

50/100
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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SECTION OFFICER (Judl.)

FROM No. 4
(SEE RULE 42)

GENERAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:

ORDER SHEET

Original Application No. 179/1202

Misc Petition No. /

Contempt Petition No. /

Review Application No. /

Applicants. Sonali Sreevita Daimary & ORS.

-Vs-

Respondent(s) Cl. O. I. Z. ADD.

Advocate for the Applicant(s) Mr. M. Chanda & G. N. Chakrabarty

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

Notes of the Registry	Date	Order of the Tribunal
C. F. for Rs. 50/- deposited vide IP/1202 of 7/9/2002 Dated 18/5/02 I/C By, Registrar 4/6/02	5.6.02	Heard learned counsel for the parties. Application is admitted. Call for records. Issue notice on the respondents. Returnable by one week. List on 13.6.02 for orders.
5 copies filed.	1m	I.C. (Usha) Member Vice-Chairman
Notice preferred and sent to the respondents No 1 to 5 by Registered Add. D/No 1733W37 dttd 11/6/02	13.6.02	On the prayer of Mr. A. Deb Roy, learned Sr. C.G.S.C. for the respondents further four weeks time is allowed to file written statement. List on 4.7.2002 for written statement.
⑩ Service report are still awaited.	mb	I.C. (Usha) Member Vice-Chairman

(2)

15.7.02 On the prayer of Mr. A. Deb Roy, learned Sr. C.G.S.C. for the respondents four weeks further time is allowed to the respondents to file written statement.

No w/s has been filed.

MB
16/8/02

List on 19.8.2002 for orders.

I C U Sharm
Member

Vice-Chairman

mb

19.8.02 Mr. A.K. Choudhury, learned Addl. C.G.S.C. appearing on behalf of the Respondents stated that the subject matter is under active consideration of the department and sought for some time for its deliberation. Considering the facts and circumstances of the case we allow two months time to the Respondents to resolve the situation.

List on 5.11.2002 for orders.

No written statement has been filed.

3/11

29.11.02

I C U Sharm
Member

Vice-Chairman

mb

5.11.02 List on 2.12.02 to enable the respondents to file written statement

Vice-Chairman

1m

2.12.02 Further four weeks time is allowed to the respondents to obtain necessary instructions on the matter as prayed by Mr. A.K. Choudhury, learned Addl. C.G.S.C. for the respondents.

No written statement has been filed

3/12
31.12.02

I C U Sharm
Member

Vice-Chairman

mb

17.1.2003

Case is adjourned to 3.2.2003.

mb
82

03.02.2003 Heard Mr. M. Chanda, learned counsel for the applicant. Mr. A.K. Choudhury, learned Addl. C.G.S.C. for the respondents stated that the matter is likely to be resolved at the administrative level and therefore prayed for some time to obtain necessary instructions on the matter. Put up again on 4.3.2003 for further orders.

Sir
Member

Vice-Chairman

mb

4/2 Court did not set today The case is adjourned to 25/3/2003.

By
Ayer

No. Writen statement
has been bilde.

25.3.2003 Put up again on 29.4.2003 to enable Mr. A.K. Choudhury, learned Addl. C.G.S.C. for the respondents to obtain instructions on the matter.

S. B
Member

Vice-Chairman

mb

29.4.2003 Heard Mr. M. Chanda, learned counsel for the applicant and also Mr. A.K. Chaudhuri, learned Addl. C.G.S.C.

Mr. Chaudhuri has informed that there are some developments on the matter and therefore he requires some more time to obtain necessary instructions in this regard.

List the case on 30.5.2003 for further orders.

No. W/S has been
bilde.

29.5.03

Vice-Chairman

bb

30.5.2003 List again on 27.6.2003 to enable Mr. A.K. Choudhury, learned Addl. C.G.S.C. to obtain necessary instructions on the matter.

No. W/S has been
bilde.

29.6.03

Vice-Chairman

mb

(4)
O.A. 179/2002

27.6.03

Heard Mr M.Chanda, learned counsel for the applicant and also Mr A.K.Choudhuri, learned Addl.C.G.S.C for the respondents. Mr Choudhuri has stated that there is possibility of resolving the situation departmentally.

List again on 8.8.2003 for further order.

No. wts has been
bilked.

3/8/03.

Vice-Chairman

pg

8.8.2003

List again on 26.8.2003 for further orders.

No. wts has been
bilked.

3/9/03

Vice-Chairman

mb

12.9.2003 present: The Hon'ble Mr.K.V.Prahala dan Administrative Member.

On the prayer made by Mr.A.K.Choudhuri, learned Addl.C.G.S.C. the case is adjourned and listed again for order on 19.9.03.

Icr Prahala dan
Member

bb

19.9.03

On the prayer of learned counsel for respondents case is adjourned to 26.9.03 for orders.

Icr Prahala dan
Member

25/9/03

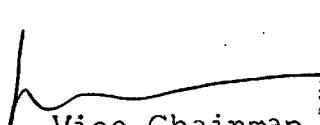
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26.9.03

Let this case be listed on 24.10.03 in presence of Mr.A.K.Choudhury, Addl. C.G.S.C.

Vice-Chairman

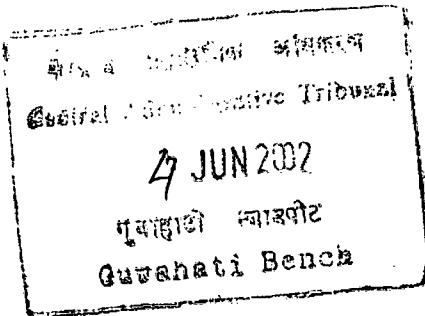
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Office Note	Date	Tribunal's Order
	22.10.2003	<p>Heard Mr. M. Chanda, learned counsel for the applicants and also Mr. A. K. Chaudhuri, learned Addl. C. G. S. C. for the respondents.</p> <p>Mr. Chaudhuri stated that pursuant to order of the Tribunal dated 24.1.2001 in O.A.398 of 1999 the respondents conferred temporary status to the applicants save and except applicant no.1, Smti Sumitra Daimary, applicant no.4, Sri Nidhi Tanti, and applicant no.17, Sri Munna Lal Lohar. Mr. Chaudhuri stated that the above applicants since were not found eligible, they could not be granted temporary status.</p> <p>Let the respondents submit all the facts by filing written statement and the record in respect of applicant No.1, 4 & 17.</p> <p>As regards, the other applicants, namely, applicant nos.2 & 3, 5 to 16, the O.A. is dismissed as infructuous. The O.A. shall continue in respect of applicant nos.1, 4 & 17 and the same shall be disposed on merit in respect of these applicants. The respondents are allowed to file written statement within four weeks from today. List the case on 24.11.2003 for further order. A copy of the order to be furnished to Mr. A. K. Chaudhuri, learned Addl. C. G. S. C. for taking necessary steps in the matter.</p> <p>bb</p> <p> Vice-Chairman</p>

Office Note	Date	Tribunal's Order
	31.10.2003	<p>Heard Mr. M. Chanda, learned counsel for the applicant and also Mr. A. K. Chaudhury, learned Addl. C.G.S.C. for the Respondents.</p> <p>Mr. M. Chanda, learned counsel for the applicant stated that the applicant No. 1 Smt. Sumitra Daimary was also conferred temporary status. Therefore, as regards the applicant No. 1, the O.A. is dismissed as infructuous. Mr. Chanda, learned counsel for the applicant also stated that as regards the applicant Nos. 4 and 17, namely, Sri Nidhi Tanti and Sri Munna Lal Lohar respectively, he is not pressing the application at this stage.</p> <p>The application thus stands dismissed as infructuous as regards applicant No. 1 and as regards the applicant Nos. 4 and 17 is concerned the application is dismissed as at not pressed with liberty to them to file fresh application if they so desire ^{it is so needed} thus stand with the above observations.</p> <p><u>Alzorol</u></p>

Vice-Chairman

Office Note	Date	Tribunal's Order
	31.10.2003	<p>Heard Mr. M. Chanda, learned counsel for the applicants and also Mr. A.K. Chaudhury, learned Addl. C.G.S.C. for the Respondents.</p> <p>Mr. M. Chanda, learned counsel for the applicants stated that the applicant No.1 Smt. Sumitra Daimary was also conferred temporary status. Therefore, as regards the applicant No.1, the O.A. be dismissed as infructuous.</p> <p>Mr. M. Chanda, learned counsel for the applicant also stated that as regards the applicant Nos. 4 and 17, namely Sri Nidhi Tanti and Sri Munna Lal Lohar respectively he is not pressing the application at this state.</p> <p>The application thus stands dismissed as infructuous as regards applicant Nos 1 to 3, 5 to 16 and as regards the applicant Nos. 4 and 17 is concerned the application is dismissed as not pressed with the liberty to them to file fresh application if it is so needed.</p> <p>The application thus stands disposed of.</p>
Pl. apply order dated 31/10/03. SS 31/11/03		<p>mb</p> <p><i>Received copy of order dated 31/10/03</i></p> <p><i>12/11/2003</i></p> <p>Copy of the order has been sent to the office for sending the same to the L/Adv. for the applicant.</p> <p>S.P.</p>
		<p><i>W</i></p> <p>Vice-Chairman</p>



**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH**

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

Title of the case : O.A. No. 179/2002

Smti Sumitra Daimary & Ors.: Applicants

- Versus -

Union of India & Others: Respondents.

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Filed by

Date :

Advocate

Mushtaq Hussain

File by the applicant
through Sri G. C. No.
Chakravorty Dhar
on 5-6-2002

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL GUWAHATI BENCH : GUWAHATI

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

O.A. No. /2002

BETWEEN

1. Smti Sumitra Daimary
Wife of Sri Jogesh Daimary
Bhutiamari, P.O. Bengbari
P.S. Paneri
District Darrang (Assam)
2. Md. Muslim Hussain
Son of Md. Ali
Village Dola Padung,
P.O. Thakurpara, P.S. Rangapara
District Sonitpur (Assam)
3. Sri Surendra Tanti
Son of Late Nilamoni Tanti
Village Bhutiamari
P.O. Hatigarh, P.S. Paneri
District Darrang (Assam)
4. Sri Nidhi Tanti
Village Ulubari
P.O. Hatigarh, P.S. Paneri,
District Darrang (Assam)
5. Sri Durga Tosa
Son of Late Shivnath Tosa

Muslim Hussain

Village Bhutiamari
P.O. Hatigarh, P.S. Paneri
District. Darrang (Assam)

6. Sri Shukru Koya
Son of Late Madha Koya
Village Bhutiamari
P.O. Hatigarh, P.S. Paneri
District. Darrang (Assam)

7. Shri Jagadish Sachini
Son of Late Manu Sachini
Village Ulubari P.O. Hatigarh, P.S. Paneri
District. Darrang (Assam)

8. Sri Binod Daimary
Son of Late Dipra Daimary
Village Ulubari
P.O. Hatigarh, P.S. Paneri
District. Darrang (Assam)

9. Sri Jogdev Prasad
Son of Late Khedaru Prasad
Village Bhutiamari
P.O. Hatigarh, P.S. Paneri
District. Darrang (Assam)

10. Sri Uday Ram Prasad
Son of Sri Ghora Ram
Village Bhutiamari
P.O. Bengabari, P.S. Paneri
District. Darrang (Assam)

11. Sri Jalandhar Tanti
Village Bhutiamari
P.O. Hatigarh, P.S. Paneri

Muslim Hussain

District. Darrang (Assam)

12. Sri Rakhal Paul
Son of Late Umesh Paul
Village Ulubari P.O. Hatigarh, P.S. Paneri

District. Darrang (Assam)

13. Sri Debnath Lohar
Son of Sri Bindeswar Lohar
Village Hathigarh P.O. Hatigarh, P.S. Paneri

District. Darrang (Assam)

14. Sri Biry Orang
Son of Late Chanda Orang
Village Hathigarh
P.O. Hatigarh, P.S. Paneri

District. Darrang (Assam)

15. Sri Biswanath Lohar
Son of Sri Pyara Lohar
Village Bhutiamari
P.O. Hatigarh, P.S. Paneri

District. Darrang (Assam)

16. Shri Rupa Sutradhar
Son of Rabiram Sutradhar
Village Uttar Krishnapur
P.O. Hatigarh, P.S. Paneri

District. Darrang (Assam)

17. Sri Munna Lal Lohar
Station Headquarter,
Hatigarh

...Applicants

--AND--

Mishin Russell

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
General Staff Branch
Army Headquarters, DHG
P.O. New Delhi-11011
3. The Administrative commandant
Purav Kaman Mukhyalaya
Headquarters, Eastern Command,
Fort William
Calcutta-21.
4. The commanding Officer,
Station Headquarter
Hatigarh
C/O 99 APO
5. The S.S.O.
Station Headquarter,
Hatigarh
C/O 99 APO

... Respondents..

DETAILS OF THE APPLICATION

1. Particulars of order against which this application is made.

This application is made against the impugned letters bearing number 759/3/Q(PC) dated 14.9.2001 issued to each of the applicants separately by the Respondent no.5 following the judgment and order passed on 24.1.2001 in O.A. No. 398/99 by this Hon'ble Tribunal whereby the respondents illegally rejected the claim of the applicants for their grant of temporary status and

M. S. J. Hussain

the works of Grass Cutting, Safai, Gardening, Plantation, Loading and unloading of rations and other works under the respondent no.5 of the Station Headquarter, Hatigarh. The applicants are civilian casual employees in the establishment of Station Headquarter, Hatigarh and have been continuing in their services/works as stated above till now.

4.4 That all the applicants were working under the Station Headquarter on casual basis as Conservancy Safaiwala for years together but they were being deprived of regular service benefits, pay scale, dearness allowance, House Rent, medical allowance and even minimum pay and were not regularised in terms of any of the Schemes of Central Government although there were number of schemes launched by the Central Government for regularisation of casual workers, e.g. the Schemes launched under O.M. dated 7.6.1993 and a like scheme launched under O.M. dated 10.9.1993.

4.5 That your applicants beg to state that although they are serving as causal worker for a considerable long period under the Respondents and were recruited on casual basis after observing all required formalities but the respondents have not taken any initiative to grant Temporary Status and regularise their services as per the existing scheme issued under O.M. dated 10.9.1993 by the Government of India, Department of Personnel and Training. As per the said Scheme, the provisions made under clause 4 (i) and (ii) of the Scheme are as follows :

4. Temporary status

- i. Temporary status would be conferred on all casual labourers who are in employment on the date of issue of this 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

Maslin Hussain

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240 days (206 days in the case of offices observing 5 days week).

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

It is relevant to mention here that the applicants have fulfilled the abovementioned requirements of the scheme for grant of temporary status since all the applicants have rendered 240 days service in each calendar year and thereby have acquired a valuable right for grant of temporary status and regularisation. In this context, the detailed particulars of engagement of the applicants under the Respondents are furnished below :

Sl. No.	Name	Date of initial engagement as casual labour
1	Smti S. Daimary	1978
2	Md. M. Hussain	1977
3	Sri Surendra Tanti	1993
4	Sri Munna Lal	1993 (March)
5	Sri Nidhi Tanti	1992 (April)
6	Sri Durga Tosa	10.10.1987
7	Sri Shukru Koya	1987 (Oct)
8	Sri Jagadish Sachini	1993 (March)
9	Sri Bined Daimary	1994 (April)
10	Sri Jagdev Prasad	1994 (June) (April)
11	Sri Uday Ram Prasad	1994 (June)
12	Sri Jalandhar Tanti	1994 (Oct)

From the above particulars, it is clearly evident that the applicants have been working as Casual Worker/Conservancy Safaiwala from years past and as such they are legitimately entitled to grant of Temporary Status and regularisation under the

Mushtaq Hussain

Government Scheme dated 10.9.1993 and denial of the same to the applicants amounts to unfair labour practice.

Copy of the O.M. dated 10.9.1993 issued by the D.O.P.T., Government of India, is annexed hereto as Annexure-I.

4.6 That your applicants beg to state that Administrative instructions were issued by the Higher Authorities from time to time for regularising the services of the casual workers working under different Station Headquarters under the Ministry of Defence, Government of India. Some of the letters containing such instructions are illustrated below :

1. No. O-3144 Eastern command GS/SD Fort William under File No. 4022/G, Calcutta dated 23.8.1993.
2. No. 2221/4/OS(SD)HQ 51 Sub Area dated 20.8.1993, under the file No. 4022/G, Eastern Headquarters.
3. No. O-3160 HQ 51 Sub-area dated 14.8.1993 under File No. 4022/G, Eastern Headquarters.
4. No. O-3141 HQ Sub Sub Area under File No. 4022/G, Station Headquarter.
5. No. 2221/4/QS(SD) Sub Area dated 7.8.1993
6. No. O-3136 HQ 51 Sub Area dated 2.8.1993
7. No. O-3126 HQ 51 Sub Area dated 27.8.1993
8. No. O-3104 HQ 101 Sub Area dated 28.8.1993
9. No. O-3171 HQ 51 Sub Area dated 3.8.1993
10. No. C/60 249/SDGB GS Branch Army Har.

The above noted letters have been issued by the Higher Authorities for regularisation of Casual workers and their conditions of service, but in spite of their best efforts the applicants could not obtain the copy of those letters and as such the Hon'ble Tribunal be pleased to direct the respondents to produce the abovementioned letters before the Hon'ble Tribunal.

Muslim Association

As per Circular issued by the Government of India, Casual workers who have completed 240 days work in two subsequent years are entitled to be regularised in Group "D" posts. Therefore all the present applicants are entitled to be regularised in their service.

- 4.7 That the applicants beg to state that the service records of the applicants were not being maintained properly such as applicants engagement, work allotment and breaks in service were being done on verbal orders only and not by way of any formal orders. All the applicants were initially engaged against regular vacancies. The respondents have issued temporary pass to the individuals where particulars of all individual applicants are stated. IT is pertinent to mention here that the works which the applicants were entrusted with, are of permanent nature and as such they are entitled to be regularised from the date of their initial appointment with all consequential benefits.
- 4.8 That the applicants beg to state that they were being paid wages much less than the minimum pay paid to the regular employees of the corresponding cadre in a discriminatory manner. India is a Socialistic Republic and the Government being a model employer is cast with certain basic commitments and obligations which the State has to discharge. The right to work, right to free choice of employment, right to just and favourable condition of work, right to protection against unemployment, right to just and favourable remuneration ensuring a decent living for himself and his family, right to equal pay for equal work, right to rest, leisure, reasonable limitation on working hours and periodic holidays with pay, right to security of work are some of the rights which have to be ensured by appropriate legislative and executive measures.
- 4.9 That your applicants most humbly submit that the case of the applicants are squarely covered by the various decisions of this Hon'ble Tribunal as well as of the decisions of the Apex Court.

Mosin Hassan

This Hon'ble Tribunal dealt with like cases of the similarly situated Conservancy Safaiwala earlier in O.A. Nos. 228/93 (Saifuddin Ahmed & Ors Vs. Union of India & Others), 264/93 (Sri N.Das & Ors. Vs. Union of India and Others), O.A. No. 56/94 and the Hon'ble Tribunal was pleased to decide those cases in favour of those applicants. Subsequently, the Government of India, Ministry of Defence implemented the judgment of the Hon'ble tribunal in those cases and regularised the services of the Casual Workers of the Station Headquarter, Rangiya. The present applicants being similarly circumstanced are entitled to the benefit of Temporary Status with effect from 1.9.1993 in terms of the O.M. dated 10.9.1993 of the Government of India and also regularisation of their services.

Copy of judgment passed in O.A. No. 228/93 is annexed hereto as **Annexure-II** and the applicants crave leave of the Hon'ble Tribunal to produce the other judgments mentioned above at the time of hearing.

4.10 That the applicants beg to state that under the facts and circumstances stated above, they have acquired a valuable right for grant of Temporary Status and regularisation of services. But since these benefits were unjustly denied to the applicants, the present applicants approached this Hon'ble Tribunal for protection of their rights by filing O.A. No. 398/1999 and the Respondents duly contested the case. The Hon'ble Tribunal after examining all the facts and circumstances of the case was pleased to pass the judgment and order on 24.01.2001 in O.A.No. 398/99 with the following directions :

"4. Considering all the facts and circumstances of the case and in view of the earlier decisions of the Supreme court and the Tribunal, we are of the view that the applicants are also entitled for consideration of their case for granting Temporary

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Status and thereafter for regularisation under the aforementioned scheme of the Government of India. The respondents are accordingly directed to take necessary steps for considering their cases afresh for temporary status and the consequential follow up action thereafter at the earliest, preferably within three months from the date of receipt of the order.

5. Till completion of the above exercise, the applicants shall continue in service.

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

Copy of the judgment and order dated 24.01.2001 in O.A. No. 398/99 is annexed hereto as Annexure-III.

4.11 That thereafter the applicants submitted representation on 13.02.2001 enclosing therewith a copy of the judgment and order dated 24.1.2001 in O.A. No. 398/99 to the commanding Officer, Station Headquarter, Hatigarh praying for implementation of the above cited judgment and order passed by the Hon'ble Tribunal. Following the receipt of the judgment and order dated 24.1.2001, the respondents issued the impugned letter No. 759/3/Q(PC) dated 14.9.2001 addressed to each applicant individually rejecting their claim of Temporary status and regularisation of service on some unfounded and concocted pleas violating the directions given in the judgment and order dated 24.1.2001. The applicants then filed a Contempt Petition under C.P. No. 56 of 2001 (O.A. 398/99) before this Hon'ble Tribunal and the Hon'ble Tribunal after examining the facts and circumstances, dismissed the C.P. vide order dated 21.3.2002 in C.P. No. 56/2001 with the liberty granted to the applicants to challenge the order of the respondents in a different proceeding and not in a Contempt Proceeding.

Copy of 17 nos. of impugned letters dated 14.9.2001 addressed to 17 individual applicants are annexed hereto as

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Annexure - IV series and the order dated 21.3.2002 is annexed as Annexure - V respectively.

4.12 That surprisingly the Respondents in this impugned letters dated 14.9.2001 have contended that temporary status cannot be granted to the applicants as directed in the judgment and order passed on 24.1.2001 in O.A. No. 398/99 by this Hon'ble Tribunal since the applicants are negligent, indiscipline and performing unsatisfactorily and are not entitled to the benefits claimed. It is crystal clear from the impugned letters that all the letters have been written almost in a common format with the same grounds basically shown against all the applicants in a most mechanical manner and without any application of mind only with a view to avoid the implementation of the judgment dated 24.1.2001 in O.A. No. 398/99. It is worth mentioning that the grounds of rejection shown by the Respondents now are some new discoveries made by the Respondents after the adjudication of the entire case in O.A. No. 398/99 in their desperate bid to thwart the implementation of the judgment and order dated 24.1.2001 in O.A. No. 398/99. At no point of time during the adjudication of the earlier O.A. No. 398/99, the Respondents pleaded/stated such grounds as being shown now. There is no mention of such grounds in the written statement/pleadings submitted earlier by the Respondents in O.A. No. 398/99 and the new pleas taken now are not only false and unfounded but are arbitrary, capricious, mala fide and complete distortion of facts which have been hatched up after the passing of the order dated 24.1.2001 in O.A. No. 398/99 with an ill motive only.

4.13 That the applicants beg to state that since their initial engagements the applicants are being discriminated by the Respondents in a planned manner and not being paid their due wages in time and at appropriate rate whereas the same are being regularly paid to their counterparts working on regular basis. This apart, the respondents made artificial break of one day after

Musfin Hussain

each spell of 89 days of service of the applicants with the only intention of depriving them of the benefit of continuous service which amounts to unfair labour practice and such actions are arbitrary, mala fide, capricious and violative of principles of natural justice.

4.14 That the applicants beg to state that due to unfair and illegal action of the Respondents, the applicants have been deprived of their legitimate benefits in spite of the law laid down by the Hon'ble Apex Court in various judgments and the applicants finding no other way, are approaching this Hon'ble Tribunal for protection of their rights and interests and it is a fit case for the Hon'ble Tribunal to interfere with and be pleased to direct the Respondents to grant Temporary Status to the applicants and regularise their service in terms of the Scheme of the Government with effect from the date of their respective engagements.

4.15 That this application is made bona fide and for the cause of justice.

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

5.1 For that the applicants have been working for a long period, ranging from 3 to 15 years and as such they are entitled to be regularised as Conservancy Safaiwala.

5.2 For that the nature of works entrusted to the applicants are of permanent nature and therefore they are entitled to be regularised as Conservancy Saraiwala.

5.3 For that similarly situated casual Conservancy Safaiwalas who were working under the Station Headquarter, Rangiya have been regularised by the Respondents following the judgment and order passed by this Hon'ble Tribunal in O.A. Nos. 228/93, 264/93 and 56/93.



5.4 For that this Hon'ble tribunal in its earlier judgment passed on 24.01.2001 in O.A. No. 398/99 directed the Respondents to take necessary steps for considering the cases of these applicants too, afresh for temporary status and consequential follow up action thereafter within three months.

5.5 For that the Central Government being a model employer cannot be allowed to adopt a differential treatment in regard to service conditions and payment of wages to the applicants.

5.6 For that the denial of grant of Temporary status and regularisation of service of the applicants is violative of Article 14 and 16 of the Constitution of India.

5.7 For that there are existing vacancies of Conservancy Safaiwala under Station Headquarter, Hatigarh.

5.8 For that the applicants have no other alternative means of livelihood.

5.9 For that the applicants are legally entitled to grant of Temporary Status and regularisation under the O.M. dated 10.9.1993 issued by the Government of India, D.O.P.T.

5.10 For that the applicants have become overaged for any other employment.

5.11 For that the Station Headquarter at Hatigarh has been set up for more than a decade past and therefore there is a regular need of Service of conservancy Safaiwala.

5.12 For that the applicants are performing job of similar nature which are being performed by the regular Conservancy Safaiwala in other establishments of the Ministry of Defence.

Moshi Hussain

6. Details of remedies exhausted.

That the applicant states that they do not have any other alternative or other efficacious remedy than to file this application. Representations of the applicants, Lawyer's notice dated 3.7.1998 and even the order passed by this Hon'ble Tribunal on 24.1.2001 in O.A. No. 398/99 could not yield any result as yet.

7. Matters not previously filed or pending with any other court.

The applicant further declares that they had previously filed an application which was registered as O.A. No. 398/99 and the same was disposed on 24.1.2001 with the direction to consider the case of the applicants for grant of Temporary Status and regularisation but the same has been rejected. The applicants further declare that no Writ Petition or Suit regarding the matter in respect of which this application has been made before any court or any other authority or any other Bench of the Tribunal nor any such application, Writ Petition or Suit is pending before any of them.

8. Reliefs sought for :

Under the facts and circumstances stated above, the applicant humbly prays that your Lordships be pleased to issue notice to the respondents to show cause as to why the reliefs sought for by the applicant shall not be granted, call for the records of the case and on perusal of the records and after hearing the parties on the cause or causes

Muslim Hussain

that may be shown, be pleased to grant the following reliefs

- 8.1 That the impugned letters issued to each of the present applicants under No. 759/3/Q(PO) dated 14.9.2001 be set aside and quashed.
- 8.2 That the Respondents be directed to grant Temporary Status and regularisation with effect from 1.9.1993 to the applicants in terms of O.M. issued by the Government of India, Department of Personnel and Training vide No. 51016/2/90-Estt(G) dated 10.9.1993.
- 8.3 That the Respondents be directed to grant Temporary Status to the applicants and take consequential follow-up action in terms of the judgment and order passed on 24.01.01 in O.A. No. 398/99 by this Hon'ble Tribunal.
- 8.4 Costs of the application.
- 8.5 Any other relief or reliefs to which the applicant is entitled to, as the Hon'ble Tribunal may deem fit and proper.

9. **Interim order prayed for.**

During pendency of this application, the applicant prays for the following relief :-

- 9.1 That the respondents be directed not to oust the applicants from their present services till final disposal of this Original Application.
10. *****
This application is filed through Advocates.

Muslin Hussain

11. Particulars of the I.P.O.

i) I.P.O. No. : 76 574650
ii) Date of issue : 18-5-202
iii) Issued from : G.P.O., Guwahati.
iv) Payable at : G.P.O., Guwahati.

12. List of enclosures.

As stated in the index.

Mishim Hussain

VERIFICATION

I, Md. Muslim Hussain, Son of Md. Ali, aged about _____ years, resident of village Dola Padung, P.O. Thakurbari, P.S. Ranga Para, District Sonitpur, Assam, one of the applicants in the instant application duly authorized by the other applicants to verify the statements made in this application and to sign this verification. Accordingly I declare that the statements made in paragraph 1 to 4 and 6 to 12 are true to my knowledge and those made in paragraph 5 are true to My legal advice which I believe to be true. I have not suppressed any material fact.

And I sign this verification on this the .../.../... day of
June
May, 2002.

Muslim Hussain

No. 1101/2/90-Eatt(C)
Government of India
Ministry of Personnel, P.G. and Pensions
Department of Personnel & Training

19-

Annexure - I

New Delhi, the 10th Sept. 1993

OFFICE MEMORANDUM

on of temporary status and regularization of
casual workers - formulation of a scheme in pursuance
of the CAT, Principal Bench, New Delhi, judgement
dated 16th Feb 1990 in the case of Shri Raj Kamal &
others Vs. UOI.

Guidelines in the matter of recruitment of persons on
a basis in Central Government offices were issued
by Department's O.M. No. 4901/2/UG-Eatt(C) dated 7.6.80.
It has further been reviewed in the light of the
judgement of the CAT, Principal Bench, New Delhi delivered on
16th Feb 1990 in the case of Shri Raj Kamal & others
in India and it has been decided that while the
guidelines contained in O.M. dated 7.6.80 may continue
to be followed, the grant of temporary status to the casual
workers, who are presently employed and have rendered one year
continuous service in Central Government offices other than
Ministry of Telecom, Posts and Railways may be regulated by
the scheme as appended.

Ministry of Finance etc. are requested to bring the scheme
to the notice of appointing authorities under their
administrative control and ensure that recruitment of casual
workers is done in accordance with the guidelines containing
the judgement of the CAT, Principal Bench, New Delhi dated 7.6.80.
Cases of negligence should be viewed
seriously and brought to the notice of appropriate authorities
for taking prompt and suitable action.

Sd/-
(Y.G. Parando)
Director

Ministries/Departments/Offices of the Government of
India as per the standard list.
y:to: (1) All attached and subordinate offices of
Ministry of Personnel, P.G. and Pensions
(i) Ministry of Personnel, P.G. and Pensions
(ii) Ministry of Home Affairs
(2) All offices and sections in the MHA and
Ministry of Personnel, P.G. and Pensions.

Sd/-
(Y.G. Parando)
Director

*Recd. by
J.W. Parando*

113

OPEN

APPENDIX

(i) Department of Personnel & Training, Casual Labourers
(Grant of Temporary Status and Regularisation) Scheme

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

2. This scheme will come into force w.e.f. 1.9.1993.

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

Temporary status

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

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

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

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

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

i) Wages at daily rates with reference to the minimum of the pay scale for a corresponding regular Group 'D' official including DA, HRA and CCA.

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

iii) Leave entitlement will be on a pro-rata basis at the rate of one day for every 10 days of work, casual or any other kind of leave, except maternity leave, will not be admissible. They will be allowed

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iv) to carry forward the leave at their credit on their regularisation. They will not be entitled to the benefits of encashment of leave on termination of service for any reason or on their quitting service.

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

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

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

8. Until they are regularised, they would be entitled to productivity Linked Bonus/Ad-hoc bonus only at the rates as applicable to casual labourers.

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

7. Despite conferment of temporary status, the services of a casual labourer may be dispensed with by giving a notice of one month in writing. A casual labourer with temporary status can also quit service by giving a written notice of one month. The wages for the notice period will be payable only for the days on which such casual worker is engaged on work.

8. Procedure for filling up of Group D Posts

(i). Two out of every three vacancies in Group D in cadre in respective offices where the casual labourers have been working would be filled up as per extant recruitment rules and in accordance with the instructions issued by Department of Personnel & Training amongst casual workers with temporary status. However, regular Group D staff rendered surplus for any reason will have prior claim for absorption against existing / future vacancies. In case of illiteracy or casual labourers of those who fail to fulfil the minimum qualification prescribed for post, regularisation will be considered only against those posts in respect of which literacy or

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Dhruv
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or lack of minimum qualification will not be a requisite qualification. They would be allowed age relaxation equivalent to the period for which they have worked continuously as casual labour.

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

10. In future, the guidelines as contained in the Departmental O.M. dated 7.6.80 should be followed strictly in the matter of engagement of casual employees in Central Government Offices.

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

*Shri S. S. Deshpande
Joint Secretary*

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No.228 of 1993

Date of decision: This the 28th day of July 1994

The Hon'ble Justice Shri S. Haque, Vice-Chairman

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

1. Shri Saifuddin Ahmed
2. Shri Umesh Chandra Das,
3. Shri Golap Chandra Das
4. Syed Saushad Ali
5. Md Makib Ali
6. Md Khorshed Ali
7. Shri Haren Das
8. Md Rejek Ali
9. Md Samsul Ali
10. Shri Chandra Dev
11. Md Nuruddin Ahmed
12. Md Mohabbat Ali
13. Md Mosam Ali
14. Md Javed Ali
15. Md Rakshed Ali
16. Pandit Ali
17. Ms Saira Banu
18. Ms Ayesha Begum
19. Shri Deben Chandra Kakoti
20. Shri Suren Nath
21. Md Abed Ali
22. Md Mafiz Ali
23. Md Tazuddin Ahmed
24. Md Makibar Rahman
25. Syed Sarif Ali
26. Shri Atul Chandra Kalita
27. Syed Samnur Ali
28. Md Monir Ali
29. Md Basir Ali
30. Shri Mina Rajbanshi
31. Syed Nabib Ali
32. Ms Golnehar Begum
33. Shri Anima Das
34. Md Sirajuddin Ahmed
35. Md Harej Ali
36. Sri Karuna Chandra Das
37. Md Khasnur Ali
38. Shri Basanta Kalita
39. Md Maznoor Ali Ahmed
40. Nuruddin Ahmed
41. Akbar Ali
42. Najim Ali
43. Shri Haladhar Das
44. Shri Dharmaram Haloi

AV

1.8.94

*Shri Md. Jafar
Advocate*

45. Kale Bhadur Chetri
 46. Achyut Haloi
 47. Ganesh Ram
 48. Ganesh Das

All the applicants are working
 as Conservancy/Safaiwalas in
 different units under Station
 Head Quarters, Rangia

.... Applicants

By Advocates Shri J.L. Sarkar and
 Shri M. Chanda

-versus-

1. The Union of India through the Secretary, Government of India, Ministry of Defence, New Delhi
2. The Additional Director General of Staff Duties (SDGB) General Staff Branch, Army Head Quarters, DHQ, New Delhi
3. The Administrative Commandant, Purv Kaman Mukhyalaya, Head Quarters, Eastern Command, Fort William, Calcutta
4. The Administrative Commandants, Station Headquarters, Rangia, C/o 99 A.P.O.

.... Respondents

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

1.8.94

....

*Attested
for
Advocate*

ORDER

HAQUE.J.

The fortyeight applicants, excluding Shri Ganesh Ram (applicant No.47) have filed this application for regularisation in Class IV catagory service.

2. The applicants are serving as Conservancy/Safaiwalas under the respondents at Station Headquarter, Rangia since several years on daily wages basis. Some of them are serving since 1982. They have claimed for regularisation in their service as well as minimum of the appropriate pay scale of Class IV catagory as "Safaiwalas till their regularisation.

3. Heard learned counsel Mr J.L. Sarkar on behalf of the applicants. Learned Sr. C.G.S.C. make his submissions in conformity with the defence plea in the written statement.

4. The respondents by their written statement admitted that the applicants are serving as Conservancy/Safaiwalas with breaks since several years. It is stated that they are serving in the fixed station and, therefore, not entitled for regularisation. It is found on scrutiny that the breaks in the services of the applicants were artificial in order to delink continuity of service to their disadvantage. Such breaks cannot be encouraged because it will be to the disadvantage of casual labourers in service which may defeat their rights and privileges including right of regularisation in service. Therefore, services of the applicants are regarded as in continuity. In such cases, the Supreme Court has enunciated principles and guidelines for regularisation and fixation of minimum in the pay scale. The cases are,

1.8.94

*Blessed
J.L.
Sarkar*

(1) D. Chamali and another -vs- State of U.P. reported in (1986) 1 SCC 637, (2) Surinder Singh and another -vs- Engineer in Chief, CPWD and others reported in (1986) 1 SCC 639, (3) Daily Rated Casual Labourers (P&T Deptt.) Dak Tar Mazdoor Manch -vs- Union of India and others and another case (Writ petition No. 302/86) reported in (1986) 1 SCC 122. These decisions are applicable in the instant case. The applicants are entitled for regularisation only after obtaining sanction for the posts by the respondents. Presently, they are entitled to the minimum of the appropriate pay scale of Class IV category as Safaiwalas.

5. This application is allowed. The respondents are directed to make communications with the headquarters to obtain sanction for regularising the applicants within a period of six months from the date of receipt copy of the judgment/order and accordingly regularise them as Safaiwalas in Class IV category. The respondents are further directed to pay minimum of the appropriate pay scale of Class IV category as Safaiwalas to the applicants with effect from the month of August 1994. The respondents are directed not to terminate the services of the applicants till their regularisation.

Sd/- VICECHAIRMAN
Sd/ MEMBER (A)



Appalled
See
Safai

Certified to be true Copy
স্বাক্ষর প্রতিলিপি

11/12/1999

Bartoli Officer (I)

ASSAM LEGISLATIVE ASSEMBLY
Central Assembly
11/12/1999
Guwahati, Assam-781006
পূর্ব পার্শ্ব, গুৱাহাটী, অসম-৭৮১০০৬

11/12/1999

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No.398 of 1999

Date of decision: This the 24th day of January 2001

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

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

Smt Sumitra Daimary and 16 othersApplicants

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

- versus -

1. The Union of India,
 Through 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 Headquarters, DHG,
 New Delhi.
3. The Administrative Commandant,
 Purav Kaman Mukhyayaya,
 Headquarters, Eastern Command,
 Fort Williams, Calcutta.
4. The Commanding Officer,
 Station Headquarter, Hatigarh,
 C/o 99 A.P.O.
5. The S.S.O.,
 Station Headquarter,
 Hatigarh, C/o 99 A.P.O.

.....Respondents

Advocate Mr B.S. Basumatary, Addl. C.G.S.C.

ORDER (ORAL)

CHOWDHURY J. (V.C.)

The applicants are seventeen in number. Since their grievance and the reliefs sought for are common, leave is granted to pursue their grievance in one single application under the provisions of Rule 4(5)(a) of the Central Administrative Tribunal (Procedure) Rules, 1987.

2. The applicants are working as Safaiwala, some of them since 1978 onwards. They rendered their service as Conservancy Safaiwala in

different units/divisions under the Station Headquarter, Hathigadh on casual basis. The applicants by this application has sought for regularisation of their services in the light of the directions issued by the Supreme Court in D. Chamal and another vs. State of U.P., reported in (1986) 1 SCC 637, and Surinder Singh and another vs. Engineer in Chief, CPWD and others, reported in (1986) 1 SCC 639. In terms of the Supreme Court's direction, the Government of India issued a scheme, namely Casual Labourers (Grant of Temporary Status and Regularisation) Scheme, for giving temporary status and thereafter regularisation of services. A number of decisions were also rendered by this Tribunal in like issues. One such case is O.A.No.228 of 1993 disposed of on 28.7.1994.

3. The respondents in their written statement admitted that these applicants are serving as Conservancy Safaiwala with breaks in several years. The respondents further stated that the applicants are working in the Field Station and therefore, they are not entitled for regularisation. We have found that these breaks are only artificial breaks and not real breaks.

4. Considering the facts and circumstances of the case and in view of the earlier decisions of the Supreme Court and the Tribunal, we are of the view that the applicants are also entitled for consideration of their case for granting temporary status and thereafter for regularisation under the aforementioned Scheme of the Government of India. The respondents are accordingly directed to take necessary steps for considering their cases afresh for temporary status and the consequential follow-up action thereafter at the earliest, preferably within three months from the date of receipt of the order.

5. Till completion of the above exercise, the applicants shall continue in service.

*Certified to be true copy
मुख्य प्रभारी*
Section Officer (S)
Section Officer (S)
नियमित अधिकारी (नाम और तिथि)
Central Administrative Tribunal
देशी न्यायिक अधिकारी
Guwahati Bench, Guwahati
नामांकन अधिकारी

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

Sd/- VICE CHAIRMAN
Sd/- MEMBER

X/2/2/2001

REGD BY A.S.T.
 Adhoc Stn HQ Hattigor
 c/o HQ 21 Mtn Arty Bde
 c/o 99 APO

14 Sep 2001

759/3/Q(PO)

Smt Sumitra Daimary
 W/O Shri Yogesh Daimary
 Vill - Tabarabari
 PO - Bankbari
 Dist - Darrang (Assam)

CAT CASE OA NO 398/99 FILED BY SUMITRA DAIMARY AND OTHERS

2. Please refer to the Hon'able CAT Judgment/order dated 24 January 2001 on application No 398 of 1999.
2. As per Hon'able CAT Judgment/order dt 24 Jan 2001., your case was put up to the employing authorities for their considerations. After detailed and deliberate considerations, the same has been rejected as you have been found to be negligent, indisciplined and performing unsatisfactorily for grant of temporary status. Hence your appointment on temporary status at Adhoc Station Headquarters Hattigor can not be granted/offered.
4. This is for your information please.

*Abesht
Jiun
Advocate*

*Navd
(Navd Singh)
Major
Station Staff Officer
for Stn Commander*

ANNEXURE - IV (Series)

- 30 -

Adhoc Str HQ Hattigor
c/o HQ 21 Mtn Arty Bde
c/o 99 APO

38

759/3/Q(PO)

Sep 2001

14

Md M Hussain
S/O Shri Mohammad Ali
Vill - Dhulapadung
PO - Thakurbari
Dist - Sonitpur (Assam)

CAT CASE OA NO 398/99 FILED BY SUMITRA DAIMARY AND OTHERS

4. Please refer to the Hon'ble CAT Judgment/order dated 24 January 2001 on application No 398 of 1999.
2. As per Hon'ble CAT Judgment/order dt 24 Jan 2001, your case was put up to the employing authorities for their considerations. After detailed and deliberate considerations, the same has been rejected as you have been found to be performing unsatisfactorily for grant of temporary status. Hence your appointment on temporary status at Adhoc Station Headquarters Hattigor can not be granted/offered.
3. This is for your information please.

*Offered
Jain
Divo/Col*

Navjot Singh

(Navjot Singh)
Major
Station Staff Officer
for Str Commander

REGD BY POST

Adhoc Stn HQ Hattigor
c/o HQ 21 Mtn Arty Bde
c/o 99 APO

759/3/Q(PC)

(4) Sep 2001

Shri Uday Ram Prasad
Vill - Bhutiamari
PO - Hattigor
Dist - Darrang (Assam)

CAT CASE OA NO 398/99 FILED BY SUMITRA DAIMARY AND OTHERS

7. Please refer to the Hon'able CAT Judgment/order dated 24 January 2001 on application No 398 of 1999.
2. As per Hon'able CAT Judgment/order dt 24 Jan 2001, your case was put up to the employing authorities for their considerations. After detailed and deliberate considerations, the same has been rejected as you were neither found eligible nor covered under the provision of Scheme of 1993 for grant of temporary status. Hence your appointment on temporary status at Adhoc Station Headquarters Hattigor can not be granted/offered.
9. This is for your information please.

*Blister
Jan.
Dolos et*

*Nayak
(Navjot Singh)
Major
Station Staff Officer
for Stn Commander*

RGD BY POST

Adhoc Stn HQ Hattigor
c/o HQ 21 Mtn Arty Bde
c/o 99 APO

759/3/Q(PC)

14 Sep 2001

Shri Rupa Sutradhar
S/O Shri Rabi Ram
Vill - Uttar Krishnepara
PO - Hattigor
Dist - Darrang (Assam)

CAT CASE OA NO 398/99 FILED BY SUMITRA DAIMARY AND OTHERS

1. Please refer to the Hon'able CAT Judgment/order dated 24 January 2001 on application No 398 of 1999.
2. As per Hon'able CAT Judgment/order dt 24 Jan 2001, your case was put up to the employing authorities for their considerations. After detailed and deliberate considerations, the same has been rejected as you were neither found eligible nor covered under the provision of Scheme of 1993 for grant of temporary status. Hence your appointment on temporary status at Adhoc Station Headquarters Hattigor can not be granted/offered.
3. This is for your information please.

*Rupesh
Rabiram
Baroach*

Navjot Singh
(Navjot Singh)
Major
Station Staff Officer
for Stn Commander

ANNEXURE-II (contd.)

- 33 -

REGD BY POST

Adhoc Stn HQ Hattigor
c/o HQ 21 Mtn Arty Bde
c/o 99 APO

759/3/Q(PC)

14 Sep 2001

Shri Jagdish Sachini
S/O Late Manusa Singh
Vill - Ulubari
PO - Hattgor
Dist - Darrang (Assam)

CAT CASE OA NO 398/99 FILED BY SUMITRA DAIMARY AND OTHERS

6. Please refer to the Hon'able CAT Judgment/order dated 24 January 2001 on application No 398 of 1999.
2. As per Hon'able CAT Judgment/order dt 24 Jan 2001., your case was put up to the employing authorities for their considerations. After detailed and deliberate considerations, the same has been rejected as you have been found to be unsatisfactorily for grant of temporary status. Hence your appointment on temporary status at Adhoc Station Headquarters Hattigor can not be granted/offered.
8. This is for your information please.

*Deezee
Navjot
Sohni Singh*

Naing Singh
(Navjot Singh)
Major
Station Staff Officer
for Stn Commander

REGISTERED BY PZT-I
Adhoc Stn HQ Hattigor
c/o HQ 21 Mtn Arty Bde
c/o 99 APO

UV

759/3/Q(PO)

14 Sep 2001

Shri Behara Uran
Vill - Hattigor
PO - Hattigor
Dist - Darrang (Assam)

CAT CASE OA NO 398/99 FILED BY SUMITRA DAIMARY AND OTHERS

7. Please refer to the Hon'able CAT Judgment/order dated 24 January 2001 on application No 398 of 1999.
2. As per Hon'able CAT Judgment/order dt 24 Jan 2001., your case was put up to the employing authorities for their considerations. After detailed and deliberate considerations, the same has been rejected as you have been found to be very weak physically and performing unsatisfactory work. for grant of temporary status. Hence your appointment on temporary status at Adhoc Station Headquarters Hattigor can not be granted/offered.
9. This is for your information please.

Accepted
Navjot Singh
Major

Navjot Singh
Major
Station Staff Officer
for Stn Commander

REGD BY POST

Adhoc Stn HQ Hattigor
c/o HQ 21 Mtn Arty Bde
c/o 99 APO

759/3/Q(PC)

14 Sep 2001

Shri Durga Tosa
S/O Late Shivnath Tosa
Vill - Bustiamari
PO - Hattgor
Dist - Darrang (Assam)

CAT CASE OA NO 398/99 FILED BY SUMITRA DAIMARY AND OTHERS

5. Please refer to the Hon'able CAT Judgment/order dated 24 January 2001 on application No 398 of 1999.
2. As per Hon'able CAT Judgment/order dt 24 Jan 2001, your case was put up to the employing authorities for their considerations. After detailed and deliberate considerations, the same has been rejected as you have been found to be performing unsatisfactorily for grant of temporary status. Hence your appointment on temporary status at Adhoc Station Headquarters Hattigor can not be granted/offered.
7. This is for your information please.

*Revised
Juv.
S/o/ocd*

Navjot Singh
(Navjot Singh)
Major
Station Staff Officer
for Stn Commander

ANNEXURE-IV (Series)

- 36 -

REGD BY POST

Adhoc Stn HQ Hattigor
c/o HQ 21 Mtn Arty Bde
c/o 99 APO

759/3/Q(PC)

14 Sep 2001

Shri Deb Nath Lohar
S/O Shri Rineshari
Vill - Hattigor
PO - Hattigor
Dist - Darrang (Assam)

CAT CASE OA NO 398/99 FILED BY SUMITRA DAIMARY AND OTHERS

7. Please refer to the Hon'able CAT Judgment/order dated 24 January 2001 on application No 398 of 1999.
2. As per Hon'able CAT Judgment/order dt 24 Jan 2001., your case was put up to the employing authorities for their considerations. After detailed and deliberat considerations, the same has been rejected as you have been found to be indisciplined and performing unsatisfactory work. for grant of temporary status. Hence your appointment on temporary status at Adhoc Station Headquarters Hattigor can not be granted/offered.
9. This is for your information please.

*Pls see
J.W. D.S.
Parvat*

Navjot Singh
(Navjot Singh)
Major
Station Staff Officer
for Stn Commander

- 37 -

REGD RY POST

Adhoc Stn HQ Hattigor
c/o HQ 21 Mtn Arty Bde
c/o 99 APO

759/3/Q (PC)

Sep 2001

Shri Binod Daimary
S/O Late Dipra Daimary
Vill - Ulubari
PO - Hattgor
Dist - Darrang (Assam)

CAT CASE OA NO 398/99 FILED BY SUMITRA DAIMARY AND OTHERS

6. Please refer to the Hon'able CAT Judgment/order dated 24 January 2001 on application No 398 of 1999.
2. As per Hon'able CAT Judgment/order dt 24 Jan 2001., your case was put up to the employing authorities for their considerations. After detailed and deliberate considerations, the same has been rejected as you were neither found eligible nor covered under the provision of Scheme of 1993 for grant of temporary status. Hence your appointment on temporary status at Adhoc Station Headquarters Hattigor can not be granted/offered.
8. This is for your information please.

*Attested
Navjot
Singh
Bhattacharya*

*Navjot
(Navjot Singh)
Major
Station Staff Officer
for Stn Commander*

ANNEXURE-IV (Series)

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REGD BY POST

Adhoc Stn HQ Hattgor
c/o HQ 21 Mtn Arty Bde
c/o 99 APO

759/3/Q(PC)

14 Sep 2001

Surendra Tathai
S/O Shri Litmani Tathai
Vill - Burtiamari
PO - Hattgor
Dist - Darrang (Assam)

CAT CASE OA NO 398/99 FILED BY SUMITRA DAIMARY AND OTHERS

3. Please refer to the Hon'able CAT Judgment/order dated 24 January 2001 on application No 398 of 1999.
2. As per Hon'able CAT Judgment/order dt 24 Jan 2001, your case was put up to the employing authorities for their considerations. After detailed and deliberate considerations, the same has been rejected as you have been found to be physically incapable and are extremely weak for grant of temporary status. Hence your appointment on temporary status at Adhoc Station Headquarters Hattigor can not be granted/offered.
5. This is for your information please.

*Attended
and
Search*

May 2001
(Navjot Singh)
Major
Station Staff Officer
for Stn Commander

Adhoc Stn HQ Hattigor
c/o HQ 21 Mtn Arty Bde
c/o 99 APO

759/3/Q (PC)

14 Sep 2001

Shri Bishwanath Lohar
S/O Late Shri Pyara
Vill - Bhutiamari
PO - Hattigor
Dist - Darrang (Assam)

CAT CASE OA NO 398/99 FILED BY SUMITRA DAIMARY AND OTHERS

7. Please refer to the Hon'able CAT Judgment/order dated 24 January 2001 on application No 398 of 1999.
2. As per Hon'able CAT Judgment/order dt 24 Jan 2001, your case was put up to the employing authorities for their considerations. After detailed and deliberate considerations, the same has been rejected as you have been found to be very weak physically and performing unsatisfactory work. for grant of temporary status. Hence your appointment on temporary status at Adhoc Station Headquarters Hattigor can not be granted/offered.
9. This is for your information please.

Pls see
Ans

Nav Raj
(Navnit Singh)
Major
Station Staff Officer
for Stn Commander

ANNEXURE-IV (Series)

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REGD BY POST

Adhoc Stn HQ Hattigor
c/o HQ 21 Mtn Arty Bde
c/o 99 APO

16

759/3/Q (PC)

14 Sep 2001

Shri Munir Lal
S/O Late Kudru Lohar
Vill - Buttiamari
PO - Hattigor
Dist - Darrang (Assam)

CAT CASE OA NO 398/99 FILED BY SUMITRA DAIMARY AND OTHERS

4. Please refer to the Hon'able CAT Judgment/order dated 24 January 2001 on application No 398 of 1999.
2. As per Hon'able CAT Judgment/order dt 24 Jan 2001, your case was put up to the employing authorities for their considerations. After detailed and deliberate considerations, the same has been rejected as you are voluntarily not attending work since Apr 1999. Hence your appointment on temporary status at Adhoc Station Headquarter Hattigor can not be granted/offered.
6. This is for your information please.

*After 1st
Refusal
Denial*

Navjot Singh
(Navjot Singh)
Major
Station Staff Officer
for Stn Commander

REGD BY POST

Adhoc Stn HQ Hattigor
c/o HQ 21 Mtn Arty Bde
c/o 99 APO

759/3/Q(PO)

14 Sep 2001

Shri Jagdev Prasad
S/O Shri Khadaru Prasad
Vill - Bhutiamari
PO - Hattigor
Dist - Darrang (Assam)

CAT CASE OA NO 398/99 FILED BY SUMITRA DAIMARY AND OTHERS

7. Please refer to the Hon'able CAT Judgment/order dated 24 January 2001 on application No 398 of 1999.
2. As per Hon'able CAT Judgment/order dt 24 Jan 2001., your case was put up to the employing authorities for their considerations. After detailed and deliberate considerations, the same has been rejected as you were neither found eligible nor covered under the provision of Scheme of 1993 for grant of temporary status. Hence your appointment on temporary status at Adhoc Station Headquarters Hattigor can not be granted/offered.
9. This is for your information please.

*Revised
J.W. Daimary*

Navjot Singh
(Navjot Singh)
Major
Station Staff Officer
for Stn Commander

REGISTERED POST

Adhoc Stn HQ Hattigor
c/o HQ 21 Mtn Arty Bde
c/o 99 APO

SD

759/3/Q (PC)

14 Sep 2001

Shri Rakhalpal
S/O Shri Umesh Chandrapal
Vill - Hattigor
PO - Hattigor
Dist - Darrang (Assam)

CAT CASE OA NO 398/99 FILED BY SUMITRA DAIMARY AND OTHERS

7. Please refer to the Hon'able CAT Judgment/order dated 24 January 2001 on application No 398 of 1999.
2. As per Hon'able CAT Judgment/order dt 24 Jan 2001, your case was put up to the employing authorities for their considerations. After detailed and ~~deliberate~~ considerations, the same has been rejected as you have been found to be very weak physically and performing unsatisfactory work. for grant of temporary status. Hence your appointment on temporary status at Adhoc Station Headquarters Hattigor can not be granted/offered.
9. This is for your information please.

*Accepted
Navjot Singh
Paroikar*

Navjot Singh
(Navjot Singh)
Major
Station Staff Officer
for Stn Commander

ANNEXURE-IV (contd)

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RPGD Post

Adhoc Stn HQ Hattigor
c/o HQ 21 Mtn Arty Bde
c/o 99 APO

759/3/Q(PC)

Sep 2001

14

Shri N. T. Thanthi
S/O Shri Kapila Thanthi
Vill - Ulubari
PO - Hattigor
Dist - Darrang (Assam)

CAT CASE OA NO 398/99 FILED BY SUMITRA DAIMARY AND OTHERS

7. Please refer to the Hon'able CAT Judgment/order dated 24 January 2001 on application No 398 of 1999.
2. As per Hon'able CAT Judgment/order dt 24 Jan 2001., your case was put up to the employing authorities for their considerations. After detailed and deliberate considerations, the same has been rejected as you have been found to be very weak physically and performing unsatisfactory work. for grant of temporary status. Hence your appointment on temporary status at Adhoc Station Headquarters Hattigor can not be granted/offered.
9. This is for your information please.

*Rejected
Navjot Singh
Paro*

Navjot Singh
(Navjot Singh)
Major
Station Staff Officer
for Stn Commander

ANNEXURE -IV (Series)

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REGD BY POST

Adhoc Stn HQ Hattigor
c/o HQ 21 Mtn Arty Bde
c/o 99 APO

759/3/Q(PC)

14 Sep 2001

Shri Shukru Koya
S/O Late Mdaha Koya
Vill - Buttiamaci
PO - Hattgor
Dist - Darrang (Assam)

CAT CASE OA NO 398/99 FILED BY SUMITRA DAIMARY AND OTHERS

5. Please refer to the Hon'able CAT Judgment/order dated 24 January 2001 on application No 398 of 1999.
2. As per Hon'able CAT Judgment/order dt 24 Jan 2001, your case was put up to the employing authorities for their considerations. After detailed and deliberate considerations, the same has been rejected as you have been found to be indisciplined and performing unsatisfactorily for grant of temporary status. Hence your appointment on temporary status at Adhoc Station Headquarters Hattigor can not be granted/offered.
7. This is for your information please.

*Dinesh
Dinesh
Dinesh*

Navjot Singh

(Navjot Singh)
Major
Station Staff Officer
for Stn Commander

READ BY POST

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ANNEXURE - IV (Sincere)

Adhoc Stn HQ Hattigor
c/o HQ 21 Mtn Arty Bde
c/o 99 APO

759/3/Q(PC)

14 Sep 2001

Shri Jalaendhar Tathi
S/O Late Mohan Tathi
Vill - Ulubari
PO - Hattgor
Dist - Darrang (Assam)

CAT CASE OA NO 398/99 FILED BY SUMITRA DAIMARY AND OTHERS

1. Please refer to the Hon'able CAT Judgment/order dated 24 January 2001 on application No 398 of 1999.
2. As per Hon'able CAT Judgment/order dt 24 Jan 2001., your case was put up to the employing authorities for their considerations. After detailed and deliberate considerations, the same has been rejected as you were neither found eligible nor covered under the provision of Scheme of 1993 for grant of temporary status. Hence your appointment on temporary status at Adhoc Station Headquarters Hattigor can not be granted/offered.
3. This is for your information please.

*Revised
Ans. to
your Ques.*

Navjot Singh
(Navjot Singh)
Major
Station Staff Officer
for Stn Commander

Form No. 4
(See Rule 42)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH : GUWAHATI.

ORDER SHEET

Contempt APPLICATION NO. 56 OF 2001 (In O.A. 398 of 1999.

Applicant(s) Smt. Sumitra Daimary & Ors.

Respondent(s) Major Navjot Singh.

Advocate for Applicant(s) Mr. M. Chanda and Mrs N. D. Goswami.

Advocate for Respondent(s)

Notes of the Registry	Date	Order of the Tribunal
	21.3.02	Heard Mr. M. Chanda, learned counsel for the applicant, 15th of January. This Contempt Proceeding initiated on the score that the direction of the Tribunal dated 24.1.2001 in O.A. No. 398/99 has not been complied with. From the order annexed it seems that the Respondents considered the case of the applicant as per the direction of the Tribunal and issued a judgment of this Tribunal but refused to grant Temporary Status. Mr. M. Chanda, learned counsel for the applicant submitted that the Respondents deliberately disobeyed the order of the Tribunal for conferment of Temporary Status.

Apparently the order has been complied with. There is no question of defiance. If the order passed by the authority is not legal the applicant may challenge the same in a different proceeding, not in a Contempt Proceeding.

The C.P. thus stands Dismissed. It is open to the applicant to file a fresh application querying the decision of the Respondents on merit.

Sd/ VICE CHAIRMAN

Sd/ MEMBER (A)