

50/100

1

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

(DESTRUCTION OF RECORD RULES, 1990)

**INDEX**

O.A/T.A No. 254/04

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

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

- ✓ 1. Orders Sheet..... 3 .....Pg..... 1 .....to..... 3 .....
- ✓ 2. Judgment/Order dtd..... 22/6/05 .....Pg..... 01 .....to..... 05 .....
3. Judgment & Order dtd.....Received from H.C/Supreme Court
- ✓ 4. O.A..... 254/04 .....Pg..... 1 .....to..... 32 .....
5. E.P/M.P.....Pg.....to.....
6. R.A/C.P.....Pg.....to.....
- ✓ 7. W.S.....Pg..... 1 .....to..... 25 .....
8. Rejoinder.....Pg.....to.....
9. Reply.....Pg.....to.....
10. Any other Papers.....Pg.....to.....
11. Memo of Appearance.....
12. Additional Affidavit.....
13. Written Arguments.....
14. Amendment Reply by Respondents.....
15. Amendment Reply filed by the Applicant.....
16. Counter Reply.....

SECTION OFFICER (Judl.)

14/11/17

FORM No.4  
(SEE RULE 42)

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

ORDER SHEET.

Org. App/Misc. Petn/Cont. Petn/Rev. Appl.....

In O.A.

Name of the Applicant(s) Rajat Tamuly & ors.

Name of the Respondent(s) uo 9 & ors.

Advocate for the Applicant Mr. S. Sarma, Mr. U. Das, Mr. B. Devi

Counsel for the Railway/C.G.S.C. C/S

OFFICE NOTE	DATE	ORDER OF THE TRIBUNAL
-------------	------	-----------------------

Present  
3.11.04

Present : The Hon'ble Mr Justice R.K.  
Batta, Vice-Chairman

The application is in form  
is filed for Rs. 10/-  
deposited with IPO/BI/PO  
No. 422267  
Dated 29.5.04 (R.K. Das)

Heard Sri S. Sarma, learned counsel  
for the applicants.

Issue notice to respondents.  
Returnable on 5.1.2005.

Dy. Registrar

Vice-Chairman

pg

05.01.2005

Heard Ms. U. Das, learned couns-  
el for the applicant and also Mr.  
A. Deb Roy, learned counsel for the  
respondents.

The application is admitted,  
call for the records.

List on 18.02.2005 for orders.

Member (A)

mb

Steps 2 envelopes  
are filed.

Notice & order  
sent to D/section  
for issuing to  
resp. nos. 1 to 4  
by regd. A/D post.

22/11/04.

D/No = 1905 to  
1909

DT = 29/11/04

4-1-05  
S/P - awarded  
A

18.2.2005

None present for the respondents. List on 8.4.2005 for filing written statement.

19-2-05  
S/P - awarded  
no w/s has been filed  
A

*Dr. P. K. Singh*  
Member (A)

08.04.2005

Mr. M.U. Ahmed, learned counsel for the respondents seeks time for filing written statement. Post on 11.5.2005.

*Dr. P. K. Singh*  
Vice-Chairman

7-4-05  
No w/s has been filed  
A

mb

Notice duly  
served on resp.  
Nos. 1 & 3

11.5.2005

Mr. M.U. Ahmed, learned Addl. C.G.S.C. submits that earlier he sought for time to get instruction from the respondents but respondents informed him that respondents are engaging Mr. A. Deb Roy, learned Advocate. Mr. A.K. Chaudhuri, learned Addl. C.G.S.C. submits that Mr. A. Deb Roy will be appearing in this case.

Post for written statement on 15.6.2005.

*Dr. P. K. Singh*  
Vice-Chairman

10-5-05  
No w/s has been filed  
A

bb

7.6.05  
w/s filed by the  
Respondent Nos. 1, 2, 3 & 4.  
A

15.6.2005

Post on 21.6.2005 before the Division Bench.

*Dr. P. K. Singh*  
Vice-Chairman

mb

21.6.2005

Post on 22.6.2005.

*Dr. P. K. Singh*  
Member

*Dr. P. K. Singh*  
Vice-Chairman

bb

Q.A.254/2004

22.6.2005

Heard learned counsel for the parties. Judgment delivered in open Court, kept in separate sheets.

Q.A. is disposed of in terms of the order.

18.7.05

Copy of the Judgment has been sent to the Officer for receiving the same to the L/Adm for the parties.

ash

*Member*  
Member

bb

*Vice-Chairman*  
Vice-Chairman

R  
18.7.05  
Bandana Devi  
Advocate

27/3/05

**CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.**

O.A. No. 254 of 2004.

DATE OF DECISION: 22.06.2005

Shri Rajat Tamuli & 17 Ors.

APPLICANT(S)

Mr. S.Sarma

ADVOCATE FOR THE  
APPLICANT(S)

- VERSUS -

U.O.I.. & Ors.

RESPONDENT(S)

Mr. A. Deb Roy

ADVOCATE FOR THE  
RESPONDENT(S)

THE HON'BLE MR. JUSTICE G. SIVARAJAN, VICE CHAIRMAN.

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

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



Judgment delivered by Hon'ble Vice-Chairman.

**CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.**

Original Application No. 254 of 2004.

Date of Order: This, the 22nd Day of June, 2005.

THE HON'BLE MR. JUSTICE G. SIVARAJAN, VICE CHAIRMAN.

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

1. Shri Rajat Tamuli
2. Shri Khirud Phukan
3. Shri Himendra Hazarika
4. Shri Kunja Bihari Rabha
5. Shri Sailen Bardoloi
6. Shri Jagat Bora
7. Shri Paban Saikia
8. Shri Madhab Ch. Bora
9. Shri Nagarwal Singh
10. Shri Rohit Bora
11. Shri Jiten Baruah
12. Shri Ramen Saikia
13. Shri Purna Kanta Bora
14. Shri Thaneswar Kosh
15. Shri Ramesh Bora
16. Shri Pradip Saikia
17. Shri Atul Bora
18. Shri Arup Neog.

All these applicants are presently working as temporary status, worker holding various posts both in the Group-D and C cadre, in the office of the Regional Research Laboratory, Jorhat.

.....Applicants.

By Advocates Mr.S.Sarma & Ms. B. Devi.

- Versus -

1. Union of India  
represented by the Secretary  
to the Government of India  
Ministry of Personnel, Public Grievances and Pensions  
Department of Personnel & Training  
New Delhi.

2. Union of India  
represented by the Secretary  
to the Government of India  
Ministry of Science and Technology  
New Delhi.
3. The Director General  
Council of Scientific and Industrial Research  
Rafi Marg, New Delhi-1.
4. The Director  
Regional Research Laboratory, Jorhat  
P.O: Jorhat, Assam. . . . Respondents.

By Advocate Mr. A. Deb Roy

### ORDER (ORAL)

#### SIVARAJAN, I. (V.C.) :

The applicants, 18 in number, have filed this application seeking for permanent absorption since their temporary status was declared as early as on 1994. The applicants had earlier approached this Tribunal by filing O.A. No. 306/2000 seeking for the very same reliefs. The O.A. was disposed of by order dated 8.8.2001. In that case the Tribunal considered as follows:

"3. Heard Mr. A. Verma, learned counsel for the applicants and Mr. B. C. Pathak, learned Addl. C.G.S.C. appearing on behalf of the respondents at some length. It is apparent that the respondent authority formulated a scheme mainly Casual Labour Absorption Scheme of CSIR, 1990. The scheme itself mentions about terms and conditions of regularisation. As per the said scheme absorption will be made on the availability of vacancies in Group and D cadre. From the records produced by the respondents shows that steps are being taken by them for absorption for these employees wherein the name of these applicants are also included. Since steps are being taken no direction need be issued on the respondents for regularisation of services of the applicants. It is expected that the respondents being public authority shall act as per the commitment by the professed policy. As alluded, the applicants have been granted temporary status and their case need now be considered for

*[Signature]*

regularisation against the available vacancies or future vacancies at the earliest opportunity.

4. Subject to the observations made above the application stands disposed of."

Needless to say, the applicants had to approach this Tribunal only because they have not been regularised till the date of the application. The circumstances under which the services of the applicants could not be regularised is stated in para 3 of the written statement as follows:-

" It is pertinent to mention here that all these applicants refused to apply for consideration in various laboratories/institutes as mentioned in Office Memorandum. This clearly shows that they are not making serious efforts to get permanent appointment in CSIR outside RRL-Jorhat, rather they want to continue in RRL-Jorhat where all the persons cannot be absorbed as there is no vacancy to consider their candidature."

Respondents have also stated in para 2 of the written statement thus:-

" It is most humbly submitted that there is no change in the factual as well as legal status of the applicants and the CSIR Scheme of Absorption and grant of Temporary Status to the identified casual labourer is still in progress and being implemented by following the procedure laid down therein. Whenever there is any request from any of the laboratories/institutes of CSIR of absorption of staff against the post for which the persons are eligible has been circulated to all these persons in the RRL-Jorhat in particular and other casual labourer having temporary status in general as per their eligibility vide effect office memorandum No. RLJ-14(300)-Estt./2003 dated 15.12.2003, No. RLJ-14(300)-Estt./2004 dated 19.03.2004 dated 27.08.2004, No. RLJ-14(300)-Estt./2004 dated 20.8.2004 and No. RLJ-14(300)-Estt./2004 dated 01.12.2004."

2. Mr.S.Sarma, learned counsel for the applicants submits that the respondents are taking dual stand, one for the purpose of absorption of temporary status labourers and other for the purpose of grant of

*[Signature]*



SDA. Counsel submits that for the SDA, CSIR was taking the stand that units under the CSIR are distinct and separate and there is no inter connection in the sense that there is no transfer from one unit to another. In other words, counsel submits that a CSIR unit at RRL-Jorhat is an individual unit and therefore the applicants should be regularised in the RRL-Jorhat unit itself and not in anyone of its units.

3. Mr. A. Deb Roy, learned counsel appearing for the respondents, based on the averments made in paras 2 and 3 of the written statement, submits that the applicants cannot have any choices in the matter of absorption and that the respondents will absorb the applicants who have been assigned temporary status according to vacancy which arises in the various units under the CSIR observing after the formalities. The counsel submits that there are no vacancies to accommodate all the applicants in the Jorhat unit itself.

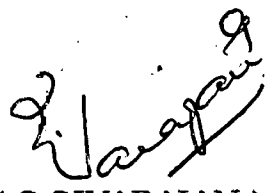
4. We have heard the rival submissions. Admittedly, all the applicants are presently working in the Jorhat unit of RRL. They want absorption of their services in the RRL unit of the CSIR at Jorhat itself. This, according to us, cannot be done for the reason that there may not be as much as vacancy in the RRL-Jorhat unit itself to accommodate all the applicants. If there are other RRL units in Assam, certainly they can be accommodated in the said units also for which the applicants cannot raise any objection. If there are no sufficient vacancies to accommodate all the applicants in the various RRL units under the CSIR in Assam, then certainly CSIR can offer regular appointment to the applicants to the post to which they are entitled outside Assam also. Of course it is for the applicants to decide as to whether they should go outside Assam and express their views in

*[Signature]*

the matter. In the circumstances, the respondents are directed to consider the case of the applicants in the manner directed hereinabove and absorb the applicants as expeditiously as possible at any rate within a period of four months from the date of receipt of this order. If the applicants refuse to accept any appointment offered outside RRL-Jorhat unit or outside Assam, they cannot complain about the non-compliance of the scheme.

The application is disposed of as above. Applicants will produce this order before the concerned respondents for compliance.

  
( K.V.PRAHLADAN )  
ADMINISTRATIVE MEMBER

  
( G.SIVARAJAN )  
VICE CHAIRMAN

BB

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH

254  
O.A. No.....of 2004.

Shri Rajat Tamuli & Ors.

..... Applicants.

AND

Union of India & ors.

..... Respondents.

SYNOPSIS

The applicants in the instant application is basically aggrieved by the action of the respondents in discriminating their case for regularisation. The applicants also raised the grievance against the purported action on the part of the respondents in seeking to implement the OM dated 26.04.04 in the cases of the applicants illegally in curtailing the benefit provided by the scheme of Temporary Status and regularisation. The applicants who has been serving under the respondents as casual worker since long i.e. ranging from the years 1974 to 1986, got the benefit of the scheme for grant of temporary status and regularisation in the year 1994 and they are now treated as Temporary Status worker and now they are continuing in their respective posts under the respondents No 4 i.e, the Director Regional Research Laboratory, Jorhat. As per the conditions contained in the scheme the respondents are duty

12

bound to regularise their services against the vacancies  
without first resorting to recruitment through open market.

However, the respondents as and when vacancies arose, resorted to direct recruitment processes that too without treating the present applicants as departmental candidates and continued to fill up those vacancies by the persons from open market violating the guidelines and the prescribed rules. Hence this application.

\*\*\*\*\*

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH : GUWAHATI

(An application under section 19 of the Central  
Administrative Tribunal Act.1985)

O.A. No. 254 of 2004

Between

1. Shri Rajat Tamuli,
2. Shri Khirud Phukan,
3. Shri Himendra hazarika,
4. Shri Kunja Bihari Rabha,
5. Shri Sailen Bardoloi,
6. Shri Jagat Bora,
7. Shri Paban Saikia,
8. Shri Madhab Ch Bora,
9. Shri Nagarwal Singh,
10. Shri Rohit Bora,
11. Shri Jiten Baruah,
12. Shri Ramen Saikia,
13. Shri Purna Kanta Bora.
14. Shri Thaneswar Kosh,
15. Shri Ramesh Bora,
16. Shri Pradip Saikia,
17. Shri Atul Bora.
18. Shri Arup Neog.

All these applicants are presently working as temporary status, worker holding various posts both in the Group-D and C cadre, in the office of the Regional Research Laboratory,  
Jorhat.

... Applicants.

- AND -

1. Union of India, represented by the  
Secretary, to the Govt of India,  
Ministry of Personnel, Public Grievances and Pensions,  
Department of Personnel & Training,  
New Delhi.

R. Tamuli

13  
Filed by  
the applicants through  
Alsha Das.  
Advocate  
4/10/04

- 14
2. Union of India, represented by the  
Secretary, to the Govt of India,  
Ministry of Science and Technology,  
New Delhi.
  3. The Director General,  
Counsel of Scientific and Industrial Research,  
Rafi Marg, New Delhi-1.
  4. The Director,  
Regional Research Laboratory, Jorhat.  
P.O. Jorhat. Assam.

... Respondents

DETAILS OF THE APPLICATION.

1. PARTICULARS OF ORDER AGAINST WHICH THIS  
APPLICATION IS MADE.

The present application has been filed against the action on the part of the respondents in not considering the cases of the applicants for regularisation. This application is also filed by the applicants against the respondents in implementing the O.M. dated 26.04.04 towards curtailing the pensionary benefit as described in the scheme prepared for grant of temporary status and regularisation.

2. JURISDICTION OF THE TRIBUNAL

That the Applicants declare that the subject matter of the present application is well within the Jurisdiction of this Hon'ble Tribunal.

3. LIMITATION

The Applicants declare that the present application has been filed within the limitation period prescribed under Section 21 of the Administrative Tribunal Act 1985.

4. FACTS OF THE CASE

4.1. That the applicants in the instant application is basically aggrieved by the action of the respondents in discriminating their case for regularisation. The applicants also raised the grievance against the purported action on the part of the respondents in seeking to implement the OM dated 26.04.84 in the cases of the applicants illegally in curtailing the benefit provided by the scheme of Temporary Status and regularisation. The applicants who has been serving under the respondents as casual worker since long i.e. ranging from the years 1974 to 1986, got the benefit of the scheme for grant of temporary status and regularisation in the year 1994 and they are now treated as Temporary Status worker and now they are continuing in their respective posts under the respondents No 4 i.e, the Director Regional Research Laboratory, Jorhat. As per the conditions contained in the scheme the respondents are duty bound to regularise their services against the vacancies without first resorting to recruitment through open market. However, the respondents as and when vacancies arose, resorted to direct recruitment processes that too without treating the present applicants as departmental candidates and continued to fill up those vacancies by the persons from open market violating the guidelines and the prescribed rules.

*RTI*

16

4.2. That the applicants in the instant application are citizens of India and as such they are entitled to all the rights, protections and privileges as guaranteed under the constitution of India and laws framed thereunder.

4.3. That the applicants in the instant application joined their services under the respondents i.e. the Director Regional Research Laboratory, Jorhat as Casual Worker. Their dates of initial appointments are ranging from 1974 to 1986. At the time of their initial appointment, the respondents took into consideration various factors relating to such appointment, like eligibility criteria, educational qualification etc. The respondents amongst others having found suitable appointed the applicants and allowed them to hold the regular vacant posts sanctioned by the higher authority of the respondents. Accordingly all the applicants got their initial appointment although as a Casual employee but they were adjusted against the vacant posts and they are still continuing in the said posts till date. It is pertinent to mention here that amongst these applicants there are some eligible candidates to hold, even the group-C posts and the respondents accordingly posted them in both Group-C and D posts commensurating to their educational qualification. In the instant application the applicants No.1 to 8 are presently holding Group-C posts on Casual basis where are other applicants i.e. applicants NO.9 to 18 are holding Group D posts. It is pertinent to mention here that in the office of the respondent No.3 there are various divisions and the present applicants have been working in all the said divisions. The posts against which.



17

the present applicants have been adjusted includes, Typist, Clerk in Bill Section, Tech Asstt. in Analytical division; Geological S.C. Division, Electronics Divn, Civil Engineering Divn. and Electrical Divn., etc. which falls under Group-C category of posts. Where as some of the applicants are holding the posts of Helper in Administrative Office, Civil Engineering Division, with Scientists in field units, vehicle section, Civil Engineering Divn. and work shop etc.

The applicants for better appreciation of factual aspect of the matter beg to annex chart enclosing the label showing their service particulars and same is marked as Annexure-A.

4.4. That the applicants in the instant application has challenged the legality and validity of the action the part of the respondents in not considering their cases for regularisation as per their commitment as well as the scheme. The grievances raised by the applicants in relation to the illegal implementation of the OM dated 26.04.04 and other connected orders by which even the benefits extended to them by the scheme has been curtailed, are closely related to each other and the said grievances have got a close nexus to each other as well as the main relief claimed in the instant Original Application.

4.5. That the applicants in the instant Original Application prays for regularisation of their services under the scheme as well as they have sought for relief against the discrimination meted out to them in the matter of public

18

employment as per their own admission and assurances. Apart from that the applicants have raised a grievance against withdrawal of certain benefits by issuing subsequent clarification. The issues raised by the applicants in the instant application are identical and the reliefs claimed by them are similar nature arising out of common cause of action and as such they pray before this Hon'ble Tribunal to allow them to join together in a single application invoking Rule 5(4)(a) of the Central Administrative Tribunal (Procedural) Rules 1987 to minimise the number of litigation as well as the cost of the application.

4.6. That as stated above all the applicants got their initial appointment as Casual Worker under the respondents pursuant to the prescribed procedure and selection process in various dates as indicated in Annexure-A to the OA. At the relevant point of time there were various schemes in existence towards regularisation of the services of the casual workers and in the light of such schemes all the applicants continued to register their claim by both oral and written representations. Finally after repeated persuasion the respondents in terms of the OM dated 10.9.93 issued by the Govt. of India, Ministry of Personnel and Public Grievance, extended the benefit of Temporary Status to the present applicants in the year 1994. Since 1994, all the applicants are continued to hold the status of Temporary Status Worker.

The applicants begs to state that the date of their initial appointment as well as the date of conferment of Temporary status are not in dispute and as such instead

19

of annexing all these documents, the applicants crave leave of the Hon'ble Tribunal to produce the same at the time of hearing of the case or as and when necessary.

4.7 That the applicants beg to state that the Govt. of India Ministry of Personnel Public Grievances and Pension Department of Personnel and Training, issued an office memorandum vide memo no.49014/2/86/ Estt(c) dated 7/6/88 by which a scheme for regularisation at Casual Worker has been forwarded to all concerned. It is pertinent to mention here that the said scheme was prepared following the judgment and order dated 17.1.86 passed by the Hon'ble Apex Court in case of Sri Surindor Singh & ors -VS- Union of India and others. The said scheme virtually streamline the issue relating to the absorption of the casual workers and the wages. The applicants who got their initial recruitment prior to the issuance of the said scheme however, failed to get the benefit of said scheme although they were recruited following the due process of selection.

A copy of the said OM dated 7.6.88 are annexed herewith and marked as Annexure-B.

4.8. That the applicants beg to state that although the aforesaid scheme-B came into existence most of the Govt. Departments did not followed the said mandatory provisions and guidelines and kept of denying the benefit of regularisation to the Casual Workers. The said inaction as well as the illegal deprivation led to number of litigations and subsequent to issuance of the said scheme (Annexure-B), pursuant to a decision rendered by the full Bench of this

Hon'ble Tribunals dated 16.2.90 in case of Sri Raj Kamal and others -VS- Union of India and Others, the Govt. of India, Deptt. of Personnel and Training issued and OM and circulated the same vide Memo No.51016/2/90-Estt(c) dated 10.9.93 by which certain benefits have been extended to the casual worker working in the Central Govt. option. By the said notification/office memorandum a scheme in the name of "Casual Workers (Grant of Temporary Status and Regularisation) scheme has been circulated providing and training the guidelines of regularisation of the services of the casual workers. The main object of the said scheme was to regularise the casual workers who have rendered a continuous service of one year in a Govt. Deptt. The scheme prescribed the eligibility criteria for grant of benefits as described in the scheme including regularisation. As per the said scheme all the applicants having fulfilled all the required qualification go the benefit of Temporary Status w.e.f. 1994.

A copy of the said scheme circulated through the office memorandum dated 10.9.93 is annexed herewith and marked as Annexure-C.

4.9. That the applicants as per the said Annexure-C scheme got the benefit of Temporary Status and other connected service benefits which includes minimum pay scale, and allowances, increments, leave, maternity leave, 50% counting of service towards pensionary benefits after regularisation, service status after rendering of 3 years of continuous service as Temporary Status Worker and Productivity linked bonus etc.

21

4.10. That as per the said scheme, the respondents are duty bound to regularise the services of the applicants against the Group-D cadre, but said benefits was denied to them. The vacancies surfaced during 1994 to till date have been filled up by the method of direct recruitment without earmarking the vacancies as stipulated in the said Annexure-C scheme. In the said scheme, there has been a specification as regards the vacancies including the method of recruitment. In each occasion the respondents resorted to the direct recruitment process depriving the present applicants from their legitimate claim of regularisation legitimate claim of regularisation. As per the scheme, the respondents ought to have treated the present applicants as departmental candidates providing the relaxation as per the said. The applicants who have rendered about 20-30 years of continuous service requires relaxation in respect of all the prescribed norms of recruitment. However, the respondents without considering the aforesaid facts kept on depriving them from their legitimate claim of regularisation and kept on filling up those vacancies from the candidates from open market.

4.11. That the applicants being aggrieved by the said action on the part of the respondents preferred number of representations to the concerned authority but same yielded no result in positive. Situated thus the applicants as a last resort preferred Original Application (OA NO.306/00) before this Hon'ble Tribunal seeking redressal of their grievances relating to regularisation. The respondent in response to the notices issued from the Hon'ble Tribunal contested the case by filing written statement. The

22

respondents in their written statement assured the Hon'ble Tribunal for resolving the matter.

The applicants crave leave of the Hon'ble Tribunal to relay and refer upon the statements made in the said written statement at the time of hearing of the case.

4.12. That the Hon'ble Tribunal after hearing the parties to the proceeding and after taking note of the records was pleased to dispose of the said OA vide its judgment and order dated 8.8.01 directing the respondents to consider the case of the applicants for regularisation at the earliest opportunity.

A copy of the said judgment and order dated 8.8.01 passed in OA No.306/00 is annexed herewith and marked as Annexure-D.

4.13. That the applicants beg to state that the respondents even after passing of the judgment and order from the Hon'ble Tribunal the respondents kept on depriving the present applicants from their legitimate claim of regularisation. It is pertinent to mention here that there are number of vacancies in the office of the respondents but same are yet to be filled up from amongst the applicants who are eligible to hold such posts. In fact the posts presently holding by the applicants are belongs to those vacant posts. Had there been no vacancy there was no justification to allow them to continue for more about 20-30 years uninteruptedly. Apart from these existing vacancies during 1994 to till date 19 vacancies occurred in the office of the

2

respondent No.4 due to death and retirement of permanent employees belongs to Group-D or equivalent cadre and the respondents have not yet filled up those vacancies by any one. The applicants highlighting the aforesaid grievances, preferred number of representations to the concerned authority but same yielded no result in positive.

Copies of some of the representations are annexed herewith and marked as Annexure-E colly.

4.14. That the respondents adding insult to their injuries resorted to the process of filling up of some vacant posts in the Group C and D cadre by resorting to direct recruitment process without treating the applicants as departmental candidates. Apart from that the respondents with an intention to deprive the applicants resorted to such selection process at far away places and the applicants being poor employee could not participate in the said selection process due to their poverty. The applicants in number of occasion brought to the notice of the concerned authority about the said fact but same yielded no result in positive.

4.15. That at present all the applicants are enjoying the benefit of said Annexure-C scheme and they are at present Temporary Status worker. The respondents as stated above have adopted the Annexure-C scheme and granted the benefit to the present applicants. It is pertinent to mention here that since the establishment of the respondents are directly related to research and scientific development, under the respondents there are filed divisions which

24

includes field works. The respondents in order to promote the regularisation activity and with an intention to provide regularisation to their workers, adopted various schemes namely merit and normal assessment scheme (MANAS) and same was revised from time to time extending more and more benefits to its workers. As per the said scheme the cases of the present applicants are required to be considered for regularisation even if by creating supermenarary posts. The cases of the present applicants are also covered by the said scheme (MANAS) as well as its subsequent clarifications issued from time to time.

The applicants crave leave of this Hon'ble Court to produce the said scheme as well as its subsequent clarifications at the time of hearing of this case.

4.16. That the applicants beg to state that in the midst of above development, the respondents surprisingly enough issued an OM dated 26.4.04 clarifying the Annexure-C scheme. In the said OM although there has been a categorical mention that same would be applicable to the recruittees on or after 1.1.04, the respondents sought to implement the same in case of the present applicants by issuing various orders.

A copy of the said OM dated 26.04.04 is annexed herewith and marked as Annexure-F.

4.17. That the applicants beg to state that the respondents have acted contrary to the Hon'ble Apex Court as well as Hon'ble Principle bench judgment pursuant to which



25

Annexure-B and Annexure-C schemes came in to force. The respondents without the leave of the Hon'ble Court could not have made modification of the said scheme mollifying its validity. The aforesaid action on the part of the respondents in fact an attempt to rewrite the aforesaid judgment which has attained its finality. The action on the part of the respondents is issuing the said OM dated 26.4.84 is in direct conflict with the aforesaid judgments and for which they are liable to be punished under contempt of court's order.

The applicant through this OA also pray before the Hon'ble Tribunal to draw appropriate contempt proceeding against each respondents for their willful and deliberate violation of the judgment passed by the Hon'ble Apex Court as well as principle Bench of the Hon'ble Tribunal and to punish each of them severely.

4.18. That the applicants as stated above kept on pursuing the matter before the authority concerned but same yielded no result in positive. The applicants having no other alternative hands of this Hon'ble Tribunal seeking redressal of their grievances as a last resort.

##### 5. GROUNDS

5.1. For that the respondents have acted contrary to the settled proposition of law in issuing the impugned orders as well as denying the legitimate claim of the applicants and as such their action/inactions are not sustainable and liable to be set aside and quashed.

26

5.2. For that the respondents have violated the direction contained in the Apex Court judgment as well as the judgment delivered by the Principal Bench of the Hon'ble Tribunal present to which the schemes i.e. Annexure-B and Annexure-C came in to force by making an attempt to rewrite the same and as such same is not sustainable and liable to be set aside and quashed.

5.3. For that the respondents have illegally discriminated the applicants in the matter of their regularisation against any Group-C and D cadre and as such same is not sustainable and appropriate directions need be issued to the respondents towards regularisation of their services with retrospective effect.

5.4. For that the applicants who are well qualified to hold any Group-C and D posts under the respondents and who have already rendered more than 20-30 years of continuous service, are fully covered by the guidelines indicated in Annexure-B and C as well as the guidelines contained in MANAS and its subsequent clarification issued from time to time.

5.5. For that the Respondents is known to be model employer ought not to have discriminated the present applicants in the matter of their regularisation by adopting pick and choose policy and as such entire action/inaction on the part of the Respondents are liable to be set aside and quash directing them to regularise the services of the present applicants.

27

5.6. For that in any view of the matter the action/inaction of the respondents are not sustainable in the eye of law and liable to set aside and quashed.

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

6. DETAILS OF REMEDIES EXHAUSTED:

That the applicant declares that he has exhausted all the remedies available to them and there is no alternative remedy available to him.

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

The applicant further declares that he has not filed previously any application, writ petition or suit regarding the grievances in respect of which this application is made before any other court or any other Bench of the Tribunal or any other authority nor any such application, writ petition or suit is pending before any of them.

8. RELIEF SOUGHT FOR:

Under the facts and circumstances stated above, the applicant most respectfully prayed that the instant application be admitted records be called for and after hearing the parties on the cause or causes that may be shown and on perusal of records, be grant the following reliefs to the applicant:-

8.1. To direct the respondents to regularise the services of the applicants with retrospective effect extending all the consequential service benefits including arrear salary.

28

8.2. To set aside and quash the OM dated 26.4.04 and its subsequent clarification if any.

8.3. Cost of the application.

8.4. Any other relief/reliefs to which the applicant is entitled to under the facts and circumstances of the case and deemed fit and proper.

9. INTERIM ORDER PRAYED FOR:

Pending disposal of this application the applicants pray for an interim order directing the respondents not to terminate the services of the applicants and to allow them to continue.

10. ....

11. PARTICULARS OF THE POSTAL ORDER :

(i) I.P.O. No.:

11 G 4222 67

(ii) Date:

29/9/04.

(iii) payable at Guwahati

12. LIST OF ENCLOSURES :

As stated in the Index.

29

VERIFICATION

I, Shri Rajat Tamuli, S/o Late Puspa Tamuli, aged about 46 years, presently working as Temporary Status Worker (Typist) under the Director, Regional Research Laboratory, Jorhat, Assam, do here by solemnly affirm and state that the statement made in this petition from paragraph 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100 are true to my knowledge and those made in paragraphs 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100 are matters records of records information derived therefrom which I believe to be true and the rest are my humble submission before this Hon'ble Tribunal.

I am the applicant No 1 in the present application and I have been authorised by the other applicants to swear this verification.

And I sign this verification on 4th day of October 2004.

Rajat Ch. Tamuli.

Gr. 'C'

ID No	Sl. No.	Name	Age	Father's Name	Joined as casual Worker	Got Temporary Status	Present Post
941	1	Mr. Rajat Tamuly	45 yrs	Late Puspa Nath Tamuli	1983	1994	T/s as Typist
956	2	Mr. Khirud Phukan	44 yrs	Late Padma Kt. Phukan	1985	1994	T/s as Bill Sec.
969	3	Mr. Himendra Hazarika	50 yrs	Late. Surendra Hazarika	1987	1994	T/s as Bill Sec
955	4	Mr. Kunja Bihari Rabha	38 yrs	Late Samiran Rabha	1985	1994	T/s in Analitical Div.
916	5	Mr. Sailen Bordoloi	45 yrs	Late Kanak Ch. Bordoloi	1980	1994	T/s in Geo. Sc. Div.
944	6	Mr. Jagat Bora	40 yrs	Late Padmadhar Bora	1983	1994	T/s in Electronics
959	7	Mr. Faban Saikia	39 yrs	Late Thaneswar Saikia	1986	1994	T/s in Civil Engg.
943	8	Mr. Madhab Ch. Bora	36 yrs	Late Jogendra Bora	1983	1994	T/s in Electrical

Gr. 'D'

ID. No.	Sl. No.	Name	Age	Father's Name	Joined as Casual Worker	Got Temporary Status on	Present Post T/s in
901	9	Mr. Nageswar Singh	46 yrs	Late Babulal Singh	1974	1994	AO's Sec
979	10	Mr. Rohit Bora	38 yrs	Late J. Borah	1982	1994	Civil Engg
936	11	Mr. Jiten Boruah	42 yrs	Late Tonkeswar Baruah	1982	1994	Civill Engg
914	12	Mr. Romen Saikia	40 yrs	Late Dibakar Saikia	1979	1994	Helper with Scientist
911	13	Mr. Purna Kt. Bora	42 yrs	Late Chandeswar Borah	1979	1994	Vehicle Sec.
913	14	Mr. Thaneswar Kosh	42 yrs	Late Tholok Kosh	1979	1994	Vehicle Sec.
937	15	Mr. Ramesh Bora	42 yrs	Late Bhugiram Bora	1982	1994	Vehicle Sec.
917	16	Mr. Prodip Saikia	39 yrs	Late Dehiram Saikia	1979	1994	Civil Engg
	17	Mr. Atul Bora				1994	Workshop (Carpenter)
	18	Mr. Arup Neog					-do-

Attended  
was  
Advocate

18 -  
Annexure - B  
F.No.4901412186-ESII(C)  
Government of India  
Ministry of Personnel, Public Grievances and Pensions  
Department of Personnel and Training  
North Block, New Delhi-110001 Dated, the 7th June, 1988

OFFICE MEMORANDUM

Subject: Recruitment of casual workers and persons on daily wages-Review of policy.

The policy regarding engagement of casual workers in Central Government Offices has been reviewed by Government keeping in view the judgement of the Supreme Court delivered on the 17th January, 1986 in the Writ Petition filed by Shri Surinder Singh and other vs. Union of India and it has been decided to lay down the following guidelines in the matter of recruitment of casual workers on daily wage basis:

- (i) Persons on daily wages should not be recruited for work of regular nature.
- (ii) Recruitment of daily wagers may be made only for work which is of casual or seasonal or intermittent nature or for work which is not of full time nature, for which regular posts cannot be created.
- (iii) The work presently being done by regular staff should be reassessed by the administrative Departments concerned for output and productivity so that the work being done by the casual workers could be entrusted to the regular employees. The Departments may also review the norms of staff for regular work and take steps to get them revised, if considered necessary.
- (iv) Where the nature of work entrusted to the casual workers and regular employees is the same, the casual workers may be paid at the rate of  $\frac{1}{30}$ th of the pay at the minimum of the relevant pay scale plus dearness allowance for work of 8 hours a day.
- (v) In cases where the work done by a casual worker is different from the work done by a regular employee, the casual worker may be paid only the minimum wages notified by the Ministry of Labour or the State Government/Union Territory Administration, whichever is higher, as per the Minimum Wages Act, 1948. However, if a Department is already paying daily wages at a higher rate, the practice could be continued with the approval of its Financial Adviser.
- (vi) The casual workers may be given one paid weekly off after six days of continuous work.
- (vii) The payment to the casual workers may be restricted only to the days on which they actually perform duty under the Government with a paid weekly off as mentioned at (vi) above. They will, however, in addition, be paid for a National Holiday, if it falls on a working day for the casual workers.

Attended  
was  
Advocate

(viii) In cases where it is not possible to entrust all the items of work now being handled by the casual workers to the existing regular staff, additional regular posts may be created to the barest minimum necessary, with the concurrence of the Ministry of Finance.

(ix) Where work of more than one type is to be performed throughout the year but each type of work does not justify a separate regular employee, a multifunctional post may be created for handling those items of work with the concurrence of the Ministry of Finance.

(x) The regularisation of the services of the casual workers will continue to be governed by the instructions issued by this Department in this regard. While considering such regularisation, a casual worker may be given relaxation in the upper age limit only if at the time of initial recruitment as a casual worker, he had not crossed the upper age limit for the relevant post.

(xi) If a Department wants to make any departure from the above guidelines, it should obtain the prior concurrence of the Ministry of Finance and the Department of Personnel and Training.

✓ All the administrative Ministries/Departments should undertake a review of appointment of casual workers in the offices under their control on a time-bound basis so that at the end of the prescribed period, the following targets are achieved:

(a) All eligible casual workers are adjusted against regular posts to the extent such regular posts are justified.

(b) The rest of the casual workers not covered by (a) above and whose retention is considered absolutely necessary and is in accordance with the guidelines, are paid emoluments strictly in accordance with the guidelines.

(c) The remaining casual workers not covered by (a) and (b) above are discharged from service.

2. The following time limit for completing the review has been prescribed in respect of the various Ministries/Departments:

- |  |          |
|--|----------|
| (a) Ministry of Railways   | 2 Years  |
| (b) Department of Posts, Department of Telecommunications and Department of Defence Production | 1 Year   |
| (c) All other Ministries/Departments/Offices   | 6 months |

Each Ministry should furnish a quarterly statement indicating the progress of the review in respect of the Ministry (proper) and all Attached/Subordinate offices under them to the Department of Personnel and Training in the proforma attached. The first quarterly return should be furnished to this Department by the 10th October, 1988.

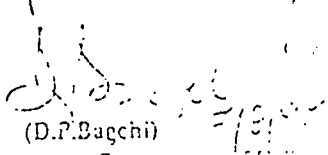
3. By strict and meticulous observance of the guidelines by all Ministries/Departments, it should be ensured that there is no more engagement of casual workers for attending to work of a regular nature, particularly after the review envisaged above is duly completed.

Attested  
no. 3  
Adv. scale



Head of Office should also nominate an officer who would scrutinise the engagement of each and every casual worker and the job for which he is being employed to determine whether the work is of casual nature or not.

4. Ministry of Finance etc. are requested to bring the contents of this Office Memorandum to the notice of all the appointing authorities under their respective administrative control for strict observance. Cases of negligence in the matter of implementing these guidelines should be viewed very seriously and brought to the notice of the appropriate authorities for taking prompt and suitable action against the defaulters.

  
(D.P. Bagchi)

Joint Secretary to the Government of India

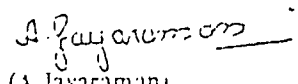
All Ministries/Departments/Offices of the Government of India as per the standard

No. 49014/286-25/C1

Dated the 14th June, 1988

A copy is forwarded for information and necessary action to:-

- .. All the Attached and Subordinate offices of the Ministry of Home Affairs and the Ministry of Personnel, Public Grievance and Pensions.
- .. Comptroller and Auditor General of India with 200 spare copies.
- .. Ministry of Finance (Controller General of Accounts) Lok Nayak Bhavan, New Delhi.
- .. Ministry of Finance (Department of Expenditure), Their U.O.No.S-5/EM/88 dated 9.3.1988 refers..
- .. Chief Controller of Accounts/Controller of Accounts of all Ministries and Departments of the Government of India.

  
(A. Jayaraman)  
Director

Copy to all officers and sections in the Ministry of Home Affairs and the Ministry of Personnel, Public Grievance and Pension.

Attended  
by  
Advocate

Quarterly Statement showing the progress made in  
the review carried out by various Ministries etc.  
about the casual workers engaged by them.

- (1) Name of Ministry/Department
- (2) No. of casual workers engaged as on 1.6.1988
  - a) in the Ministry proper
  - b) Attached & Subordinate offices

Total

- (3) No. of casual workers who have been given regular appointment as a result of review.
- (4) No. of casual workers whose services have been discontinued.
- (5) No. of casual workers whose services have been retained at the end of the quarter - (July-September, 1988, October to December, 1988 etc.)

Note: The first return for the quarter July, 1988 to September, 1988 should be furnished by the 10th October, 1988. Similarly subsequent returns should be furnished by the 10th of the month following the quarter.

No. 31(92)/81-G.  
New Delhi, 8.11.88.  
Ministry of Labour and Employment  
Government of India  
1. For the Ministry of Labour and Employment, Government of India.  
2. For the Ministry of Labour and Employment, Government of India.  
3. For the Ministry of Labour and Employment, Government of India.

(Signature)  
Sd/-  
-ms-

*Attended  
users  
Advocate*

22

Ministry of Personnel, P.G. and Pensions (Deptt. of Personnel and Training)  
OM No. 51016/2/90-Estt.(C) dated 10th September, 1993

(XVIII)

Subject : Grant of temporary status and regularisation 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  
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 OM No. 49014/2/86-Estt.(C) dated 7.6.88. The policy has further been reviewed in the light of the judgement of the CAT, 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 OM 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 Deptt. 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 OM 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. Parande  
Director

Attended  
Hosan  
Advocate

## APPENDIX

Department of Personnel and 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 OM 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.

Attested  
 near  
 Advocate

- 245 -  
37
- 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 at least 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 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.

Attended  
Nolan  
Advocate

25

38

- 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, provided they furnish two sureties from permanent Govt. servants of their Department.
- vii) Until they are regularised, they would be entitled to Productivity Linked Bonus/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 Disputes 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' 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 and 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

Attested  
M.A.S.  
Advocate

- 26 -

39

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 OM dated 7.6.88 should be followed strictly in the matter of engagement of casual employees in Central Government offices.

11. Department of Personnel and 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.

*Attended  
noon  
Advocate*

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

27

Annexure -

Original Application No. 306 of 2000

Date of order : This the 8th day of August, 2001.

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

Sri Sailen Bordoloi,  
Son of Sri Tarun Bordoloi,  
An employee of Regional Research  
Laboratory, Jorhat,  
Assam and 70 Ors.

...Applicants

By Advocate Mr. A. Verma.

-versus-

1. Union of India  
Represented by the Secretary to the  
Government of India, Department  
of Science and Technology,  
New Delhi-110001.
2. Director General of Council of Scientific  
Research, Rafi Marg,  
New Delhi.
3. Director  
Regional Research Laboratory  
P.O. Jorhat,  
District-Jorhat,  
Assam.

...Respondents

ORDER

CHOWDHURY J.(V.C.).

The applicants are 71 in number. All of them were appointed in the office of the Regional Research Laboratory, Jorhat, Assam as Muster Roll/Casual Labour between 1974 and 1990. All these applicants were conferred with temporary status with effect from 12.1.1994 vide Office Memorandum No. RLJ-9(2) Estt./DW/94 dated 16.11.1994. These applicants have now come before the Tribunal for a direction upon the respondent for regularisation of their services as per the scheme. Mr. A. Verma, learned counsel for the applicants referred some correspondences between the parties which indicated about existence of about 18 posts of Group C and D.

2. The respondents submitted its written statement and contended that the application is mis conceived.

Attested  
by  
Advocate



The applicants on conferment of temporary status would be given all the facilities admissible to them under the scheme.

2. In the written statement the respondents have stated that the applicants would be absorbed in phased manner only as and when such vacancies arises depending upon fulfilment of educational qualification.

3. Heard Mr. A. Verma, learned counsel for the applicants and Mr. B.C.Pathak, learned Addl. C.G.S.C. appearing on behalf of the respondents at some length. It is apparent that the respondent authority formulated a scheme mainly Casual Labour Absorption Scheme of CSIR, 1990. The scheme itself mentions about terms and conditions of regularisation. As per the said scheme absorption will be made on the availability of vacancies in Group and D cadre. From the records produced by the respondents shows that steps are being taken by them for absorption for these employees wherein the name of these applicants are also included. Since steps are being taken no direction need be issued on the respondents for regularisation of services of the applicants. It is expected that the respondents being public authority shall act as per the commitment by the professed policy. As alluded, the applicants have been granted temporary status and their case need now be considered for regularisation against the available vacancies or future vacancies at the earliest opportunity.

4. Subject to the observations made above the application stands disposed of. There shall, however be no order as to costs.

TRUE COPY

Sd/ VICE CHAIRMAN

24/5/01

Section Officer (I)  
 Deputy Secretary (General)  
 Central Board of Secondary Education  
 New Delhi-110 056

22/5/2001

Attested  
 was  
 Advocate

29 - Annexure - E 42  
Dated: 23rd October, 2002

To

Dr. Murli Monohar Joshi,  
Minister for HRD and Science & Technology and Vice President, CSIR,  
New Delhi.

Sub: Regularization of my service

Sir,

With due deference and profound submission I/we beg to lay before your Honour the following few lines for kind consideration and necessary action thereof.

That we/I am presently working as Temporary Status worker under RRL, Jorhat. Prior to that we were all working as Casual labour/skilled labour. In that capacity we worked nearly decades. *Some of us got our initial appointment as casual labour/skilled labour in the year 1974 and later on, not later than 1986. In the year 1994 by an O.M. dated 16/11/94 we have been conferred with the benefit of Temporary Status as per the scheme holding the field.* Presently we are enjoying the benefit flown from the scheme, barring regularization.

That the matter of regularization as we have been made to understand by the competent authority would be considered subject to availability of vacancy relaxing the normal Rule for recruitment.

That we have seen some instances wherein interview for our regularization have been conducted that too in far away places. Being local recruitee, that too in our present capacity and status it is difficult for us to avail the opportunity without there being any financial support from the Department.

That undoubtably we are the experiment hands of RRL, Jorhat having long undisputed service background and as such in our case there should have been relaxation of normal recruitment Rules. Our precise prayer through this application is for our regularization relaxing the normal mode of recruitment and in the event of any interview for our regularization may kindly be held locally, so that all of us can complete the same. Apart from that the condition laid down in the order bearing No.4-2(28)/91-EII dt 6/08/2002 may kindly be modified to the extent of it's restriction regarding the fate of Temporary Status worker who remains unsuccessful in two chances.

That as stated above we have been working in the RRL, Jorhat since long and by now we have acquired the Temporary Status. However, our services are yet to be regularized. Taking into consideration various schemes including the scheme called MANAS and revised MANAS, our services are required to be regularized even without insisting for any sort of interview, even by creating super numarary post.

Attested  
MANAS  
Advocate

It is also being brought to your notice that right from 1994, when we were conferred with temporary status, till date neither a single of us were regularized nor any interview were held at RRL-Jorhat for regularization of TS workers as per the scheme. No additional post was created with an aim to absorb TS workers in regular post, which infact is against the spirit of the "Casual Workers Absorption Scheme, 1990". It may also be noted that since 1994, 9 persons working in Gr.I & Gr.II have expired while still working and 10 persons working in Gr.I & Gr.II have retired. Despite this no recruitment into Gr.I & Gr.II were held for regularization of TS workers.

In that view of the matter we earnestly request your Honor for consideration of our case for regularization invoking the provisions contained in the schemes mentioned above and to pass necessary order.

We hope and trust that your goodself would graciously be pleased to pass necessary order redressing our genuine grievances at an early date and for that we shall remain ever grateful.

Thanking you,

Your's faithfully,

Name of T/S Employees

Signature in full

1. Shri Rajat Tamuly
2. Shri Khirud Phukan

- Copy to: 1) Shri Atal Bihari Bajpayee,  
Honourable Prime Minister of India,  
And President, CSIR, New Delhi-1.  
New Delhi.
- 2) Dr. Murli Monohar Joshi,  
Minister for HRD and Science & Technology and Vice President, CSIR,  
New Delhi.
- 4) The Director General, CSIR, New Delhi-1.
- 5) The Director, RRL, Jorhat, Assam, INDIA.

contd. to p/2

*Attested  
Advocate*

- 31 -

Annexure - E

44

To  
The Director,  
Council of Scientific & Industrial Research,  
Rafi Marg, New Delhi-1.

Date: September 20, 2002

**Sub: Regularization of our service**

Sir,

With due deference and profound submission we beg to lay before your Honour the following few lines for kind consideration and necessary action thereof.

That we presently working as Temporary Status worker under RRL, Jorhat. Prior to that we were all working as Casual labour/skilled labour. In that capacity we worked nearly decades. *Some of us got our initial appointment as casual labour/skilled labour in the year 1977 and later on, not later than 1986. In the year 1994 by an O.M. dated 16/11/94 we have been conferred with the benefit of Temporary Status as per the scheme holding the field.* Presently we are enjoying the benefit flown from the scheme, barring regularization.

That the matter of regularization as we have been made to understand by the competent authority would be considered subject to availability of vacancy relaxing the normal Rule for recruitment.

That we have seen some instances wherein interview for our regularization have been conducted that too in far away places. Being local recruitee, that too in our present capacity and status it is difficult for us to avail the opportunity without there being any financial support from the Department.

That undoubtably we are the experiment hands of RRL, Jorhat having long undisputed service background and as such in our case there should have been relaxation of normal recruitment Rules. Our precise prayer through this application is for our regularization relaxing the normal mode of recruitment and in the event of any interview for our regularization may kindly be held locally, so that all of us can complete the same. Apart from that the condition laid down in the order bearing No.4-2(28)/91-ElI dt. 6/8/02 may kindly be modified to the extent of it's restriction regarding the fate of Temporary Status worker who remains unsuccessful in two chances.

That as stated above we have been working in the RRL, Jorhat since long and by now we have acquired the Temporary Status. However, our services are yet to be regularized. Taking into consideration various schemes including the scheme called MANAS and revised MANAS, our services are required to be regularized even without insisting for any sort of interview, even by creating super numary post.

In that view of the matter we earnestly request your Honour for consideration of our case for regularization invoking the provisions contained in the schemes mentioned above and to pass necessary order.

We hope and trust that your goodself would graciously be pleased to pass necessary order redressing our genuine grievances at an early date and for that we shall remain ever grateful.

Thanking you,

Your's faithfully,

Name of T/S Employee

Signature in full

1. Shri Rajat Tamuly
2. Shri Khirud Phukan

Copy to: 1) The Director General, CSIR, Rafi Marg, New Delhi-1.  
2) The Administrative Officer, RRL, Jorhat.

contd. to p/2

Attended  
was  
Advocate

New Delhi-110001 dated the 26th April, 2004

OFFICE MEMORANDUM

Subject:- Introduction of New Pension Scheme -Modification of scheme for grant of temporary status.

The undersigned is directed to say that the scheme for grant of temporary status and regularization of casual workers in Central Govt. Offices formulated in pursuance of the judgement dated 16-2-90 of the Central Administrative Tribunal Principal Bench in the case of Raj Kamal & Others vs. Union of India has been reviewed in the light of introduction of New Pension Scheme in respect of persons appointed to the Central Govt. service on or after 1-1-2004 and it has been decided to modify the scheme as under:-

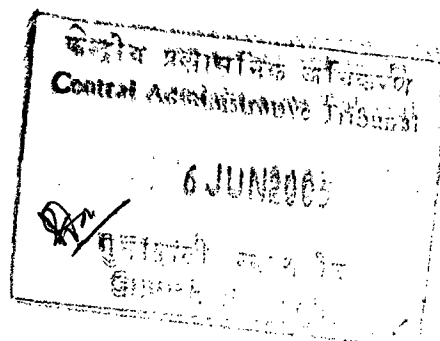
- (i) As the new pension scheme is based on defined contributions, the length of qualifying service for the purpose of retirement benefits has lost its relevance, no credit of casual service, as specified in para 5(v), shall be available to the casual labourers on their regularization against Group 'D' posts on or after 1-1-2004.
- (ii) As there is no provision of General Provident Fund in the new pension scheme, it will not serve any useful purpose to continue deductions towards GPF from the existing casual employees, in terms of para 5 (vi) of the scheme for grant of temporary status. It is, therefore, requested that no further deductions towards General Provident Fund shall be effected from the casual labourers w.e.f. 1-1-2004 onwards and the amount lying in their General Provident Fund accounts, including deductions made after 1-1-2004, shall be paid to them.

2. The existing Guidelines contained in this Department's OM No. 49014/2/86-Estt(C) dated 7-6-88 may continue to be followed in the matter of engagement of casual workers in the Central Government Offices.

*P. Mohan*  
(Smt. Pratibha Mohan)  
Director

To All Ministries/Departments of Govt. of India and their Attached and Subordinate Offices.

*Attended  
was  
Advocate*



46  
Filed by  
Adel Roy  
Advocate  
7/6/05

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

**ORIGINAL APPLICATION No.254 OF 2004**

Shri Rajat Tarnuly & 17 Others

...

Petitioner

**- Vs -**

The Union of India & 3 Others

...

Respondents

**IN THE MATTER OF**

Written Statement submitted by the

Respondent No.1, 2, 3 and 4.

**Preliminary submissions:**

1(A). CSIR is a Society registered under the Societies Registration Act, 1860 and follows Service Rules such as FRs/SRs, HBA Rules, CCS (MA) Rules, CCS (Pension) Rules, CCS (Leave) Rules, CCS (Conduct) Rules, CCS (CCA) Rules etc. for its employees. CSIR has a chain of 38 Laboratories/Institutes spread all over India under its administrative control.

For absorption/regularization of casual workers, CSIR formulated "Casual Workers Absorption Scheme 1990". The casual workers identified for absorption under "Casual Workers Absorption Scheme, 1990" were conferred temporary status in terms of DoPT OM dated 10.09.1993, with the approval of GB as communicated vide CSIR letter dated 27.06.1994. In terms of para B(v) of CSIR letter dated 27.06.1994, 50% of the service rendered under temporary status would be counted for the purpose of retirement benefits after their regularization and as per para B(vi) after rendering three years continuous service after conferment of temporary status, the casual labourers would be treated on par with temporary Group-D/Group-C employees for the purpose of contribution to the General Provident Fund.

Cont.....

- 2 -

In view of the introduction of New Pension scheme in respect of persons appointed to the Central Govt. service on or after 01.01.2004 the Govt. reviewed and modified the scheme of conferment of temporary status to casual workers (**Annexure -I**) as under:

- (i) As the new pension scheme is based on defined contributions, the length of qualifying service for the purpose of retirement benefits has lost its relevance, no credit of casual service, as specified in para 5(v), of the scheme circulated by Govt. of India shall be available to the casual labourers on their regularization against Group 'D' posts on or after 01.01.2004.
- (ii) As there is no provision of General Provident Fund in the New Pension scheme, it will not serve any useful purpose to continue deductions towards GPF from the existing casual employees, in terms of para 5(vi) of the scheme for grant of temporary status. No further deductions towards General Provident fund shall be effected from the casual labourers w.e.f. 01.01.2004 onwards and the amount lying in their General Provident Fund accounts, including deductions made after 01.01.2004, shall be paid to them.

In view of the modifications effected by the Govt. of India vide OM No.49014/1/2004/Estt.(C) dated 26.04.2004 CSIR consequently also modified the scheme in toto (**Annexure-II**).

2. It is most humbly submitted that there is no change in the factual as well as legal status of the applicants and the CSIR Scheme of Absorption and grant of Temporary Status to the identified casual labourer is still in progress and being implemented by following the procedure laid down therein. Whenever there is any request from any of the laboratories/institutes of CSIR for absorption of staff against the post for which the persons are eligible has been circulated to all these persons in the RRL-Jorhat in parti-

cular and other casual labourer having temporary status in general as per their eligibility vide office memorandum No.RLJ-14(300)-Estt/2003 dated 15.12.2003, No.RLJ-14(300)-Estt./2004 dated 19.03.2004, No.RLJ-14(300)-Estt./2004 dated 27.08.2004, No.RLJ-14(300)-Estt./2004 dated 20.08.2004 and No.RLJ-14(300)-Estt./2004 dated 01.12.2004. ✓

Copies of O.Ms dated 15.12.2003, 19.03.2004, 27.08.2004, 20.08.2004 and dated 01.12.2004 are annexed hereto and marked as "Annexure-III" (series).

hmp 3. It is pertinent to mention here that all these applicants refused to apply for consideration in various laboratories/institutes as mentioned in Office Memorandum. This clearly shows that they are not making serious efforts to get permanent appointment in CSIR outside RRL-Jorhat, rather they want to continue in RRL-Jorhat where all the persons cannot be absorbed as there is no vacancy to consider their candidature. They have misconceived motive and are making attempts to mislead the Hon'ble Tribunal by filing the present O.A. No.254/2004.

4. It is humbly submitted that the contention of the applicants that the respondents are not following the CSIR Absorption Scheme is totally wrong and so far no persons were appointed from outside open quota. Sister Laboratories of respondents CSIR Headquarters are also circulating their requirements of manpower to persons having Temporary Status in Jorhat for applying to the vacant posts, and the applicants, if otherwise eligible may apply for consideration and their applications shall be considered as per rules. In view of the above, it is a fit case to be dismissed.

Preliminary objections:

1.(B). The present O.A. has been filed by the petitioners with the misconceived idea/motive and barred by the principle of 'res-judicata'. All these 18 applicants had ✓



joined in the earlier O.A. No. 306/2000 at Sl. No. 1, 5, 8, 10, 12, 13, 28, 29, 31, 32, 33, 44, 53, 54, 55, 57, 64 and 69. The subject matter raised by the applicants for their regularization in RRL, Jorhat was also raised earlier and the Hon'ble Tribunal was pleased to pass judgment and order dated 08.08.2001 in O.A. No.306/2000 (Annexure-D of the O.A.) and is barred by the principle of 'res-judicata'.

**4. Parawise written statement is submitted as follows:**

1. That with regard to the statement made in para 4.1 of the application, the respondents state that the contents of this para are false, misconceived and frivolous. As submitted in the preliminary submissions, the respondents are governed by the Rules covered under the CSIR Absorption Scheme. As per the scheme no casual workers having temporary status were eligible to get 50% of service rendered as temporary status counted for the purpose of retirement benefits after regularization. The OM dated 26.04.2004 is a subsequent modification of the Scheme of Temporary Status on introduction of new pension scheme. As the new Pension Scheme effective from 01.01.2004 is based on deferred contribution, the length of qualifying service for the purpose of retirement benefits lost its relevance and therefore, no credit of casual service would be available on regularization of casual workers conferred with temporary status against posts on or after 01.01.2004, therefore, their allegation of discrimination does not hold good. However, their contention that the respondents are duty bound to regularize the service of temporary status is neither valid nor correct. As per the CSIR Casual Workers Absorption Scheme, 1990 and subsequent instructions issued, these persons are to be considered against the vacant posts and those who do not appear in test/ interview in spite of age relaxation or who are not successful in two chances in a period of six months will be removed from casual engagement with one month's notice or payment in lieu thereof. However, while considering their regularization, there will be no dilution of qualification for the post. Hence their contention that they are to be

absorbed as a matter of right is not tenable. Their contention that recruitment from open market is being made is not true as no recruitment has been made nor there is a process of recruiting from outside against the post to which these persons are eligible.

2. That with regard to para 4.2 of the application needs no comments.

3. That with regard to statements made in para 4.3 of the application, the respondents state that it is admitted to the extent that these persons have joined RRL, Jorhat as casual worker from time to time. But their contention that at the time of their initial placement, necessary formalities of consideration of their qualification, age and suitability were considered are denied. Petitioners are trying to mislead the Hon'ble Tribunal and therefore they may be asked to submit the strict proof of evidence in support of their contention. It is submitted that their engagement as casual worker as submitted earlier was not against regular post but as per the need of the various projects sponsored by the outside agencies from time to time just to help and assist the Scientists in their work without following due procedure of recruitment and other required formalities. Therefore their contention that these petitioners were appointed as Gr. 'C' and Gr. 'D' against vacant posts is totally denied. The contention of these petitioners as per Annexure 'A' is not based on any rule and decision of the Competent Authority in RRL, Jorhat but they had been working in different capacities as submitted earlier to assist the Scientists in the manner as found suitable from time to time and no specific assignment have been notified to the petitioners. The temporary status has been granted to the petitioners without reference to the creation/availability of regular posts. Grant of temporary status does not entitle them to be brought on permanent establishment unless they are selected through regular selection procedure as per rules on the subject. On grant of temporary status to the petitioners their wages have been fixed at daily rates with reference to the minimum of the pay scales for a corresponding regular lowest Gr.D/Gr.C official, which commensurate with the educational

qualification/nature of work being performed including DA, HRA, CCA.

4. That with regard to the statement made in para 4.4 and 4.5 of the application, the respondents beg to state that the same issue was raised by the petitioners in O.A. No. 306/2000 and therefore they are barred by principle of 'res-judicata'. However, it is submitted before the Hon'ble Tribunal that the petitioners are eligible to be considered as per the CSIR Scheme of Absorption and subsequent instruction issued from time to time. With regard to the O.M. dated 26.4.2004, it is stated that it is applicable only for these persons who have been regularized after due process of law on or after 1<sup>st</sup> January 2004. None of the petitioners have been regularized, so, the O.M. referred by them as Annexure 'F' does not apply. However, it is resubmitted that the scheme is adopted and approved by the Governing Body (GB) of respondents. Therefore, the respondents are bound by their own scheme and subsequent instructions in conformity with the scheme. G.B. of respondents is the Competent Authority to approve the scheme and amendments, if any.

It is also submitted that there is no question of any discrimination to the petitioners and denial of benefit and the Respondents are duty bound to follow their own absorption scheme and the order of the Hon'ble Tribunal passed in 306/2000. The other averments are totally denied.

5. That with regard to the statements made in para 4.6 of the application, the respondents beg to state that the contents of this para are denied as misconceived and not as per facts and rule. As stated earlier these petitioners had worked in the office as per the need and exigency of various projects by the Project Leaders and there was no process of recruitment or engagement as per rule. They are bound to submit the strict documentary evidence in this regard that due process of law was followed in their engagements. It is also denied that prior to the Scheme of Absorption issued in 1990 of

the respondents, there were any absorption scheme in force under the control of the respondents.

6. That with regard to the statements made in paras 4.7, 4.8 and 4.9 of the application, the respondents beg to state that the respondents are governed by the relevant prevailing Scheme. There was no direct recruitment and no regularization was made ignoring or depriving the applicants. The Casual Workers Absorption Scheme 1990 provides that the casual workers will not have a right to claim regularization in the same Laboratories/Institutes. The persons may be posted in any Laboratory/Institute where the vacancies are available. The applicants were called for interview and to apply in the places where there were vacancies from time to time, but the applicants refused to appear either in interview or in applying to those places. Thus, they were not deprived by the respondents, but, they were themselves responsible for not being considered for regularization as they did not appear in interview and also chosen not to apply.

7. That in reply to para 4.10 it is submitted that the Scheme of DoPT OM dt. 10.09.1993, for grant of temporary status was adopted in CSIR with the approval of Governing Body. CSIR adopted a Scheme for grant of Temporary Status and applied to those who were covered under the CSIR Casual Workers' Absorption Scheme 1990 with certain modifications which were beneficial to casual workers in CSIR like extending the wage benefit working in corresponding regular scale in Gr.C post also (DoPT Scheme do not extend benefit to those casual workers engaged in comparable work of Gr.C posts) and by imposing a complete ban on open recruitment in Gr.C and D posts in CSIR and its Laboratories/Institutes till the casual workers having been requisite qualification are fully absorbed age relaxation is permissible to the extent of casual service rendered but no dilution of qualification is permissible.

8. That the respondents beg to state that it is admitted to the extent and also as stated earlier that the petitioners had filed the O.A. No.306/2000 and the Hon'ble Tribun-

nal passed the judgment. There is no factual and logical change in the legal status of the petitioners or respondents. Respondents are duty bound to follow the Scheme in the spirit of the order passed by the Hon'ble Tribunal. The petitioners are resorting to and attempting to abuse due process of law by filing the petition again on similar facts after 4 years. This is a clear case of "res judicata" as claimed in the Preliminary Objection.

9. That the respondents beg to state that the contents are vehemently denied that the petitioners are being denied their legitimate claim of absorption. The petitioners were not engaged against the vacant posts and, therefore, their contentions are denied. The respondent No.1 and other constituent Laboratories/Institutes are notifying their requirements of manpower from time to time and all these petitioners have been asked to apply for the same every time. Also RRL-Jorhat (vide No.RLJ-14(300)-Estt./04 dated 19.03.2004, 20.08.2004, 01.12.2004) has asked the Casual Workers with temporary status in the RRL-Jorhat as well as similarly placed in other Laboratories/Institutes to apply for these vacancies as per Scheme. There is no attempt to fill up these posts from outside except in those circumstances where no person having temporary status is otherwise eligible and available. It is also pertinent to mention here that the respondents are also duty bound to give preference to the compassionate appointments in this regard if found suitable as per the separate instructions because, if a Council Servant dies in harness, the widow/ward of the person is required to be given priority. For compassionate appointment Govt. of India's instructions have to be followed and the same are being followed.

10. That with regard to the statements made in para 4.14, the respondents state that it is not true that the cases of the applicants were not considered as departmental candidates. So far there was no direct recruitment to fill up the vacant posts so as to deprive the applicants of their chance of regularization. As and when there was necessity for Group C & D employees, the Temporary Status workers including the applicants were called for interview in different CSIR Laboratories/Institutes for appoint-

ments against regular posts at different places in the country wherever that particular Laboratory/Institute is/are situated. For instance, Shri Pradip Hazarika, T/S and Mrs. Mani Balmiki, T/S appeared in interview for regularization and were selected and posted at Chennai in existing vacancies. Likewise, Shri Harpal Balmiki, T/S and Shri Phuleswar Borah, T/S appeared in interview for regularization and were selected and posted at Hyderabad. All of them were called for interview at the places where there were vacancies and they appeared accordingly. Like the applicants, they did not refuse to appear in interview on the plea that the place of interview is far away and they were poor.

This is no ground as the different Laboratories/Institutes of respondents are scattered and situated at different parts of the country and bound to consider them in vacancies anywhere. The Scheme for absorption also provide that persons may be posted in any Laboratory/Institute where the vacancies are available and that casual workers will have no right to make a claim for regularization only in the Laboratory/Institute where they are engaged as casual worker.

Copy of the regular appointment of Temporary  
Status workers is annexed hereto and marked as  
**ANNEXURE-IV.**

11. That with regard to the statements made in para 4.15, the respondents beg to state that the Annexure-C Scheme as annexed to the OA is not at all applicable to the applicants. The applicants are just misleading the Hon'ble Court. However, in this connection it is stated that the Temporary Status workers are not covered by MANAS. The Scheme MANAS read with circular dated 13.01.1981 at no stage refer to recruitment and regularization of persons, as similar to these applicants. MANAS is not meant for regularization or recruitment. It is only meant for assessment and profession purpose.

12. That with regard to the statements made in paras 4.16, 4.17 and 4.18, the respondents beg to state that there was a provision in the Scheme of conferment of Temporary Status that the 50% service rendered under temporary status will count for the purpose of retirement benefit after regularization but consequent upon the introduction of new pension scheme based on defined contribution, the provision became irrelevant and therefore no credit of casual service will be available for those who are absorbed on or after 01.01.2004. Temporary Status workers who were regularized and posted observing the procedure prior to modification of the Pension Policy, will not come under the purview of O.M. dated 26.04.2004 (Annexure F of O.A.). But as per modified new Pension Policy, those who were regularized and posted on or after 01.01.2004, will come under the purview of O.M. dated 26.04.2004. The applicants, in spite of, getting call letters in different occasions, refused to appear in interview for consideration of regularization and if now any or all of them appear in interview and get regularization, in that case they will be covered by O.M. dated 26.04.2004. The said O.M. dated 26.04.2004 has been adopted by CSIR and was issued as per modified/new Pension Policy and there is nothing like attempt to re-write the judgment of the Hon'ble Apex Court or the Hon'ble Principal Bench of the Hon'ble Tribunal.

**5. Grounds**

That with regard to statements made in paras 5.1 to 5.6, the respondents beg to state that in view of the aforesaid statements, the applicants do not have any grounds for their regularization and posting as they themselves have not availed of the opportunity whenever that came to them and even refused to appear in interview for the purpose. For their such kind of behaviour and action none other than they themselves are responsible. However, it may be added that the respondents are a model employer and never discriminated with the applicants nor any facts have been brought to the notice of the Hon'ble Tribunal.

**VERIFICATION**

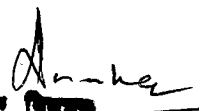
I, Shri Jitender Parasar, presently working as the Controller of Administration, Regional Research Laboratory, Jorhat and duly authorized by the Director, Regional Research Laboratory, Jorhat and competent to sign this verification do hereby solemnly affirm

and state that the statements made in paragraphs ~~of the~~ 1(A)(3), 4(A)(4), 4(1) to 4(9), 4(11) to 5 & 7 application are true to my knowledge and belief and those made in paragraphs 1(A), 1(A)(ii), 1(A)(2), 1(B), 4(10) 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 3 th day of

June, 2005.

**DECLARANT**

  
Controller of Administration  
क्षेत्रीय अनुसंधान प्रयोगशाला  
Regional Research Laboratory  
जयपुर / Jorhat-785 006



(12)

ANNEXURE-I

58

No.49014/1/2004-Estt. (C)  
Government of India  
Ministry of Personnel, Public Grievances and Pensions  
Department of Personnel & Training

New Delhi-110001 dated the 26th April, 2004

OFFICE MEMORANDUM

Subject:- Introduction of New Pension Scheme -Modification of scheme for grant of temporary status.

The undersigned is directed to say that the scheme for grant of temporary status and regularization of casual workers in Central Govt. Offices formulated in pursuance of the judgement dated 16-2-90 of the Central Administrative Tribunal Principal Bench in the case of Raj Kamal & Others vs. Union of India has been reviewed in the light of introduction of New Pension Scheme in respect of persons appointed to the Central Govt. service on or after 1-1-2004 and it has been decided to modify the scheme as under:-

- (i) As the new pension scheme is based on defined contributions, the length of qualifying service for the purpose of retirement benefits has lost its relevance, no credit of casual service, as specified in para 5(v), shall be available to the casual labourers on their regularization against Group 'D' posts on or after 1-1-2004.
- (ii) As there is no provision of General Provident Fund in the new pension scheme, it will not serve any useful purpose to continue deductions towards GPF from the existing casual employees, in terms of para 5 (vi) of the scheme for grant of temporary status. It is, therefore, requested that no further deductions towards General Provident Fund shall be effected from the casual labourers w.e.f. 1-1-2004 onwards and the amount lying in their General Provident Fund accounts, including deductions made after 1-1-2004, shall be paid to them.

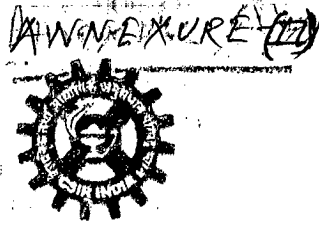
2. The existing Guidelines contained in this Department's OM No. 49014/2/86-Estt(C) dated 7-6-88 may continue to be followed in the matter of engagement of casual workers in the Central Government Offices.

P. Mohan  
(Smt. Pratibha Mohan)  
Director

To

All Ministries/Departments of Govt. of India and their Attached and Subordinate Offices.

(13)  
वैज्ञानिक तथा औद्योगिक अनुसंधान परिषद्  
COUNCIL OF SCIENTIFIC & INDUSTRIAL RESEARCH  
अनुसंधान भवन, 2, रफी मार्ग, नई दिल्ली-110 001  
Anusandhan Bhawan, 2, Rafi Marg, New Delhi-110001



5

17(68)/2003-E.11

10.6.2004

No. \_\_\_\_\_

Dated \_\_\_\_\_

From

संयुक्त सचिव (प्रशासन)  
Joint Secretary (Admn.)

To The Directors/Heads of all  
the National Labs./Instts.

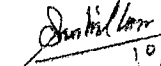
Sub: Applicability of New pension Scheme to new entrants recruited in service on or after 1.1.2004  
- clarification thereof.

Sir,

In continuation of this office letter of even no. dated 23.12.2003 regarding applicability of New pension Scheme to the employees of Autonomous Bodies/PSUs/under various Central Ministries/Departments, I am directed to state that in cases where the offer of appointments have been issued before 1.1.2004, and the incumbent joined duty on or after 1.1.2004, each individual should be specifically informed by the Lab. about the fact that they will be governed under the new Scheme instead of CCS(Pension) Rules, GPF Rules etc. as might have been reflected in the offer of appointment issued to them. As regards persons joining from other Central Govt. Department/Autonomous/State Govt. Departments to CSIR on or after 1.1.2004 on immediate absorption basis or on foreign service terms and later seek absorption and governed by CPF or any other system but not pension scheme on GOI pattern in their parent department, they will be governed by new pension scheme. However, persons joining an autonomous body on or after 01.1.2004 from other Departments/Autonomous body/PSU/Central Universities having pension scheme on GOI pattern, will continue to be governed by existing pension scheme i.e. CCS(Pension) rules, 1972.

The above position may please be kept in view while considering any proposal for appointment and absorption on or after 1.1.2004.

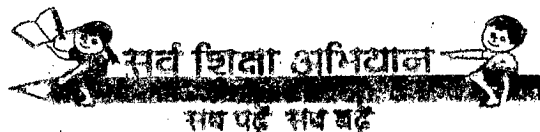
Yours faithfully,

  
10/6/04  
(Sushil Kumar)  
Deputy Secretary

Copy to:

1. All COA's/F & AO's of the Lab./Instts.
2. DS and PPS to DG, CSIR
3. US and PS to JS(Admn.), CSIR
4. PS to FA, CSIR
5. DS (CO), CSIR Hqrs./ DS, CSIR Complex
6. All Deputy Secretaries/Deputy FAs/ Divisional Heads in CSIR Hqrs.

Phones : EPABX-23710138, 23710144, 23710158, 23710468, 23710805, 23711251, 23714238, 23714249, 23714769, 23715303  
Fax : 91-11-23714788, Gram : CONSEARCH, NEW DELHI E-mail : csirhg@sirnetd.ernet.in



001-Estt/2003

Dated 15.12.2003

OFFICE MEMORANDUM

With reference to NCL, Pune letter No. NCL/C&P/  
ADVT.4/2003 dated 24.11.2003, regarding filling  
up of Administrative Posts in NCL, Pune among identified  
casual workers under CSIR casual workers absorption  
Scheme, the following T/S workers of this laboratory  
have been identified.

- 1 Shri K Kr Singh, T/S
- 2 Shri K B Rabha, T/S
- 3 Shri Rajat Tamuli, T/S
- 4 Shri Khirud Phukan, T/S
- 5 Shri Himendra Hazarika, T/S
- 6 Shri Purnakanta Hazarika, T/S
- 7 Shri Ratul Saikia, T/S
8. Shri Atul Gavan, T/S

Therefore, they are directed to submit their bio  
data (copy enclosed) along with their willingness in  
writing to appear for the test and interview on or  
before 15th December, 2003.

SECTION OFFICER

To

- 1 Shri K Kr Singh, T/S, RRL Sub-Stn. Maniour
- 2 Shri K B Rabha, T/S
- 3 Shri Rajat Tamuli, T/S
- 4 Shri Khirud Phukan, T/S
- 5 Shri Himendra Hazarika, T/S
- 6 Shri Purnakanta Hazarika, T/S
- 7 Shri Ratul Saikia, T/S
8. Shri Atul Gavan, T/S.

Recd. 4 00 P.M.  
15/12/03

3061  
16/12/03

16/12/03

52 15

568 ANNEEXURE-TU

REGIONAL RESEARCH LABORATORY : JORHAT : ASSAM  
(Council of Scientific & Industrial Research)

No. RLJ-14(300)-Estt./04

Dated 19.03.2004

OFFICE MEMORANDUM

With reference to NGRI Hyderabad letter No NGRI-7/58/2004-  
Reect. dated 03.03.04 regarding filling up of one post Safaiwala  
and one post of Junior Security Guard (Rs 2350-55-2660-60-3200) in  
NGRI Hyderabad amongst identified casual workers under CSIR casual  
workers absorption Scheme. the following T/S workers of this  
laboratory have been identified.

- |                               |                              |
|-------------------------------|------------------------------|
| 1. Shri Dimbeswar Dutta       | 31. Shri Nageswar Singh      |
| 2. Shri Rajen Ch Dutta        | 32. Shri Raju Goooi          |
| 3. Shri Loknath Boruah        | 33. Shri Prodip Saikia       |
| 4. Shri Prasanta Nath         | 34. Shri Bibul Baruah        |
| 5. Shri Rameswar Das          | 35. Shri Dilio Bordoloi      |
| 6. Shri Biren Saikia          | 36. Shri Purnakanta Borah    |
| 7. Shri Mahananda Deuri       | 37. Shri Kalamoni Kalita     |
| 8. Shri Rajit Ch Goooi        | 38. Shri Boloram Gavan       |
| 9. Shri Chandra Borah         | 39. Shri Chandra Borah (Sr.) |
| 10. Shri Jagot Dutta          | 40. Shri Purneswar Borah     |
| 11. Shri Ananta Baruah        | 41. Shri Montu Sarma         |
| 12. Shri Noren Goooi          | 42. Shri Dulal Sarma         |
| 13. Shri Prodip Hazarika      | 43. Shri Runit Borah         |
| 14. Shri Phuleswar Borah      | 44. Shri Dilio Kr Dutta      |
| 15. Shri Krishna Borah        | 45. Shri Lila Gandhia        |
| 16. Shri Lakshwar Hazarika    | 46. Shri Debeshwar Borah     |
| 17. Shri Ranjan Borah         | 47. Shri K Ibochu Singh      |
| 18. Shri Rajat Saikia         | 48. Shri H Th Singh          |
| 19. Shri Aruo Neco            | 49. Shri Rambahadur Thappa   |
| 20. Shri Raschucharan Balmiki | 50. Shri Kiron Saikia        |
| 21. Shri Panooti Banskur      | 51. Shri Nimai Chakravorty   |
| 22. Shri Dharam Pal Balmiki   | 52. Shri K C Teron           |
| 23. Shri Ramcharan Balmiki    | 53. Shri Romesh Borah        |
| 24. Shri Biren Borthakur      | 54. Shri Jiten Baruah        |
| 25. Shri Atul Gavan           | 55. Shri Labo Borah          |
| 26. Shri Binin Dutta          | 56. Shri Prodip Das          |
| 27. Shri Ananda Saikia        | 57. Shri Arun Borah          |
| 28. Shri Atul Bora            | 58. Shri Jiten Sardar        |
| 29. Shri Thaneswar Koch       | 59. Shri Rakhal Nayak        |
| 30. Shri Giridhari Balmiki    | 60. Shri Ramchi Balmiki      |

Therefore, they are directed to submit their respective bio-  
data alongwith their willingness in writing to appear for the test  
and interview by 26th March 2004. Copy of NGRI Notification  
No1/2004 alongwith Application form are enlosed.

TS : All concerned

SECTION OFFICER

O/c

REGIONAL RESEARCH LABORATORY : JORHAT : ASSAM  
(Council of Scientific & Industrial Research)

No. RLJ-14(300)-Estt./04

Dated 20.08.2004

OFFICE MEMORANDUM

With reference to Council of Scientific & Industrial Research, Jorhat, Assam, dated 14.08.2004, the undersigned is directed to fill up of one form of Technical Staff Form 117 and for UBD in the CSIR Hqrs. New Delhi amongst identified casual workers under CSIR casual workers absorption Scheme, the following T/S workers of this laboratory, have been identified.

- |                          |                         |
|--------------------------|-------------------------|
| 01 Shri Thanagar Koch    | 17 Shri Dilip Bordoloi  |
| 02 Shri Purnakanta Borah | 18 Shri Prodip Hazarika |
| 03 Shri Balaram Gavan    | 19 Shri Binoy Dutta     |
| 04 Shri Anil Kumar       | 20 Shri Anjan Borah     |
| 05 Shri Rajan Borah      | 21 Shri Anjan Borah     |
| 06 Shri Anjan Borah      | 22 Shri Anjan Borah     |
| 07 Shri Anjan Borah      | 23 Shri Anjan Borah     |
| 08 Shri Anjan Borah      | 24 Shri Anjan Borah     |
| 09 Shri Anjan Borah      | 25 Shri Anjan Borah     |
| 10 Shri Anjan Borah      | 26 Shri Anjan Borah     |
| 11 Shri Anjan Borah      | 27 Shri Anjan Borah     |
| 12 Shri Anjan Borah      | 28 Shri Anjan Borah     |
| 13 Shri Anjan Borah      | 29 Shri Anjan Borah     |
| 14 Shri Anjan Borah      | 30 Shri Anjan Borah     |
| 15 Shri Anjan Borah      | 31 Shri Anjan Borah     |
| 16 Shri Anjan Borah      | 32 Shri Anjan Borah     |

Therefore, they are directed to submit their respective bio-data alongwith their willingness in writing to appear for the test and interview by 25th August, 2004. (Proforma enclosed) If they fail to submit bio-data alongwith their willingness in writing to appear before the Test and Interview on or before 25th August/04, it will be presumed that they are not interested for absorption in CSIR Service and no claim will be entertained in future.

This issued with the approval of Competent Authority.

TO : All concerned

ADMINISTRATIVE OFFICER

17

ANNEXURE-III  
(SERIES)  
2

REGIONAL RESEARCH LABORATORY, JORHAT, ASSAM.  
(Council of Scientific & Industrial Research)

Dated: 27.08.2004

No. RLJ-14(300)-Estt./2004

OFFICE MEMORANDUM.

In pursuance of letter No.07-06(09)/2000-R&C dated. 31.05.2004, received from the Director, Central Electrochemical Research Institute, Karaikudi, Tamilnadu, regarding filling up of 4 Bearer posts from the Temporary Status of CSIR. Accordingly the following T/S were informed vide this Office O.M No.RLJ-14(300)-Estt./04 dated. 16.06.2004 to apply for the said posts. But no application from the Temporary Status of this Laboratory has received for onward transmission to Central Electrochemical Research Institute, Karaikudi, Tamilnadu.

Therefore it is promised that none of the T/S, workers are interested to getting absorbed in to CSIR system (Absorption Scheme) and their one chance will be forfeited for absorption. Their claim for future absorption will not be entertained.

1. Shri Dhaneswar Dutta,
2. Shri Rajan Ch Dutta,
3. Shri Locknath Baruah,
4. Shri Prasanta Nath,
5. Shri Rameswar Das,
6. Shri Biren Saikia,
7. Shri Mahananda Deuri,
8. Shri Rajit Ch Gogoi,
9. Shri Chandra Bora,
10. Shri Jagat Dutta,
11. Shri Ananta Baruah,
12. Shri Noren Gogoi,
13. Shri Prodip Hazarika,
14. Shri Krishna Bora,
15. Shri K.Ibochu Singh,
16. Shri Lokheswar Hazarika,
17. Shri Ranjan Bora,
18. Shri Rajat Saikia,
19. Shri Raghucharan Balmiki,
20. Shri Dharampal Balmiki,
21. Shri Ramcharan Balmiki,
22. Mrs. Panpoti Bansfur,
23. Shri Biren Borthakur,
24. Shri Atul Gayan,
25. Shri Bipen Dutta,
26. Shri Ananda Saikia,
27. Shri Atul Bora,
28. Shri Thaneshwar Koch,
29. Shri Arup Neog,
30. Shri Nageswar Bhag,

31. Shri Prodip Bhakta,
32. Shri Bipul Baruah,
33. Shri Dilip Bordoloi,
34. Shri Purnakanta Bora,
35. Shri Kolamoni Kalita, L
36. Shri Boloram Gayan,
37. Shri Chandra Bora, (Sr.)
38. Shri Puneswar Bora,
39. Shri Montu Sarmah,
40. Shri Dulal Sarmah,
41. Shri Rutil Bora,
42. Shri Dilip Kr Dutta,
43. Shri Lila Gondhia,
44. Shri Debeswar Bora,
45. Shri Raju Gogoi,
46. Shri M.Th. Singh,
47. Shri Ram Bahadur Thappa,
48. Shri Kiron Saikia,
49. Shri N. Chakraborty,
50. Shri K.C.Teron,
51. Shri Romesh Bora,
52. Shri Jiten Baruah,
53. Shri Loba Bora,
54. Shri Prodip Das,
55. Shri Arun Bora,
56. Shri Jiten Sarder,
57. Shri Rakhal Nayak,
58. Shri Ramsai Balmiki,
59. Shri Gonesh Phukan,
60. Shri Rudhul Chyan,

To  
Shri .....

(19) 11/11/04  
ADMINISTRATIVE OFFICER

REGIONAL RESEARCH LABORATORY, JORHAT, ASSAM  
(Council of Scientific & Industrial Research::)

No. RLJ-14(300)/Estt/2004.

Dated 01.12.2004.

OFFICE MEMORANDUM

With reference to National Physical Laboratory, New Delhi Letter No. 20/7(156)/2003 E.IV(PL) dated 16.11.2004 regarding filling up two posts of Gr D (N/T) (Peon, Frash and Safaiwala) in the scale of Rs 2550-3200/- exclusively reserved for S/T candidates in NPL, New Delhi amongst identified casual workers under CSIR casual workers absorption Scheme, the following T/S workers of this laboratory have been identified.

- |                                |                             |
|--------------------------------|-----------------------------|
| ✓ 01. Shri Dimbeswar Dutta     | 35. Sri Loknath Baruah      |
| ✓ 02. Shri Rajen Ch Dutta      | 36. Sri Raju Goooi.         |
| ✓ 03. Shri Loknath Baruah      | 37. Sri Prodip Saikia.      |
| ✓ 04. Shri Prasanta Nath       | 38. Sri Bioul Baruah.       |
| ✓ 05. Shri Rameswar Das.       | 39. Sri Dilip Bordoloi.     |
| ✓ 06. Shri Biren Saikia        | 40. Sri Purnakanta Bora.    |
| ✓ 07. Shri Mahananda Deuri     | 41. Sri Kulamoni Kolita.    |
| ✓ 08. Shri Rajit Ch Goooi      | 42. Sri Boloram Gavan.      |
| ✓ 09. Shri Chandra Borah       | 43. Sri Chandra Bora (Sr)   |
| ✓ 10. Shri Jaoot Dutta         | 44. Sri Monto Sarmah.       |
| ✓ 11. Shri Ananta Baruah       | 45. Sri Purneswar Bora.     |
| ✓ 12. Shri Noren Goooi         | 46. Sri Dulal Sarma.        |
| ✓ 13. Shri Prodip Hazarika     | 47. Sri Ruhit Bora.         |
| ✓ 14. Shri Dilip Kr. Dutta     | 48. Sri Rakhal Navak.       |
| ✓ 15. Shri Krishna Borah       | 49. Shri Maeswar Sinoh      |
| ✓ 16. Shri Lakshwar Hazarika   | 50. Sri Lila Gondhva.       |
| ✓ 17. Shri Bishil Gavan        | 51. Sri Ramsai Balmiki.     |
| ✓ 18. Shri Ranjan Borah        | 52. Sri Purneswar Kolita.   |
| ✓ 19. Shri Rajat Saikia        | 53. Sri Debeshwar Bora.     |
| ✓ 20. Sri K. Ibochu Sinoh.     | 54. Sri Jiten Sardar.       |
| ✓ 21. Shri Aschucharan Balmiki | 55. Sri M.Th Singh.         |
| ✓ 22. Ms Panoti Banstur        | 56. Sri Ram Bahadur Thappa. |
| ✓ 23. Shri Dharam Pal Balmiki  | 57. Sri Kiron Saikia.       |
| ✓ 24. Shri Ramcharan Balmiki   | 58. Shri Gonesh Phukan      |
| ✓ 25. Shri Giridhari Balmiki   | 59. Sri Nimai Chakraborty.  |
| ✓ 26. Shri Biren Borthakur     | 60. Sri Arun Bora.          |
| ✓ 27. Shri Atul Gavan          | 61. Sri Roman Saikia.       |
| ✓ 28. Shri Biolin Dutta        | 62. Sri K.C. Teron.         |
| ✓ 29. Shri Ananda Saikia       | 63. Sri Romesh Bora.        |
| ✓ 30. Shri Atul Bora           | 64. Sri Jiten Baruah.       |
| ✓ 31. Shri Thanewar Koch       | 65. Sri Laba Bora.          |
| ✓ 32. Shri Arup Meo            | 66. Sri Prodip Das.         |
| ✓ 33. Shri Tappi Tasu          | 67. Sri Punva Yaro          |
| ✓ 34. Shri Lenti Ao            | 68. Sri Lolit Chutia        |

Therefore, they are directed to submit their application in the prescribed proforma (copy enclosed) on or before 14th Dec. 2004 positively for onward transmission to National Physical Laboratory, New Delhi. If they failed to submit bio-data alongwith their willingness in writting to appear before the test and interview on or before 14th Dec. 2004 it will be presumed that they are not interested for absorption in CSIR service and no claim will be entertained in future.

To  
All Concerned.

ADMINISTRATIVE OFFICER.

O/c

CSIR Campus,  
Taramani,  
Chennai - 600 113.

19

No. MC/2/2/90-Rct. (Vol.II)

Dated: June 12, 2002

OFFICE MEMORANDUM

Sub: Appointment of Mrs. Muni Balmiki, Casual Worker (T.S.),  
RRL, Jorhat as Wash Boy (Canteen) under the Casual Workers  
Absorption Scheme of CSIR in the Departmental Canteen  
of CSIR Madras Complex, Chennai - 113.

With reference to her application for the post of Wash Boy (Canteen) in the CSIR Madras Complex, Chennai and on the recommendations of the Selection Committee which met on 17.05.2002, the Co-ordinating Director, CSIR Madras Complex, Chennai has been pleased to approve appointment of Mrs. Muni Balmiki, Casual worker (Temporary Status), Regional Research Laboratory, Jorhat as Wash Boy (Canteen) in the scale of pay of Rs. 2550-55-2660-60-3200 in the Departmental Canteen of this complex, on absorption, under the Casual Workers Absorption Scheme of CSIR, on an initial pay at the minimum of the scale, i.e. Rs.2550/- plus usual allowances as are admissible to the other Council employees of the same pay and status stationed at Chennai on the terms and conditions as given below:-

1. The appointment is under the Council of Scientific and Industrial Research which is an autonomous body.
2. The appointment is purely temporary. Her claim for confirmation will be considered in accordance with the rules in force. She will be on probation for a period of one year from the date of appointment which may be extended or curtailed at the discretion of the competent authority. During the period of probation, extended or otherwise, the appointment may be terminated at any time without notice on either side and without any reasons being assigned. However, after satisfactory completion of the probationary period, the appointment may be terminated at any time by a month's notice given by either side, viz. the appointee or the appointing authority. The appointing authority however, reserves the right to terminate the services of the appointee forthwith or before the expiry of the stipulated period of notice by making payment equivalent to the pay for the period of notice or for the unexpired portion thereof.
3. The appointment is provisional and is subject to the caste certificate being verified through the proper channels, and if the verification reveals that her claim to belong to Scheduled Caste is false, her services will be terminated forthwith without assigning any further reasons and without prejudice to such further action as may be taken under the provisions of the Indian Penal code for production of false certificate.

[P.T.O.]

hm



4. Her service is pensionable. She will be required to contribute compulsorily to the General Provident Fund at such minimum rate as may be prescribed by the CSIR from time to time.
5. She will not be entitled to any Travelling Allowance for reporting for duty or on termination of appointment under the Council.
6. She will be compulsorily enrolled as Member of CSIR Employees Group Insurance Scheme and the monthly subscription at a rate as prescribed for the appropriate group by CSIR will be deducted from her salary every month.
7. Her appointment is subject to the production of the following documents at her own expenses at the time of reporting for duty:
  - (i) Character Certificate in the prescribed form (Annexure I)
  - (ii) Medical Certificate of health and physical fitness for service from a Lady Registered Medical Practitioner in the prescribed form (Annexure II)
  - (iii) Documentary proof in respect of date of birth and educational qualifications..
  - (iv) Community Certificate, in original, in respect of SC/ST/OBCs candidates from the Competent Authority not less than the rank of a Tahsildar in the Prescribed form enclosed. (Annexure III)
  - (v) Attestation form, in triplicate, duly filled in (Annexure IV)
  - (vi) Orders granting Temporary Status to her.
8. On joining, she will have to take an oath of allegiance to the Constitution of India, in the prescribed form (Annexure V).
9. She will have to submit a declaration regarding restriction on marriage in the prescribed performa (Annexure VI)
10. Her services will be liable for transfer to any of the Units of the CSIR Madras Complex or to any of the Laboratories under the administrative control of the Council anywhere in India.
11. She will not be permitted to apply for any appointment outside CSIR during the period of her probation. She will have to withdraw her application for appointment elsewhere made prior to the date of issue of this order and will not be permitted either to appear for interview or accept employment offered.

12. If any declaration given or information furnished by her proves to be false or if she is found to have wilfully suppressed any material information, she will be liable to removal from service and such other action as may be deemed necessary.

13. The provisions of the Central Civil Services ( Classification, Control and Appeal) Rules, Central Civil Services (conduct) Rules and such other rules or executive orders as may, from time to time, be applicable to the servants of the Council, shall apply to the extent to which they are applicable to the appointment hereby offered and the decision of the Council as to their applicability shall be final.

14. In case she belongs to SC/ST communities, she should inform about the change, if any, of her religion to the competent authority immediately after such a change.

15. In regard to any other matter not specifically covered in the foregoing paragraphs, she will be governed by the rules and orders applicable to other employees of the Council.

If she is willing to accept the appointment on the terms and conditions stated above, she may report for duty to the undersigned immediately, and in any case, not later than one month from the date of issue of this offer, failing which this offer of appointment is liable to be treated as cancelled. She should communicate her acceptance of this offer of appointment and the probable date of joining duty or otherwise of the same, to the undersigned immediately.

  
(C. MANAVAZHAGAN)  
ADMINISTRATIVE OFFICER

Smt. Muni Balmiki  
Casual Worker (T.S.)  
Regional Research Laboratory  
P.O. Jorhat - 785006 (Assam)

## Copy to:-

1. Joint Secretary (Admn.), CSIR, New Delhi.
2. Director, Regional Research Laboratory, Jorhat - (w.r.f. to RRL, Jorhat letter No. RLJ-1(9)/Estt/95 dated 9.5.2002 ) and with the request to relieve Smt. Muni Balmiki , at the earliest.
3. Sr.Finance & Accounts officer
4. Establishment Section - 2 copies
5. Bills Section
6. Security Officer
7. PS to Co-ordinating Director.
8. Chairman, CMC departmental Canteen.
9. Secretary, CMC departmental Canteen.



## CENTRAL LEATHER RESEARCH INSTITUTE

(Council of Scientific &amp; Industrial Research)

Adyar, Chennai 600 020

Phone # 044-4915852

No. 5(462)/2000-EI

25 November 2002

✓ Shri Prodip Hazarika  
Temp status worker  
Regional Research Laboratory  
JORHAT 785 006  
ASSAM

Sub: Appointment of Shri Prodip Hazarika, as Technician Gr.II (1) at CLRI.

Sir,

On the recommendations of the Selection Committee at its meeting held on 22.11.2002, the Director, CLRI, has been pleased to offer you appointment, as Technician Gr.II (1) in the scale of Rs.3050-75-3950-80-4590 plus usual allowances as admissible under the rules to the Council employees of your pay and status on the following terms and conditions:

1. The appointment is under the Council of Scientific and Industrial Research, which is an autonomous body.
2. Your appointment will be subject to the production of the following documents at the time of your reporting for duty:
  - i. A Medical Certificate of Physical Fitness for service from a Civil Surgeon or District Medical Officer or Medical Officer of equivalent status (Not Honorary) in the prescribed form enclosed.
  - ii. Documentary proof in respect of your date of birth and educational qualifications. 6/7
  - iii. Two Character certificates from Gazetted Officers in the prescribed form enclosed.
  - iv. A Character certificate from a Gazetted Officer duly countersigned by a District Magistrate / Sub-Divisional Magistrate or their superior Officers in the form enclosed.
3. You will have to take an oath of allegiance to the Constitution of India.
4. You should sign a marriage declaration in the prescribed form enclosed.
5. You will be on probation for a period of one year which may be extended or curtailed at the discretion of the Competent Authority.
6. You will be eligible to subscribe to the Council's General Provident Fund the minimum of which is 6% of the emoluments and will be governed by CCS [Pension] Rules.

7. You will be governed by the New CSIR Group Insurance Scheme.
8. You will be liable for transfer to any of the establishment under the Administrative Control of the Council any where in India.
9. No travelling allowance will be paid for reporting for duty.
10. The provisions of the Central Civil Services [Classification, Control and Appeal] Rules and such other rules or executive orders as may be issued from time to time shall be made applicable to the extent they are applicable to the appointment hereby offered and decision of the Council as to their applicability shall be final; and
11. You will not, save with prior permission of the competent authority apply for any appointment outside CSIR during the period of your employment under the Council. You will not be permitted to apply for outside appointment during the period of your probation. You will have to withdraw your applications for appointment made elsewhere, to the date of issue of these orders and will not appear for any interview or accept any employment if offered.

In regard to any matter not specifically covered in the foregoing paragraphs you will be governed by the rules and orders applicable from time to time to other employees of the council.

12. Your services may be terminated as follows:

- i) During the probationary period extended or otherwise by either party without notice and without any reasons being assigned.
- ii) At any time on three calendar month's notice in writing given to you by the Council, if in the opinion of the Council, you prove unsuitable for the efficient performance of your duties.
- iii) By six calendar month's notice in writing given at any time during your service [except during the probationary period] by either side.

The Council may however, in lieu of the notice provided for in clauses (ii) and (iii) give a sum equivalent to the amount of pay for the period of notice. The Council may also give shorter notice on payment of a sum equivalent to the amount of pay for the duration by which the notice falls short of the period prescribed

The posts in Group II are presently classified as Technical and governed by Revised MANAS with respect to assessment and promotion. The classification of certain posts in Group II are under review by CSIR, and hence the classification as Technical or otherwise of the Group II (1) post offered hereby will be subject to the decision of CSIR and would be governed by the service conditions as would be made applicable hitherto.

22

70

:3:

If, you are willing to accept the offer of appointment as Technician Gr.II (1) on the above terms and conditions, you are required to report at this Institute, within a month from the date of this offer, failing which, the offer of appointment is liable to be treated as cancelled.

You should acknowledge the receipt of this letter and intimate to this office your willingness or otherwise to take up the appointment within a week from the date of receipt of this letter.

Yours faithfully

*K V Kunhi Raman* 25/02

(K V KUNHI RAMAN)  
ADMINISTRATIVE OFFICER

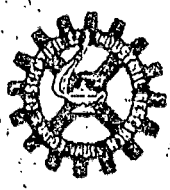
*[Signature]*

Copy to:

1. F& AO, CLRI - This appointment is made against a vacant post of Gr.II(1)
2. Section Officer E.II - together with relevant documents
3. Section Officer E.III / E.IV / Sr.Hindi Officer
4. PA to Director
5. Office Order file
6. Spare
7. Director, RRL, Jorhat.

23 (89)

Duplicate  
ANNEXURE-IV



**NATIONAL GEOPHYSICAL RESEARCH INSTITUTE**  
(Council of Scientific & Industrial Research)  
Uppal Road, Hyderabad-500 007.

No. NGRI-7/58/2003-Rectt.

Dated: 01-10-2003

From : The Director  
National Geophysical Research Institute.

To : Shri Harpal Balmiki,  
Casual worker (Temporary Status)  
Regional Research Laboratory,  
Jorhat-785 006 (Assam)

Subject:- Appointment of Shri Harpal Balmiki, Casual Worker (Temporary Status),  
as Junior Security Guard in the scale of pay of Rs. 2,550-55-2,660-60-3,200  
in National Geophysical Research Institute, Hyderabad.

\*\*\*

In pursuance of the Scheme entitled "Casual workers Absorption Scheme 1990" and on the recommendations of the Selection Committee which met on 1<sup>st</sup> October, 2003, the Director, National Geophysical Research Institute, Hyderabad has been pleased to approve of your appointment as Junior Security Guard in the scale of pay of Rs. 2,550-55-2,660-60-3,200 in National Geophysical Research Institute, Hyderabad on a initial pay of Rs. 2,550/- per month, plus usual allowances as admissible under the rules to the Council employees of the same Cadre stationed at Hyderabad, on the following terms and conditions:

01. The appointment is under the Council of Scientific and Industrial Research, which is an Autonomous Body.
02. Your appointment is temporary but likely to continue.
03. You will be liable for transfer to any of the Laboratories/ Institutes of the Council of Scientific and Industrial Research including their Regional Centres/Stations/Units etc. You will be required to perform such other duties as may be assigned from time to time by the Director, National Geophysical Research Institute, Hyderabad.
04. You will be on probation for a period of 01 (one) year which may be extended or curtailed at the discretion of the Competent Authority. During the period of probation, extended or otherwise, your appointment may be terminated at any time without notice and/or without assigning any reason.

Jyothirani  
11/10/03

- 72
- (90)
05. The service of a Temporary employee may be terminated by a month's notice on either side by the Appointing Authority, without assigning any reason. The Appointing Authority also reserves the right of terminating the services of the appointee forth with or before the expiry of the stipulated period of notice by making payment to you a sum equivalent to the pay and allowances for the period of notice or the un-expired portion thereof.
06. The service is Pensionable. You will be required to contribute compulsorily to the G.P.F. at such a minimum rate as may be prescribed by the Council of Scientific and Industrial Research, from time to time.
07. You will have to produce two Character Certificates from two different Gazetted Officers of the Central or Provincial Governments or Stipendiary Magistrate in the prescribed form.
08. No Travelling Allowance will be paid for reporting for duty,
09. Your appointment will be subject to production of the following documents:
- (a) Medical Certificate of fitness for service from a Assistant Civil Surgeon in the prescribed form enclosed (to be produced at the time of joining duty).
  - (b) Documentary proof in respect of your Date of Birth and Educational Qualifications (to be produced at the time of joining duty)
  - (c) In case you belongs to the Scheduled Caste/Scheduled Tribe/Other Backward Class Community, a Certificate issued by a District Magistrate or other Authorised Authority in support of your belonging to that Community. (to be produced at the time of joining duty).
  - (d) In case you have submitted any application to outside Organisations for appointment, the same should be withdrawn before you join the post.
  - (e) You are required to submit the "Attestation Form" (in duplicate) duly filled in all respects and a Character Certificate attested by District Magistrate or Sub-Divisional Magistrate or their Superior Officers, in the prescribed proformae enclosed.
10. You will have to take an Oath of Allegiance to the Constitution of India, in the form enclosed.
11. (a) If married, you will sign a declaration in the form prescribed (copy enclosed) that you have not more than one living spouse and you will not marry a second time while your first spouse is alive, save with the permission of the Competent Authority.
- (b) If unmarried, you will have to sign a declaration that you will not marry any person who have a spouse living, save with the permission of the Competent Authority.

*Jyothirani*  
#10/03



- (24) (91) 173
12. The period of Casual Service rendered by you in Regional Research Laboratory, Jorhat will be counted for the purpose of Pension, as per rules.
  13. The provisions of the Central Civil Services (Classifications, Central and Appeal) Rules, Central Civil Services (conduct) Rules and such other rules or executive orders as may amend from time to time, be applicable to the servants of the Council, shall apply to the extent to which they are applicable to the service hereby provided for, on the decision of the Council, as to their applicability shall be final.
  14. If any information or declaration given by you proves to be false or if you are found to have wilfully suppressed any material information, you will be liable to removal from service and such other action as may be deemed necessary.
  15. You are required to produce 03 (three) copies of your latest passport size photographs at the time of your reporting for duty.

If you are willing to accept the appointment on these terms and conditions, you are required to report for duty to the Director, National Geophysical Research Institute, Uppal Road, Hyderabad-500 007 immediately and in any case not later than One Month from the date of issue of this letter, failing which, this offer of appointment is liable to be treated as cancelled. You should communicate in writing your acceptance or otherwise of this offer of appointment and the probable date of your joining duty (in the enclosed form) within a week from the date of receipt of this letter.

N. JAYARAM  
CONTROLLER OF ADMINISTRATION

Copy to:

01. The Establishment Section, NGRI - Together with his original application. [His appointment as
02. The Accounts Section, NGRI. [Junior Security Guard has been made  
Vice Shri M.F. Baig, Promoted as LDC.



**NATIONAL GEOPHYSICAL RESEARCH INSTITUTE**  
(Council of Scientific & Industrial Research)  
Uppal Road, Hyderabad-500 007.

ANNEXURE IV

No. NGRI-7/58/2003-Recdt.

Dated: 14-06-2004

From : The Director  
National Geophysical Research Institute.

To : Shri Puleswar Bora  
Casual worker (Temporary Status)  
RRL, Jorhat, Assam.

Subject:- Appointment of Shri Puleswar Bora, Casual Worker (Temporary Status),  
as Jr. Security Guard in the scale of pay of Rs. 2,550-55-2660-60-3200  
in National Geophysical Research Institute, Hyderabad.

\*\*\*

Sir,

In pursuance of the Scheme entitled "Casual workers Absorption Scheme 1990" and on the recommendations of the Selection Committee which met on 10<sup>th</sup> June, 2004, the Director, National Geophysical Research Institute, Hyderabad has been pleased to approve of your appointment as Junior Security Guard in the scale of pay of Rs. 2,550-55-2660-60-3200 in National Geophysical Research Institute, Hyderabad on a initial pay of Rs. 2,550/- per month, plus usual allowances as admissible under the rules to the Council employees of the same Cadre stationed at Hyderabad, on the following terms and conditions:

01. The appointment is under the Council of Scientific and Industrial Research, which is an Autonomous Body.
02. Your appointment is temporary but likely to continue.
03. You will be liable for transfer to any of the Laboratories/ Institutes of the Council of Scientific and Industrial Research including their Regional Centres/ Stations/Units etc. You will be required to perform such other duties as may be assigned from time to time by the Director, National Geophysical Research Institute, Hyderabad.
04. You will be on probation for a period of 01 (one) year, which may be extended or curtailed at the discretion of the Competent Authority. During the period of probation, extended or otherwise, your appointment may be terminated at any time without notice and/or without assigning any reason.
05. The service of a Temporary employee may be terminated by a month's notice on either side by the Appointing Authority, without assigning any reason. The Appointing Authority also reserves the right of terminating the services of the appointee forth with or before the expiry of the stipulated period of notice by making payment to you a sum equivalent to the pay and allowances for the period of notice or the un-expired portion thereof.
06. The service is not pensionable. Your appointment as Junior Security Guard in NCRI will be governed by the new Defined Contribution Pension Scheme implemented w.e.f. 01-01-2004 which has been notified vide Government of India, Ministry of Finance, Department of Economic Affairs Notification dated 22<sup>nd</sup> December, 2003 and as adopted by CSIR.
07. You will have to produce two Character Certificates from two different Gazetted Officers of the Central or Provincial Governments or Stipendiary Magistrate in the prescribed form.
08. No Travelling Allowance will be paid for reporting for duty.

Controller of Administration  
National Geophysical Research Institute  
Hyderabad - 500 007.

Contd..2

09. Your appointment will be subject to production of the following documents:

- 75
- (a) Medical Certificate of fitness for service from a Assistant Civil Surgeon in the prescribed form enclosed (to be produced at the time of joining duty).
  - (b) Documentary proof in respect of your Date of Birth and Educational Qualifications (to be produced at the time of joining duty)
  - (c) In case you belongs to the Scheduled Caste/Scheduled Tribe/Other Backward Class Community, a Certificate issued by a District Magistrate or other Authorised Authority in support of your belonging to that Community. (to be produced at the time of joining duty).
  - (d) In case you have submitted any application to outside Organizations for appointment, the same should be withdrawn before you join the post.
  - (e) You are required to submit the "Attestation Form" (in duplicate) duly filled in all respects and a Character Certificate attested by District Magistrate or Sub-Divisional Magistrate or their Superior Officers, in the prescribed proformae enclosed.
10. You will have to take an Oath of Allegiance to the Constitution of India, in the form enclosed.
11. (a) If married, you will sign a declaration in the form prescribed (copy enclosed) that you have not more than one living spouse and you will not marry a second time while your first spouse is alive, save with the permission of the Competent Authority.
- (b) If unmarried, you will have to sign a declaration that you will not marry any person who have a spouse living, save with the permission of the Competent Authority.
12. The period of Casual Service rendered by you in National Geophysical Research Institute, Hyderabad will be counted for the purpose of Pension, as per rules.
13. The provisions of the Central Civil Services (Classifications, Central and Appeal) Rules, Central Civil Services (conduct) Rules and such other rules or executive orders as may amendend from time to time, be applicable to the servants of the Council, shall apply to the extent to which they are applicable to the service hereby provided for, on the decision of the Council, as to their applicability shall be final.
14. If any information or declaration given by you proves to be false or if you are found to have wilfully suppressed any material information, you will be liable to removal from service and such other action as may be deemed necessary.
15. You are required to produce 03 (three) copies of your latest passport size photographs at the time of your reporting for duty.

If you are willing to accept the appointment on these terms and conditions, you are required to report for duty to the Director, National Geophysical Research Institute, Uppal Road, Hyderabad-500 007 immediately and in any case not later than One Month from the date of issue of this letter, failing which, this offer of appointment is liable to be treated as cancelled. You should communicate in writing your acceptance or otherwise of this offer of appointment and the probable date of your joining duty (in the enclosed form) within a week from the date of receipt of this letter.

Encl: As above.

  
(N. JAYARAM)  
CONTROLLER OF ADMINISTRATION