

50/100

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

4

(DESTRUCTION OF RECORD RULES, 1990)

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O.A.T.A No. 116/2003

RA/C.P No. 05/04

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SECTION OFFICER (Judl.)

FROM No. 4
(SEE RULE 42)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:

ORDER SHEET

Original Application No: 116 / 12003

Misc Petition No: _____

Contempt Petition No: _____

Review Application No: _____

Applicants: - Kiran Kalita

Respondants: - Union

Advocate for the Applicants: - Mr. M. Chanda, G.N. Chakrabarti & S. Choudhury

Advocate for the Respondants: -

CGSC

Notes of the Registry	Date	Order of the Tribunal
<p>This application is in form but not in time. Condemned as filed/ no. for Rs. 50/- vide IPO/No. 84/49034 Dated 26/5/03</p> <p><i>[Signature]</i> Dy. Registrar</p>	<p>30.5.2003</p>	<p>Heard Mr. M. Chanda, learned counsel for the applicant.</p> <p>Issue notice to show cause as to why the application shall not be admitted. List on 4.7.2003 for admission.</p> <p><i>[Signature]</i> Vice-Chairman</p>
<p><i>Steps taken</i></p> <p><i>[Signature]</i> 29/5/03</p> <p>Notice prepared and sent to the for reply. The respondent No. 1 to 6 by Regd. AID.</p> <p><i>[Signature]</i> 21/6/03</p> <p>No reply has been filed.</p> <p><i>[Signature]</i> 3/7/03</p>	<p>mb</p> <p>4.7.2003</p> <p>mb</p>	<p>On the prayer Mr. A.K. Choudhury, learned Addl. G.G.S.C. for the respondents four weeks time is allowed to file written statement. List again on 8.8.2003 for admission.</p> <p><i>[Signature]</i> Vice-Chairman</p>

8.8.2003 On the prayer of Mr. A.K. Choudhury, learned Addl. C.G.S.C. for the respondents four weeks time is allowed to file written statement.

List again on 8.9.2003 for admission.

[Signature]
Vice-Chairman

mb

8.9.2003 Present : The Hon'ble Mr. K.V. Prahaladan, Member (A).

Heard Mr. G.N. Chakrabarty, learned counsel for the applicant and also Mr. A.K. Choudhury, learned Addl. C.G.S.C. for the Respondents.

The application is admitted. Call for the records.

List on 21.10.2003 for orders.

K.V. Prahaladan
Member

mb

21.10.2003 On the prayer made by Mr. A.K. Chaudhuri, learned Addl. C.G.S.C. ten days time is allowed to the respondents to file written statement.

List the case on 29.10.2003.

[Signature]
Vice-Chairman

bb

29.10.03 Written statement filed. Case is ready for hearing.

List on 5.12.03 for hearing. In the meantime the applicant may file rejoinder, if any.

K.V. Prahaladan
Member

[Signature]
Vice-Chairman

pg

No. wks has been filed.

[Signature]
7.8.03

No. wks has been filed.

[Signature]
5.9.03

No. wks has been filed.

[Signature]
20.10.03

No. wks has been filed.

[Signature]
20.10.03

No. wks has been filed.

[Signature]
28.10.03

30.10.03

wks filed by the respondents Nos. 1, 2, 3 & 4.

[Signature]

26.12.2003 Present : The Hon'ble Mr. Justice B. Panigrahi, Vice-Chairman.
The Hon'ble Mr. K.V. Prahladan Member (A).

The learned counsel for the applicant has submitted that he has received a copy of the written statement and he wants to file a rejoinder within short time. Rejoinder, if any, may be filed within two weeks. The matter shall appear on 23.1.2004 for hearing.

Written statement has been filed.

23
22.1.04

K.V. Prahladan
Member

B
Vice-Chairman

mb

23.01.2004 Present : The Hon'ble Sri Bharat Bhusan, Judicial Member.
The Hon'ble Sri K.V. Prahladan, Administrative Member.

Mr. G.N. Chakrabarty, learned counsel for the applicant requests for adjournment. Not opposed by the respondents. Accordingly, the case is adjourned to 24.02.2004.

Ab. Rejoinder has been filed.

26
26.1.04

K.V. Prahladan
Member (A)

G.N. Chakrabarty
Member (J)

bb

29.3.2004. Present: The Hon'ble Shri Kuldip Singh Judicial Member.

The Hon'ble Shri K.V. Prahladan Administrative Member.

Heard learned counsel for the parties.

Order passed separately.

K.V. Prahladan
Member (A)

Kuldip Singh
Member (J)

bb

2.4.04

Copy of the final order has been sent to the D/Sec. for issuing the same to the applicant as well as to the Addl. C.G.S.C. for the response.

Recd copy
M. Chakrabarty
19/4/04

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CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

O.A./~~W.A.~~No. 111116 of 2003.

DATE OF DECISION 29.3.2004.

..... Miss Kiran Kalita.

.....APPLICANT(S).....

..... Mr. M. Chanda, G.N. Chakraborty & S. Choudhury.

.....ADVOCATE FOR THE
APPLICANT(S).....

-VERSUS-

..... The Union of India & Others.

.....RESPONDENT(S).....

..... Mr. A.K. Chaudhuri, Addl. C.G.S.C.

.....ADVOCATE FOR THE
RESPONDENT(S).....

THE HON'BLE MR. KULDIP SINGH, JUDICIAL MEMBER.

THE HON'BLE MR. K.V. PRAHLADAN, ADMINISTRATIVE MEMBER.

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

Judgment delivered by Hon'ble Member (J). X

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No.116 of 2003.

Date of Order : This, the 29th Day of March, 2004.

THE HON'BLE SHRI KULDIP SINGH, JUDICIAL MEMBER.

THE HON'BLE SHRI K.V.PRAHLADAN, ADMINISTRATIVE MEMBER.

Miss Kiran Kalita

Daughter of Late Chakradhar Kalita

Village: Surtarkuchi

P.O: Adabari, P.S: Mukalmua

District: Nalbari, Assam.

. . . . Applicant.

By Advocates Mr.M.Chanda, G.N.Chakraborty & S.Choudhury.

- Versus -

1. The Union of India
Represented by the Secretary
Government of India
Ministry of Telecommunication
New Delhi.

2. The General Manager
Kamrup Telecom District (BSNL)
S.R.Bora Lane
Ulubari, Guwahati-781007.

3. The Divisional Engineer
Central Telegraph Office
Panbazar, Guwahati-781001.

4. The Chief General Manager (BSNL)
Assam Telecom Circle
S.R..Bora Lane
Ulubari, Guwahati-781007.

. . . . Respondents.


By Mr.A.K.Chaudhuri, Addl.C.G.S.C.

O R D E R (ORAL)

KULDIP SINGH, MEMBER (J):

We have heard Mr.M.Chanda, learned counsel for the applicant and also Mr.A.K.Chaudhuri, learned Addl.C.G.S.C. for the respondents.

2. The applicant has filed this O.A. seeking declaration to the fact that the applicant is entitled to arrear^{of} payment of salary and allowances w.e.f. 30.9.1997 to 31.8.1999 and further be pleased to declare that she is also entitled to payment of arrear salary with effect from 1.9.1999 to till date of actual payment of arrear salary

 Contd./2

and allowances in terms of the judgment and order dated 1.8.2001 in O.A.321/2000 passed by the Tribunal.

3. The applicant was initially appointed as casual labourer in the year 1993 by the Senior Superintendent of Tele-Traffic cum Superintendent, CTO, Guwahati, thereafter she was working continuously. But her service was terminated vide order dated 30.9.1997. However, applicant filed an O.A., wherein an interim order was passed against the retrenchment of the applicant. But the department did not assign any work to the applicant meaning thereby that the applicant did not work w.e.f. 01.10.1997 to 31.8.1999. In O.A.312/2000, which was allowed, the respondents were directed as under :

"7. In this circumstances, it is difficult to accept the reasonings given by the respondents in the order dated 27.12.2000 in not giving the applicant temporary status. The respondents are accordingly directed to consider the case of the applicant afresh taking her engagement as continuous nature and not treating her retrenched on 30.9.97 and take necessary step for granting her temporary status with utmost expedition within a period of two months from the date of receipt of the copy of the order. While considering the case of the applicant the respondents also take note the Office Memo No.ESTT-9/12/PT/KTD/40 dated 15.2.2001. I also direct the respondents not to take into account her forced break in service, as was done in the other cases in granting temporary status as Casual Labourers."

By the aforesaid order the respondents were directed to consider the case of the applicant afresh by taking her engagement as continuous nature and not treating her retrenched on 30.9.1997 and take necessary step for granting her temporary status with utmost expedition within a period of two months from the receipt of the order. Respondents have thereafter passed an order, which is Annexure-E, Page 22, whereby they have obtained financial approval of the competent authority for payment of pay and allowances w.e.f. 1.9.1999. However, for the period 1.10.1997 to 31.8.1999, the respondents on the principle of 'no work no pay' have not sanctioned any amount to the

applicant. In our view also casual labourer is entitled for payment only when duty is performed. Since no work was assigned by the respondents and the applicant did not perform^u any duty, ^{As such} we are of the opinion that the applicant is not entitled for any arrear salary during the period from 1.10.1997 to 31.8.1999. As the respondents have already obtained financial approval of the competent authority for payment of pay and allowances w.e.f 1.9.1999, the same shall be paid in any case within a period of one month from the date of receipt of copy of the order.

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

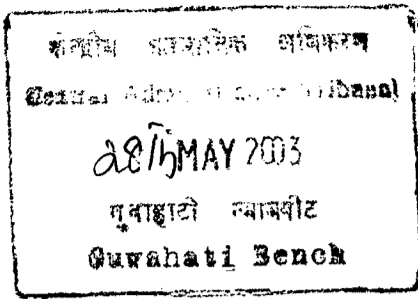


(K.V.PRAHLADAN)
ADMINISTRATIVE MEMBER



(KULDIP SINGH)
JUDICIAL MEMBER

bb



1

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH: GUWHATI

LIST OF DATES AND SYNOPSIS OF THE APPLICATION

O.A. No. 116 /2003

Smt. Kiran Kalita

-vs-

Union of India & Ors

- 30.9.1997 The applicant was initially appointed as casual worker in the year 1993. After continuous service her casual service was terminated along with 21 others
- 03.10.1997 The Honourable Tribunal passed an interim order directing the respondents not to remove the applicant
- 12.02.1999 The original application was disposed of directing the respondents to consider her representation preferred against the order of termination.
- 03.04.1999 The respondents rejected her representation although 12 other casual labourers who were retrenched along with the applicant on 30.09.1997 were reengaged on 28.12.1998.

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Filed by the applicant
through advocate
Sri G. N. Chakravarty
On 28-5-03. Adv. Advocate

- 10
- 28.01.2000 The Honourable Tribunal finally disposed of the original application with a direction to the respondents to consider and examine the case of the applicant afresh in consultation of the former records.
- 20.01.2002 Temporary status was granted to the applicant with effect from 01.09.1999.
- 07.03.2002 The applicant submitted representation to the Divisional Engineer, CTO, Guwahati, praying inter alia to arrange payment of arrear salary with effect from 30.09.1997 to 31.08.1999
- 31.07.2002 Divisional Engineer (Admn) Guwahati requested the Divisional Engineer, CTO, Panbazar, Guwahati to arrange payment of pay and allowances due with effect from 01.09.1999 to the present applicant.
- 12.12.2002 The applicant again submitted representation addressed to Divisional Engineer, CTO, Guwahati praying inter alia for payment of arrear salary in terms of the Divisional Engineers letter dated 31st July 2002 but no result.
- 30.01.2003 The applicant again approached to the General Manager through her representation praying for arrear salary with effect from 01.09.99, but no action was taken by the Divisional Engineer, CTO, Guwahati.

PRAYERS

- 8.1 That the Honourable Tribunal would be pleased to declare that the applicant is entitled to arrear payment of salary and allowances with effect from 30 September 1997 to 31st August 1999 and further be pleased to declare that she is also

entitled to payment of arrear salary and allowances in terms of the judgement and order dated 01.08.2001 in O.A 321/2000 and also in terms of the latter dated 9.10.2002 as well as in terms of the latter 31.07.2002 passed by the respondents with 12% interest.

- 8.2 Any other relief(s) to which the applicant is entitled as the Honourable Tribunal may deem fit and proper
- 8.3 Costs of the application.

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*Filed by the applicant
through advocate Sri
G. N. Chakravarty
28-5-03. Smt. Adrocal*

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 116 /2003
Smti. Kiran Kalita : Applicant
- Versus -

Union of India & Others: Respondents.

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08.	6	Copy of letter dated 09.10.02	22

Date 28-5-2003

Filed by

M. Chakravarty
Advocate

Miss Kiran Kalita

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

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

O. A. No. 116 /2003

BETWEEN

Miss Kiran Kalita
Daughter of Late Chakradhar Kalita
Village : Surtarkuchi
P.O.: Adabari, P.S. Mukalmua
District-Nalbari, Assam.

Applicant

-AND-

1. The Union of India,
Represented by the Secretary, Govt. of India
Ministry of Tele Communication,
New Delhi.
2. The General Manager
Kamrup Telecom District (BSNL)
S.R. Bora Lane
Ulubari, Guwahati-781007.
3. The Divisional Engineer,
Central Telegraph Office,
Panbazar, Guwahati-781001

Miss Kiran Kalita

4. The Chief General Manager (BSNL),
Assam Telecom Circle
S.R. Bora Lane
Ulubari, Guwahati-781007.

... Respondents :

DETAILS OF THE APPLICATION

1. **Particulars of order(s) against which this application is made:**

This application is made praying for a direction upon the respondents for immediate payment of arrear salary with effect from 30.09.97 to 31.08.99 treating the applicant in the continuous service in the light of the order passed by this Hon'ble Tribunal in OA No. 321 of 2000 and a further direction for payment of pay and allowance w.e.f. 1.9.99 in view of grant of temporary status to the applicant vide order dated 28.01.2002 in the light of the order passed by Divisional Engineer (Admn) dated 31 July 2002.

2. **Jurisdiction of the Tribunal**

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

3. **Limitation.**

The applicant further declares that this application is filed within the limitation prescribed under section-21 of the Administrative Tribunals Act, 1985.

Miss Kiran Kalita

4. **Facts of the Case.**

- 4.1 That your applicant is presently working as temporary status Mazdoor in the Central Telegraph Office, Guwahati and is a citizen of India and as such ^{she} ~~he~~ is entitled to all the rights, protections and privileges as guaranteed under the Constitution of India.
- 4.2 That the applicant was initially appointed as Casual worker in the year 1993 by the Senior Superintendent of Tele-Traffic cum Superintendent, CTO, Guwahati, thereafter she was continuously working but her casual service was terminated alongwith 21 others vide order bearing No. STA-51/CL/96-97/18 dated 30.09.1997.
- 4.3 That the said order of termination was challenged by the applicant before this Hon'ble Tribunal through OA No. 230 of 1997. The Hon'ble Tribunal was pleased to pass an interim order on 03.10.97 directing the respondents not to remove the applicant pursuant to order dated 03.09.97 while admitting the said original application. The said original application No. 230/97 was disposed of on 12.02.99 directing the respondents to consider her representation preferred against the order of termination. However, the respondents vide order dated 03.04.99 rejected her representation. It is relevant to mention here that in the order dated 03.04.99 it is admitted by the respondents that 12 other casual labourers who were retrenched along with the applicant on 30.09.97 were reengaged on 28.22.98¹² on the strength of the order of this Hon'ble Tribunal.

Miss Kiran Kalita

In the circumstances stated above the applicant again approached this Hon'ble Tribunal through OA No.183/99. However, the Hon'ble Tribunal vide order dated 28.01.2000 disposed of the said original application with a direction to the respondents to consider and examine the case of the applicant afresh in consultation of the former records but even thereafter her case was not considered for reengagement as well as for confirmation of temporary status in spite of the interim order passed by this Hon'ble Tribunal on 03.10.97 in OA No. 230 of 1997.

- 4.4. That it is stated that the applicant being highly aggrieved for non consideration of her case for reengagement as well as for grant of temporary status again approached this Hon'ble Tribunal through OA No. 321 of 2000. In the said original application this Hon'ble Tribunal considered the entire materials on record and held that the order of retrenchment was made on 30.09.97 in contravention of the provision Under Section 25(f) of the Industrial Dispute Act, 1947 whereas other similarly situated persons though did not approach the Tribunal in time were allowed to continue and no attempt is made for giving effect to the interim order dated 03.10.97 passed in OA No.230/97. In the circumstances it is held by the Hon'ble Tribunal that the applicant be treated to be in continuous service w.e.f. 30.09.97 and to take necessary steps for granting her temporary status with utmost expedition within a period of 2 months from the receipt of the copy of the order. It is further directed by the Hon'ble Tribunal while considering the case of grant of temporary status not

Miss Kiran Kalita

to take into account the forced break in service of the applicant as was done in other cases.

A copy of the judgment and order dated 01.08.2001 passed in O.A. No. 321 of 2000 is annexed hereto and marked as **Annexure-1**.

4.5) That it is stated that temporary status was granted to the applicant vide letter bearing Memo No. STA-14/Rectt/Gr.D/Pt-III/79 dated 20.01.2002 with effect from 01.09.99. This fact would be evident from the letter bearing GMT/Est-179/TSN/02-03 /268 dated 31 July 2002 whereby Divisional Engineer(Admn), Office of the General Manager, Kamrup District, Guwahati requested the Divisional Engineer , CTO, Panbazar, Guwahati to arrange payment of pay and allowances due with effect from 01.09.99 to the present applicant.

A copy of the letter dated 31 July 2002 issued by the Divisional Engineer(Admn) is enclosed herewith and marked as **Annexure 2**.

4.6 That your applicant submitted representation to the Divisional Engineer, CTO, Guwahati on 07.03.2002 praying interalia to arrange payment of arrear salary with effect from 30.09.97 to 31.08.99 in terms of the direction contained in the judgment dated 01.08.2001. However, the Divisional Engineer (Admn) vide his letter bearing No. GMT/Est-179/TSN/02-03/268 dated 31 July 2002 requested the Divisional Engineer, CTO, Panbazar, Guwahati to arrange payment of arrear salary in favour of the applicant with effect from 01.09.99 in terms of directorate order. It is relevant to mention here that the applicant

Miss Kiran Kalita

finding no favourable response from the authorities again submitted representation dated 12.12.2002 addressed to Divisional Engineer, CTO, Guwahati praying interalia for payment of arrear salary in terms of the Divisional Engineer's letter dated 31 July 2002 but to no result.

Copies of the representation dated 07.03.2002 and 12.12.2002 are enclosed herewith and marked as **Annexure-3 and 4** respectively.

4.7. That it is stated that the Divisional Engineer, CTO, Panbazar, Guwahati did not take any steps for payment of arrear salary in terms of the instructions contained in the letter dated 31 July 2002. In such compelling circumstances, the applicant again approached to the General Manager, Kamrup Telecom District (BSNL) Ulubari, Guwahati through her representation dated 30.01.2003. In the said representation the applicant requested the General Manager to pass necessary order directing the Divisional Engineer, CTO, Guwahati to make payment of arrear salary with effect from 01.09.99 in terms of the letter dated 31 July 2002. But surprisingly, no action was taken by the Divisional Engineer, CTO, Guwahati for payment of her arrear salary inspite of repeated specific order passed by the competent authority. Hence the present application.

A copy of the Representation dated 30.01.2003 is enclosed herewith and marked as **Annexure-5**.

Miss Kinam Kalites

4.8 That it is stated that in the Judgment and order dated 01 August 2001, this Hon'ble Tribunal specifically directed the respondents to treat the applicant in continuous service with effect from 30.09.1997, therefore, applicant is entitled to pay and allowances for the period from 30th September 1997 to 31st August 1999 in addition to her entitlement of salary with effect from 01 September 1999 which has already been sanctioned by the competent authority vide their letter bearing No. GMT/Est-301/Pt-II/02-03/371 dated 09 October 2002. Therefore denial of the pay and allowances for the aforesaid period without any justifiable reason is highly arbitrary, unfair and illegal and the said action of the respondents is violative of Article 14 of the Constitution in view of the fact that other similarly situated casual workers who were retained in service were already paid salaries for the aforesaid period.

A copy of the letter dated 9th October,2002 is enclosed herewith and marked as Annexure-6.

4.9 That it is stated that the judgment and order passed in Original Application No. 321 of 2000 way back on 1st August 2001 and in compliance of the said order financial approval was given on 09 October 2002 by the competent authority but inspite of the approval no payment is made to the applicant till filing of this application. In such compelling circumstances the applicant has no other alternative but to approach this Hon'ble Tribunal for redressal of her grievances through this application. It is a fit case where the Hon'ble Tribunal

Miss Kizem Karim

may pass appropriate order directing the respondents for immediate payment of arrear salary with effect from 30th September 1997 with 12% interest per annum.

4:10 That this application is made bonafide and for the cause of justice.

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

5.1 For that, in view of the judgment and order dated 01.08.2001 the applicant is entitled to payment of arrear salary with effect from 30.09.1997 and to 31.08.1999 again she is entitled to pay and allowances with effect from 01.09.99 till the date of actual payment of salary in view of the sanction order dated 09 October 2002..

5.2 For that the Divisional Engineer, CTO, Guwahati has no jurisdiction to withheld the payment of arrear salary without assigning any reason in view of the specific order dated 31 July 2002 passed by the Divisional Engineer (Admn), Office of the TDM, Kamrup, Guwahati.

5.3 For that, non payment of salary after conferment of temporary status vide order dated 28.01. 2002 is a deliberate and willful violation of the judgment and order passed in O.A. NO. 321/2000 and the said action of the of the DE, CTO, Guwahati is amount to contempt of court.

Miss Kiran Kerkita

5.4 For that, no order has been passed by the respondents of Union of India for payment of salary for the period with effect from 30.09.97 to 31.08.99 in pursuant to the direction passed in the Original Application No. 321 of 2000.

5.5 For that, the applicant is facing extreme financial hardship due to non payment of arrear salary.

6. **Details of remedies exhausted.**

That the applicant had submitted several representations and as such she has exhausted all the remedies available to her and there is no further scope but to approach this Hon'ble Tribunal for payment of arrear salary.

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

The applicant further declares that she had not previously filed any application, Writ Petition or Suit except OA No. 230/97, OA No, 183/99 and OA No. 321/2000 but no case is pending on the subject cited above before any Court or any other authority or any other Bench of the Tribunal.

8. **Relief(s) sought for:**

Under the facts and circumstances stated above, the applicant humbly prays that Your Lordships be pleased to admit this application, call for the records of the case and issue notice to the respondents to show cause as to why the relief(s) sought for in this application shall not be granted and on perusal of

Miss Kieran Kaur

the records and after hearing the parties on the cause or causes that may be shown, be pleased to grant the following relief(s):

8.1. That the Hon'ble Tribunal would be pleased to declare that the applicant is entitled to arrear payment of salary and allowances with effect from 30 September 1997 to 31 August 1999 and further be pleased to declare that she is also entitled to payment of arrear salary with effect 1st September 1999 to till the date of actual payment of arrear salary and allowances in terms of the judgment and order dated 01 August 2001 in OA 321/2000 and also in terms of the letter dated 09 October 2002 as well as in terms of the letter 31 July 2002 passed by the respondents with 12% interest.

8.2 Any other relief(s) to which the applicant is entitled as the Hon'ble Tribunal may deem fit and proper.

8.3 Costs of the application.

9. Interim order prayed for.

That the Hon'ble Tribunal be pleased to observe that pendency of this application shall not be a bar to grant the reliefs to the applicant as prayed for.

10. This application is filed through Advocates.

Miss Kiran Kaur

11. Particulars of the I.P.O.

- i) I P. O. No. : 89 49 0734
- ii) Date of Issue : 26.5.03 .
- iii) Issued from : G P o . G u w a h a t i .
- iv) Payable at : G P o . G u w a h a t i .

12. List of enclosures.

As given in the index.

Miss Kiren Kaul's

VERIFICATION

I, Smti. Kiron Kalita, aged about years, Daughter of Late Chakradhar Kalita, Village : Surtarkuchi, P.O. Adabari, P.S.: Mukalmua, District : Nalbari, Assam do hereby verify 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 and I have not suppressed any material fact.

And I sign this verification on this the ^{28th} 22 day of May, 2003. *A.*

Miss Kiron Kalita

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH

Original Application No. 321 of 2000.

Date of Order : This is the 1st day of August, 2001.

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

Miss Kiran Kalita
Daughter of late Chakradhar Kalita
Village :- Surtakuchi
P.O :- Adebani, P.S :- Mukalmua
District :- Nalbari. . . Applicant.

By Advocate Mr. P. Malakar

- Vo -

- 1. Union of India
Represented by the Chief General Manager,
Telecom Assam Circle, S.R. Bora Lane,
Ulubari, Guwahati.
- 2. The General Manager
Guwahati Telephone, Kamrup
S.R. Bora Lane, Ulubari
Guwahati.
- 3. The Chief Superintendent
Central Telegraph Office
Panbazar, Guwahati. . . Respondents.

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

ORDER

CHOWDHURY J. (V.C.) :

This is the third round of the litigation, in which case a woman is engaged in the struggle for regularisation of her service as a Casual Labourer. As per the direction of the Honourable Supreme Court, the respondents were ordered to frame a Scheme for absorption of the Casual Labourers. Pursuant to the said order a Scheme was prepared which is known as Casual Labourers (Grant of Temporary Status and Regularisation) Scheme, 1989 of the Department of Telecommunication. The said Scheme was thereafter modified and amended. The said Scheme was extended from

Contd.. 2

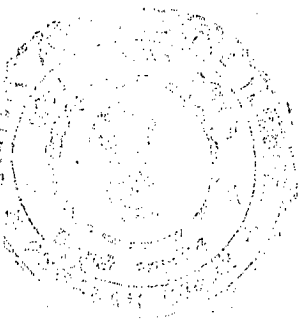
*Attested
Law
Advocate*



time to time and finally extended to cover the cases for Casual Labourers upto 1998. The applicant claimed in this application that she was appointed as a Casual Labourer in the year 1993 by the Senior Superintendent of Tele-Traffic-cum-Chief Superintendent, CTO Guwahati and she continued to work in that capacity upto December, 1995. There was an artificial break in her service for some period, but she was again engaged as a Casual Worker alongwith 21 other persons, against the existing vacancies in the Telegraph Activity Area under Kamrup SSA. By an order no. STA-51/CL/96-97/18 dated 30.9.1997, the applicant alongwith 21 other Casual Labourers were terminated. The impugned order of termination reads as follows :

"No. STA-51/CL/96-97/18 Dated at Guwahati, the 30.9.97.

In pursuance of the Vigilance Officer, S/O the COT, Assam Circle, Guwahati letter No. Vig/Assam/30(D)/10 dtd. 10-09-97 and the G.M. Telecom, Kamrup Telecom District, Guwahati letter No. GM/Kamrup/COM/96-97 dtd. 11-9-97, the following Casual Labourers working in CTO/Tos & T/Cs of Telegraph Activity Area under GMT/Guwahati are hereby retrenched with effect from the afternoon of 30-9-97.



- 1) Sri Dhaniram Deka
- 2) " Champak Talukdar
- 3) " Sachin Das
- 4) " Kulon Das
- 5) " Subhash Barman
- 6) " Miranjan Halakar
- 7) " Sarju Das for
- 8) " Santu Chakraborty
- 9) " Kameswar Kardong
- 10) " Girbal Das for
- 11) " Kiran Ch: Boro
- 12) " Bijoy Boro
- 13) " Bablu Ch: Boro
- 14) Miss Kiren Kalita
- 15) Sri Sanjay Saw
- 16) Mrs. H. Das
- 17) Sri Romani Medhi
- 18) " Nayan Jyoti Dutta
- 19) " Pankej Bora
- 20) " Kuchl Medhi
- 21) " Khargoswar Kalita
- 22) " Madan Ch: Boro

(S. TAID)
 Divisional Engineer,
 C.T.C. Guwahati-781001."

2. The applicant assailed the order of termination by filing an Original Application which was registered and numbered as O.A.230/97. Her application which was admitted on 3.10.97. The Tribunal by an interim order directed the respondents not to remove the applicant pursuant to the impugned order dated 30.9.97 until further orders, if already not given effect to. The said O.A. was disposed on 12.2.99 directing the respondents to consider her representation, that she filed assailing her termination. By an order dated 3.4.99 her representation was rejected. In the said order the respondents admitted that 12 other Casual Labourers who were retrenched alongwith her on 30.9.97 were re-engaged on 18.11.98 on the strength of an order of this Tribunal. The applicant, being aggrieved again moved this Tribunal by filing an application numbered as O.A. 183/99. This Tribunal by its order dated 20.1.2000, disposing the application, directed the respondents to consider and examine the case of the applicant afresh in consultation with the formal records.

3. The applicant, by this application, again came to this Tribunal assailing the impugned action of the respondents for non-consideration of her case as per law. One of the basic grounds, raised in this application pertains to infringement of the equality Clause enshrined in the Constitution of India. It was stated that out of 22 persons, only the applicant moved the Tribunal and obtained an interim order. Remaining 21 persons though did not come to the Tribunal, were allowed to continue in their services despite the termination order. It was also asserted that the 12 persons, much later than the applicant, approached the Tribunal by way of O.A.No.142/98

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and were re-engaged by virtue of the interim order in the said Application.

4. The respondents filed a written statement denying and disputing the allegations. In the written statement the respondents stated that the case of the applicant was considered by a Committee and the Committee from scrutiny could not find her suitability for granting temporary status. As per the order dated 27.12.2000 the applicant did not have the eligibility criteria as laid down by the Schema.

5. I have heard Mr. G. Malakar, learned counsel for the applicant and also Mr. A. Deb Roy, learned Sr. C.G. S.C. appearing for the respondents at length.

6. The order dated 27.12.2000 itself mentioned that she was not in any engagement under the Department since 30.9.97, but the same order also indicated that she was dis-engaged from 31.1.2001. In the ^{Annexure of the} said order it was shown that the applicant worked upto 30th September, 1997, but on the Column 'Reasons in brief as found' it was mentioned that she was not in engagement since Jan'98. Apparently this exercise seemingly shows total non-application of mind. On the one hand the Department tried to justify that the applicant was retrenched on 30.9.97, on the other hand showed that she was disengaged on 31.01.2001. Admittedly, there was an order passed on 30.9.97 by which another 26 persons were also retrenched. The respondents in their written statement admitted that 12 Casual Labourers from that list, though similarly situated, were kept on engagement on the basis of the order of the Tribunal. If the impugned order dated 30.9.97 was given effect to on 30.9.97, how could 12 persons



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have been retained. Anyway, there was an order of the Tribunal not to remove the applicant. As per Annexure-D of this application, there was no positive act of giving effect to the interim order dated 3.10.97. The order of retrenchment was made in contravention of the provisions under section 25(F) of the Industrial Dispute Act, 1947. The other persons, though did not come to the Tribunal in time, were allowed to continue.

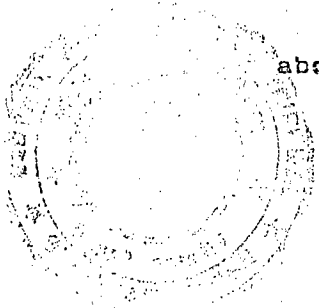
7. In this circumstances, it is difficult to accept the reasonings given by the respondents in the order dated 27.12.2000 in not giving the applicant temporary status. The respondents are accordingly directed to consider the case of the applicant afresh taking her engagement as continuous nature and not treating her retrenched on 30.9.97 and take necessary step for granting her temporary status with utmost expedition within a period of two months from the date of receipt of the copy of the order. While considering the case of the applicant the respondents also take note the Office Memo No. ESTT-9/12/PT/KTD/40 dated 15.2.2001. I also direct the respondents not to take into account her forced break in service, as was done in the other cases in granting temporary status as Casual Labourer.

The application is allowed to the extent indicated above.

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

Sanctioned to be true Copy
 भारतीय न्यायालय

sd/VICE CHAIRMAN



bb

Secretary Registrar (C)
 Central Administrative Tribunal
 Chandernagore Bench

Full 27/12/07

21/12/2007

BIHAR SANCHAR NIGAM LIMITED
 (A Govt. Of India Enterprise)
OFFICE OF THE GENERAL MANAGER (BSNL)
KAMRUP DISTRICT :: GUWAHATI-781007

No. GMT/EST-179/TSM/'02-'03/268

Dated at Guwahati-7, the 31st July, 2002.

To

The Divisional Engineer (CTO),
 Panbazar, Guwahati-781 001.

Sub:

Payment of Arrear from 01.09.1999 to Miss Kiran Kalita, TSM.

Ref:

- (1) This Office letter No. GMT/EST-179/TSM/'01-'02/190 Dtd. 25.01.2002.
 (2) Your office letter No. (a) STA-14/Rect/Gr.D/Pt-II/81 dtd. 08.02.2002,
 (b) STA-14/Rect/Gr.D/Pt-II/84 dtd. 22.05.2002.

With reference to above. In this connection it is stated that name of Miss Kiran Kalita was approved vide this office letter No. GMT/EST-179/TSM/'01-'02/190 Dtd. 25.01.2002 for conferment as TSM and accordingly you have conferred her TSM vide your Memo No. STA-14/Rect/Gr.D/Pt-III/79 Dtd. 28.01.2002 w.e. from 01.09.1999 which is proper as per DOT.ND order.

In this connection it is requested that pay and allowances due with effect from 01.09.1999 to Miss Kiran Kalita, TSMs may be paid if it is not paid so far, under intimation to this office.

Sd/-
 (N. Bhaskaran)
 Divisional Engineer (Admn.)

Copy to Miss Kiran Kalita, TSM, CTO, Panbazar, Guwahati-I.

Bhaskaran
 31/7/02
 For GM(BSNL)/Kamrup, GH-7.

*Miss Kiran Kalita
 Panbazar
 Guwahati*

To
The General Manager
Korup Telecom District (BML)
Silabari, Guwahati-781007

Dated at Guwahati the 07.03.2002

(through proper channel)

Subj:- Prayer for treating continuous service etc.

Sir,

with kind reference to my letter dtd 07.02.2002 regarding continuous service and payment of arrears as per the verdict of the Hon'ble CAT Guwahati vide their order dated 1st August 2001, I once again, like to draw your attention expecting that you would be kind enough to treat my period of casual labour from 30.9.97 to 31.03.1999 as continuous service in the light of the verdict of CAT/Guwahati details of which will be revealed from my letter dated 07.02.2002.

Therefore, you are requested to instruct the DE/ CIO Guwahati to treat the period from 30.9.97 to 31.3.99 as casual labourer and temporary casual labourer thereafter and to arrange payment of arrears for the period mentioned above for which acts of your kindness, I shall remain grateful to you

With thanks,

Yours faithfully

Miss Kiran Kalita
(Miss Kiran Kalita) TSM
CIO Guwahati



*Attested
Dr. Aravati*

To
The Divisional Engineer
C.T.O. Guwahati

Dated at Guwahati the 12th December/02

Sub: - Payment of Arrear from 01.09.1999

Sir,

With reference to GM (BSNL) Kamrup Telecom District, Guwahati letter No. GM/EST-179/TSM/02-03/268 Dated at Guwahati-7, the 31st July, 2002 addressed to you and copy to me in respect of payment of arrear w.e. from 01.09.1999 (copy attached), I most respectfully, beg to place the appeal before your goodself to very kindly arrange the payment of the said arrear at your earliest.

With Thanks,

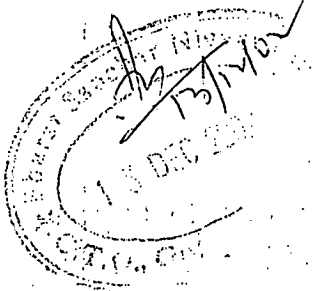
Yours Faithfully

Miss Kiran Kalita

(Miss Kiran Kalita)

TSM

C.T.O. Guwahati



*Attended
for
adv. call*

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To
The General Manager
Kamrup Telecom District (RML)
Ulubari, Guwahati-781007

Dated at Guwahati the 27.01.2003

(Through proper channel)

Sub - Payment of Arrear from 01.01.1999 to Miss Kiran Kalita, TML.

Sir,

With due respect and humble submission, I beg to lay few lines of appeal before you for your kind perusal.

1. That sir, I am very much thankful to you that you have ordered the DE/CTO Guwahati to make payment of Arrear since 01.01.1999 vide your office letter No. GAZ/EST-179/TM/02-03/258 dtd at Guwahati the 31st July, 2002 and accordingly I have also requested the DE/CTO Guwahati vide dated 12th December/2002 for making the payment.

But, sorry to inform you that even after lapses of about forty days, the DE/CTO Guwahati has neither made the payment as per your order nor he regretted my application.

Sir, finding no other way, I most sincerely, request you to very kindly take appropriate action so that I may be paid the arrear at your earliest.

With Thanks,

Yours faithfully

Miss Kiran Kalita
(Miss Kiran Kalita)
TML
CTO Guwahati

CC: -

1. Advance copy to GAT
Kamrup Telecom District
(RML) Guwahati-7
2. Your office letter No. GAZ/EST-179/TM/02-03/258
dtd 31st July/02 (Enclosed)
3. My letter addressed to DE/CTO Guwahati on 12th Dec/02
(Enclosed)
3. Total enclosures are

*Attested
by
Kiran Kalita*

*Recd
30/01/03*



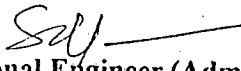
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BHARAT SANCHAR NIGAM LIMITED
(A Govt. Of India Enterprise)
OFFICE OF THE GENERAL MANAGER :: BSNL.
KAMRUP TELECOM DISTRICT:: GUWAHATI-7.

No. GMT/Est-301/Pt-II/02 - '03/371

Dated at Guwahati , the 9th Oct'2002

Financial approval of the competent Authority for payment of pay and allowances w.e.from 01.09.1999 payable to Miss Kiran Kalita , TSM under DE(CTO), Guwahati is hereby conveyed.


Sub - Divisional Engineer (Admn.)

Copy to : the Accounts Officer (Cash), O/o the DE(CTO)/Guwahati for information w.r.t his letter No. A-1/Acctt./Corr/'02-'03/ dtd. 03.10.2002


For GMT, Guwahati-7

*Allis led
Jan
Adrocali*

29/10/03
RMR

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH: GUWAHATI

Union of India - vs
Respondents
through:-
Anup Kumar Choudhury
29.10.03
C.A. No. 116 of 2003
Guwahati Bench

In the matter of :-
O.A.No.116 of 2003
Miss Kiron Kalita ... Applicant
-Versus-
Union of India & Others
... Respondent

WRITTEN STATEMENT FOR AND ON BEHALF OF
RESPONDENTS NOS.1,2,3 & 4.

I, K.R. Das, Sub-Divisional Engineer(Legal), Office of the General Manager Telecom, Kamrup Telecom District, Guwahati-781007, do hereby solemnly affirm and say as follows :-

1. That I am the Sub-Divisional Engineer(Legal), Office of the General Manager Telecom, Kamrup Telecom District, Guwahati and as such fully acquainted with the facts and circumstances of the case. I have gone through a copy of the application and have understood the contents thereof. Save and except whatever is specifically admitted in this written statement the other contentions and statement may be deemed to have been denied. I authorised to file the written statement on behalf of all the respondents.

2. That the respondent have no comment to the statement made in paragraph 4.1 of the application.

3. That with regard to the statement made in paragraph 4.2 of the application, the respondent beg to state that the applicant was engaged on 16-7-95 and worked up to 30-9-1997.

4. That with regard to the statement made in paragraph 4.3 of the application, the respondent beg to state that the statement of the applicant is not correct. The Hon'ble Tribunal in their interim order dated 3-10-97 had ordered that if the applicant had not already been removed then she should not be removed. As she was already retrenched on the A/N of 30-9-97, before the issuance of Hon'ble Tribunal. Order, there is no disobedience of the Hon'ble Tribunal.

(2)

5. That with regard to the statement made in paragraph 4.4 of the application, the respondent beg to state that the 12 other retrenched casual labourers were re-engaged with effect from 18-11-98 on the strength of the interim order passed by the Hon'ble Tribunal, Guwahati in favour of those casual labourers. The benefit of the interim order can not be extended to any person who is not an applicant to that concerned OA. The direction of Hon'ble Tribunal about forced break in service towards the applicant passed in OA 321/2000 dated 1-8-2001 has not been counted and the applicant has conferred temporary status as per regularization scheme with effect from 1-9-99 on the basis of Department of Telecom. Order No. 269-13/99-STN II dated 1-9-99 (copy enclosed as Annexure-I) as seniority benefit. As far as the Monetary benefit is concern, the applicant was not in engagement from 1-10-97 to 28-1-02 and therefore the claimed arrear payment of the aforesaid period can not be granted as per departmental rules of Minimum wage Act, 1948.

6. That with regard to the statement made in paragraph 4.5 to 4.7 of the application, the respondent beg to state that though the order dated 31-7-2002 was issued inadvertently without going through departmental norms, subsequently the same has been reviewed by Chief Accounts Officer/Cash, Office of the General Manager Telecom, Kamrup vide this office letter No. GMT(K)/CAO/Misc./03-04/9, dated 8-11-02 (copy enclosed as Annexure-II) where clearly instructed not to pay any arrear with effect from 1-9-99 to the applicant, ^{who} was not in engagement during the period and does not cover under departmental rules of Minimum wage Act, 1948.

7. That with regard to the statement made in paragraph 4.8 of the application, the respondent beg to state that the order of the Hon'ble Tribunal has been obeyed by the respondents and conferred temporary status to the applicant but the continuous service with effect from 30-9-97 can not be granted as the applicant was absent from duty from 1-10-97 to 28-1-02. As per Minimum wage Act, 1948, no payment is admissible when duty is not performed. On the above rule the applicant is not entitle for any arrear payment of the claimed period.

8. That with regard to the statement made in paragraph 4.9 of the application, the respondent beg to state that the order dated 9-10-02 has been reviewed by Chief Accounts Officer/Cash, Office of the General Manager Telecom/Kamrup directing A.O. (Cash)

CTO/Guwahati dated 8-11-02 to stop arrear payment of the applicant under the departmental rules minimum wage Act, 1948 as no work no pay basis (copy enclosed as Annexure-III).

9. That the applicant is not entitled to any relief sought for in the application and the same is liable to be dismissed with costs.

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

I, K.R. Das, presently working as Sub-Divisional Engineer(Legal), Office of the General Manager Telecom, Kamrup Telecom District, Guwahati-781007 being duly authorised and competent to sign this verification do hereby solemnly affirm and state that the statements made in paragraphs 1 + 2 of the application are true to my knowledge and belief, those made in paragraphs 3 - 8 being matter of record are true to my information derived there from and those made in the rest are humble submission before the Hon'ble Tribunal. I have not suppressed any material facts.

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

Kamakhya Ranjan Das.
DEPONENT

-4-

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Annexure - 1

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Annexure

No.269-13/99-STN-11
Government of India
Department of Telecommunications
Sanchar Bhawan
STN-II Section

New Delhi

Dated 1.9.99

To

All Chief General Managers Telecom. Circles,
All Chief General Managers Telephones District,
All Heads of other Administrative offices,
All the IFAs in Telecom, Circles/Districts and
other Administrative Units.

Subject: Regularisation/grant of temporary status to Casual
Labourers regarding.

Sir,

I am directed to refer to letter No.269-4/93-STN-II
dated 12.2.99 circulated with letter No.269-13/99-STN-II dated
12.2.99 on the subject mentioned above.

In the above referred letter, this office has conveyed
approval on the two items, one is grant of temporary status to the
Casual Labourers eligible as on 1.8.98 and another on regularisa-
tion of Casual Labourers with temporary status who are eligible as
on 31.3.97. Some doubts have been raised regarding date of effect
of these decision. It is therefore clarified that in case of
grant of temporary status to the Casual Labourers, the order dated
12.2.99 will be effected w.e.f. the date of issue of this order
and in case of regularisation to the temporary status Mazdoors
eligible as on 31.3.97, this order will be effected w.e.f. 1.4.97.

Yours faithfully,

(HARDEY SINGH)

ASSISTANT DIRECTOR GENERAL (STN)

All recognised Unions/Federations/Associations.

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~~Confidential~~

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- 5 -

Annexure II

BHARAT SANCHAR NIGAM LIMITED
(A Govt. of India Enterprise)
OFFICE OF THE GENERAL MANAGER
KAMRUP TELECOM DISTRICT, ULUBARI,
GUWAHATI-781007.

No. GM(K)/CAO/Misc/03-04/9

Dated at Guwahati, the 08-11-2002

To

The Accounts Officer (Cash)
Bharat Sanchar Nigam Limited,
C.T.O, Panbazar,
Guwahati-1.

Sub : regarding arrear payment for Srimati Kiran Bala Kalita, TSM.

Ref : This office letter No. GM(K)/CAO/Misc/7 dated 25-10-2002.

Please refer to the letter No. cited above. With reference GMT/EST-301/Pt-II/02-03/371 dtd 09-10-2002 and No. GMT/EST-179/TSM/02-03/268 dtd 31-07-02 it is stated that it was conveyed for payment of arrear to Srimati Kiran Bala Kalita, w.e.f. 01-09-99 onwards.

The case was verified and it is stated that as per minimum wage Act. 1948, her pay may be considered as no work no pay for the period of absent from duty. However, she may be considered w.e.f 01-09-99 which will count towards seniority benefit and not for financial purpose.

This is for your information.

Alsal

Chief Accounts Officer (Cash)
O/O the General Manager
Kamrup Telecom District
Guwahati-781007.

7. Casual Labour

[Swamy's — Complete Manual on Establishment and Administration]

1. Guidelines for recruitment of casual labour:

- (i) Not to be recruited for work of regular nature, but only for work of casual or seasonal or intermittent nature or not of full-time nature, for which regular posts cannot be created.
- (ii) Review should be made to see whether the work presently done by casual labour could be entrusted to regular staff and action should be taken for revision of norms or for creation of additional posts.
- (iii) Where work of more than one type is to be performed throughout the year, a multifunctional post may be created with the concurrence of Ministry of Finance.

2. Daily Wages.— If the nature of the casual workers and regular employees is the same, casual workers should be paid at $\frac{1}{10}$ th of pay at the minimum of pay scale of the regular post plus D.A. (No. CCA/HRA will be taken into account).

If the nature of work is different, minimum wage as notified by the State Government/ UT as per the Minimum Wages Act, 1948, is payable.

3. Weekly off.— One paid weekly off after six days of continuous work.

4. National Holiday.— Daily wage is admissible for a National Holiday falling on a working day for them.

5. No payment for other days of absence.— Except on weekly off days and a National holiday, no payment is admissible when duty is not performed.

6. Appointment in Group 'D' posts.— Casual labourers not registered with Employment Exchange should not be appointed in regular posts. Those appointed through Employment Exchange and possessing minimum 2 years' continuous service as casual labour in the office/establishment are eligible for appointment to regular post without further reference to Employment Exchange. Those recruited directly without reference to Employment Exchange should register and then put in 2 years' service for becoming eligible for regular appointment if nominated by Employment Exchange.

7. Two years' continuous service.— The benefit referred to in previous Para. will be available if the casual labourer has put in at least 240 days of service (206 days in the case of offices observing 5-day week) including broken periods of service during each of the two years' service.

8. Ban on engagement of casual workers for duties of Group 'C'.— There is complete ban on engagement of casual workers for duties of Group 'C' posts.

Annexure iii

6-28-40

9. Scheme for grant of temporary status and regularization of casual workers.—

(i) **Applicability.**—The Scheme brought into force from 1-9-1993 for grant of temporary status is applicable to casual labourers in employment on 1-9-1993 in Ministries/Departments of the Government of India, but not applicable to casual workers in Railways, Departments of Telecommunication/Posts who already have their own Schemes.

(ii) **Temporary Status.**—Temporary Status is conferred on all casual labourers in employment on 1-9-1993 and in continuous service of at least one year. This means that they must have been engaged continuously for at least 240 days (206 days in the case of offices observing 5 day-week) before 1-9-1993. No change in duties.

(iii) Benefits under the Scheme.—

- (1) Wages will be at daily rates with reference to the minimum of pay scale for regular Group 'D', plus DA, HRA and CCA. From 1-8-1997 Transport Allowance of Rs. 100 for 'A-1'/'A' cities and Rs. 75 for other places should also be taken into account. Expenditure is debit to sub-head "wages".
- (2) Benefit of increment after one year service subject to performance of duty for 240/206 days from 1-9-1993 onwards is available for calculation of daily wages. But there will be no arrears for the period prior to 1-9-1993. There will be no change in payment procedure since they continue to be casual labourers.
- (3) Leave entitlement will be at one day for every 10 days of work (weekly off and other non-working days excluded). Credit of leave may be carried forward on regularization.
- (4) Maternity leave to lady workers and paternity leave to male workers will be as admissible for regular Group 'D' staff.
- (5) Leave encashment is not admissible.
- (6) Service up to 50% rendered under Temporary Status is reckonable for pensionary benefits.
- (7) After three years' continuous service under Temporary Status, the personnel will be treated at par with temporary Group 'D' employees for contribution to GPF, grant of Festival Advance and Flood Advance.
- (8) Productivity-linked Bonus/Ad hoc Bonus is admissible only at the rates for casual labourers until regularization of Temporary Status.
- (9) Leave is credited on 1st and 1st July each year with reference to the duty performed in the previous half year. (Manner regarding carry-over of credit is under consideration.)

No benefit other than the above is admissible under this Scheme. Other benefits already available to casual workers in industrial establishments will however, continue.