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

5

(DESTRUCTION OF RECORD RULES, 1990)

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(RULE - 4)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

ORDER SHEET

Original Application No. 63/03

Misc. Petition No. /

Contempt Petition No. /

Review Application No. /

Applicant (s) J. K. Rai

- Vs. -

Respondent (s) W. O. I Jobs.

Advocate for the applicant (s) S. Sarma, Min U. Das.

Advocate for the respondent (s) CG. Sec. A.K. Chaudhry for 2 & 3.

Notes of the Registry	Date	Order of the Tribunal
<p>This application is in form but not in time Condonation Petition is filed / not filed C.F. for Rs. 50/- deposited vide IPO/B/ No. <u>76605337</u> Dated <u>21.5.03</u></p> <p><i>By Registrar</i> <u>[Signature]</u> <u>30/4/03</u></p> <p>Steps along with envelopes taken.</p> <p><u>[Signature]</u></p>	1.5.2003	<p>Heard Mr. U.K. Nair, learned counsel on behalf of Mr. S. Sarma, learned counsel for the applicant.</p> <p>Issue notice to show cause as to why the application shall not be admitted.</p> <p>List on 2.6.2003 for admission.</p> <p>Pendency of the application shall not be a bar on the respondents to consider the case of the applicant for regularisation.</p> <p><u>[Signature]</u> Vice-Chairman</p>
<p>Notice prepared & sent to S/S for reply the respondent No 1 to 3 by Regd. A/D.</p> <p><u>[Signature]</u></p> <p>D/N No <u>984 to 986</u> dt <u>14/5/03</u></p> <p>No written statement has been filed</p> <p><u>[Signature]</u> <u>30.6.03.</u></p>	2.6.2003	<p>Heard Ms. U. Das, learned counsel for the applicant.</p> <p>Let the matter come up for admission on 1.7.2003. The respondents are in the meantime to file written statement.</p> <p>Endeavour shall be made to disposed of the application at the admission stage.</p> <p><u>[Signature]</u> Vice-Chairman</p>

mb

bb

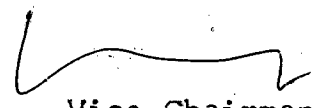
1.7.2003 None appears for the applicant. Mr. A.K.Choudhuri, learned Addl.C.G.S.C. has prayed for further time to file written statement.

Accordingly four weeks time is granted to the respondents to file written statement. List the case on 5.8.2003 for admission.


Vice-Chairman

bb

5.8.2003 Put up before the appropriate Bench on 29.8.2003 for admission.


Vice-Chairman


Member

mb


29.8.2003 Present : The Hon'ble Mr. Justice D.N. Chowdhury, Vice-Chairman.
The Hon'ble Mr. K.V. Prahaladan, Administrative Member.

Heard Mr. S. Sarma, learned counsel for the applicant and also Mr. A.K. Choudhury, learned Addl. C.G.S.C. for the respondents.


It seems that the relief prayed by the applicant at 8.3 of the O.A. has already granted. The respondents have modified the order of conferment of temporary status. It also seems that by order dated 30.5.1997 the applicant was conferred temporary status as per the Scheme of Govt. of India, 1993 and made the order of conferment of temporary status effective with effect from 10.9.93. Similarly, the respondents provided the benefits of the Scheme of 1993 like fixed pay scale, admissible bonus, leaves advance etc. and the applicant has received the same as furnished a communication by Mr. A.K. Choudhury, learned Addl. C.G.S.C.

Contd.....

No. wts has been filed.


4.8.03.

No. wts has been filed.


28.8.03.



Office Note	Date	Tribunal's Order
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29.8.2003

In the circumstances, the application stands infructuous so far as prayer No.8.3 is concerned.

Since the applicant has already given the temporary status, naturally the respondents are required to follow the consequences of such conferment and pass necessary orders thereto.

The application is accordingly disposed off. No order as to costs.

K.V. Prabhakaran
Member

[Signature]
Vice-Chairman

mb

15.9.03

Copy of the order has been sent to the D/Sec for issuing the order to the applicant as well as to the ADD, C.S.C.

HS

*Recd
M/C
17/9/03*

4

Office Note	Date	Tribunal's Order
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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL::
GUWAHATI BENCH::

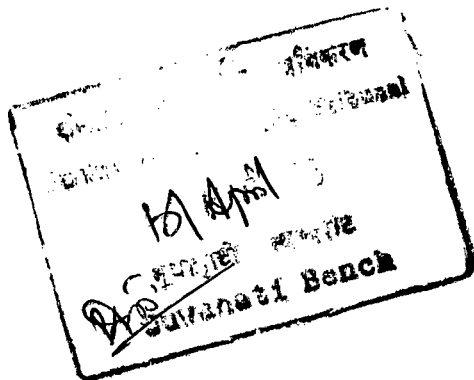
O.A. NOOF 2003.

Sri.J.K.Rai....Applicant.

- vs -

Union of India & ors.....Respondents.
LIST OF DATES.

1. 14.11.85. Applicant got his initial appointment as Mali under the respondents.
2. 05.12.96. O.A No 206/96 was disposed of by the Hon'ble Tribunal directing the respondents to dispose of the representation filed by the applicant.
3. 24.7.96. The applicant preferred a representation praying for consideration of his case for grant of temporary status under the scheme of 1993.
4. 30.5.97. The respondents granted him the temporary status as per the scheme.
5. Annexure-5 The applicant submitted representations praying for regularisation of his case and for extending the benefits of the scheme.
6. 15.03.02. The applicant served legal notice to the respondents.



X

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

OA No. 63 /2003

BETWEEN

J. K. Rai

... Applicant

- versus -

Union of India & Ors.

... Respondents

I N D E X

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Filed by : *Asha Das.*

Advocate

File : WS4\ss\oa3 (old)

Filed by
the applicant through
Alsha Das,
Advocate
31/3/03

THE CENTRAL ADMINISTRATIVE TRIBUNAL::GUWAHATI BENCH
GUWAHATI

O.A. No. 63 of 2003

BETWEEN

Sri J.K. Rai,
Mali,
All India Radio, Shillong Station,
Shillong, Meghalaya.

... Applicant

- AND -

1. The Union of India, represented by the Secretary to the Government of India, Ministry of Information and Broadcasting, New Delhi.
2. The Director General, All India Radio, Akashbani Bhawan, Parliament Street, New Delhi-110001.
3. The Station Director, All India Radio, Shillong Station, Shillong, Meghalaya.

... Respondents

DETAILS OF APPLICATION

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

The present application is not directed against any particular order but has been made against the inaction on the part of the Respondents in not absorbing the Applicant against Group-D posts presently lying vacant under the office of the Respondent No. 3.

2. JURISDICTION OF THE TRIBUNAL :

The Applicant declares that the subject matter of the application is within the jurisdiction of this Hon'ble Tribunal.

JM

3. LIMITATION :

The Applicant further declares that the application is filed within the limitation period prescribed under Section 21 of the Administrative Tribunals Act, 1985.

4. FACTS OF THE CASE :

4.1 That the Applicant in the instant application is presently working as Mali in the office of the Respondent No. 3. His initial recruitment in the said office was in the capacity of a casual worker. Pursuant to a judgement and order passed by this Hon'ble Tribunal in OA No. 286/96, the Applicant was given the benefit of temporary status by the Respondents by issuing an order dated 30.5.97 with immediate effect, in terms of Office Memorandum dated 10.9.93. As per the same Office Memorandum dated 10.9.93, the Applicant is entitled to certain benefits, like fixation of salary, bonus, admissible allowances, leave, etc. In the light of the said scheme he is entitled to be regularised against any group post. Presently, there are number of Group-D vacancies lying unfill in the office of the Respondent No. 3 wherein the present Applicant is working. The Applicant made several requests to the authority concerned for consideration of his case for regularisation against those vacancies but same yielded no result in positive. Instead the Respondents now have initiated process for filling up those Group-D posts from open market without considering the case of the

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Applicant. It is therefore the Applicant seeking an immediate and urgent relief for redressal of his grievances and hence this application.

4.2 That the Applicant is a citizen of India and a permanent resident of Meghalaya and as such he is entitled to all the rights and privileges as guaranteed under the Constitution of India.

4.3 That the Applicant got his initial appointment as Mali in the office of the Station Director, All India Radio, Shillong with effect from 14.11.85 in the pay at Rs. 35/- per day. As per the Office Memorandum dated 10.9.93 (Scheme) the Applicant is entitled to certain benefits like grant of temporary status pay scale, allowances etc., but inspite of repeated requests the Respondents denied him the said benefit.

A copy of the said Office Memorandum dated 10.9.93 is annexed herewith and marked as Annexure-1.

4.4 That the Applicant at that relevant point of time was pursuing his matter for grant of temporary status in terms of Annexure-1 Office Memorandum dated 10.9.93, but same was denied to him. The Applicant situated thus had no option than to approach this Hon'ble Tribunal by way of filing OA No. 206/96. The said OA was disposed of directing the Respondents to dispose of the representation within a stipulated time frame.

A copy of the said judgment and order passed in OA No. 206/96 is annexed herewith and marked as Annexure-2.

Jm

4.5 That the Applicant thereafter submitted a representation dated 24.7.96 praying for consideration of his case for temporary status to the Respondent No. 3. A copy of the said representation was also forwarded to the Director General, All India Radio, New Delhi.

A copy of the said representation dated 24.7.96 is annexed herewith and marked as Annexure-3.

4.6 That the Respondent No. 3 i.e. the Station Director, All India Radio, Shillong on consideration of the said judgment passed in OA No. 206/96 (Annexure-2) and the representation submitted by the Applicant, passed an order bearing No. SHG.1(2)/97-G/2046 dated 30.5.97 by which as per the scheme of 1993, the Applicant was granted with temporary status w.e.f. 30.5.97 i.e. from the date of issuance of the order.

A copy of the order dated 30.5.97 is annexed herewith and marked as Annexure-4.

4.7 That the Applicant begs to state that by now the Applicant has completed 5 (five) years of continuous service as temporary status worker but the benefits enumerated in the said scheme of 1993 has not been extended to the Applicant. It is pertinent to mention here that benefits enumerated in para 5 of the said scheme of 1993 (Annexure-1) have not been extended to the present Applicant even after completion of 5 years of service as temporary status mazdoor. The Applicant

made several requests to the authority concerned but same yielded no result in positive.

Copies of some of the representations are annexed herewith and marked as Annexure-5 Colly.

4.8 That the Applicant begs to state that he has been pursuing the matter before the authority concerned but till date no reply has been received from the said authority. Situated thus he served a legal notice through his counsel making demand for redressal of the aforesaid grievances but as usual no reply has been received from the office of the Respondent No. 3.

A copy of the said legal notice is annexed herewith and marked as Annexure-6.

4.9 That the Applicant begs to state that as per the Annexure-1 scheme, his service is required to be regularised. Presently, in the office of the Respondent No. 3 there are 4 vacancies in the Group-D cadre and the Respondents can very well regularise the service of the Applicant against any one of those posts. Recently, one "Peon" late Padam Chettri died and immediately after some months one another peon late Purna Bahadur Gurrung died. On the other hand one post of Safaiwala Gr-D is lying vacant after the death of Mr. Sardew Singh in the office of the Respondent No. 3. Apart from that there are few more vacancies to accommodate the Applicant and to regularise his service but the Respondents have not yet taken any initiative to

regularise his service inspite of the fact that there are vacancies. The Applicant made several requests to the authority concerned for regularisation of his case but same yielded no result in positive.

4.10 That the Applicant begs to state that the Respondents as stated above have not taken any initiative to regularise his service. On the other hand the Respondents are making a more to fillup those posts by outsiders without taking into consideration the case of the Applicant. In that view of the matter, the Applicant through this application also made a prayer for keeping one post vacant till finalisation of the DA as an interim measure. The Applicant has got all the required qualification to hold these posts presently lying vacant in Group-D establishment and as such the Respondents ought to have considered his case for his regularisation taking into consideration the length of service as well as the experience gathered by him during his such long service tenure.

4.11 That the Applicant begs to state that the Respondents have extended the benefit of the scheme of 1993 w.e.f. 30.5.97 whereas since 1985 he was serving as casual worker. In such a situation, the Respondents ought to have extended the benefit of the scheme w.e.f. 10.9.93 itself. It is therefore, the Applicant through this application also prays for an appropriate order towards the Respondents to extend the benefit of the scheme of 1993 w.e.f. 10.9.93. The Applicant also prays for an appropriate direction towards payment of his arrear salary w.e.f. 10.9.93 i.e. the date from which

JM

he was due for getting the benefit of the scheme of 1993 along with other admissible dues with retrospective effect.

5. GROUND FOR RELIEF WITH LEGAL PROVISIONS :

5.1 For that the action/inaction on the part of the Respondents in not extending the benefits of the scheme of 1993 to the Applicant and is not regularising the service of the Applicant is not sustainable and liable to be set aside and quashed.

5.2 For that the Respondents while extending the benefit of the 1993 scheme ought to have taken into consideration the fact that the Applicant is working since 1985 and his eligibility as on 10.9.93 and ought to have granted him the said benefit w.e.f. 10.9.93 i.e. with retrospective effect.

5.3 For that the Respondents ought to have extended the benefit of the scheme of 1993 with retrospective effect and to extend all the other benefits as described in the said scheme.

5.4 For that the Respondents ought to have regularise the service of the Applicant against any Group-D posts taking into consideration the fact that the Applicant fulfills all the required qualifications for regularisation and regular absorption more so when there are number of vacancies in the office of the Respondent No. 3 with retrospective effect i.e. from when he was due for such regularisation.

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5.5 For that the Respondents ought to have extended all the admissible benefits to present Applicant in terms of 1993 scheme with effect from 10.9.93 having denied the said benefit, the Respondents have acted illegally and as such appropriate direction need be issued to the Respondents for redressal of the grievances raised by the Applicant.

5.6 For that in any view of the matter, the action/inaction on the part of the Respondents in not granting the benefits of the scheme w.e.f. 10.9.93 and not regularising the service of the Applicant is illegal, arbitrary and same are liable to be set aside and quashed.

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

6. DETAILS OF REMEDIES EXHAUSTED :

The Applicant declares that he has no other alternative and efficacious remedy except by way of filing this application.

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

The Applicant further declares that no other application, writ petition or suit in respect of the subject matter of the instant application is filed before any other Court, Authority or any other Bench of the Hon'ble Tribunal nor any such application, writ petition or suit is pending before any of them.

Jh

8. RELIEFS SOUGHT FOR :

Under the facts and circumstances stated above, the Applicant prays that this application be admitted, records be called for and notice be issued to the Respondents to show cause as to why the reliefs sought for in this application should not be granted and upon hearing the parties and on perusal of the records, be pleased to grant the following reliefs :

8.1 To direct the Respondents to regularise the service of the Applicant against any vacant post in Gr-D establishment of Respondent No. 3 with retrospective effect.

✓ 8.2 To direct the Respondents to make appropriate modification in the order dated 30.5.97 making it effective w.e.f. 10.9.93. ✓

✓ 8.3 To direct the Respondents to extend the benefit of the scheme of 1993 like fixed pay scale, admissible bonus, leaves advances etc. with retrospective effect along with arrears and interest @ 24% p. a. |

8.4 Cost of the application.

8.5 Any other relief/reliefs to which the Applicant is entitled to.

JM

9. INTERIM ORDER PRAYED FOR :

During the pendency of the OA, the Applicant prays for an interim order directing the Respondents not to fill up any post in Group-D cadre.

10.

The application is filed through Advocate.

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

- i) I.P.O. No. : 7 G 605.337
- ii) Date : 21/1/03
- iii) Payable at : Guwahati.

12. LIST OF ENCLOSURES :

As stated in the Index.

Verification...

JM

VERIFICATION

I, Shri Jai Kanta Rai, son of Ganesh Rai, aged about 35 years, presently working as Temporary Status Mazdoor (Mali), Station Director, All India Radio, Shillong, do hereby solemnly affirm and verify that the statements made in paragraphs 1 to 3, 4'2, 4'9 to 4'11, 5 to 12 are true to my knowledge ; those made in paragraphs 4'1, 4'3 to 4'8 are true to my information derived from records and the rests are my humble submissions before the Hon'ble Tribunal.

And I sign this verification on this the 20 th day of March 2003.

Deponent

J. K. Rai

6 set
(20)

//COPY//
No. 51016/2/90-Estt(C)
Government of India
Ministry of Personnel, P.C. & Pensions
Department of personnel & Training

New Delhi, the 10th Sept., 1993.

OFFICE MEMORANDUM

Subject: Grant of temporary status and regularisation of Casual Workers - formulation of a scheme in pursuance of the CMT, Principal Bench, New Delhi, judgement dated 16th Feb., 1990 in the case of Shri Raj Kamal & Others vs. UOI.

The guidelines in the matter of recruitment of persons on daily wage basis in Central Government offices were issued vide this Department's O.M.No.49014/2/86-Estt(C) dated 7.6.88. The policy has further been reviewed in the light of the judgement of the CMT, Principal Bench, New Delhi delivered on 16.2.90 in the writ petition filed by Shri Raj Kamal and others vs Union of India and it has been decided that while the existing guidelines contained in O.M. dated 7.6.88 may continue to be followed, the grant of temporary status to the casual employees, who are presently employed and have rendered one year of continuous service in Central Government offices other than Department of Telecom, Posts and Railways may be regulated by the scheme as appended.

2. Ministry of Finance etc. are requested to bring the scheme to the notice of appointing authorities under their administrative control and ensure that recruitment of casual employees is done in accordance with the guidelines contained in O.M. dated 7.6.88. Cases of negligence should be viewed seriously and brought to the notice of appropriate authorities for taking prompt and suitable action.

Sd/-
(Y.G. FARANDE)
DIRECTOR

Received
VBA

APPENDIX

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

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

2. This scheme will come into force 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.

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 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.

contd...2/-

W.P. 1993

: 2 :

- 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 (205 days in administrative offices observing 5 days week) in the year from the date of conferment of temporary status.
- iii) Leave entitlement will be on a pro-rata basis at the rate of one day for every 10 days of work, casual or any other kind of leave, except maternity leave, will not be admissible. They will also be allowed to carry forward the leave at their credit on their regularisation. They will not be entitled to the benefits of encashment of leave on termination of service for any reason or on their quitting service.
- iv) Maternity leave to lady casual labourers as admissible to regular Group D employees will be allowed.
- v) 50% of the service rendered under Temporary Status would be counted for the purpose of retirement benefits after their regularisation.
- vi) After rendering three years' continuous service after conferment of temporary status, the casual labourers would be treated on par with temporary Group D employees for the purpose of contribution to the General Provident Fund, and would also further be eligible for the grant of Festival Advance/Flood Advance on the same conditions as are applicable to temporary Group D employees, provide they furnish two sureties from permanent Govt. servants of their Department.
- vii) Until they are regularised, they would be entitled to Ad-hoc bonus only at the rates as applicable to casual labourers.

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

7. Despite conferment of temporary status, the services of a casual labourers may be despenssed 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.

Contd... 3/-

Approved
 E.P.A.
 Assistant

: 3 :

8. Procedure for filling up of Group D posts:

i) Two out of every three vacancies in (Group 'D') cadres in respective offices where the casual labourers have been working would be filled up as per extant recruitment rules and in accordance with the instructions issued by Department of Personnel & Training from amongst casual workers with temporary status. However, regular Group 'D' staff rendered surplus for any reason will have prior claim for absorption against existing/future vacancies. In case of illiterate casual labourers or those who fail to fulfil the minimum qualification prescribed for post, regularisation will be considered only against those posts in respect of which literacy or lack of minimum qualification will not be a requisite qualification. They would be allowed age relaxation equivalent to the period for which they have worked continuously as casual labourer.

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

10. In future, the guidelines as contained in this Department's O.M. dated 7.6.88 should be followed strictly in the matter of engagement of casual employees in Central Government Offices.

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

Approved
VSA

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH :: :: :: :: GUWAHATI
A.No.206/96

Sri J.K.Rai ... Applicant
Union of India & Ors. ... Versus Respondents

- P R E S E N T -

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

For the Applicant: Mr.B.K.Sarma,
Mr.B.Mehta &
Mr.S.Sarma, Advocates.
For the Respondents: Mr.A.K.Choudhuri, Addl.C.G.S.C.

[Faint, illegible text on the left side of the page]

Perused the contents of the application and relief sought. Heard counsel for both sides for admission. The applicant has submitted this application seeking an order on the respondents to grant him temporary status and absorb in Group D posts with all consequential benefits. He has submitted representation dated 24.7.96 Annexure (D2) to the Director General, All India Radio, Akashbani Bhawan, Parliament Street, New Delhi through proper channel requesting for regularisation of his service from the date of his initial appointment with all consequential service benefits. This representation is pending disposal of respondent No.2 of this application. The application needs not be admitted at this stage but it is disposed of with the direction to the respondent No. 2 to dispose of the representation of the applicant dated 24.7.96 on merit within 3 (three) months from the date of receipt of the copy of this order. Liberty to the applicant to approach this Tribunal again if he is aggrieved with the order of the respondent No. 2 on his representation.

The application is disposed of. No order as to costs.

Copy of the order be supplied to both the counsel of the parties.



- Memo.No. 3985 Dated 5/12/96
Copy for information and necessary action to :
1. Sri J.K.Rai, Casual Labour (Mali), All India Radio, Shillong Station, Shillong.
 2. The Secretary to the Govt. of India, Ministry of Information & Broadcasting, New Delhi-1.
 3. Director General, All India Radio, Akashbani Bhawan, Parliament Street, New Delhi-110 001.
 4. Station Director, All India Radio, Shillong Station, Shillong, Meghalaya.
 5. Mr. B.K.Sarma, Advocate, Gauhati High Court.
 6. Mr. A.K.Choudhuri, Addl.C.G.S.C.

Sd/- MEMBER(A)
[Signature]
5/12/96
SECTION OFFICER (3)
[Signature]

[Handwritten notes at the bottom of the page]

To:

The Station Director,
All India Radio,
Shillong.

Sub :- Order dated 5.12.96 of Hon'ble C.A.T/Guwahati Bench in O/A No 206/96 (Shri J.K. Rai Vs U.O.I. & Ors and implementation thereof

Sir,

With due respect and humble submission, I beg to lay the following few lines for favour of your kind consideration and necessary action thereto.

1. The Hon'ble C.A.T Guwahati Bench has been pleased to direct your honour to consider my case for conferment of Temporary Status and absorb in Gr. 'D' post with all consequential benefits w.f. 1.9.93.
2. The Hon'ble C.A.T. directed to the department to settle the Case within 3 months w.e.f. 5.12.96 but till date my Case is hanging without any reason.
3. In terms of the office Memorandum No. 51016/2/90-Estt(C) dated 10.9.93 issued by the Govt. of India, Ministry of Personnel Public Grievances & Pension (Deptt. of Personnel & Training) my Temporary Status Service should be counted w.e.f. 1.9.93 and I also entitle to get arrear w.e.f. 1.9.93 but till date no arrear has been paid to me.
4. It's to inform you that when I was Present for my duty the whole month and I had signed in the attendance Register (Copy enclosed) but without any reason was crossed for 10 to 15 days and accordingly my Pay bill was prepared 15 to 20 days every month.

Sir, In view of the above I would say that your honour would be graciously Pleased to consider my case for conferment of Temporary Status and consequential benefits as Per O/A No. 206/96 dated 5.12.96 and for this act of your kindness I shall ever remain grateful to you.

With regards.

Yours faithfully,

(J.K. Rai)
Mali,
All India Radio,
Shillong.

Copy to:-

1. The Director General, All India Radio, Akashvani Bhawan, New Delhi-110001 enclosed all the relevant documents.
2. Shri, B.K. Sharma, Advocate, Central - administrative Tribunal, Gawahati Bench, Gawahati.

(J.K. Rai)
Mali,
All India Radio,
Shillong.

Government of India
All India Radio :: Shillong.

NO. SHG.1(2)/97-G/ 2046

Dated, Shillong,
the 30th May '97.

To,

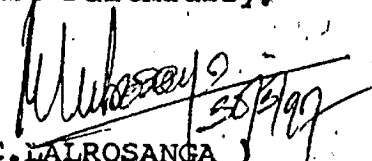
Shri J.K.Rai,
Casual Labourer,
All India Radio,
Shillong.

Sub: Offer of temporary status as Casual Labourer.

With reference to DG, AIR's telegram dated 29/5/97 the undersigned after close consideration of your representation dated 24/7/96 hereby offers you temporary status in accordance with Casual Labourers' (Grant of temporary status and regularisation) Scheme of Govt. of India 1993 with effect from 30th May, 1997.

You may report for duty as assigned to you by the Officer-in-charge as per Duty Chart.

Yours Faithfully,


(C. LALROSANGA)
Station Director.

Handwritten initials

19 -

REMINDER

To

The Station Director,
All India Radio,
Shillong.

SUB: PAYMENT OF REGULAR SALARY

Sir,

With due tolerance and profound submission, I beg to state the few lines before your kindness for sympathetic consideration and necessary action thereof.

That I have been working as casual worker, and I have been allotted the work of mali in the office of the Station Director, Shillong since 1985. Ever since my entry in the dept, I have been performing my duties to the satisfaction of all concerned but unfortunately I am yet to get my dues and other consequential benefits. It is noteworthy to mention here that in the year 1996 ~~which was~~ I had approached the Hon'ble tribunal by way of filing a case in 1996 which was disposed of in my favour. Considering the aforesaid Judgement and directives of the Hon'ble Tribunal I got my temporary status but so far it relates to fulfilment of all the benefits are concerned I am yet to get the same. In this connection, I beg to state I am yet to get the full salary as per the said scheme and also I am being deprived of my subsequent regularisation.

In that view of the matter, I earnestly request your honour to consider my case sympathetically and pass necessary order regarding regularisation as well as the due salary.

Thanking you,

Yours faithfully,

(J.K.Rai)
Mali, AIR, Shillong.

2

10/10/19

(REMINDER)

To,
The Station Director,
All India Radio,
Shillong

Sub:- Payment of Regular Salary.

Sir,
With due deference and profound submission, I beg to state the few following lines before your kindness for sympathetic consideration and necessary action thereof.

That I have been working as casual worker, and I have been allotted the work of Mali in the office of the Station Director Shillong since 1985. Ever since my entry in the deptt, I have been performing my duties to the satisfaction of all concerned but unfortunately I am yet to get my dues and other consequential benefits. It is noteworthy to mention here that in the year 1998 I had approached the Hon'ble Tribunal by way of filing O.A. NO - 206 of 1996 which was disposed of in my favour. Considering the aforesaid Judgement and directives of the Hon'ble Tribunal - I got my temporary status but so far it relates to fulfillment of all the benefits are concerned I am yet to get the same. In this connection I, beg to state I am yet to get the full salary as per the said scheme and also I am being deprived of my subsequent regularisation.

In that view of the matter I earnestly request your honour to consider my case sympathetically and pass necessary order - regarding regularisation as well as the due salary.

Thanking you.

J.K. Rai

(J.K. RAI. MALI)
All India Radio
Shillong

Dated, Shillong,
the 6th November, 2000.

*6/11/2000
(PA & SD)*

*Received
W. P. C.
6/11/2000*

Ac.
on file with all instructions
regularisation etc.

J.K. Rai
17/4

To
The Station Director,
All India Radio,
Shillong.

SUB: PAYMENT OF REGULAR SALARY

Ref: My earlier application dated 6th Nov'2000.

Sir,

This is to request your goodself to kindly look into my reminder dated 6th November'2000 immediately as I am facing hardship due to want of regular salary.

This has the reference to Humble Tribunal O.A.No.206 of 1996.

Yours faithfully.

J.K. Rai
(J.K. Rai)
All India Radio,
Shillong.

Dated, Shillong, the
17th April'2001.

Associated
Wda
Advocate.

SIDDHARTHA SARMA
Advocate

M. A. Road, Rehabari.
Guwahati - 781008
Phone No. - 522995
Date..15/3/02.....

29

Ref:.....

To
The Station Director
All India Radio, Shillong.

Sub.: Legal Notice.

Sir,

Upon authority and as per instruction of my client
Shri Jai Kanta Rai, at present working as Mali, All India
Radio, Shillong, I give you this notice as follows:-

1. That my client aforesaid claiming the benefit of the
scheme of 1993 preferred OA No.286/96 before the Central
Administrative Tribunal, Guwahati Bench. The aforesaid OA
was disposed of vide judgement and order dated 5.12.96 with
a direction to dispose of his representation dated 24.7.96.
Pursuant to the said directives by an order dated 30.5.97 he
was granted with Temporary Status w.e.f. 30th May 1997. As
per the said scheme my client is entitled to various
benefits such as regular pay scale, DA, HRA, HCA, Traveling

[Handwritten signature]

2

1

[Handwritten signature]
Advocate

Allowance, Washing Allowance etc. The said scheme also provides bonuses to the Temporary Status Mazdoor. As per the said scheme my client is entitled to regularisation of his service after service 3 years continuous service. It is learnt that there are numbers of vacant posts in group-D establishment.

2. That after granting Temporary Status to my client he has not been allowed to perform his duty regularly and other benefits flowing from the said scheme like benefit of increments, leave entitlement, counting of 50% service towards retirement benefit and after rendering 3 years of service provision for GPF, grant of festival advance/ flood advance, productivity linked bonus, ad-hoc bonus etc.

3. That presently my client is getting only a few benefits of the said scheme and rest of the benefits are yet to be paid to him. The scheme of 1993 is very clear and non-payment of the other benefits are totally illegal. According to the scheme my client aforesaid is entitled to a regular pay scale and regularisation of his service.

In view of the above I give you this notice making a demand that my client be granted with all the benefits of the scheme as well as the arrears within a period of 30 days from the date of receipt of this notice failing which instruction of my client is to take appropriate legal action against you.

I hope and trust there would be no such occasion for further litigation.

Thanking you.

Sincerely yours
/s/ (S. Sarma, Advocate)