is assailed in this proceeding.

2. Mr. A.Ahmed, learned counsel appearing for the applicants stated and contended that the respondents authority overlooking the genuine claim of the applicants though they fulfilled the eligibility conditions prescribed for conferment of temporary status. Mr Ahmed, the learned counsel submitted that the applicants atleast fulfilled the requirements mentioned in the Memorandum dated 7.6.1988 for conferment of temporary status. Even assuming the contentions made by the respondents in the written statement that the applicants were not eligible for getting the benefit of the 1993 scheme. Mr A.K.Choudhury, learned Addl.C.G.S.C appearing on behalf of the respondents placed before us the detail of service records in respect of both the applicants. As per the statements applicant 1 Makibar Rahman worked from 1.4.86 to 31.8.86 and again from 1.1.87 to 31.7.87 and from 1.9.87 to 31.12.87 and from 1.1.88 to 8.5.89. The applicant did not work after 8.5.89. Similarly applicant 2 Mohan Kalita worked from 1.5.86 to 25.5.86 and from

1.6.86 to 1.4.87 and thereafter he did not work under the establishment.

3. We have given our anxious consideration on the matter. Admittedly these two applicants ceased to work and 1989. under the establishment in 1987 / On overall consideration of the matter we do not find any infirmity in the action of the respondents in not accepting their plea after a long lapse of time. In the set of circumstances we are not inclined to exercise our jurisdiction under Section 19 of the Administrative Tribunals Act 1985 and accordingly the application is rejected.

There shall, however, be no order as to costs.



( K.K.SHARMA )  
ADMINISTRATIVE MEMBER



( D.N.CHOWDHURY )  
VICE CHAIRMAN

केन्द्रीय प्रशासनिक न्यायिकरण  
Central Administrative Tribunal

- 4 FEB 2002

गुवाहाटी बेंच  
Guwahati Bench

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,

GUWAHATI BENCH AT GUWAHATI.

(AN APPLICATION UNDER SECTION 19 OF THE CENTRAL  
ADMINISTRATIVE TRIBUNAL ACT, 1985)

ORIGINAL APPLICATION NO. OF 2002.

Makibar Rahman & Ors.

-Applicants.

-Versus-

The Union of India & Others

-Respondents.

I N D E X

S/No.	Particulars	Page No.
1]	Application	1 to 17
2]	Verification	18
3]	Annexure-A	19
4]	Annexure-B	20
5]	Annexure-C	21 to 25
6]	Annexure-D	26 to 28
7]	Annexure-E	29 to 31
8]	Annexure-F	32

Filed by

Advocate.

(ADIL AHMED)



Filed by  
Md. Makibar Rahman  
through Lill 2  
(Abu AHMED)  
Advocate

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
GAUHATI BENCH AT GAUHATI.

(AN APPLICATION UNDER SECTION 19 OF THE  
CENTRAL ADMINISTRATIVE TRIBUNAL ACT, 1985.)

ORIGINAL APPLICATION NO. OF 2002.

B E T W E E N

1] Md. Makibar Rahman,  
S/o Md. Muslim Ali,  
Vill-Pub-Sahan,  
P.O.-Rangia,  
Dist-Kamrup, Assam.

186 to 89  
W. 10 h.

2] Sri Mohan Kalita,  
S/o Late Jogen Kalita,  
Vill-Chapti,  
P.O.-Rangia, Kamrup.

186 to  
2/7/88

-Applicants.

-Versus-

1] The Union of India,  
represented by the Secretary  
of Defence, Government of  
India, New Delhi.

2] The Additional Director  
General of Staff Duties  
(SDGE), General Staff Branch,

*Makibar*

Army Head Quarters D.H.Q., New  
Delhi-11.

3] The Administrative Commandant,  
Purav Kaman Mukhayala Head  
Quarter, Eastern Command, Fort  
William, Calcutta-700021.

4] The Administrative Commandant,  
Station Head Quarter, Rangia,  
C/o 99 APO.

DETAILS OF THE APPLICATION:

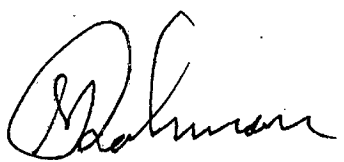
1) PARTICULARS OF THE ORDER AGAINST  
WHICH THE APPLICATION IS MADE:

This application is made against the  
impugned rejection letter No. 3004/1/CC-18/Q  
dated 13<sup>th</sup> December, 2001 issued by the  
Respondent No. 3 and also made with a prayer  
before this Hon'ble Tribunal to give temporary  
status to the applicants and to regularise their  
service as conservancy Safaiwala from the date  
of granting relief to their junior persons by  
the Respondents.

2) JURISDICTION OF THE TRIBUNAL

The applicants declare that the Subject  
matter of the instant application is within the  
jurisdiction of this Hon'ble.

3) LIMITATION



The applicant further declare that the application is within the limitation period prescribed under Section 21 of the Administrative Tribunal Act, 1985.

4) FACTS OF THE CASE:

4.1 That the applicants are citizens of India and as such, they are entitled to all the rights and privileges guaranteed under the Constitution of India.

4.2 That your applicants beg to state that the applicants were employed as Conservancy Safaiwala under the Respondent No. 3 on different dates since 1985 under the Ministry of Defence. They were employed on Daily Wage basis through Local Employment Exchange at the Rate of Rs. 30/- per working day on no work no pay basis.

Annexure-A is the photocopy of temporary pass issued by the Respondent No.3 to the applicant No. 1.

Annexure- B is the photocopy of work certificate issued to the applicant No. 2 by the Respondent No. 3.

4.3 That your applicants beg to state that as the grievances and reliefs prayed in this application are common, therefore, they pray for



12

- 4 -

grant of permission under Section 4 (5)(a) of the Central Administrative Tribunal (Procedure) rules, 1987 to move this application jointly.

4.4 That your applicants were appointed as Casual Worker/Labour on casual basis in the year 1985 under the Administrative Commandant, Station Head Quarter, Rangia. They continue to work till November, 1993. Thereafter, the applicants were terminated by order of the Administrative Commandant, Rangia.

4.5 That your applicants beg to state that they have served for a considerable long period, under the Station Head Quarter, Rangia and they were initially recruited on casual basis after observing all formalities, through Employment Exchange and Selection Board, but service of the applicants were terminated by verbal order and without following any establishment procedure of law. The applicants had rendered casual service as Conservancy Saifaiwala for a very long period under the station Head Quarter, Rangia, and thereby they have acquired a valuable as well as legal right for appointment in the existing and future vacancies of Conservancy Safaiwala under Station Head Quarter, Rangia.

4.6 That your applicants beg to state that Safaiwalas wring in the State of Arunachal Pradesh under the same Ministry of Defence, have been appointed on regular basis in the initial stage. Be it stated that in the State of

*Paas P3*

*Rahman*

Arunachal Pradesh Safaiwalas, were given regular pay scale whereas in the present establishment these applicants were treated as casual Conservancy Safaiwala, even after long period of service and their services were arbitrarily terminated by the authorities at Station Head Quarter.

4.7 That your applicants beg to state that there are Administrative instructions issued by the higher authorities under the following letters quoted hereunder:-

- 1] Q-3144 Eastern Command GS/SD Fort William under File No. 4022/G, Calcutta dtd. 23-8-93.
- 2] 2221/4/CS(SD) HQ. 51 Sub Area dt. 20-08-93 under file 90.4022/G, Eastern Head Quarters.
- 3] Q-3160 HQ 51 Sub-Area dated 14-08-93 under file No. 4022/G, Eastern Head Quarters.
- 4] Q-3141 HQ Sub-Area under File No. 4022/G, Station HQ.
- 5] 2221/4/C/GS (SD) Sub-Area dated 7-8-1993.
- 6] Q-3136 HQ. 51 Sub-Area, dated 02-08-93.
- 7] Q-3126 HQ. 51 Sub-Area dated 27-8-93
- 8] Q-3104 HQ. 101 Area dated 28-8-93.
- 9] Q-3171 HQ 51 Sub-Area dated 13-8-93.
- 10] C/60249 SDGB GS Branch Army Hqr.

The above quoted letters were regarding regularization of the casual workers and their conditions of service. The Hon'ble Tribunal be

*Rahman*

pleased to direct the Respondents to produce all these letters before the Hon'ble Tribunal. Be it stated that as per circular of Govt. of India, casual workers, who had completed 240 days work, in two subsequent years are entitled to be regularized in Group 'D' posts. Therefore, all the present applicants are entitled to be regularized in service.

4.8 That the applicants beg to state that the service records of the applicants were not being maintained properly. Applicant's engagement, work allotment and break in service were being done on verbal orders. No formal orders or engagement were being issued to the individual applicants and all the applicants were initially engaged through local Employment Exchange. The Respondents had issued temporary passes. Initial engagement of all the applicants were for 2/3 months and on each occasion there was an artificial break of service to deprive the regular service benefit of the applicants. Be it stated that the nature of work for which the applicants were employed in permanent nature. Therefore, applicants were legally entitled to re-appointment and be regularized with all consequential service benefits from the date of their initial engagement.

4.9] That the applicants beg to state that they were being paid wages for less than the minimum pay, payable under the pay scale applicable to the regular employees belonging to

*Pradhan*

corresponding cadres since the applicants belonged to the category of casual labour. It may be stated that they were entitled to the same privileges which the regular employees are enjoying. Therefore, in the instant case the applicants were subjected to hostile discrimination. India is a socialistic Republic. It implies the existence of certain important obligation which the State has to discharge. The right to work, the right to free choice of employment, the right to just and favourable condition of work, the right of everyone to just and favourable remuneration assuring a decent living for himself and his family, the right of everyone without discrimination of any kind to equal pay for equal works, the right to rest, leisure, reasonable limitation on working hours and periodic holidays with pay, the right to security of works are some of the rights which have to be ensured by appropriate legislative and executive measures.

4.10] That the applicants beg to state that more than 60 Conservancy Safaiwalas who were working under the Station Head Quarter had been regularized following the judgment and order passed by this Hon'ble Tribunal in O.A. No. 284/93 and 264/93, 265/93, 451/99. The applicants further beg to state that similar question was raised in O.A. Nos. 56/94 and 248/94 (Md. S.I. Ali & Ors.- Vs- U.O.I. & Ors.) and the same was contested by the Respondents.

*Rehman*

The Hon'ble Tribunal was, however, pleased to pass an order in favour of the applicants in O.A. Nos. 56/94 and 248/94.

Copies of the orders dated 10-11-95 passed in O.A. No. 248/94 and dated 26-4-2001 passed in O.A. No. 451/99 are annexed as Annexure-C & D.

4.11] That your applicants beg to state that all the efforts of the applicants in getting re-engagements and regularization proved to be futile and as such, the applicants were approached this Hon'ble Tribunal by filing the O.A. No. 66/2000. The Hon'ble Tribunal was pleased to pass an order dated 12-07-2001 and allowed the application.

Annexure-E is the photocopy of order dated 12-07-2001 in O.A. No. 66/2000.

4.12] That, thereafter, the applicants submitted a copy of the aforesaid order dated 12-07-2001 passed in O.A. No. 66/2000 and prayed for re-employment. But, the authorities turned down their prayer by passing mechanical orders vide their Order No. 3004/1/CC-18/Q dated 13<sup>th</sup> December, 2001.

Annexure-F is the photocopy of order dated 13-12-2001.

*Pahana*



14

- 9 -

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

"But we hope and trust that posts will be sanctioned by the Central Government in the different Nehru Yuvak Kendra, so that these persons can be regularised. It is not at all desirable that any Management and particularly the Central Government should continue to employ persons on Casual basis in organizations, which have been in existence over 12 years. The salary and allowances of Class-IV employed in Nehru Yubak Kendra with effect from the date when they were respectively employed. The Government of India will pay to the petitioners costs of the writ petitioners fixed at lump sum of Rs. 1000/- The Hon'ble Supreme Court passed similar direction in the cases of Surinder Singh &

Rahman

another -Versus- Engineer-in-Chief, C.P.W.D. & others (1986(1) S.C.C. 639) and also in the case of U.P. Income Tax Department contingent paid Staff Welfare Association -Versus- Union of India & others, the Hon'ble Supreme Court directed as follows:- "We accordingly allow this writ petition and direct the respondents to pay wages to the workmen who are employed as the contingent paid staff of the Income Tax Department throughout India, doing the work of class-IV employees at the rates equivalent to the minimum pay in the pay scale of the regularly employed workers in the corresponding cadres without any increments with effect from December 1, 1986, such workers are also entitled to corresponding Dearness allowance and additional dearness allowance payable thereon.

Whatever other benefits which are now being employed by the said workmen shall continue to be extended to them, we further direct the respondents to prepare a scheme on a rational basis for absorbing as far as possible the contingent who have been continuously working in the Income Tax Department."

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

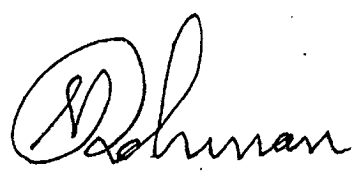


- 11 -

4.14 That the applicants beg to state that their cases of regularization were brought to the notice of Secretary to the Govt. of India, Ministry of Defence, New Delhi-110001, through All India Defence Employees Federation, Pune with copy to Army Head Quarters, Addl. Dts. Sons of Org/Org 4 (Civ)(JCM) Adjutant General's Branch, Army Hqr., P.O. New Delhi-110001 and also to Officer Commanding Station Head Quarter, Rangia, but the respondents did not take any steps to regularize the services of the applicants. Be it stated that names of all applicants were not in representation dated 11-06-1993.

4.15 That the applicants beg to state that if the Hon'ble Tribunal does not interfere immediately than irreparable loss will be caused to applicants for their re-appointment and regularization in services.

4.16 That all the applicants have acquired legal rights for re-appointment and regularisation of their services by rendering casual services to the aforesaid Army Establishment for long years and they are waiting for employment. Therefore, they legally entitled to be re-appointment and regularization and also entitled for regular salary and other allowance, service benefits like that of Class-IV categories of Civilian Employees of the Defence Establishment. The cases of Civilian Switch Board Operators, in



O.A. No. 185/90, O.A. 70/92 and O.A. 104/92 in O.A. No. 223/93, in the similar facts and circumstances, was pleased to direct the respondents to regularize the services of the casual civilian Switch Board Operators. The present applicants are similarly situated and therefore entitled to be regularized in the appropriate pay scale.

4.17] That the applicants beg to state that many of their Juniors have already been appointed and subsequently regularized in supercession of the claim of the applicants. Although there was specific direction of this Hon'ble Tribunal to consider the case of the applicants in view of the Office Memorandum dated 10-09-1993 and/or of his memorandum dated 07-06-88, nothing was done in that respect and the respondent No. 4 passed a mechanical order rejecting the case of the applicants. The name of the Juniors who have been regularized are furnished hereunder:

Sl. No.	Name
1]	Md. Habibur Rahman
2]	Sri Putul Das
3]	Sri Phunu Barman
4]	Md. Sayed Islam Ali
5]	Sri Maniram Das
6]	Md. Jaynur Ali
7]	Sri Krishna Das
8]	Sayed Sanahad Ali

Rahman

9]	Mrs. Sairabane
10]	Ayesha Begum
11]	Md. Mafiz Ali
12]	Md. Tazuddin Ahmed
13]	Atul Chandra Kalita
14]	Minu Rajbanahi
15]	Smt. Anima Das
16]	Md. Maznoor Ali Ahmed.

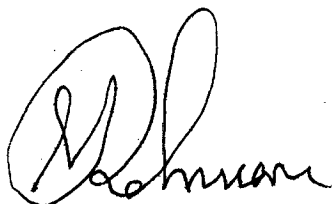
4.18 That this application is file bona fide and for the ends of justice.

5] GROUNDS FOR RELIEF WITH LEGAL PROVISIONS:

- 5.1 For that the applicants having worked for a considerable long period, i.e. from 2 to 4 years, therefore, they are entitled to be reappointed and be regularized in the category of Class-IV staff in the existing vacancies.
- 5.2 That fresh recruitment of conservancy/ Safaiwala in supersession of the claim of the applicants are hostile discrimination and violative of Article 14 and 16 of the Constitution of India.
- 5.3 That the applicants have become over aged for other employment.
- 5.4 For that Army Establishment was set up more than decade in Rangia, Assam.

*Pruman*

- 5.5 For that it is not just and fair to terminate the services of the applicants only because they were initially recruited on casual basis.
- 5.6 For that similarly situated other employee of Gr-IV has not been terminated as the applicants are entitled to be re-appointed and regularized.
- 5.7 For that they have gathered experience of different works in the establishment.
- 5.8 For that the names of the applicants were sponsored through local employment Exchange and existing vacancies are there in the Army Establishment.
- 5.9] For that the nature of work entrusted to the applicants were of permanent nature and therefore they are entitled to be re-appointed and be regularized.
- 5.10] For that the applicants working as Casual workers for several years in the same Army Establishment, therefore, they are legally entitled to be regularized and re-appointed.
- 5.11] For that the applicants have got no alternative means of livelihood.



5.12] For that the Central Government being a model employer cannot be allowed to adopt a differential treatment as regard payment of wages to the applicants.

5.13] For that there are existing vacancies of Conservancy/Safaiwala under Station Head Quarter, Rangia.

6] DETAIL OF REMEDIES EXHAUSTED:

That there is no other alternative and efficacious remedy available to the applicants except invoking the jurisdiction of this Hon'ble Tribunal.

7] MATTERS NOT PREVIOUSLY FILED OR PENDING BEFORE ANY OTHER COURT:

The applicants further declares that they have not filed any application, writ petition or suit in respect of the subject matter of the instant application before any other court, authority or any other bench of this Hon'ble Tribunal nor any such, application, writ petition or suit is pending before any of them.

8] RELIEF PRAYED FOR:



- 16 -

Under the facts and circumstances stated above the applicants most respectfully prayed that your Lordship may be pleased to admit this petition and call for records and after hearing both the parties the Hon'ble Tribunal may be pleased to direct the Respondents to give the following reliefs:

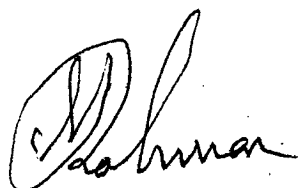
8.1 That the Respondents may be directed by the Hon'ble Tribunal to give temporary status to the applicants and re-appoint the applicants and the services of the applicants be regularised in the existing vacancies on priority basis with all consequential service benefits including monetary benefits from the respective date of engagement immediately.

8.2 That the Respondents be directed to pay salary and allowances in the appropriate scale from the date of engagement.

8.3 Cost of the application.

The above reliefs are prayed on the following amongst other:

91 INTERIM ORDER PRAYED FOR:





Pending final decision of this application the applicants seek issue of the interim order:

9.1 That the Respondents may be directed to re-appoint the applicant in the existing vacancies on regular basis from the date of initial engagement in the appropriate scale on priority basis and also give them temporary status.

10] THIS APPLICATION IS FILED THROUGH ADVOCATE.

11] PARTICULARS OF I.P.O.

I.P.O. No.	: 76550091
Date of Issue	: 28.1.2002
Issued from	: Guwahati
Payable at	: Guwahati

12] LIST OF ENCLOSURES:

As stated above.

-Verification.



Verification

I, Md. Makibar Rahman, S/o Md. Muslim Ali, Vill-Pub-Sahan, P.O. - Rangia, District-Kamrup, Assam I am the applicant No. 1 of the instant application and as such I am authorised by other applicant to sign this verification and verify the statements made in accompanying application and in paragraphs 4.1, 4.3 to 4.6, 4.8, 4.9, 4.13 to 4.17 are true to my knowledge and those made in paragraphs 4.2, 4.7, 4.10, 4.11 — are true to my information being matter of records and which I believe to be true and those made in paragraph 5 are true to my legal advise and I have not suppressed any material facts.

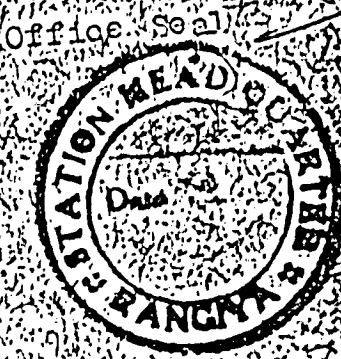
I signed this verification on this day 4th of February 2002 at Guwahati.

*Md. Makibar Rahman*  
Declarant.

28  
- 19 -  
ANNEXURE - A

TEMPORARY PASS : CIVILIAN

1. Personal Number Nil Pass No. 60
2. Name in Full Makibar Rahman
3. Height/Age 5'6" / 23 years
4. Visible identification marks :-
- (a) Scar mark on right wrist inner side. photo
- (b) Mole on left nipple 10 o'clock
5. Signature of the individual Makibar Rahman
6. Left Thumb Impression
7. pass Valid upto 27 May 87 to 27 Aug. 87



Attn to  
J.S.  
Advocate

— 20 —

CERTIFICATE

ANNEXURE — B

Certified that Shri Mohan Kalitha, s/o Jagan Kalitha,  
Vill - Chopti, PO - Rangiya, Assam is working as Mali  
with Rs 85 as daily wages.



Dated :

Oct 86

*[Signature]*

19.11

Act

19.11

*[Signature]*  
—  
Asstt

Original Application No. 248 of 1994.

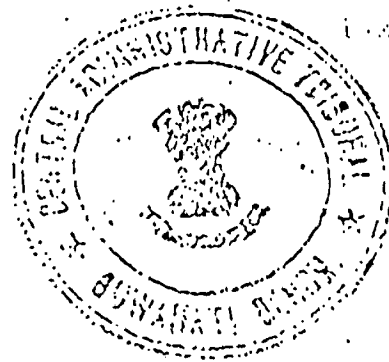
Date of Decision : This the 10th day of November, 1995.

The Hon'ble Justice Shri M.G. Chaudhari, Vice-Chairman.

The Hon'ble Shri G.L. Sanglyine, Member (A).

1. Md. Syed Islam Ali (Ahmed)  
S/o Syed Makib Ali  
Village - Nakul No. 2  
P.O. + P.S. Rangia  
District - Kamrup

2. Syed Abdul Ali,  
S/o Syed Azmad Ali  
Village - Pub Kahan  
P.O. + P.S. - Rangia  
District - Kamrup



3. Md. Taher Ali  
S/o Md. Momin Ali  
Village - Bongali Kuchi  
P.O. + P.S. Rangia  
District - Kamrup

..... Applicants

By Advocate Mr. B.K. Sharma.

-versus-

1. Union of India  
Through the Secretary, Govt of India,  
Ministry of Defence  
New Delhi

2. Additional Director General of Staff  
Duties (SDGE) General Staff Branch  
Army Headquarters DHG  
P.O. New Delhi-110011.

3. Administrative Commandant  
Porav Kaman Mukhalaya  
Headquarters, Eastern Command,  
Fort William  
Calcutta-700021

4. Administrative Commandant  
Station Headquarters,  
Rangiya,  
C/o 99 A.P.O.

..... Respondents

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

*Handwritten signatures and initials:*  
A.H. 12  
S. Ali  
Amra

*Handwritten signature:* kuc

CHAUDHARY J. (V.C.)

- 22 -

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The 3 applicants have been engaged as Safaiwala/Mazdoors in the Para Brigade under Station Headquarter of the Administrative Commandant and at the time of filing of the application they were posted at R.T. Brigade, Rangiya. They were employed through the Employment Exchange on daily wage basis at the rate of Rs. 30 per working day on No Work No Pay Basis. Their engagement was on periodic basis with artificial breaks. They were however disengaged finally from the respective dates mentioned in Para 6.vi of the application. Presently, they are out of employment.

2. The applicants seek a direction to the respondents to re-appoint them with all consequential benefits including monetary benefits from the respective dates of engagement and to pay them regular salary and allowances in the appropriate scale from the date of engagement. The applicants contend that they have worked for more than 240 days and they have therefore become eligible to be regularised in Group D posts.

3. The respondents contend that the service of the applicants was on casual basis and neither they are entitled to claim regularisation as a matter of right nor to claim regular pay scale. It is also their contention that there are no regular posts authorised in the field units and that is why the applicants were appointed on casual basis and cannot be regularised against any posts. The respondents therefore urge that the application may be dismissed. Mr. S. Ali, the learned Sr. C.G.S.C. for the respondents reiterated these submissions.

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Similar question arose for our consideration in 56/94 decided on 19.9.1995 and prior thereto in O.A. 64/93 decided on 5.9.1995. Since the case of the present applicants is similar to those applicants and the contentions of the parties are also same as in those applications it is not necessary to repeat those reasons once again and it would be sufficient to pass an order similar in nature in the instant application also. Mr. B.K.Sharma submitted that according to his instructions there are posts lying vacant at places other than Rangiya and that there should be no difficulty for the respondents to regularise the applicants and that the applicants would not insist for posting at Rangiya but are willing to accept appointment elsewhere where the vacancies are available. He also submitted that the benefit of the scheme for regularisation of casual labourers is also required to be considered.

Mr. Ali, Sr. C.G.S.C. submits that according to his instructions there are no posts presently available. We would only say in this connection that if there are any posts available not necessarily at Rangiya but at other places it would be open to the respondents to sympathetically consider whether the applicants may be regularised against those posts.

Subject to the above observations following order is passed :

1. The respondents are directed to consider extending the benefit of Casual Labourers (Grant of Temporary Status and Regularisation) Scheme 1993 of the Government of India and benefit of guidelines under O.M. dated 7.6.1988 to the applicants and the question of conferring

...temporary

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temporary status on them and thereafter  
regularisation against the posts as may be available  
subject to their eligibility and availability of  
posts whenever available. 32

2. The respondents No. 3 & 4 may, if necessary, seek sanction for the posts to enable consideration of regularisation of the applicants, if they are otherwise found eligible for the same under the Scheme.
3. The circumstances of disengagement of the applicants may be considered in the light of the Scheme and guidelines respectively if applicable as stated above.
4. The respondents to examine the cases of the applicants in the light of above directions as expeditiously as possible but in any case within a period of three months from the date of receipt of this order and intimate their decision to the applicants accordingly.
5. The question of consequential benefits, if any, available to the applicants under the Scheme/Guidelines in the event of their being considered for regularisation may be extended to them.
6. The respondents may not confine their consideration in respect of the applicants for the aforesaid purpose only at Rangiya Field Station but may consider if they can be accommodated at any other place.

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7. It will be open to the respondents to offer casual engagement to the applicants when possible.

The O.A. is disposed of in terms of the aforesaid directions. No order as to costs. >>

SO/- VICE CHAIRMAN

SO/- MEMBER (ADMIN)

Certified to be true Cop.

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*[Signature]*  
6/1/86

Section Officer (A)

विभागीय अधिकारी (अध्यापक),  
Central Administrative Tribunal

११११, १११११, १११११  
Gowahat Road, Gowahat

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6/1/86

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*[Signature]*

CENTRAL ADMINISTRATIVE TRIBUNAL, GUANJATI BENCH.

Original Application No. 451 of 1999.

Date of Order : This the 26th day of April, 2001.

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

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

1. Md. Abed Ali,
  2. Md. Makbul Hussain,
  3. Md. Maznur Ali,
  4. Mainul Ali, and
  5. Majib Ali
- . . . Applicants.

By Advocate S. A. Ahmed.

- Versus -

1. Union of India  
represented by the Secretary to  
the Govt. of India,  
Ministry of Defence,  
New Delhi.
2. The Additional Director General  
of Staff Duties (SDGE)  
General Staff Branch,  
Army Head Quarters D.H.O.,  
New Delhi-11.
3. The Administrative Commandant,  
Purav Kaman Mukhayala, Hqr.  
Eastern Command, Fort William,  
Calcutta-700024.
4. The Administrative Commandant,  
Station Headquarter,  
Rangia, C/o 99 APO.

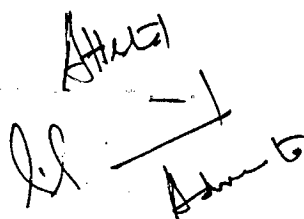
. . . Respondents.

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

ORDER

The subject matter pertains to extend <sup>the</sup> benefit of the Casual Labourers (Grant of Temporary Status and Regularisation) Scheme formulated by the Government of India. From the materials on record it appears that applicant No. 1, Md. Abed Ali and applicant No. 5, Md. Majib

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 [Signature] / [Initials]  
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All have completed 240 days ignoring the artificial break. The applicants No.2 and 3, namely, Md. Makhlul Hossain and Md. Maznur Ali however is not covered by the scheme since they have not rendered the 240 days of service. As per records it appears that applicants No.2 and 3 were served only for two months.

2. In the pleadings the respondents denied about the appointment of applicant No.4, Md. Mainul Ali. Therefore his case is also goes out of the purview of the scheme.

As per records the case of the applicants No.1 and 5 is squarely covered by the decision rendered by this Tribunal in O.A.249 of 1995 disposed of on 10.11.1995 and in O.A. 98 of 1997 and 99 of 1997 disposed of on 17.11.1997 followed by O.A.301 of 1998 disposed of on 22.3.2001. The applicant No.1, Md. Abed Ali and applicant No.5, Md. Majib Ali are squarely covered by the aforementioned decisions and accordingly the following order is passed.

- i) The respondents are directed to consider extending the benefit of Casual Labourers (Grant of Temporary Status and Regularisation) Scheme 1993 of the Government of India and benefit of guidelines under G.M. dated 7.6.1988 to the applicants and the question of conferring temporary status on him and thereafter regularisation against the post as may be available subject to his eligibility and availability of posts wherever available.
- ii) The respondents No.3 & 4 may, if necessary, seek sanction for the posts to enable consideration of regularisation of the applicant if he is otherwise found eligible for the same under the scheme.

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18/1/2001  
Admitted

(iii) The circumstances of disengagement of the applicant may be considered in the light of the scheme and guidelines respectively if applicable as stated above.

(iv) The respondents to examine the cases of the applicants in the light of above directions as expeditiously as possible but in any case within a period of three months from the date of receipt of a certified copy of this order and intimate the decision to the applicants accordingly.

(v) The question of consequential benefits, if any, available to the applicants under the Scheme/Guidelines in the event of his being considered for regularisation may be extended to him.

(vi) The respondents may not confine their consideration in respect of the applicants for the aforesaid purpose only at Rangiya Field Station but may consider if they can be accommodated at any other place.

(vii) It will be open to the respondents to offer casual engagement to the applicants when possible.

3. The application is allowed to the extent indicated so far applicants No.1 and 5 are concerned and the application is rejected so far the applicants No.2, 3 and 4 are concerned.

There shall, however, be no order as to costs.

Sd/ VICE CHAIRMAN

Sd/ MEMBER (Adm)

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11/5/2022

Secretary, (C)  
Central Administrative Tribunal  
आचार्य, न्यायिक निकाय  
न्यायिक निकाय, गुवाहाटी  
न्यायिक निकाय, गुवाहाटी

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Signature

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

Original Application No.66 of 2000

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

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

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

1. Syeda Anjali Begum

2. Shri Mohan Kalita

3. Md. Mukibur Rahman.

By Advocate Mr A. Ahmed.

.....Applicants

- versus -

1. The Union of India, represented by  
The Secretary of Defence,  
Government of India,  
New Delhi.2. The Additional Director General of  
Staff Duties (EDGE),  
General Staff Branch,  
Army Head Quarter, D.H.Q.,  
New Delhi.3. The Administrative Commandant,  
Purav Kaman Mukhyalaya Head Quarter,  
Eastern Command,  
Fort William, Calcutta.4. The Administrative Commandant,  
Station Head Quarter, Rangia,  
C/o 99 APO.

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

.....Respondents

ORDER (ORAL)

CHOWDHURY.J. (V.C.)

The applicants are three in number claiming the benefit of the Casual Labourers (Grant of Temporary Status and Regularisation) Scheme formulated by the Government of India. The applicant No.1, at the relevant time, was serving as casual labourer on daily wage basis as Civilian Switch Board Operator and applicant Nos.2 and 3 were also

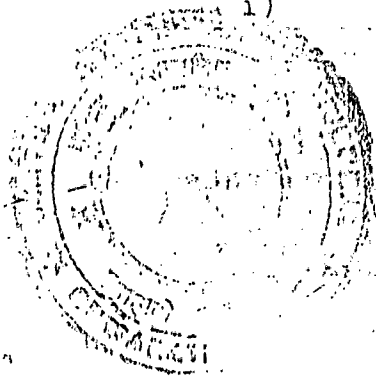
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J.S.  
Date

working as casual labourers as Conservancy Safaiwala. They were employed on daily wage basis through the local Employment Exchange.

2. We have heard Mr A. Ahmed, learned counsel for the applicants and Mr A. Deb Roy, learned Sr. C.G.S.C. at length. Upon hearing the learned counsel for the parties and considering the pleadings, it appears that this case is squarely covered by the decision rendered by the Tribunal in O.A.No. 56 of 1994 disposed of on 19.9.1995 and O.A.No.248 of 1994 disposed of on 10.11.1995. The aforesaid decisions were followed in a number of O.A.s, namely O.A.Nos.98 of 1997 and 99 of 1997 disposed of on 21.11.1997, O.A.No.301 of 1998 disposed of on 22.3.2001 and O.A.No.451 of 1999 disposed of on 26.4.2001.

3. Accordingly, in terms of the aforesaid decisions the following order is passed:

- i) The respondents are directed to consider extending the benefit of Casual Labourers (Grant of Temporary Status and Regularisation) Scheme, 1993 of the Government of India and benefit of guidelines under O.M. dated 7.6.1988 to the applicants and the question of conferring temporary status on him and thereafter regularisation against the post as may be available subject to his eligibility and availability of posts wherever available.
- ii) The respondent Nos.3 and 4 may, if necessary, seek sanction for the posts to enable consideration of regularisation of the applicant if he is otherwise found eligible for the same under the scheme.



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- iii) The circumstance of disengagement of the applicants may be considered in the light of the Scheme and guidelines respectively if applicable as stated above.
  - iv) The respondents to examine the cases of the applicants in the light of above directions as expeditiously as possible but in any case within a period of three months from the date of receipt of a certified copy of this order and intimate the decision to the applicants accordingly.
  - v) The question of consequential benefits, if any, available to the applicants under the Scheme/Guidelines in the event of his being considered for regularisation may be extended to him.
  - vi) The respondents may not confine their consideration in respect of the applicants for the aforesaid purpose only at Rangiya Field Station but may consider if they can be accommodated at any other place.
  - vii) It will be open to the respondents to offer casual engagement to the applicants when possible.
4. The application is allowed to the extent indicated. There shall, however, be no order as to costs.

**Certified to be true Copy**

*(Signature)*

*30/7/2007*

*(Signature)*

*(Signature)*

*(Signature)*

*30/7/2007*

SD/VICE CHAIRMAN  
SC/MEMBER (Adm)

nk m

*Attended*  
*(Signature)*

Station Mukhyalaya  
Station Headquarters  
Rangiya - 781354

3004/1/CC-18/Q

13 Dec 2001

Shri Mohan Kalita  
S/O Late Jogen Kalita  
Vill : Chapti  
Post : Rangiya (KAMRUP)

Md Makibar Rahman  
S/O Md Muslim Ali  
Vill : Pubsahan  
Post : Rangiya (Kamrup)

GRANT OF TEMP STATUS AS PER HON'BLE CAT  
DECISION DATED 12 JUL 2001 OR NO 66/2000

1. Please refer to the Hon'ble CAT decision dated 12 Jul 2001 Passed on original application No 66/2000.
2. Your case was put up to the employing authority for consideration as per the Hon'ble CAT decision dated 12 Jul 2001 As you were not on employed on the date of commencement of Scheme of 1993 and also you are not fulfilling the terms and conditions of the Office Memorandum 07 Jun 1988, your case for grant of temp status having been considered has been rejected by the Addl Dte Gen of Staff Duties (SD 7) (Adm Civ) Gen Staff Branch, Army Headquarters, SHQ PO, New Delhi-11 letter No C/60428/SD-7(Adm Civs) dt 15 Nov 2001.
3. The above is for your information please.

(GS Panta)  
Col  
Adm Comdt  
for Stn Cdr

Atk 27  
Shri



**IN THE CENTRAL ADMINISTRATIVE  
TRIBUNAL GUWAHATI BENCH AT  
GUWAHATI**

In the matter of :-

O.A No 36/2002

Md Makibar Rahman & ans.

- VERSUS -

Union of India and others

- AND -

In the matter of :-

Written Statements submitted by the  
Respondents No 01 to 04

**WRITTEN STATEMENT :-**

The humble Respondents submit their written  
statement as Follows :-

1. That I am the Officiating Administrative Commandant, Station Headquarters, Rangiya and Respondent No 4 in the above case. I am acquainted with the facts and circumstances of the case. I have gone through a copy of the application served on me and have understood the contents thereof. Save and except whatever is specifically admitted in this written statements, the contentions and statement made in the application may be deemed to have been denied. I am competent and authorized to file the written statement on behalf of all the respondents.

Union of India & Ors.

through:-

Group Director, Planning & Development, 41

Adm. Central Govt.  
Standing Council.

10/4/02

2. That with regard to the statement made in paragraph 1 of the application, the respondents submit that the order dated 12 July 2001, passed in O.A Ni 66/2000 was strictly, properly and correctly followed not only by Respondent No 4 but also by other one Respondents. On receipt of court order dated 12 July 2001, the written opinion and advice was taken from Mr, Arunesh Deb Ray, Senior Central Govt Standing Counsel. A Board of Officers was also detailed to examine and check the service records and pay bills to grant the temporary status to applicants under scheme 1993. After through scrutiny of service records and pay bills the board of officers found that applicant No 1 and 2 mentioned O.A No 66/2000 were not found eligible for grant of temp status under Scheme 1988 as well as 1993 and therefore when not recommended by the board of officers for grant of temporary status to applicant No 1 and 2. Accordingly the board proceedings were concurred by CDA, Narangi, Guwahati and submitted to Employing authority along that as applicant No 1 and 2 mentioned in O.A No 66/2000 were not found eligible for grant of temporary status, they could not be granted temporary status under scheme 1993.

4. That with regard to statements made in paragraphs 2, 3 and 4.1 of the application, the respondents have no comments on them.

4. That with regard to statements made in paragraphs 4.2 of the application, the applicants were employed on daily wages for work which was of casual, seasonal or intermittent nature for which they have been paid daily narrick rates as fixed by Labour Commissioner of Assam from time to time. The requirement to employ such applicants decrease as and when filed unit move out for their operational commitments or other reasons.

5. That with regard to statements made in Paragraph 4.3 and 4.4 of the application, the Respondents beg to state that applicant No, 1 was employed during the month of April 1986 and he was engaged on stop gap basis till June 1988 and he had left the casual service of conservancy safaiwala with effect from 02 July 1988 and salary was paid up to June 1988 and Applicant No 2 was employed during May 1986 and he was engaged stop gap basis till April 1987 and he had left the casual service of conservancy safaiwals with effect from May 1987 and accordingly salary was paid to him. Therefore it is incorrect to say that applicants were employed under the Station Headquarters, Rangiya on different date since 1985. It is also submitted that applicants were engaged on daily wages basis for conservancy and sanitation duties. Since units of this Establishments are located in field station, no regular posts of conservancy safaiwals was authorised. Therefore, the works of applicants were of casual nature, seasonal and intermittent and they were engaged on stop gap basis and were purely temporary.

6. That with regard to the statement made in Paragraph 4.5 of the application, the Respondents beg to state that the applicants were engaged on daily wages basis depending upon the actual requirement on ground and they were disengaged when their services were no longer required subject to the number of field units remaining in the field stations. It is incorrect to say that they have acquired valuable as well as legal right for appointment in the existing and future vacancies of conservancy safaiwals. It is clearly seen from the termination as stated by the applicants themselves that they were disengaged from service since long and as such it is not justifiable for re-appointment in non existing or future vacancies due to ban on any fresh employment by Govt.

7. That with regard to the statement made in Paragraph 4.6 of the application, the Respondents beg to state that the conservancy safaiwals working in the state of Arunachal Pradesh must have been appointed on regular basis base on the regular posts authorised in the respective peace Establishment of the concerned department. It is submitted that applicants were engaged as casual Safaiwals under Station Headquarters, Rangiya where no regular posts of conservancy safaiwals was authorised in its Peace Establishment being field station. The applicants were disengaged on genuine grounds which was well known to the applicants. Therefore, it is incorrect to say that applicants service were arbitrarily terminated by the authorities at Station Headquarters, Rangiya.,

8. That with regard to the statement made in Paragraph 4.7 of the application, the Respondents beg to state that the letters mentioned by the applicants are mostly telegrams. Copy of the available telegram are enclosed as Annexure 'A' to 'D'. Remaining letters and telegrams have not been received by Station Headquarters Rangiya. Therefore, the Hon'ble Tribunal be pleased to direct the applicants to give correct references so that the same could be produced before the Hon'ble Tribunal. It is agreed that the higher authorities have issued Administrative Instructions regarding regularisation of casual conservancy safaiwala subject to fulfilling the conditions that they were employed against regular posts which were created prior to 3<sup>rd</sup> January 1984 based on the recommendation of a Station Board of Officers. As submitted earlier, Rangiya and its satellite stations were not authorised any regular posts of conservancy safaiwals being filed Stations and hence the applicants are not entitled to be regularised in service at this belated stage.

9. That with regard to the statement made in Paragraph 4.8 of the application, the Respondents beg to state that the proper service records of the applicants have not been maintained as they were engaged on daily wages and their service was of casual, seasonal and intermittent nature and purely temporary. Their engagement was on stop gap basis to meet emergency and they were disengaged on genuine grounds as and when no longer required. No regular post of said category was authorised in the Peace Establishment of Station

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Headquarters, Rangiya, a copy of which is enclosed as annexure 'E'. Hence break in service can not be justified as artificial break. It is submitted that no attempts was made to deprive the applicants from the regular service benefits. They were disengaged from service on genuine grounds when their service were not required. It is submitted that the nature of work for which the applicants were employed/engaged was not of permanent nature so far Rangiya and other satellite stations are concerned being field station. It is submitted that the work of applicants were of casual in nature, seasonal and intermittent and they were engaged on stop gap basis and purely temporary. Therefore, the requirements of Conservancy Safaiwals ceases as and when the field units move out of those field station. It is submitted that temporary pass was issued to every civilian who was engaged on daily wages basis because of security reasons in field station. Entry to each field units is restricted and no one whether military or civilian, is allowed to enter without a valid pass. Hence, it submitted that the applicants are not entitled legally to be regularised at this bloated stage due to case being considerably delayed and the same has become time barred. They are not entitled any consequential service benefit from the date of their initial engagement as they were engaged on casual daily wages basis.

10. That with regard to the statement made in Paragraph 4.10 of the application, the respondents beg to state that the applicants have not been subjected to any hostile discrimination. It is submitted that the applicants were engaged on daily wages basis for field stations where no regular post of conservancy safaiwals were authorised and accordingly they had been paid on daily narrick rate as fixed and revised from time to time by the Regional Labour Commissioner, Ministry of Govt of Assam. It is submitted that there has not been any infringement on the rights of the applicants as they were engaged on casual on daily wages basis and their work was totally casual in nature, seasonal and intermittent and purely temporary. Because of this peculiar situation of field stations, where no permanent infrastructure has been created and where no conservancy and sanitation work is required once the field units move out of those field stations.

11. That with regard to the statement made in Paragraph 4.11 of the application, the Respondents beg to state that it is incorrect to say that service of applicants involved in O.A No 284/93, 264/93, 265/93, 451/99, 56/94 and 248/94 have been regularised. It is submitted that the regularisation of applicants involved in these O.A. were done in accordance with the Hon'ble CAT decision and they continuously served for a long period even after finalisation of the case. In instant case, the applicants disengaged from service on genuine ground since engagement were done on stop gap basis, were temporary and on daily wages basis.

They were disengaged as and when no longer required. Therefore, the applicants are neither entitled regularisation on existing vacancies nor as fresh recruits.

12. That with regard to the statement made in Paragraph 4.12 of the application, the Respondents beg to state that all necessary action was taken by this Station Headquarters to grant temporary status to the applicants, but since they were not found eligible, applicants were not granted temporary status. In this connection necessary direction was obtained from employing authority.

13. That with regard to the statement made in Paragraph 4.13 of the application, comments of Para 7.13 has already been explained in Para 2 above.

14. That with regard to the statement made in Paragraph 4.14 of the application, the Respondents beg to state that the present case of the application is dissimilar to the cases of Dhirendra Chamoli and others - Vr - State of U. P (1986(1) S.C.C. 637). In the present case the applicant was engaged by the field stations for the field units which keep changing their location. Because of this peculiar situation, regular posts of conservancy safaiwals were not created being field stations. Therefore, it is submitted that the applicants are not entitled to be regularised as they were disengaged from casual employment on genuine found as and when no longer required due to moving out of the field



units. It is again submitted that the employment of the applicants was on stop gap basis and purely temporary. Therefore, the applicants are not entitled to be regularised in service.

15. That with regard to the statement made in Paragraph 4.15 of the application, the Respondents beg to state that the representation sent by All India Defence Employees Federation, Pune has already been scrutinised and service of all eligible casual conservancy safaiwals have been regularised except those who did not fulfil the conditions prescribed for the post and have left their casual job long time back. It is submitted that the applicants mentioned in this O.A have left their service since long back and their names were not reflected in the above representation that is clear indications that they were keeping their options open with a view to seek regular job. Therefore, at this belated stage, the application of the applicants does not deserve consideration for re-appointment and regularisation of their service, more so because it is time barred. It is submitted that it is totally incorrect to say that the respondents did not take any step to regularise the service of the applicants.

16. That with regard to the statement made in Paragraph 4.16 of the application, the Respondents beg to state that the applicants can not be re-appointment and regularisation as they were disengaged from service on genuine ground since long back due to moving out of field units and their employment was stop gap basis and purely temporary.

Therefore, the applicants can not be re-appointed and were more so their application has become time barred.

17. That with regard to the statement made in Paragraph 4.17 of the application, the Respondents beg to state that the applicants are not entitled for re-appointment and regularisation of their services as they were engaged for casual job purely on temporary adhoc daily wages basis and no regular post of conservancy safaiwals and Switch Board Operator were authorised being field stations, Therefore, the applicants involved in the present case are not entitled for re-appointment and regularisation as they were employed on casual daily wages basis and they were disengaged on genuine grounds, more so, the case of applicants has become time barred because, they left their job long time back.

18. That with regard to the statement made in Paragraph 4.18 of the application, the Respondents beg to state that conservancy safaiwal whose name mentioned in this Paragraph were granted temporary status in accordance with Hon'ble CAT decision and they continuously served for a long period even after finalisation of the case. In instant case, the applicants were disengaged from service since long back since engagement were done on stop gap basis, temporary and daily wages basis. They were disengaged on genuine grounds as and when no longer required due to moving out of filed units. Therefore, the applicants are neither entitled for regularisation on existing vacancy nor as fresh recruits.

19. That with regard to the statement made in Paragraph 4.19 of the application, of the application, the Respondents beg to state that since applicants were employed on stop gap basis for casual seasonal and intermittent nature of work on daily wages basis and subsequently they were disengaged from their service on genuine grounds due to moving out of units without making any injustice against them, it is incorrect to say that this application is filed bonified and for the ends of justice.

20. That with regard to the statement made in Paragraph 5 of the application, it is submitted that the same are misconceived, baseless and not applicable in the instant case. It is reiterated that in the present case applicants were engaged by the field stations for the field units which keep on changing their locations. Their employments were on stop-gap basis and purely temporary for the requirement of the concerned field stations. Therefore, the applicants are not entitled to be regularised in service.

21. That with regard to the statement made in Paragraph 6 and 7 of the application, the Respondents have no comments on them.

22. That with regard to the statement made in Paragraph 8 of the application, regarding relief's sought for, the Respondents beg to state that applicants are not entitled to any of the relief's sought for at this belated stage as such the application is liable to be dismissed.

23. That with regard to the statement made in Paragraph 9 of the application, the Respondents beg to state that applicants were disengaged from service since long back since engagement were done on stop gap basis, temporary and daily wages basis. They were disengaged on genuine grounds as and when no longer required due to moving out of field units. Therefore, the applicants are neither entitled for regularisation on existing vacancy nor as fresh recruits.


24. That with regard to the statement made in Paragraph 10 to 12 of the application, the Respondents have no comments on them.

13

**VERIFICATION**

I, Captain Ajay Dogra, aged 30 years working as Officiating Administrative Commandant, Station Headquarters, Rangiya do hereby solemnly declare that the statements made above are true to my knowledge, belief and information and nothing has being suppressed.

I sign this verification on this ----<sup>05</sup>---th day of April, 2002  
at Rangiya

  
(Ajay Dogra)

Captain

Officiating Administrative Commandant  
Station Headquarters, Rangiya

-14-

/COPT/

Annexure - 'A'PRIORITY

DTG : 231411

SRL No 255036

FROM : EASTERN COMMAND (GS/SD)

TO : HQ 51 SUB AREA

STN HQ RANGIYA

INFO : HQ 101 AREA

UNCLAS Q-3144

.....

REGULARISATION OF SERVICES OF CASUAL CONSERVANCY OF  
STN HQ RANGIYA (.) REFER ARMY HQ NO C/60249/SD 6B AUG 13 (.)  
ENSURE COMPLETION REPORT IS FORWARDED BY 10 SEP 93 (.) HQ  
101 AREA ONLY (.) COPY OF LETTER MAY BE OBTAINED FROM HQ  
51 SUB AREA

.....

SD/- x x x x x x x

CHECKED BY DSO

C.T.C

obly  
Capt  
Administrative Command  
For Station Commander  
of the station

15

/COPT/

Annexure - 'B'

OP-IMMEDIATE

DTG : 071003

SRL No 09500

FROM : HQ 51 SUBAREA

TO : STN HQ RANGIYA

UNCLAS Q-3135

REGULARISATION OF SERVICES OF CASUAL CONSERVANCY  
SAFAIWALA OF STN HQ RANGIYA (.) REFER ARMY HQ LETTER NO  
60249/SD 6B JUN 08 (.) REQUEST FORWARD DETAILS REPORT BY  
11 AUG 93 (.) IN THIS CONNECTION ALSO REFER TELEGRAM  
BETWEEN ADM COMDT AND OFFG COL GS THIS HQ DATE

Sd/- x x x x x x

(CHECKED BY DEO)

C.T.C

ofy  
Station Commander  
Station Commander  
Station Commander

16  
/COPT/

50  
Annexure - 'C'

OP-IMMEDIATE

DTG : 271520

SRL No 285015

FROM : HQ 101 AREA

TO : HQ 51 SUB AREA

STN HQ RANGIYA

UNCLAS Q-3104

.....  
REGULARISATION OF SERVICES OF CASUAL CONSERVANCY SAFAIWALS OF  
STN HQ RANGIYA (.) CONFIRM RECEIPT OF EASTERN COMMANED SIG Q 3144  
AUG 23 AND FWD REQUISITE INFORMATION TO THEM BY THE DATE WITH  
COPY TO THIS HQ (.) REQUEST ALSO FORWARD COPY OF INDARMY LETTER  
NO C/60249/SD 6B OF AUG 13  
.....

SD/- X X X X X X X

CHECKED BY DEO

C.T.C

Obly  
Capd  
Administrative Command  
महासकाय कमान्ड  
For Station Command  
नयेप कमान्ड



17

/COPT/

Annexure - 'D'

PRIORITY

DTG : 281800

SRL No 295035

FROM : HQ 51 SUB AREA

TO : STN HQ RANGIYA

UNCLAS Q-3171

.....  
REGULARISATION OF SERVICES OF CASUAL CONSERVANCY SAFAIWALA OF  
STN HQ RANGIYA (.) REFER ARMY HQ LETTER NO C/60249/SD 6B AUG 13  
ENSURE COMPLETION REPORT IS FORWARDED BY SEP 06 (.) WITHOUT FAIL  
.....

SD/ - X X X X X X X

CHECKED BY

C.T.C

06/09/2013  
For Station Commander  
For Station Commander

18  
/COPT

58  
Annexure - 'E'

EXTRACT OF PEACE ESTABLISH OF STATION HEADQUARTERS RANGIYA

PE : IV/226/1946/4 Effective from 01 Jul  
1990 to 30 Jun 1995

PEACE ESTABLISHMENT

DETAILS	OFFRS	OR	NCs(E)	CIV
1	2	3	4	5
Rangiya				
Adm Comdt Class-I (Col) 01		-	-	-
Clerks (GS/SD) ASC -		03	-	-
Drivers (MT) ASC -		02	-	-
Messenger -		-	-	01

No 79816/6/SD 6B dated  
20 July 1990

C.T.C

Copy 1 -  
obly Administrative Commandant  
Rangiya Station  
Ry Station Commandant  
Rangiya