

FORM NO. @
(See Rule 42)
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH.

ORDER SHEET

Original Application No. _____

Misc. Petition No. _____

Contempt Petition No. 34/05 (OA 339/04)

Review Application No. _____

Applicant(s) K.K. Mandal & ORS.

Respondent(S) U.O. 1 & ORS.

Advocate for the Applicants Miss Usha Das.

Advocate for the Respondent(S) Mr. K.K. Biswas ~~GGSG~~
Rly St. Counsel

Notes of the Registry Date Order of the Tribunal

This contempt petition has been filed by the Applicant under section 17 of the A.T. Act, 1985 for drawing up contempt proceedings against the Contemnors for their wilful and deliberate violation of the order dated 23.12.04 passed in OA No. 339/04 by this Hon'ble Tribunal, Guwahati Bench.

Laid before Hon'ble Court for orders.

[Signature]
9-12-05
Section Officer

File comply order dated 9-12-05.
NS
9-12-05

9.12.05 Heard Ms.U.Das learned counsel for the applicant. Issue notice to the respondents to show cause as to why the Contempt proceedings shall not be initiated against the alleged contemnors.

Post the matter on 24.1.06.
Personal appearance of the respondents is dispensed with for the time being.

[Signature]
Vice-Chairman

24.1.06 Heard Mr.K.K.Biswas, learned counsel for the contemnors and perused the reply by the contemnors. Ms.U.Das, learned ~~addressee~~ counsel for the applicant submits that this being a Division Bench matter and in order to get instruction from her client as to the purported compliance of the order of the Tribunal some time is required. Let it be done. Post the matter before the next Division Bench.

[Signature]
Vice-Chairman

-2-

09.03.2006 Present : Hon'ble Sri B.N. Som,
Vice-Chairman (A)

Hon'ble Sri K.V. Sachidanandan,
Vice-Chairman

Heard Ms. U. Das, learned counsel for
the petitioners and Mr. K.K. Biswas, learned
railway counsel for the respondents.

This contempt petition has been filed
by the petitioners for non-compliance of the
order dated 23.12.2004 passed by this
Tribunal in O.A. No. 339/2004, wherein this
Tribunal directed the applicants to make
representations to the respondents narrating
all the grievances and if such representation
is submitted by the applicants, the
respondents were directed to pass a
reasoned and speaking order within six
months from the date of receipt of the
representation.

The respondents have filed a part
compliance report No. E/63/CON/1(OA
339/04) dated 20.01.2006, wherein it is
stated the representation submitted by the
applicants has been considered, but re-
engagement could not be considered for want
of documents. Since the respondents
substantially complied with the order passed
by this Tribunal, we are of the considered
view that the Contempt Petition does not
survive. Hence, the Contempt Petition is
dismissed. It is made clear that if the
petitioners have further grievance it is not
restricted to approach the appropriate forum.

The Contempt Petition is accordingly
dismissed. No order as to costs.

Vice-Chairman (J)

Vice-Chairman (A)

Notice & order
sent to D/section
for issuing to
resp. Nos. 1, 2 by
regd. A/D post.

D/No = 16986
1699

DT = 20/12/05

Notice duly served

on resp. No-1.

23-1-06

① Notice duly served
on R No-1

② No Reply has been
biled.

25-1-06

Reply filed by
the Respondents.

Notice duly served
on resp. no. 2

Reply biled by the
respondant.

25-1-06

8.3.06

/mb/

09.03.2006 Present : Hon'ble Sri B.N. Som,
Vice-Chairman (A)

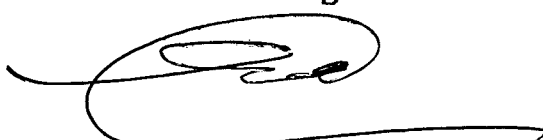
Hon'ble Sri K.V. Sachidanandan,
Vice-Chairman (J)

Heard Ms. U. Das, learned counsel for
the petitioners and Mr. K.K. Biswas, learned
railway counsel for the respondents.

The Contempt Petition has been filed
by the petitioners for non-compliance of the
order dated 23.12.2004 passed by this
Tribunal in O.A. No. 339/2004, wherein this
Tribunal directed the petitioners to make
representations to the respondents narrating
all the grievances and if such, representation
is submitted by the petitioners, the
respondents were directed to pass a reasoned
and speaking order within six months from
the date of receipt of the representation.

The respondents have filed a part
compliance report No. E/63/CON/1(OA
339/04) dated 20.01.2006, wherein it is
stated that the representation submitted by
the applicants has been considered, but re-
engagement could not be considered for want
of documents. Since, substantial compliance
report has been filed by the respondents, we
are of the considered view that the Contempt
Petition does not survive. Hence, the
Contempt Petition is dismissed. It is made
clear that if the petitioners have any further
grievance, they are not restricted to approach
the appropriate forum.

The Contempt Petition is dismissed
accordingly. Notice issued, if any, is
discharged.


Vice-Chairman (J)


Vice-Chairman (A)

/mb/

16.3.06

Cert of the order
has been sent to
the office for
submit the line
to the L/A & V. for
the applicant in
C.C. of order.
has been submitted
by the Rly. Staff
counsel for the
compliance

1

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH GUWAHATI

CP NO. 34/05

IN OA NO. 339/2004

K.K. MANDAL & ORS

.....APPLICANTS

-VERSUS-

UNION OF INDIA & ORS

.....RESPONDENTS

IN THE MATTER OF

An application under section 17 of the Administrative Tribunal Act, 1985 for drawing up contempt proceeding against the contemnors for their willful and deliberate violation of the order dated 23.12.2004 passed in AO No. 339/2004, by their Hon'ble Tribunal.

AND

IN THE MATTER OF

1. Shri Karuna Kanta Mandal
2. Shri Prabin Debry
3. Shri Hemo Mili
4. Shri Hiranya Bori
5. Shri Dilip Yadav
6. Smti Jaymati Boro
7. Shri Dharmendra Boro
8. Shri Surjya Kumar Mushahary
9. Shri Pratima Basumatary

3

Filed by
the Petitioner through
Alsha Das
Advocate
8/12/05

10. Shri Hitlar Koach
11. Shri Panidev Sutradhar
12. Shri Alashi Mushahary
13. Shri Jitu Das
14. Shri Suman Ali
15. Shri Lalit Rajbanshi
16. Shri Gopal Nandi
17. Shri Jogeswar Haloi
18. Shri Pinku Das
19. Shri Gautam Kalita
20. Shri Gagan Tamuli
21. Shri Umprakash Gupata
22. Shri Gautam Barman
23. Shri Akhil Hazari
24. Shri Prasanta Sen Deka
25. Shri Repen Bor
26. Shri Abdul Hussain
27. Shri Sanjib Das
28. Shri Nagen Tamuli
29. Shri Bhabesh Tamuli
30. Shri Haladhar Daimary
31. Shri Gwjwanlai Basumatary
32. Shri Hemen Tamuli
33. Shri Phulen Kharkatary
34. Shri Biswajit Ram Chiray
35. Shri Arun Bara
36. Shri Bhabananda Das
37. Shri Tilak Ch. Boro
38. Shri Dipak Ch. Boro
39. Shri Simanta Rabha
40. Shri Hari Chandra Roy
41. Shri Uma Sankar Sah

42. Shri Madhu Ram Deka
43. Shri Jadab Bhuyan
44. Shri Samir Mandal
45. Shri Bapan Yadav
46. Shri Milan Roy
47. Shri Haricharan oro
48. Shri Manindra Haloi
49. Shri Jyotish Das
50. Shri Dilip Dutta
51. Shri Kamal Boro
52. Shri Rabin Narzary
53. Shri Arun Swargiary
54. Shri Dilip Barman
55. Shri Mohan Daimary
56. Shri Binod Tamuli
57. Shri Santanu Dutta
58. Shri Hari Charan Das

.....Petitioners/Applicants

-Versus-

1. Shri A. K. Jain

The General Manager (Construction)
N. F. Railway, Maligaon.
Guwahati, Assam

2. Shri Arjun Rakshit

The Divisional Railway Manager,
Alipurduar Division, N.F. Railway,
Alipurduar

.....Contemners/Respondents

The humble petition on behalf of the petitioners above named
MOST RESPECTFULLY SWEWETH.

1. That the petitioners/applicants claiming the benefit of the regularization preferred the above noted OA No. 339/2004. The Hon'ble Tribunal was pleased to disposed the said OA vide its order dated 23.12.2004

A copy of the order dated 23.12.2004 is annexed
 herewith and marked as Annexure-1

2. That the petitioners immediately on receipt of the copy of the order submitted the same before the concerned authority vide their individual representations dated 22.2.2005 but till date nothing has been done in this matter even after expiry of the several months. The petitioners repeatedly kept on pursuing the matter before the concerned authority praying for implementation of the order dated 23.12.2004.

A copy of the representation dated 22.2.2005 is
 annexed herewith and marked as Annexure-2

3. That the petitioners beg to state that the respondents received the aforesaid representations filed by the petitioners. The respondents/contemnners have knowledge about the passing of the said order dated 23.12.2004 passed in AO No.339/2004, but in spite of this the respondents/contemnners have acted in a contemptuous manner. The respondents for such inaction and willful violation of the said order made themselves liable to be punished under Contempt of Court's Act.
4. That the petitioners beg to state that the contemnners have acted in violation of the order in not considering the case of the petitioners within the stipulated time frame and as such they are liable to be punished severely for their such action invoking the power under section 17 of the Administrative Tribunal Act, 1985

read with provision under Central Administrative Tribunal (Contempt of Court's) Rules 1992 as well as the provisions contained in the Contempt of Court's Act, 1971.

5. That this application has been filed bonafide and to secure ends of justice.

In the premises aforesaid it is most respectfully prayed that your Lordships would graciously be pleased to initiate appropriate contempt proceeding against the contemnners for their willful and deliberate violation of the order dated 23.12.2004 passed in OA No.339/2004, by this Hon'ble Tribunal, and to punish them severely invoking the power under section 17 of the Administrative Tribunal Act, 1985 read with Central Administrative Tribunal (Contempt of Court) Rules 1992 as well as the provisions contained in the Contempt of Courts Act, 1971 and/or may be pleased to pass any such order /orders as may be deemed fit and proper.

And for this act of kindness the petitioners as in duty bound shall ever pray.

DRAFT CHARGE

Whereas 1. Shri A.K. Jin, the General Manager (Construction), N.F. Railway, Maligaon, Guwahati. Assam, and, 2. Shri Arjun Rakshit, the Divisional Railway Manager, Alipurduar Division, N.F. Railway, Alipur have willfully and deliberately violated the order dated 23.12.2004 passed in OA No. 339/2004, passed by this Hon'ble Tribunal and as such they are liable to be punished severely invoking the power under section 17 of the Administrative Tribunal Act, 1985 read with provisions under Central Administrative Tribunal (contempt of Courts) Rules 1992 as well as the provisions contained in the Contempt of Courts Act, 1971.

AFFIDAVIT

I, Shri Rupen Baro aged about 35 yrs, son of 1. Baro, resident of 1. Rupnandhara, who is one of the petitioners in this Contempt Petition and hence competent to sign this affidavit do hereby solemnly affirm and state that the statement in paragraphs 3 to 5 are true to my knowledge and belief, those made in paragraphs 1, 2 being matter of records, are true to my information derived there from and the rest are my humble submission before this Hon'ble Tribunal. I have not suppressed any material fact.

And I sign this affidavit on this 30th day of NOV, 2005 at Gumwahati

Identified by me

Usha Das
advocate

DEPONENT

Sri Rupen Baro

Solemnly affirm and state by the deponent, who is identified by Miss Usha Das, Advocate, on this 30th day of NOV, 2005 at Gumwahati

Meenakanti Majumdar
Advocate
30/11/05

22.2.2005

10

To

- 1) The General Manager (Construction)
N.F. Railway, Maligaon,
Guwahati
- 2) The divisional Railway Manager (P)
Alipurduwar Division, N. F. Railway,
Alipurduwar

Sub- Order dated 23.12.2004 passed in OA No.339/2004 passed by the Hon'ble Central Administrative Tribunal, Guwahati Bench

Sir,

With due respect we beg to lay the following few lines for your kind information and necessary action thereof.

Sir, we on being selected were engaged as Casual Labor and were continuing as such in the respective posts. We completed requisite number of days, entitled for conferment of temporary status. Instead of regularizing our services, we were terminated prior to 1981.

There after the Railway authority had taken steps to fill up the reserve vacancies by way of special recruitment drive vide circular dated 13.4.1995. By the communication No. 6/37/2000-Gen/01 dated 26.4.2001 sent by the Director of National Commission for Scheduled Caste and Scheduled Tribes, State Office, Guwahati, Govt. of India addressed to you and stated that a list of 120 ex-casual laborers, were forwarded by DRM (P)/APDJ to GM/CON/MLG for verification vide endorsement dated 10.7.1995 where our names were also appeared. But our names are not yet approved by you and till now no action has been taken for our absorption.

Sir, we belong to very poor family and also belong to the protected class of persons listed as Scheduled Caste and Scheduled Tribes who are entitled for constitutional guarantee provided by the Constitution of India.

Sir, we the ex-casual laborers of Alipurduwar Division, N. F. Railways aggrieved by the action towards our engagement on and after 1.1.1981 and also to confer the benefits to us as casual labors under the rules and thereafter regularize our appointment to fill up the backlog vacancies meant for Schedule Tribe and Schedule Caste candidates approached the Hon'ble Central Administrative Tribunal by way of filing above noted Original Application.

The Hon'ble Tribunal after hearing the parties to the proceeding was pleased to dispose of the Original Application and directed the applicants to submit representations before you narrating our grievances and after receipt of the representations you are directed to examine the respective cases and scrutiny and verify our claims and to pass a reasoned and speaking order within 6 (six) months from the date of receipt of the representations.

In view of the facts and circumstances of stated above I request your Honor to scrutinize and verify my case and there after to consider my case for absorption against available vacancy as per direction of the Hon'ble Tribunal.

Thanking you

Yours faithfully

Arun Bose

Attested
as
Advocate

FORM NO. 4
(See Rule 42)

Annexure - 1

In The Central Administrative Tribunal

GUWAHATI BENCH : GUWAHATI

ORDER SHEET

APPLICATION NO.

339/04 OF 199

Applicant(s)

SM KIK Mandal & ors

Respondent(s)

K.O.I. & ors.

Advocate for Applicant(s)

Ms Usha Das

Advocate for Respondent(s)

My counsel.

Notes of the Registry

Date

Order of the Tribunal

23.12.2004

Present : The Hon'ble Mr. K.V. Prah-
lathan, Member (A).

Heard Ms. U. Das, learned counsel
for the applicants and also Mr. J.L.
Sarkar, learned counsel for the respond-
ents.

This is an application praying for
absorption against Grade - D post under
the Respondent No. 3. Since the normal
channel has not been exhausted by the
applicants, if they desire, may submit
representation to the respondents narra-
ting all the grievances. If such, repre-
sentation^{is} submitted by the applicants,
the respondents are directed to pass
reasoned and speaking order within six
months from the date of receipt of the
representation.

The O.A. stands disposed of. No
order as to costs

39-

Member (A)

Section Officer (Jr. II)

C. A. T. Guwahati Bench

Guwahati-5.

mb

23/9/05

Attested
Usha
Advocate

on 24.1.06 1
12
File No: 12
K.K. Mandal & Ors
Advocate
24.1.06

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH GUWAHATI

C.P. NO.34/05

IN OA NO.339/2004

K.K.MANDAL & ORS

.....APPLICANTS

-VERSUS-

UNION OF INDIA & ORS

.....RESPONDENTS

REPLY/REJOINDER BY THE CONTEMNER

The humble petition on behalf of the Respondents above named
MOST RESPECTFULLY SWEWETH:-

1. That it is humbly submitted that the Contemner/Respondents received the Hon'ble CAT's order dated 09.12.2005 in the above contempt petition arising out of OA No.339/2004 and have gone through the orders of the Tribunal along with the contents of the contempt petition filed by the above named Applicants.

2. That it is humbly submitted that after receiving the Hon'ble CAT's orders passed on 23.12.2004 in OA No.339/2004 by the Respondent's office on 23.3.2005 necessary steps were taken to ascertain whether the Applicants were engaged by the Railway Administration at

Received copy
Alsha Das,
Advocate
24/1/06

ASHOK KUMAR JAIN
General Manager,
N. F. Railway (Construction)
Maligaon, Gauhati-781011.

any point of time as casual labours and to make thereafter further compliance as ordered by the Hon'ble CAT.

3. That it is humbly submitted that the Respondents Railway Administration advised all the 65 Applicants vide this office letter No.E/63/Con/1 dated 27.4.2005 to submit documents in original in support of their rightful claim for engagement in construction organization by this Railway Administration so as to verify the records available in this office and to process further.

A copy of the above letter is annexed as
Annexure-'A'.

4. That is is humbly submitted that all the Applicants submitted their uncertified photo copies of discharge certificates in support of their claim, but not the original documents, e.g. casual labour service card which is the cardinal documentary evidence in support of any claim that a person was engaged by the Railway Administration as casual labour at any point of time in exigency of the railway work.

A photo copy of the uncertified discharged certificate produced by the Applicants is submitted herewith as an example of their submission of documents to this railway for verification of their records and is annexed as ANNEXURE-B.

5. That it is humbly submitted that the Respondents Administrative office had again taken the initiative by advising the Applicants vide this office letter No.E/63/Con/1 dated 15.9.2005 to submit the original documents in support to their rightful claim that they were at any point time engaged by the Railway Administration to work as casual labour for

General Manager,
N. F. Railway (Construction)
Maligaon, Guwahati-781001

GERARD J. MCGEE
 E. F. L. (C) 1911
 MILLIGAN, C. 1911

An example of such submission by the Applicants is annexed as ANNEXURE-D

7. That it is humbly submitted that PURSUANT TO THIS Hon'ble Tribunal's order in O.A. 339/2004 above, the Respondents Railway Administration, however, *suo moto* took necessary steps in the matter by deputing their responsible officials to verify the records so far available and to ensure genuineness of the photo copies of discharged certificates produced by all the Applicants in support of their claim for re-engagement in the Railway Administration as claimed for in their above Original Application. But on verification of records it was found that signatures on the photo copies of discharged service certificates produced by the Applicants do not corroborate with the signatures of officers/officials in the records kept and available in this office. Thus a doubt was raised regarding the genuineness of their claim and the certificates produced by the Applicants appear to be fake, fabricated and false, and therefore, could not be accepted to consider their cases for re-engagement by the Railway administration.

8. That it is humbly submitted in this connection that the cut-of date for the regularization/re-engagement of the discharged casual labours was on 1-1-81 and the discharged casual labours were to submit their applications by 31.3.87 as per

→ Railway Board's circular No.E(NG)II/78/CL/2 dt. 4.3.87 and 21.10.87.

The Railway Board further vide their Circular No.E(NG)II/96/CL/61 dt. 3.9.96 mandatorily directed all the Zonal Railways that an action plan were to be ensured by the Zonal Railways for absorption of all casual labours on roll and or whose names were in the live casual labour register/supplementary casual labour register and the process was to be completed by December 1997 so that a position of "no casual labour on roll" was achieved by that date. Accordingly, a massive drive was launched by the Respondents Railway Administration to absorb all the discharged casual labours after verification of their written representations/applications with the original casual labour certificates of engagement. It is pertinent to mention here that during that drive, although quite a number of applications were received from the discharged casual labours and their cases were disposed of on merit, there was no representation/application from the Applicants in the O.A. and no application for absorption/regularization of casual labour is pending with the Respondents Railway Administration.

Extracts of those circulars are annexed as

ANNEXURES – E, F, G.

9. That in this connection it is humbly submitted that the Railway Board vide their master circular communicated under letter No.E(NG)II/9/CL/Master Circular/157 dated 30.6.92 categorically mentioned that in view of the exigency of the service the engagement /induction of any labour as casual labour in nature

General Manager,
N. P. Railway Construction
Maligaon, Gauhati-781011

I should be engaged/inducted "as fresh face from the Open market" if at all it was absolutely necessary, and that too, with the prior personal approval of the General Manager. The said stipulation was also equally applicable to the Project Casual Labour and thus no fresh faces could be engaged/inducted whose names were not borne in the live Casual Labour register/supplementary casual labour register referred to in the para 7.8 and 7.9 of the said circular issued by Railway Board. Also, it is pertinent to mention here that "while seeking the General Manager's personal approval for such re-engagement of discharged casual labours, the number required to be taken from the live register should also be put up to him. In case of engagement of casual labour for such specific emergencies like restoration of breach etc., the period of their engagement also should be mentioned alongwith the number to be taken." So far the records are available with the Respondents Railway Administration, there appears to be no application/representation alongwith original casual labour card found available from the above named Applicants, what to speak of fulfilling the other conditions of service laid down in the said Master Circular.

A photo copy of the above Master Circular is
annexed as ANNEXURE - 'H'.

10. That it is humbly submitted that so far as preservation of records pertaining to engagement of casual labours are concerned, the normal preservation period in terms of extant instructions as per Ministry of Personnel,

Public Grievances, New Delhi is only for 3 years or one year after completion of audit whichever is later. In the instant case the claim of the Applicants pertains to the year 1984 to 1989 i.e. more than 20 years old, whereas the Applicants during the relevant period, when the Administration took steps to regularize such cases in the special drive as

General Manager,
N. F. Railway Construction,
Maligaon, Gauhati-781011.

mentioned in the foregoing para-8, have failed to approach the Administration to decide their claims.

A photo copy of the above circular issued by the Ministry of Personnel, Public Grievances, New Delhi and communicated by the GM(P), N.F.Railway, Maligaon vide No.E/191/26 Pt.VII (C) dated 17.05.2000 is submitted as Annexure-'I'.

11. That it is humbly submitted that inspite of the above categorical instructions of the concerned Ministry mentioned in the foregoing para the Respondents Railway Administration took all necessary steps to search out the documents of the Applicants in the aforementioned OA as directed by the Hon'ble CAT for consideration of their cases on merits. But the Applicants, as it appears from their submission, failed to submit any genuine documentary evidence in support of proof of their claim and the signatures on records as endorsed in the discharged certificates they produced do not tally with the signatures of the signatures available on official records.

12. That it is humbly submitted that the Respondents Railway Administration have given a reasoned reply with speaking order, as ordered by the Hon'ble CAT, to the Applicants in the above O.A., vide this office letter No.E/63/CON/1 (O.A. 339/04) dt.20-1-2006.

13. That in this connection it is further submitted that though in the contempt petition appears the names of S/Shri Jogeswar Haloi, Manindra Haloi & Santanu Dutta, their names were not borne in the Application filed before this Hon'ble Tribunal in the Original Application No.329/2004.

Geoffrey Haloi
N. F. Railway
Maligaon

14. That it is humbly submitted that prior to receipt of the applications enclosed with Hon'ble CAT's order no representation of whatsoever nature was received by the Respondents Railway Administration from the Applicants at all to examine their cases on merits.

15. That it is respectfully submitted that the Application in O.A. is also barred by limitation as per section 21 of the Administrative Tribunal Act, 1985, and , hence, is liable to be dismissed with costs to the Respondents.

16. That it is humbly submitted that the contemplation of the Petitioners in the contempt petition that the Respondents have delayed the matter deliberately and acted in violation of the order is not true. The records pertaining to the relevant period as claimed by the Applicants were of very old, as far back as 20 years, and necessarily it took much time and manpower to search out the documents available and there was no deliberate or intentional delay at any point of time on the part of the Respondents Railway Administration and the contemplation of the violation of the order, as alleged by the Petitioners, is also not true.


17. That it is humbly submitted that it would be evident from the documents, an example of which has been submitted alongwith this petition as Annexure 'D', that the claim of the Applicants is not rightful in nature; rather, the documents and claim for engagement as casual labour in the Railway by the Applicants are not tenable.


18. That it is humbly submitted that since the contention /submission of the Applicants are not genuine as verified with the records of the Respondents Railway Administration, their claim is not tenable in the eye of law and hence summarily be rejected ab initio and in limine. The

General Manager,
N. F. Railway (Central)
Maligaon, Guwahati-781011.

contempt petition is, therefore, to be dismissed with cost to the Respondents.

19. That it is humbly submitted that although all necessary steps were taken immediately after receiving the Hon'ble CAT's orders in the aforementioned OA by conducting a special drive to search out the records of almost two decades old and also to obtain experts' opinion so as to ascertain the genuineness and the righteousness of the claim of the Applicants in the OA, there might have been a little delay in compliance which was beyond control and not at all deliberate and intentional as is evident from the submission in the foregoing paras.

20. That with the most placid and suave submission this contemner submits that even if there was any delay which had been beyond the control of the Contemnners/Respondents, this  Contemner *Tendres* unconditional apology for the same.


ASHOK KUMAR JAIN

9

22


VERIFICATION

I, Shri Ashok Kumar Jain Son of Shri Bimal Prasad Jain aged about 58 years , by profession the General Manager(Construction), North East Frontier Railway Maligaon,Guwahati-781011 do hereby solemnly affirm and verify that the contents of paragraphs 1 to 14 are matters derived from official records and true to my knowledge, information and belief and the paras 15 to 20 are my humble and respectful submission before this Hon'ble Tribunal.

And I sign this verification on this _____ day of

_____ January,2006.

Place: Maligaon.
Date:



Signature of the Contemner

~~General Manager,~~
ASHOK KUMAR JAIN
N. F. Railway (Construction)
Maligaon, Gauhati-781011.

To
The Deputy Registrar,
Central Administrative Tribunal,
Guwahati.

Annexure 'A'

2324

10

(N)

NORTHEAST FRONTIER RAILWAY

Office of the
General Manager/Con
Maligaon:Guwahati-11

REGISTERED WITH A/D

No.E/63/Con/1

Dated:27.04.2005

To

Shri Probin Kr. Deka

Vill. Railway Colony

P.O. North Lakhimpur

Dist. Lakhimpur

Pin - 787001

Sub: OA No.339/04 before CAT/Guwahati.

Ref: Your application in terms of order dated 23.12.2004
Passed by CAT/Guwahati.

In reference to your mentioned application it is informed that records regarding your engagement as Casual Labour in Construction Organisation are not available in this office. As such it cannot be ascertained and verified whether you had worked as Casual Labour in this Construction Organisation or not.

You are, therefore, advised to submit documentary evidence, if any, in support of your engagement on casual basis in Construction Organisation within 15.05.2005 failing which it will be presumed that you have no records to prove your engagement in the Construction Organisation as claimed and in the event of which your application under reference will summarily and automatically stand disposed of without any further correspondence from this end.

Please acknowledge the receipt of this letter.

DESPATCHED
DATE 29/4

(A. K. Sinha)
APO/Con

For General Manager/Con

ofc

27/4

Annexure (B)

22

From,

Sri : Shri. Prabir Br Debn
Address : Vill : Railway Colony
P.O. : North Lakhimpur
Pin Code : 787001
Ward No : 2
Dist : Lakhimpur (Assam)

To,

General Manager (Con),
N.F. Railway,
Maligaon, Guwahati - 11

Sub. : OA. No.339/04 before CAT/Guwahati.
Ref. : Your letter No. E/63/Con/ Dt. 27-04-2005.

Sir,

In reference to your letter cited above, the following documents are submitted herewith for disposal please.

1. Casual labour card in Original / Duplicate duly attested.
2. Discharged letter of Rly. Authorise in Original/Photo copy duly attested.
3. Others documents if any.....

Kindly acknowledge the receipt.

Encl :

- 1.....
2. Discharged Letter Photo copy

Yours faithfully,

Shri. Prabir Br. Debn

KE11/BG/CON/BTVGN.

12-5-05

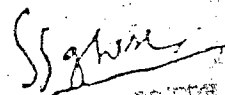
12

Office of the
XEN/BG/CON/BIEN.

Name : Shri. Babu Deory
Father's Name : Jagat Deory
Date of Birth : 02/05/68

He is appointed as a Gangman CL against ELR vacancy
and worked under XEN/BG/CON/BIEN on Six line project since
01/04/88..... to 31/12/88... and left/discharged from
his service due to


(LTI of Applicant)


Assistant Engineer/BG/CON
N.F. Railway, Bongaigaon.

Annexure - (C)

24
2

Registered with A/D

N.F.RAILWAY

Office of the
General Manager/Con
Maligaon:Guwahati-11
Date: 15.9.2005

NO:E/63/Con/I

To Shri Probin Kr. Deory
Vill. Railway colony
P.O. Nalki Lakhimpur
Dist. Lakhimpur
Pin - 787001

Sub: OA No.339/04(CAT/GHY)

Ref: Your application dated 12.5.05

You were advised vide this office letter of even No.dt.27.4.05, to produce documentary evidence in support of the claim that you have worked as casual labour w.e.f. 01.4.88 to 31.12.88. In response you have produced one uncertified photocopy of a certificate purported to be issued by Asstt.Engineer/BG/Con/BNGN.

You are once again advised to submit original documents if any available with you within 15 days without fail for verification of the case.

Please acknowledge receipt of this letter.

(A.K.Sinha)
15/9/05

APO/CON
For General Manager/Con

2897
RECEIVED
DATE

Annexure - (D)

14

25 92

To,

The General Manager (Con) N.F. Railway, Maligaon
Guwahati- 11.

Sub: Acknowledgement of original document with attested true copy:

Ref- Vide your Letter No E/63/con/1, Date: 15-09-05

Sir,

I have submitted my original working certificate (Discharge copy) in support of my claim.

After verification my original document may returned.

Thinking you

Yours faithfully

Shri. Poo bin Bor Deory

Address for communication

Village/W.No... Railway colony

P.O... North Lakhimpur

Pin-... 787001

Dist... Lakhimpur

Dt. 5-9-05

D.A.

1) Original Discharge letter

2) One Photocopy attested of discharge letter

3 Educational Certificates


4) Caste Certificate

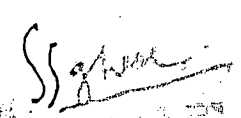
15
H.F. Railway

26
Office of the
MEN/DG/CON/INCH

Name : Shri. Prabin Deory
Father's Name : Jagat Deory
Date of Birth : 02/05/68

He is appointed as a Gangman CL against ELR vacancy
and worked under MEN/DG/CON/INCH on Six line project since
01/04/88..... to 31/12/88... and left/discharged from
his service due to


(L.I. of Applicant)


Assistant Engineer/DG/CON
H.F. Railway, Dongaigaon.

NORTHEAST FRONTIER RAILWAY.

OFFICE OF THE
GENERAL MANGER (CON)
MALIGAON.

No.E/57/CON-I/Pt.V


Dated 14/1993-

To
All Officers including
Finance & Audit,
N.F.Rly Const.Organisation.

12-8-93.

Sub:- Master Circular on Casual Labour.

A copy of Master Circular regarding casual labour circulated under Railway Board's letter No.E(NG)II/91/CL ME/157 of 30-6-92 received under CPO/MLG's letter No.195G/2-48(MS)(C)'B' dated 6-4-93 on the above subject is forwarded for information and guidance please.


(M.K.CHAKRABORTY)
APO/CON
for GENERAL MANGER(CON)

12/8/93

(Copy of Master Circular under Board's L/No.E(NG)II/9/CL Master Circular /157 dated 30-6-1992.)

Sub:- As above.

The instructions issued by the Railway Board from time to time on the subject of Casual Labour, are contained in serval letters. The Railway Board have now decided to consolidate the various instructions on the subject into a single body as a master circular, as below, for the information and guidance of all concerned.

Definition:

2. The term Casual Labour refers to Labour, whose employment is seasonal intermittent, sporadic or extends over short periods. Engagement of casual labour may be for a short duration on specific works or on Projects, still such time work is available. Labour of this kind is generally recruited from the nearest available source.

(Ref. Board's letter No.E(NG)60CL/13 dated 22.8.62, E(NG)1/77/CL/46 dated 8-6-81).

Contd.....2/-

-: 2 :-

Engagement of Casual Labour.

3. According to extant policy, the authorised strength of Casual Labour on a Railway both in the open line and in the Projects, (frozen as on 1.1.84. and) refixed as on 1.1.90, after taking into account factors like the number of posts created for decasualisation reduction in gang strength due to modernisation of track and introduction of machine maintenance, reduction in Project Casual Labour etc. should not be exceeded and fresh candidates (fresh faces) should not be engaged from the open market. However, to meet emergent situations, the ban will not apply and fresh candidates from the open market if absolutely necessary, should be taken only with the proper personal approval of the General Manager.

3.1 The above stipulation equally applies to Project Casual Labour also and CAO(R)'s have also to take prior approval of General Manager before engaging "fresh faces".

3.2 Casual Labour who have worked on the open line/Project in the past and who, after discharge, have not been re-employed and are borne on the live register will be re-engaged first against the requirement in the order of priority on the basis of the total period of service prior to their discharge, in preference to candidates from the open market. Also the re-engagement of discharged casual labour, borne on the live register/ supplementary casual labour register referred to in paras 7.8 and 7.9 of this circular against short term requirements as in emergencies or against requirements arising from the absorption of serving casual labour in regular Group-'D' posts, should have the prior personal approval of the General Manager. While seeking his approval for such re-engagement of discharged casual labour, the number required to be taken from the live register should also be put up to him. In case of engagement of casual labour for specific emergencies, like restoration of breach etc., the period of their engagement also should be mentioned along with the number to be taken.

(Ref: Board's letters No.E(NG)II/80/CL/5 dated 7-6-84, 20-12-84, E(NG)II/88/CL/34/dt.27-12-89, E/NG/II/88/CL/86 dated 8-12-88, 14-2-90, E/NG/II/89/CL/1 dated 23-2-90 and E(NG)II/89/CL/1 dated 25-10-90).

- 3 -

3.3 Subject to what has been mentioned in paras 3, 3.1 & 3.2 above, casual labour may be engaged only for the following types of work:-

- (a) Works of casual nature in the open line establishment, for which payment to the personnel engaged would be met from contingencies;
- (b) Projects irrespective of duration, including execution and implementation of the expansion and modernisation projects;
- (c) Seasonal labour sanctioned, for specific works of less than 190 days' duration and seasonal labour for hot-weather establishment like water carrier/Pankha Pullar engaged during summer for a period not exceeding 4 months.

4. For purposes of applying the instructions contained in paras 3, 3.1 & 3.2 above, a project should be taken as construction of new lines, major bridges, restoration of dismantled lines and other major important open line works, like doubling, etc., of tunnels etc., which are completed within a definite time limit. The GM/HODs concerned, in consultation with the FA&CAO, will decide whether a particular open line work is a project or otherwise. If the through track renewals include replacement of lighter section of rails by a heavier section or increasing the density of sleepers or provision of additional depth of ballast etc., these should be treated as works leading to an improvement in the carrying capacity and as such, irrespective of any financial limit, should be treated as a 'Project'. 'Casual renewals' or other 'through renewals', which do not lead to any improvement in the carrying capacity of a Railway will, however, not fall within the definition of 'Project'.

4.1 Casual Labour should not be employed-

- (a) For work on construction of wagons and ... similar other works of a regular nature. (Works of a regular nature cover Workshops, Loco Sheds, train-lighting establishments, C&W depots, Yards and Stations.).

19

30

(b) For Civil Engineering, Signal & Light maintenance works, except for seasonal fluctuating works, casual and occasional renewals;

(Ref: Board's letter No.E(NG)II/74/CL/27 dated 20-6-74.).

(c) as trolley men;

(d) in the Printing Presses; and

(e) in regular vacancies, whether permanent or temporary, and for performance of duties related to day-to-day administration.

NOTE: Casual Labour may be engaged for Mending/unloading operations at stations and Yards and also in unskilled categories for examining the wagons for water tight repairs during the monsoon season.

(Ref: Board's letter No.PC/AIT/72/89(3)(1) dated 17-9-73, E(NG)SOCL/13 dated 22-8-62 and E(NG)II/77/CL/46 dated 8-6-81).

4.2 Casual Labour should not be engaged in skilled and semi-skilled grades without trades test. There is a panel of trade tested candidates to be appointed as Casual Labour to cater to the needs on the open line is not available with the administration casual labour may be engaged in skilled/semi-skilled grades, without a trade Test, but their suitability should be affirmed well before they attain temporary status. Such engagement in Skilled grades should have the personal approval of an authority not lower in rank than a Divisional Engineer. Also the number to be so engaged should be kept to the absolute minimum.

(Ref: Board's letters No.E(NG)II/71/CL/83 dated 11-5-73 and E(NG)II/84/CL/50 dated 20-12-85).

Age & Educational Qualification.

5. Candidates from the open market to be engaged as fresh casual labour should conform to the age limit laid down for regular recruitment to Group.-'D' posts. Casual Labour should, at the time of initial engagement, be below 28 years of age, relaxable by 2 years in the case of Sch. castes and Sch. Tribes. They should not be retained beyond 50 years of age. Also they should possess the minimum educational qualification and other standards laid down for the particular department.

....5/-

20

31

--: 5 :-

(Ref: Board's letters No.E(NG)64/CL/25 of 29-1-66,
E(NG)II/79/CL/5 dated 16-5-79 and E(NG)II/88/
CL/34 dated 22-4-88).

SCREENING FOR ENGAGEMENT OF FRESH FACES.

6. Candidates to be engaged as casual labour fresh from the open market should be taken from lists, which should be prepared by each Division generally once a year, on receipt of the General Manager's sanction for the engagement of fresh casual labour. Inclusion of names in the list should be based on screening by a committee of three officers, one of whom should be an officer of the Personnel Branch and another from the Department concerned. Further, one of the members on the Screening Committee should be from the SCs/STs and one from a minority community by coopting a fourth officers, wherever necessary. The unit of recruitment should normally be the area of location of work where engagement of casual labour is necessary.

MEDICAL EXAMINATION/FITNESS.

6.1 Before a candidate included in the list is engaged as a fresh Casual Labour, he should be examined for medical fitness for the category in which he is likely to be absorbed eventually.

(Ref: Board's letter No.E(NG)II/88/CL/34
dated 22-4-1988).

SC/ST RESERVATION.

6.2 Percentages laid down in favour of Sch.Castes/Sch.Tribes for recruitment to Group-'D' categories on each Zonal Railway, Production Unit should be applied in the intake of casual labour both in the open line and in the Projects. Similarly, while re-engaging casual labour based on their seniority according to the number of days of service in earlier spells, Sch.Castes/Sch.Tribes should be engaged by going down the list, even if they had rendered lesser number of days of service so as to achieve the prescribed percentage of reservation.

(Ref: Board's letters No.79E/SCT/15/1
dt. 10-3-79, 80-E(SCT)15/15 dt. 20-10-81,
88-E(SCT)1/28/1 dt. 4-10-88 and
89-E(SCT)2/80/22 dt. 11-12-89.

(Contd....6)

EX-SERVICEMEN RESERVATION.

6.3 While engaging fresh faces as casual labour for works expected to last for some months, the orders regarding reservation for employment of Ex-servicemen should be followed in spirit, particularly where there is a large intake of personnel as in the case of new projects.

(Ref: Board's letter No.E(NG)/II/84/CL/92 dated 15-12-84).

6.4 In the matter of engagement of fresh casual labour from the open market, except for the intake of Sch.Castes/Sch.Tribes according to the percentages prescribed, as mentioned in para 6.2 above and in take of ex-servicemen(6.3 above), no preferential treatment should be given to anyone including the sons/wards of serving or retired railway servants.

(Ref: Board's letter No.E(NG)II/89/CL/NR/27 dated 13-3-1990).

6.5 The provisions contained in paras 6 to 6.2 above will not, however, be applicable to the engagement of fresh casual labour needed in emergency, flood relief work, accident relief and restoration of through communication etc.

6.6 In the matter of re-engagement of discharged Casual labour, the relevant provisions of the Industrial Disputes Act, 1947 and the rules framed there under should be kept in view, besides maintaining the practice of displaying on the notice Board about the availability of fresh employment to the discharged Casual labour.

(Ref: Board's letter No.E(NG)II/78/CL/2 dated 22-11-84).

6.7 At the time of re-engagement, the individual's casual labour card in regard to the entries about his past spells of service should be checked from the original paid vouchers to the extent possible. If the past service was in a different unit, the superior should get the entries in respect of service in that unit checked by making a written reference to that unit.

(Ref: Board's letter No.E(NG)II/83/CL/74 dated 4-2-84).

Status.

7. Casual Labour, who continue to do the same work for which they were engaged initially on the open line or other work of the same type for more than 120 days without a break, will be treated as temporary, after expiry of 120 days of continuous employment. For this purpose, the term 'same type of work' should not be too rigidly interpreted so as to cause undue suffering to Casual Labour by way of break in service because of a slight change in the type of work in the same unit. The term 'same type of work' should be interpreted in spirit as well as in letter and no casual labour should suffer in this matter. The various types of work, which may be considered as same type of work, may be grouped as under

- (a) Track renewals and linking- ballasting re-sleepering, relaying etc.
- (b) Masonry and concrete work- work on buildings, bridges, quarters, platforms etc.
- (c) Steel work- Erection of Bridge girders, sheds, shelters etc.
- (d) Earthwork- Foundations, embankments, platforms etc.
- (e) Fitting, smithy, Carpentry and such other artisan work and helpers and
- (f) all work performed by the unskilled casual labour working under the same IOW, P.W.I and Bridge Inspector etc., should be treated as doing the same type of work.

(Ref: Board's letter No. E(NG)II/71/CL/83 dt. 11.5.73 and E(NG)II/77/CL/46 dt. 8.6.81)

7.1 Casual Labour engaged on seasonal specific works of less than 180 days' duration if shifted from one work to another of the same type (e.g. relaying) and the total continuous period of such work at any time is of more than 180 days' duration they should be treated as temporary after the expiry of 120 days of continuous employment.

(Ref: Board's letter No. E(NG)II/77/CL/46 dt. 8.6.81).

7.2 Casual water carriers employed during summer season are eligible for temporary status on completion of 120 days of continuous employment. Continuous employment should be reckoned by counting the total number of days of continuous employment in various spells of engagement as water carrier in the post, commencing from the year 1985, provided the gap between any two spells has been caused due to the season being over or there being no work. Further, if a person engaged in the previous years is given an opportunity to work in the hot weather establishment in the subsequent year and he fails to avail the offer, he will have to start afresh. In the event of his engagement again in future.

(Ref: Board's letter No. E(NG)II/77, CL/R/4 dated 24-7-79, E(NG)II/82, CL/R/11, dated 25-1-85 and 10-12-85).

7.3 Casual Labour engaged on works which have been sanctioned upto the 31st March of the year should not be treated as having a break, if sanction to continue the works is given subsequently and the casual labour are engaged to finish the work.

(Ref: Board's letter No. PC-RLT/69/3(1) dated 12-7-1983).

7.4 Casual Labour employed in Projects on the Railway (also known as Project Casual Labour) shall be treated as temporary on completion of 360 days of continuous employment. This will apply to:-

- (a) Casual Labour on Projects on the service as on 1-1-81.
- (b) Casual Labour on Projects, who though not in service on 1-1-81, had been in service earlier and had been re-engaged after 1.1.81, had been in service earlier and had been re-engaged after 1.1.81 with continuous employment of 360 days or more to their credit prior to 1.1.81.
- (c) Casual Labour on Projects, who though not in service on 1.1.81 had on re-engagement after 1.1.81, either completed or would complete the period of 360 days of continuous employment.

.....9/-

7.5 Temporary status on these casual labour would be conferred as shown below:-

Length of service.

(i.e. continuous employment).

Date from which would be treated as temporary.

- | | | |
|-------|---|--|
| (i) | Those, who had completed five years as on 1.1.81. | From 1.1.81 |
| (ii) | Those, who had completed three years but less than five years as on 1.1.81. | From 1.1.82 |
| (iii) | Those, who had completed 360 days but less than three years as on 1.1.81. | From 1.1.83 |
| (iv) | Those who complete 360 days after 1.1.81. | From 1.1.84 or date on which 360 days of continuous employment is completed, whichever is later. |

NOTE : (i) Continuous employment would mean continuous engagement on the same work or the same type of work as explained in the earlier paragraphs.

(Ref: Board's letters No.E(NG)II/84/CL/41 dated 1-6-84, 25-6-84 and 11-9-86).

- (ii) Year for the purpose of determining the length of service should be taken as equivalent to 365 days i.e. 5 years/3 years should be equivalent to 1825 days (5x365)/1095 days (3 X 365).

Ref:- Board's letter No.E(NG)II/84/CL/41 dated 27-7-84)

7.6 For purposes of implementing the scheme, each Zonal Railway should prepare a list showing the Project Casual Labour for each Division on the basis of length of service, as explained in para 5-2-1 of Board's letter No.E(NG)II/84/CL/41 dated 11-9-86 and thereafter prepare a consolidated list as on 1-4-85 covering all Project casual labour in employment on the Zonal Railway/Construction Organisation at any time from 1-1-81 onwards. The list so prepared will form the

basis for conferment of temporary status and also for any subsequent engagement/re-engagement/discharge.

7.7 The provisions of the scheme as given in para 7.4 above, would also apply to project casual labour, who had worked as such prior to 1.1.81 and also, after discharge due to completion of work or want of further work had not been re-engaged after 1.1.81 provided such labour have submitted written representations by 31st March, 1987, alongwith documentary proof of their earlier engagement i.e. the following :

- (a) Name
- (b) Father's name
- (c) Date of birth.
- (d) Permanent address.
- (e) Educational qualifications,
- (f) Personal marks of identifications,
- (g) Name of Office/Deptt. and the place where initially engaged,
- (h) Reasons for discharge;
- (i) Where and how employed after discharged;
- (j) Attested copy of photograph and I.I.D. &
- (k) Any other proof of having worked as Project Casual Labour on the Railway.

7.8 The applications received from the Project Casual Labour referred to in para 7.7 above, by 31-3-87 should, subject to verification in regard to their genuineness by a Committee of officers on each Division (Committee to be of the same composition as constituted for regular appointment to Gr-'D' posts), be included in a supplementary list drawn Division/Deptt. wise. The names of the persons included in such lists should also be entered in a separate register, called the Supplementary casual labour register, according to the total length of service to their credit. Their cases should be considered for re-engagement in the respective unit of seniority, as may be required, after the list of Project casual labour referred to in para 7.6 is exhausted. For purposes of grant of temporary status, service as project casual labour, already rendered by them will be taken into account as and

-: 11 :-

when re-engaged. For absorption in regular employment it is only the service, which they render, after re-engagement that will be taken into account. Before re-engagement they should be subject to medical examination to determine their fitness for employment on the Railways, having regard to the fact that they had not been working on the Railways for a number of years.

(Ref: Board's letters No.E(NG)II/84/CL/41 dated 2-3-87 and 21-10-87).

7.9 Open line Casual Labour, who were discharged prior to 1-1-81 for want of work or due to completion of work and not re-engaged thereafter are also eligible to the benefit of consideration, as extended vide paras 7.7 & 7.8 above, to similarly placed Project Casual Labour, subject to their having submitted applications providing the necessary information, by 31-3-87 and the applications, after verification have been found to be genuine. Such casual labour, however, will be eligible to be considered for engagement only on the seniority unit in which they were initially engaged.

(Ref: Board's letter No.E(NG)II/78/CL/2 dt. 4-3-87 and 21-10-87).

7.10 If a Casual Labour retrenched on completion of work or for want of work does not accept the offer made or turn up for work when offer is made on availability of fresh work, he loses the benefit of the previous spell of engagement as casual labour and his services will start afresh when engaged.

(Ref: Board's letter No.E(NG)II/10/CL/2 dated 2-4-81).

7.11 When an individual engaged as Casual Labour acquires temporary status he retains that status so long as he is in continuous employment, even if he is transferred to a work of a different nature.

(Ref: Board's letter No.E(NG)II/77/CL/46 dated 8-6-91)

7.12 No deliberate break should be caused in the service of casual labour, when work for their continued service is available.

(Ref: Board's letter No.F(NG)II/80/CL/25 dated 21-10-80)

CONTINUOUS EMPLOYMENT.

8. Prior to 21-10-80, discharge of casual labour either in the open line or in the Project due to completion of work or non-availability of further productive work was treated as constituting an interruption for purposes of reckoning continuous employment. From 21-10-80, such a discharge on account of completion of work or non-availability of further productive work does not constitute an interruption of continuous employment. Where a casual labour has been discharged on and from 21-10-80 in the above mentioned circumstances and re-engaged later, when work is available the previous spell of service will be reckoned as continuous with the subsequent spell of service, to determine the eligibility for being treated as temporary. Gaps to be condoned are not subject to any time limit.

(Ref: Board's letter No. B(NG)SI/80/C/25 dated 21-10-80, 2-4-81, 2-2-87 and 14-5-84).

8.1 Service rendered by a casual labour in one unit will not count, if he joins another seniority unit after completion of work in the former unit, for purposes of reckoning continuous service towards eligibility for temporary status.

(Ref: Board's letter No. B(NG)SI/80/C/25 dated 2-4-81).

8.2 Absence of the following nature will not constitute an interruption or break for purposes of determining the continuous employment;

- (a) Period of absence of a workman who is under medical treatment in connection with his sustained on duty, covered by the provisions under the M.C. Act;
- (b) Authorised absence not exceeding 20 days in the case of open line casual labour inclusive of a period of 3 days of unauthorised absence for personal reasons;
- (c) Authorised absence not exceeding 30 days with effect from 1-10-88 in the case of project casual labour inclusive of three days of unauthorised absence for personal only 20 days).

(Contd.....13)

-: 13 :-

- (d) in the case of female casual labour a period of absence of 4 weeks for maternity purposes, in addition to the authorised period of absence;
- (e) Period of extra-ordinary absence if any, when kept under medical observation- such period being reckoned against the number of days of authorised absence allowed. In cases, where the authorities are forced to inevitably detain casual labour for medical observation, even beyond the period of authorised absence, in individual case, the absence in excess of the authorised period may, on merits of each case, be treated as authorised absence in excess of the permissible period, such excess not constituting a break;
- (f) Days of rest given under the Hours of Employment regulation or under the provisions of the Minimum Wages (Central) Rules.
- (g) Days on which the establishment employing the casual labour remains closed.

- NOTE: (1) Days of rest, days on which the establishment remains closed would not count against the limit of 20 days/30 days of authorised absence.
- (2) Authorised absence covers permission granted by the supervisory official in charge, to be away from work for the period specified.
- (3) Absence of half-a-day should be reckoned as half-a-day only.

(Ref: Board's letters No. E(NG)II/71/CL/15-5-71, E(NG)II-71CL/83 dt. 11-5-71, II/76/CL/116 dt. 21-3-77, E(NG)II/CL/26 dt. 28-7-79, E(NG)II/80/CL/10 dt. 31-1-81, E(NG)II/81/LG/2/28 dt. 15-1-81 and E(NG)II/88/CL/41-18 dt. 1-11-88).

WAGES.

9. Casual Labour employed on the Railway belong to either of the following categories, for purposes of payment of wages.

- (a) Labour governed by the Minimum Wages Act (Central). and

Contd.....14

48

29

- : 14 :-

(b) Labour not governed by the Minimum Wages Act.

9.1 Casual Labour, who are engaged in the following scheduled employment on the Railways are governed by the Minimum Wages Act (Central)

(a) Construction or maintenance of roads or in building operations including Permanent Way, Docks, Wharfs, Jetties, Bridges, Tunnels, Overhead Tanks, Electric lines and wires in buildings, fixing up of poles etc;

(b) Stone breaking, stone crushing;

(c) maintenance of buildings;

(d) Loading and unloading in the Railway Goods Sheds; and

(e) Ashpit cleaning.

(Ref: Board's letters No. E(12)?? ATMW/1-2 dt. 17-7-73 and 24-12-73)

9.2 Casual Labour governed by the Minimum Wages Act (Central) should be paid :-

(i) a daily rate ascertained from the local authority or the State Govt. concerned where necessary, or

(ii) If such a rate is not available, a daily wage at 1/30th of the minimum of the scale of pay plus DA as may be applicable to the corresponding categories of Railway servants; and

(iii) if either of the rates as at (i) and (ii) above happens to be lower than the minimum wages fixed under the Minimum Wages Act (Central) then at the rate(s) fixed by the appropriate authority under the Act.

NOTE - The rates prescribed by the State Govts. under the Minimum Wages Act legislated by the respective states will not apply-

(contd....15)

-: 15 :-

9.3 Casual Labour not governed by the Minimum Wages Act (Central) should be paid on daily rates which should be ascertained from the local authorities or the State Governments concerned.

9.4 (i) Where there are Municipalities, which have fixed local rates, the rates fixed by them should be adopted.

NOTE: If a casual labour is working within a Municipal area and if the local Municipality has given a rate for the locality, payment should be at the rate given by the Municipality and not at a rate prevailing in the neighbouring locality.

(Ref:- Board's letter No. PC-72/RLT/89/3 (ii) dated 17-9-73)

(ii) Where the Municipalities, though existing have not fixed any rate, or where the Municipalities do not exist, the rate fixed by the other local authorities such as, the District Magistrate, District Collector, Dy. Commissioner or the State Govt., should be adopted.

(iii) Where two different rates are operative, one fixed by the Municipality and the other fixed by the local Civil authority, the higher of the two rates should be adopted.

(Ref : Board's letters No. PC/73/RLT/69/7 dt. 21-8-76 and PC-75/RLT/69/7 dt. 13-7-77)

9.5 Where such local rates are either not available or are not ascertained or cannot be ascertained for a period of more than 18 months the Casual Labour should be paid at the rate of 1/30th of the minimum of the scale of pay plus dearness allowance thereon as payable to a corresponding category of Railway servant.

(Ref: Board's letter No. PC-72/RLT/69/3 dated 19-11-73)

9.6 To ensure that the rates fixed by the local authorities from time to time are not lost sight of, a review of the rates adopted by the Railway should be

(Contd.....16)

undertaken annually after ascertaining the rates from the local authorities/State Government. Rates as fixed or revised by the local authorities/State Govt. should be adopted promptly for remunerating the casual labour on the Railways and in any case within three months from the date of such fixation/revision by the local authorities. If due to unavoidable factors/reasons, more than 3 months' time is taken on the Railways to revise or refix the wages, the same at the revised rates should be paid from the date, immediately following the prescribed three months' limit.

(Ref: Board's letters No. PC-72/RMT/69/3(ii) dated 17-9-93 and E(NG)11/81/CL-3 (dated 21-2-1982).)

9.7 For specialised labour employed as Earth moving Plant Drivers, Mechanics, Drivers, Rivetters, Dollymen, Heaters, Bridge Serangs, Bridge Khalasis for whom local rates are not available and it is also not possible to engage them at the daily rate derived from the minimum of the appropriate scale of pay plus dearness allowance, special rates may be sanctioned by the G.M. in consultation with the FA&CAO.

9.8 In special cases, where justified, the G.M./CAO(R) may, in consultation with the FA&CAO fix a rate for casual labour governed by Minimum Wages Act or otherwise upto 33.1/3% in excess of the rate prescribed in the M.W. Act or the rate prescribed by the local authority. General Managers are also empowered to enhance the rate of casual labour governed by Minimum Wages Act, even in excess of 33.1/3% of rates fixed under the Act. Such excess, should not, however, exceed the rate prevalent in the same locality for similar labour who are not governed by the local authority. Where a still higher rate is considered necessary the proposal should be referred to the Board with full justification therefor.

(Ref. Board's letter No. E(NG)66/CL/21 dt. 1-2-67 and E(NG)67 CL/42 dt. 3/4-67)

9.9 Power to fix wages with reference to the daily rate derived from the minimum of the appropriate scale of pay plus dearness allowance, in the cases where the local rate is not available, may be exercised by the Head of the department concerned, in consultation with the FA&CAO.

(Ref: Board's letter No. E(NG)66 CL/21 dt. 20-2-67).

Contd.....17

-: 17 :-

9.10 Casual Labour governed by the provisions of Hours of Employment Regularisations are eligible for wages for the day of periodic rest, if such a day is proceeded or followed by a day/days of absence authorised or unauthorised.

(Ref: Board's letter No.E(LWA)69/HER/42 dated 26-5-73).

9.11 Casual Labour not governed by the provisions of M.W.Act, 1948, and who do not work on the days proceeding and following the day of rest are not entitled to the wages for the day of periodic rest.

(Ref: Board's letter No.E(LWA)67/HER/25 dated 14-5-68)

9.12 Casual Labour, whose periodic rest day falls on a National holiday will be allowed one day's extra wages if they are not allowed to avail an alternative holiday.

(Ref: Board's letter No.E(L)6 HLI/12 dated 30-12-66).

9.13 Casual Labour employed on break-down duties are eligible for free food, higher rate(s) of wages, which may be fixed depending upon the circumstances as also TA/DA if otherwise admissible under the rules as for regular railway servants.

(Ref: Board's letter No.E(NG)II/69/CL/1 dated 1-3-71).

9.14 Casual Labour who have worked in the first half of the day, but did not turn up for work in the second half due to unavoidable circumstances, should be paid wages for half a day for which they had actually worked.

(Ref: Board's letter No.E(NG)63/CL/4 dt. 29-10-62).

9.15 Casual Labour engaged in scheduled employments on the Railway(M.W.Act- Central) should be issued wages slips, as provided in Rule 25(2) of the minimum Wages(Central) Rules, 1950, before the disbursement of wages. This is a statutory obligation on the part of the employer. Similarly wage sheets for such labour should be maintained.

(Contd....18)

44
33
-: 18 :-

(Ref: Board's letter No.E(LWA)66 AT/MW/1-14
Dated 21-12-66) & E(LC)74 ATMW/1-1 dt.18-7-74).

9.16. Irrespective of whether a Casual Labour is a male or female, wages and other benefits admissible should be allowed without discrimination.

(Ref: Board's letter No.E(NG)II/83/CL/107
dated 4-6-84).

10. Remuneration in the regular scale of pay.

Casual Labour, whether in the open line or engaged in projects, who have attained temporary status are entitled to the regular time scale of pay with the benefit of annual increment, DA, HRA and CCA, wherever applicable as per rules.

10.1 Casual Labour engaged in Projects, on completion of 180 days of continued employment are eligible to be treated as monthly rated workers and should be paid consolidated wages at the rate of the minimum scale of pay i.e. could to the minimum of the scale of pay plus Dearness Allowance thereon, without however, the benefit of increments.

NOTE : Till they completed 120 days of continuous service in the case of open line Casual Labour and 180 days in the case of Project Casual Labour payment would be at daily rates.

(Ref: Board's letter No.E(NG)II/82/LG-5/4
dated 6-6-83).

10.2. Before, however, allowing the benefits referred to in paras 10 and 10.1 above, a preliminary verification in regard to age and completion of the requisite number of days of continuous service should be made by an Asstt. Officer.

(Ref: Board's letter No.E(NG)II/77/CL/46
dated 8-6-81).

10.3 Casual Labour, who have attained temporary status and have been paid in the regular time scale of pay, when re-employed, after having been discharged either on completion of work or for non-availability of further productive work, are eligible to be started on the pay last drawn by them, provided the services were put in after 21-10-80.

(Contd.....19)

(Ref: Board's letter No. E(NG)II-77/CL/46 dated 18-11-81 and 12-1-83).

10.4 In the case of Open Line, Casual Labour engaged in skilled categories, the relevant scale for purposes of determining their wages on attainment of temporary status will be that applicable to skilled artisans. Similarly, Project casual labour engaged in Skilled categories will be eligible to draw, on completion of 180 days of continuous employment, consolidated wages equal to the minimum of the relevant scale of pay applicable to skilled artisans plus DA thereon. Payment in or with reference to the scale will, however, be admissible in individual cases, only from the date an individual casual labour engaged in a skilled category has passed the prescribed trade test, if the same happens to be later than the date of attaining temporary status /date of completion of 180 days of continuous employment, as the case may be.

(Ref: Board's letter No. E(NG)II/24/CL/58 Dated 20-12-85).

11. Entitlements and Privileges.

Casual labour are not entitled to any privileges other than those statutorily admissible under the Labour Laws such as Minimum Wages Act, WC Act, I.D. Act etc. or those specifically sanctioned by the Board from time to time

11.1 Casual Labour, who have attained temporary status are eligible for all the rights and benefits admissible to Temporary Railway servants, as laid down in Chapter XXIII of the Indian Railways Estt. Manual, 1963, in addition including the benefit of application of the Railway servants Discipline & Appeal Rules. The entitlements and privileges admissible/allowed to the casual labour are as follow:-

11.2 Casual Labour, who have attained temporary status are entitled.

- (a) to be paid in regular scale of pay plus Dearness Allowance, HRA and CCA wherever admissible, with annual increments.

(Contd.....20)

- (b) to contribute to the S.R.P.F.
(c) to count half of the service rendered
(i) in the case of open line casual labour after 1.1.61 (after attaining temporary status) and (ii) in the case of Project casual Labour (after attaining temporary status) after 1.1.81, towards qualifying service for pensionary benefits on their eventual absorption in a regular post;

(Ref:- Board's letters No. E(NG)II/78/CL/12 dated 16-10-80, (E(NG)II/85/CL/6 dated 28-11-86 and 19-5-87)

11.3 Leave

Temporary Railway servants are entitled practically to the same leave facilities as are admissible to permanent Railway Servants and the leave earned by the casual labour after attaining temporary status and which is at their credit on the date of their absorption in a regular post will be carried forward to the new post.

(Ref: Board's letter No. E(NG)II/83/CL/SC/9 dated 7-5-83)

11.4 Advance.

Casual Labour, who have attained temporary status and have put in three years of continuous service are eligible to be granted Festival Advance/Flood Advance on the same conditions as are applied to temporary Railway servants for the grant of such advance, subject however, to the condition that they furnish two sureties from permanent Railway servants.

(Ref: Board's letter No. E(NG)II/78/CL/12 dated 22-11-78 and 27-12-78).

11.5 Casual Labour with Temporary status also are eligible to the privilege of Passes and PTOs till absorption. Also the continuous service rendered by them after attaining temporary status will count for the purpose of post-retirement passes.

(Ref: Board's letter No. E(NG)64 CL/25 dated 29-1-85).

(Contd.....21)

21 :-

Normally casual labour are recruited locally. But in situations when local recruitment is not possible due to non-availability and the labour are recruited away from the site, passes may be issued for the individuals (not to the family members) on recruitment as also at the time of their discharge.

(Ref: Board's letter No. E(NG)60/CL/13 dated 29-11-62).

(a) Since Casual Labour have not been absorbed against regular posts, they are not entitled to the benefit of widow/widower passes.

(b) Casual labour are entitled to get 6 sets of PTO instead of 4 sets till their absorption.

(Authority Board's letter No. E(W)85 PSS-8/2 dt. 12-12-89).

11.6 Hospital Leave.

Hospital leave in terms of Rule 753-R.I(1971)/Rule 554-RI(1985) will be admissible to casual labour who have attained temporary status as a member in temporary railway servants.

(Ref: Board's letter No. E(NG)11/78/CL/9 dated 7-8-78).

11.7 Incentive under F.W. Programme:

Casual Labour who have become entitled to payment in regular time scale of pay are eligible to the grant of incentive increment for following the small family norms under the Family Welfare Scheme.

(Ref: Board's letters No. 80/H/FW7/1 dated 7-2-80, 80/H/FW7/1 dated 30-12-84 and 3-8-85).

Daily rated casual labour, both male and female, are eligible for wages for the days of absence due to the following :-

(i) Vasectomy - Male operation.

- For a maximum of six working days.

(Contd....22)

- 22 1/4

(2) Non-puerperal - Female - For a maximum of fourteen working days.

(3) Insertion of - Female - For one working day.
I.U.D.

Benefit will be admissible only to those who have been in continuous employment for at least three months before undergoing sterilisation operation/I.U.D. insertion and who are likely to continue thereafter for at least three months. Full wages should be claimed for the days of absence, subject to the maximum limit prescribed and debited to contingencies under the grant provided by the Min. of Health, Govt. of India. For those not fulfilling the conditions relating to the extent of service prescribed, payment of the normal compensation money will only be admissible.

(Ref: Board's letter No.66/H/FW/6/74 dt. 15-3-72 and 78/H/FW/9/5 dt.15-2-79).

Further, when admitted as indoor patient in the hospital for post vasectomy complications, Special diet is admissible.

(Ref: Board's letter No.65/H/FPO6/74 dt. 7-6-73).

11.8 Relaxation in age limit for direct recruitment in Group-'C' posts.

Casual Labour/Substitutes who have put in 3 years (at one stretch or in broken periods) are granted age relaxation upto the period service put in as casual Labour/Substitutes subject to the age relaxation limit 40 years in the case of general candidates and 45 years in the case of SC/ST not being exceeded.

(Ref: Board's No.E(NG)II/75/CL/95 dated 3-1-76 and E(NG)II/79/CL/17 dated 28-4-79), E(NG)II/81/CL/71 dt. 25-7-91).

11.9 Productivity Linked Bonus.

Casual Labour who have attained temporary status and Project Casual Labour on completion of not less than 180 days of continuous service are eligible to be paid Productivity Linked Bonus.

(Ref:- Board's letter No.E(P&A)II/79/PLB/1 dt. 24-1-80.

However, Casual Labour entitled to Productivity Linked Bonus as per orders in force, but injured on duty and placed on sick list and paid half-monthly payment as applicable under the Workman's compensation Act, 1965 are not entitled to be paid the Productivity linked Bonus.

-: 23 :-

However, Casual Labour entitled to Productivity Linked Bonus as per orders in force, but injured on duty and placed on sick list and paid half-monthly payment as applicable under the Workman's compensation Act, 1965 are not entitled to be paid the Productivity Linked Bonus.

(Ref: Board's letter No. E(P&A)II/82/1 PLB-6 dated 10-1-84)

11.10 Holidays.

Casual Labour with temporary status are eligible for fifteen days of casual leave in a calendar year besides nine holidays effective from 1-1-80 inclusive of the three National Holidays. Prior to 1.1.80, they were entitled to only three National Holidays.

(Ref: Board's letters No. E(LR)III/78/HL 1/4 dated 22-5-79 and 23-2-80)

Casual Labour engaged in Projects, who are treated as monthly rated workers and paid consolidated wages equivalent to the minimum of the time scale of pay plus Dearness allowance thereon, are entitled, on completion of 180 days of continuous service to nine holidays in a calendar year, inclusive of three National Holidays.

(Ref: Board's letter No. E(NG)II/82/LG5/4 dated 6-6-83)

Where due to compulsion of work, such casual labour are required to work on National Holidays, they are eligible to be paid monetary compensation (National Holiday allowance) as per the rate(s) in force from time to time, subject to their satisfying the prescribed conditions.

(Ref: Board's letter No. E(NG)II/76 CL/63 dated 22-1-1987)

Casual Labour engaged on daily rate of pay are entitled to three National Holidays only, provided they are in service on the day preceding the National Holiday and are also in service on the day following the National Holiday. In case the following day happens to fall on the periodic day of rest, they should be in service on the next working day. The National Holidays should be treated as paid holidays.

(Ref: Board's letter No. E(LL)62 HL1/3 dated 17-1-1964)

On the day of polling during election to the Lok Sabha/State Legislature, Casual Labour should

be given facilities for casting votes but they are not entitled to a paid holiday.

(Ref: Bd's L No. L(67)HL/3 dt 27-4-67)

11.11 Compassionate engagement of wards:

If a casual labour dies, due to accident while on duty, the General Manager may consider requests from his(deceased C.L.)ward for engagement as a casual labour or as a Substitute, provided the casual labour concerned is eligible for compensation under the Workmen's compensation Act, 1923. The power in this behalf should be exercised by the G.M. personally and should not be delegated lower down.

(Ref: Board's letter No.E(NG)II-84/CL/28 dated 4-5-84).

The General Manager may also exercise his personal discretionary power in the case of death of a casual labour with temporary status dying in harness i.e. ,during his employ,ent with the Railways other than the cases of death due to accident, for engaging a suitable and eligible ward of the deceased. This engagement will be as a Casual Labour or as a Substitute only. The General Manager is required to exercise the powers personally in this behalf in a judicious manner taking into account the features of the case i.e. whether they constitute extreme hardship meriting special consideration.

(Ref: Board's letter No.E(NG)II/84/CL/28 dated 31-12-86 and 6-12-89 and 6-12-90).

11.12 MATERNITY LEAVE.

Female casual labour with temporary status will be entitled to all benefits of maternity leave irrespective of their length of temporary status service, as admissible to female temporary Railway servants under Rule 551-RI effective from 25-6-91.

(Ref: Board's letter No.E(PRA)I-90/CDO/ER-9 dt.25-6-91).

Female casual labour without temporary status are, however, not entitled to the grant of maternity leave. In their case a period of 4 weeks may be allowed as authorised absence for maternity purposes in.

40

-: 25 :-

addition to other normal absence periods permissible.

(Ref: Board's letters No.E(NG)II/77/CL/1
dated 30-4-77 and E(NG)II/89/CD/SE/II
dated 28-9-89.)

11.13 Compensation for temporary disablement:

11.13.1 Casual Labour including daily rated labour, who suffer temporary disablement on duty are eligible to be paid half-monthly payments as compensation Act.

(Ref: Board's letter No.E(NG)II/87/CL/2
dated 8-11-78)

11.13.2 GMs are empowered to sanction the cost of supply of artificial limbs to such casual labour not on temporary status who are involved in accidents arising out of duty/in the course of duty. This power cannot be delegated further.

(Ref: Board's letter No.70/H/9/25 dt.28-11-70)

11.14 Grant of Daily Allowance

Casual Labour, wherever have to be unavoidably sent on duty out of their HQs.Station to a place more than 8 kms away from Hqs.Station are entitled to be paid Daily allowance as per rules, at the rates specified from time to time. The instructions linking the rates of daily allowance with the classification of cities for grant of CCA is applicable to casual labour also.

(Ref: Board's letter No.E(NG)II/80/CL/22
dated 28-10-81 and E(NG)II/86/CL/34
dated 20-1-87 S.C.Riy) and Board's
letter No.E(NG)II/78/CL/29 dated 21-3-75).

11.15 Educational Assistance.

Casual Labour with temporary status who have put in not less than 3 years service are entitled for educational assistance.

(Ref: Board's letter No.E(W)90/II-6 dt. 4-2-81).

11.18. Night Duty and Remuneration.

Casual Labour engaged on night duty will be eligible for additional remuneration, for each hour of night duty performed between 22.00 hrs and 5.00 hrs.

.....26/-

--: 26 :--

at 2% (two percent) of the daily wages per each hour of night work. For this purpose 30 minutes and above will be rounded off to one hour and less than 30 minutes will be ignored.

(Ref: Board's letters No.E(NG)II/80/CL/18 dated 29-7-83 and 7-10-83).

12. Seniority.

Service prior to absorption in the regular cadre will not count for seniority, which will be determined on the basis of their regular appointment after due screening/selection vis-a-vis other regular railway servants, subject to the proviso that if the seniority of certain individual Railway servants has already been determined in any other manner pursuant to Judicial decision or otherwise, the same shall not be altered.

(Ref: Board's letter No.E(NG)II/83/CL/30/2/ dated 7-5-83 and para 2511(a) of I.R.E.M.

13. Medical facilities.

All Casual Labour, whether employed in open line or Project are eligible for medical facilities for self only in the out-patient departments.

(Ref: Board's letter No.E(NG)II/77/CL/7 dated 3-5-78)

13.1 In certain special circumstances as mentioned below, casual labour (and not their family members) may also be given free in door medical treatment facilities.

(a) When they sustain injuries in accident cases, as specifically provided for in the relevant Act for e.g. in Workmen's Compensation Act. and

(b) when they are employed at sites not within reach of non-railway medical facilities or when such facilities, though available are grossly inadequate.

In special cases, when the patient is confined to bed, medical attendance and treatment may be given at the residence also.

(Ref: Board's letter No.E(NG)II/77/CL/46 dated 18-11-81.

.....27/-

14. Supply of Uniform:

Casual Labour as have completed one year of continuous service after attaining temporary status are eligible to the supply of Uniforms, if they are working in categories eligible for the supply, e.g. Gaunman attached to mechanised maintenance.

(Ref: Railway Board's letter No.E(W)87/WVI/14 of 26-7-90)

15. Working hours and periodic rest.

All Casual Labour are entitled to a weekly day of rest with pay. For purposes of hours of work, periods of rest and payment of overtime allowance etc., their classification would follow the category in which they are employed and will be regulated in accordance with the Hours of Employment Regulations. Such of those as are governed by the Minimum Wages Act will be governed by the provisions of the Act and the rules framed thereunder.

(Ref: Board's letters No.E(NG)60CL/13 dated 22-8-62, 1-9-62 and E(NG)II/75/CL/116 dated 21-3-77).

Casual Labour who are governed by the Minimum Wages Act are entitled to a weekly day of rest after they have worked in the scheduled employment under the same employer for a continuous period of not less than 6 days.

Ref:- Board's letter No.E(Trg)63/Adj/29 dated 17-12-63)

However, for a period of five years from 15-5-85 the provisions of Sections 13 & 14 of the Minimum Wages Act relating to hours of work and overtime will not apply to the daily rated casual labour on the Railways engaged in the Construction or maintenance of Permanent Way, subject to the condition that the exempted casual labour are governed by the Hours of Employment Regulation, 1961.

(Ref: Board's letter No.E(LL)84 AT/MW/1-5 dated 7-6-85).

16. Records/Registers.

(a) Service Card. This is commonly referred to as the Casual Labour Card and should be in the form

of a booklet (like a passport book of the size 4" to 6") with a staff card board binding. Every individual engaged as Casual Labour should, on his appointment, be given the casual labour card, which should be retained by him as documentary proof of his service. The card should contain the following:-

- (i) Page 1 on the left side should carry instructions for the guidance of casual labour. The instructions should be in bilingual form, both in Hindi and in English. In addition, instructions may also be given in a local language of the area, if convenient.
- (ii) A machine-number on the card.
(An account of the Casual Labour Cards should be maintained in the Divisional Office indicating the particular field unit to which a card has been issued and the worker in whose favour it has been issued).
- (iii) Information indicating:
 - (1) Name of the individual (in block letters).
 - (2) Father's Name.
 - (3) Date of birth.
 - (4) Age at initial casual employment, year and month.
 - (5) Personal mark(s) of identification.
 - (6) Date of engagement.
 - (7) Date of termination.
 - (8) Nature of job on each occasion.
 - (9) Nature of the superior.
 - (10) Name in full (capital letters, & Design, of Supervisor.

For purposes of providing a Card, each individual before his engagement as casual labour, should deposit a sum of rupee one and also a copy of his photograph in passport size. The photo, after

(Contd.... 2)

44

-:29 :-

attestation by the competent authority, should be pasted in the space provided for the purpose in the Casual Labour card.

The casual labour card will be an accepted document of identification of the casual labour at all times for all purposes. It should not be lost. In the event of loss, a report should be lodged by the concerned casual labour with the nearest Police Station and a copy of the FIR should be given to the Railway. A duplicate card may be issued thereafter on a charge of Rupees Two. The issuing authority should ensure that the duplicate card is issued to the same person to whom the original was issued. Any failure in this regard is liable to render the Railway servant concerned for action under the D&A Rules.

The casual labour card, after preparation will be in the custody of the Supervisor in charge of the unit and will be given to the casual labour at the time of discharge/reengagement. Whenever taken back/re-engaged, the card should be taken back from them and after entering the date of re-engagement, the Supervisor in charge should retain the same in his custody. When casual labour attain temporary status, their casual labour cards should be secured with the Service Book opened for the respective individuals. Entries of service in the card, under each subordinate should be made without fail before discharge. Periods of authorised absence, not constituting a break in continuity for purposes of conferring temporary status, should be shown as service.

Officers of the Personnel Branch and officers of the employing department should conduct regular checks to guard against malpractices in the preparation and issue of cards like forging of signatures, issue of bogus cards, making unauthorised or fictitious entries of past service etc. Similarly before re-engaging any individual as casual labour on the basis of his claim of previous engagement as per casual labour card, the employing supervisor should satisfy himself that the card produced is genuine.

Casual Labour card need not be prepared and issued to the casual labour, who are engaged for a very limited period, say a week or ten days or a fortnight for work during emergencies like restoration of breaches, flood relief, accident relief operations etc.

.....30/-

45

58

--: 30 :-

(Ref: Board's letters No. E(NG)63/CL/42
dated 24-3-64, E(NG)II/71/CL/5
dated 30-11-71, E(NG)II/78/CL/30
dated 13-9-78, E(NG)II/79/CL/7 dt.
13-3-79 and dated 4-2-84, E(NG)II/80/
CL/5 dated 10-12-84 and E(NG)II/84/
CL/24 dated 24-9-87).

(b) Service book:

This will be opened alongwith leave account for every individual casual labour on his/her attaining temporary status. Besides containing the bio-data and other relevant details of service rendered as casual labour, the service book should also carry a reference at the top to the LFI register number, live register number and the casual labour card number of the individual concerned. The service book should be maintained thereafter just as it is done in respect of regular railway servants.

(Ref:- Board's letter No. E(NG)II/88/CL/1
dated 23-2-90).

(c) Left hand Thumb Impression Register.

- (1) Sl. No.
- (2) Name & Designation.
- (3) Father's name.
- (4) Permanent home/residential address.
- (5) Rate of pay.
- (6) Date of appointment.
- (7) Age of appointment/DOB
- (8) Date of final discharge/date of absorption.
- (9) Date of first working as C.L./attaining temporary status.
- (10) Whether SC/ST/Ex. Serviceman.

.....31/-

46

57

--: 32 :-

- (11) Casual Labour Card No.
- (12) Service Register number (in the case of those with temporary status):
- (13) Live register No.
- (14) Rolled Thumb impression of the casual labour with attestation of the appointing authority.

Entries should be made only once and in a running order based on the date of engagement. The thumb impression should be got examined by the Finger Print Examiner in due course of time.

(Ref: Board's letters No.E(G)63/FRI-1 dated 11-2-64 and E(NG)II/89/CI/1 dt.23-2-90).

(d) Live register:

The names of all open line casual labour, employed in a unit should be entered in a register (to be maintained unitwise), entry in the register being made strictly in the order of the individual taking up casual appointment at the initial stage.

In the case of Project casual labour, the register will be maintained as per the territorial jurisdiction of the Division, including all the departments.

The register should have the following:

- 1) Serial No.
- 2) Name & Designation.
- 3) Father's name.
- 4) Date of birth.
- 5) Educational qualification
- 6) Personal marks of identification.
- 7) Whether SC/ST/Ex.serviceman.
- 8) Age at initial casual employment.
- 9) Unit in which initially engaged.
- 10) Date of giving monthly rate scale.

-: 32 :-

- (11) Date of absorption.
- (12) L.T.I. register number
- (13) Casual Labour card number.
- (14) Service register number
- (15) Permanent address.

The live register will be a running record of the casual labour, working in a particular unit/ Division in the case of Project casual labour, and also of those discharged casual labour waiting for re-engagement, but will exclude the names of the casual labour no longer entitled to be kept in the live register i.e.

- (i) the names of casual labour who have been absorbed in regular posts;
- (ii) the names of casual labour who were discharged prior to 1.1.1981 and not re-engaged thereafter for any reasons;
- (iii) the names of discharged casual labour who do not report for duty when called on two occasions on the availability of work.

The names of casual labour who are engaged for a very short duration viz. , on occasions like restoration of breaches, through communication, accident relief etc. , are however, not required to be included in the live register.

The live register should be maintained in duplicate and one copy from each unit should be lodged with the Divisional Office. In the case of Railway establishment other than the Zonal Railways, one copy should be with a nominated officer and the other with the respective units/supervisors. The register maintained in the units should be updated, from time to time and reviewed annually, preferably during the first quarter of the year, to ensure proper maintenance, as per the instructions in force. The register maintained should also be scrutinised by a senior Gazetted officer, at least once annually after the review has taken place, if not at the beginning and close of the year as is normally required to ensure that no unauthorised entries are made, and signed by him in token of the scrutiny. A note should also be kept in the register as to when and by whom it had been checked.

The copy of the register maintained in the Divisional office should be updated once a year or atleast once in two years from the copy in the field units, after a verification of the authenticity of the additions/deletions, if any made in the field register.

The names of all casual labour borne on the live casual labour register, alongwith other relevant particulars like father's name, unit in which employed, LTI register number etc. should be computerised and printouts secured.

(Ref: Board's letters No. E(NG)63 CL/13 dated 16-9-63, E(NG)II/78/CL/2 dated 21-2-84 & 22-11-84, E(NG)II/78/CL/2 dated 25-4-86, E(NG)II/87/CL/38 dated 12-6-87 and E(NG)II/78/CL/2 dated 8-12-88).

(e) Supplementary live register:

The names of casual labour, both in the open line and in the Projects who were discharged prior to 1-1-81 for want of work or due to completion of work and not re-engaged thereafter and who had applied by 31-3-87, claiming the benefit of inclusion in the seniority list prepared by the Administration for provision of employment will, after a verification of genuineness of the claims, by a committee of officers on each division, be entered in the supplementary live register. For full details, para 7.7 to 7.9 above may be seen. The registers will be separate for the open line casual labour and the Project casual labour. The individuals borne on the supplementary live registers will have no preference over those borne on the Live Registers for purposes of consideration for absorption, re-engagement.

(Ref: Board's letters No. E(NG)11/84/CL/41 dated 2.3.87, E(NG)II/78/CL/2 dated 4.3.87, E(NG)II/84/CL/41 dt. 21-10-87).

17. Absorption.

All vacancies in Group-'D' posts, barring the following, becoming available upto 30-6-92 would, as per the extant adhoc arrangement, be filled from amongst casual labour and substitutes empanelled on

19-:
the basis of screening:

- i) vacancies against which appointment on compassionate grounds is done;
- ii) vacancies provided for recruitment of Sports persons and artists;
- iii) vacancies reserved for recruitment of ex.service personal;
- iv) vacancies in Diesel & Electric Loco Sheds; &
- v) Vacancies in workshops in the Mech. Deptt.

NOTE: Due to special requirements of workshops in the Mech. Deptt. vacancies in Gr-'D' are filled, as per the instructions contained in Board's letter No. E(NG)II/73/CL/41 dated 23-8-73, inclusive of transfer of Railway servants who volunteer from other departments and transfer of Gangmen and Stores Khalasis against a prescribed limit. The resultant vacancies in other departments are available for the absorption of casual labour and Substitutes.

(Ref:- Board's letters No. E(NG)II/84/CL/92 dated 15-12-84, E(NG)II/84/CL/5 dated 22-6-90).

17.1 On the Northeast Frontier Railway vacancies in Group-'D' should be filled to the extent of 50% from amongst casual labour and the rest through the Employment Exchange.

17.2 Absorption i.e. appointment against regular vacancy, will be on the basis of screening and not by selection. The Screening Committee should at least consist of three members including an officer belonging to SC/ST community and another to minority community.

(Ref:- Board's letters No. E(NG)II/70/CL/23 dt. 20-7-70, E(NG)II/CL/16 dated 27-4-79 and E(NG)II/83/PRI/7 dated 1-6-83).

17.3 While drawing screened panels for absorption against normal Group-'D' vacancies, the screening committee should ensure in case of SCs/STs screening

50

61

-: 35 :-

o the percentages of reservation prescribed in their favour. In the event of shortfall in the intake of SCs/Sts, the deficiency should be made good through Direct recruitment.

(Ref: Board's letters No.E(SCT)/74 GM/15/7 dated 27-4-74, 9-10-74 and 88/E/SCT/1/28/1 dated 4-10-88).

4. Form purposes of screening and absorption, instructions provide as follows :-

- (a) Casual labour employed in Projects should, as a rule, be considered for appointment on a regular basis against vacancies in group-'D' posts required for operation and maintenance of new assets created viz. new lines, conversions, doubling, major yard remodelling i.e. the posts to be filled exclusively from Casual labour who have worked at the Project stage; An exception can be made, if there are open line casual labour in the area covered by the local recruitment units of the Inspector, who have worked for longer periods, than the project casual labour.

(Ref: Board's letter No.E(NG)II/72/CL/11 dated 7-3-72).

- (b) Project casual labour are also eligible to be considered for appointment on any section of the open line and their consideration is not limited to the immediate area of the construction only. The total service as a casual labour should decide eligibility for consideration as between open line and Project casual labour.

(Ref: Board's letter No.E(NG)II/72/CL/11 dated 3-5-72).

- (c) a Division should be treated as a unit. Having, however, regard to the situation and varied practices on the Railways in regard to absorption of casual labour, it has been left to the individual Railways to evolve suitable guidelines, in consultation with recognised labour, for absorption of both Project casual labour and open line casual labour in

.....36/-

51
-: 36 :-

regular employment, against normal vacancies as well as in posts sanctioned for decasualisation, in an equitable manner.

(Ref: Board's letter No. E(NG)II/88/CL-109 dated 17-2-89).

17. After working out the vacancies in Group 'D' to be provided for the absorption of casual labour in regular employment in accordance with the instructions in force, a list of casual labour eligible to be considered should be drawn equal to the number of vacancies worked out plus 25% thereof. In drawing the list, only those who are borne on the current casual labour register, excluding those who had been absent on two occasions when called for screening earlier, should be considered. The list should be prepared in the order of seniority of all eligible casual labour in the unit of screening which may be fixed by the Railway based on the total service/cumulative aggregate service.

(*including those referred to in paras 17-6 and 17.7).

(Ref: Board's letters No. E(NG)II/78/CL/18 dated 21-2-84, E(NG)II/79/CL/2 dated 3-5-82, E(NG)II/83/CL/18 dated 1-10-88).

17.6 Casual labour working in the offices of the Railway Recruitment Boards should also be considered for absorption on the basis of screening along with other open line casual labour in the Division, where the office of the RRB is located.

(Ref:- Board's letter No. E(NG)II/81/83C/48 dated 15-10-81).

17.7 Casual Labour engaged seasonally viz. water carriers/punkha pullers etc, should also be considered for screening for absorption along with others based on their total length of service.

(Ref: Board's letter No. E(NG)II/77/CL/N/4 dated 24-7-79).

17.8 Casual labour engaged in work-charged establishments, who are promoted to semi-skilled skilled and highly skilled grades due to non-availability of departmental candidates and continue to work as such for a long period, may be absorbed in regular

.....37/-

52

13

-: 37 :-

vacancies in skilled grades to the extent of 25% of the vacancies in the open line reserve for departmental promotion from the un-skilled and semi-skilled categories, provided they have passed the requisite ~~and~~ trade test. Those so absorbed in skilled categories will be placed below the departmental promotees. This facility of absorption will also apply to the casual labour, who were engaged initially directly in the skilled categories in work-charged establishments, after qualifying in the trade test.

(Ref:- Board's letters No.E(NG)62/CL/35 dated 16-1-63, E(NG)II/73/CL/70 dated 13-6-74 and E(NG)II/62/CL/6 dated 18-11-1983.).

17.9 At the time of screening of casual labour relaxation in age should be automatic if it is established that the individual was within the prescribed age limit and had been more or less regularly working. In old cases, where the age limit was not observed, relaxation of age should be considered sympathetically. The CPO, DPMs and the Chief Engineers (Construction) are competent to grant the relaxation in age.

(Ref:- Board's Letter No.E(NG)II/79/CL/5 dated 16-5-79, E(NG)II/84/CL/NR/39 dated 29-9-80, 10-10-80, 19-5-83).

17.10 Relaxation of age to the extent of service rendered as Casual Labour in skilled/highly skilled grades (Gr-'C') is admissible at the time of consideration of their cases for regularisation in Gr-'C' skilled/Highly skilled grades.

(Ref Board's letter No.E(NG)II/74/CL/25 dated 25-2-75).

17.11 As per the requirement prescribed, casual labour will be eligible to be considered for absorption against Group 'D' vacancies in all the wings of the Electrical, Mechanical in the workshops of the S&T Departments, only if they have the minimum qualification of ITI or they are Course completed Act Apprentices. However, this requirement has been kept in abeyance upto 31-12-91.

(Ref:- Board's letters No.E(NG)II/84/CL/P5 dated 31-7-85, 13-9-85, E(NG)II/41 RRI/26 dated 4-9-86, 15-12-88 & 15-7-91).

.....38/-

17.12 Physical fitness of the casual labour who are proposed to be absorbed should be considered i.e. they should be in good bodily health and free from any deficiency/defect, likely to interfere with or affect the efficient performance of the duties of the post to which they may be appointed after absorption. Subject to what has been mentioned in paras 17.13 to 17.15, casual labour empanelled for absorption should be medically examined in the appropriate category before absorption.

17.13 If the casual labour have been medically examined, at the time of initial engagement in the appropriate medical category, they need not be examined any further at the time of their regularisation. However, they will have to be examined regarding the periodicity of examination while in service, as required for regular employees. As per extant rules, these examinations will require the Railway servant to have medical standard(s) as applicable at the time of re-examination during service. The casual labour are now to be medically examined preferably before they are given temporary status for the category in which they are to be eventually absorbed.

(Ref: Board's letter No.E(NG)II/87/CL/89 dated 4-1-88).

17.14 Casual Labour who have rendered a minimum of six years of service, whether continuous or in broken periods and who are empanelled for regular appointment and who had not been medically examined earlier should be sent for medical examination which should be a relaxed standard as prescribed for medical re-examination of Railway servants during service.

(Ref: Board's letters No.E(NG)II/71/CL/84 dated 13-12-72, 10-5-73, E(NG)II/80 CL/29 dated 29-8-83).

17.15 Such of the casual labour as have rendered a minimum of 6 years of service are found on medical examination, unfit for the particular category for which they are sent for medical examination, despite the relaxed standard applied, may be considered for an alternative category requiring a lower medical classification, subject to the possibility of absorption in an alternative category with lower medical classification existing and the individual concerned is adjudged suitable to be absorbed in the alternative category.

54

65

-: 39 :-

(Ref: Board's letter No.E(NG)II/71
CL/84 dated 13-12-72 & 10-5-73).

17.16 Casual Labour with temporary status, who are medically decategorised due to injuries sustained by them in the course of duty, could get their names registered in the special employment exchange for the physically handicapped. If their names are so registered as physically handicapped in the said exchange, their candidature would be considered by the Railway Administration, alongwith other eligible Physically handicapped candidates nominated by the special employment exchange and vocational rehabilitation centres as and when the next recruitment against the quota for the physically handicapped, takes place.

(Ref: Board's letter No.E(NG)II/88/CL/68
dated 17-9-90)

17.17 Casual Labour, who have attained temporary status, when called for screening may be issued passes for their journey wherever involved and the period spent for the purpose may be treated as duty.

(Ref: Board's letter No.E(NG)II/87/CL/V/5,
dated 21-4-83).

17.18 ^Casual Labour with temporary status on absorption in regular Group-'D' posts will be allowed fixation of pay as follows :-

- (a) those drawing pay in identical grades will have their pay fixed with reference to the last pay drawn;
- (b) Those working in semi-skilled and skilled grades but absorbed in Group-'D' unskilled grades will have their pay fixed by granting increments in the unskilled grade with reference to their earlier service as casual labour in higher or equivalent grades.

(Ref: Board's letter No.E(NG)II/76/CL/79
dated 5-11-76).

17.18 Casual Labour engaged in the MTPs at Bombay, Delhi and Madras should be considered for absorption on the Central, Northern and Southern Railways respectively along with the open line casual labour and Project casual labour of the respective Railways.

They should also be considered for absorption against the posts in Group-'D' sanctioned for maintaining the assets created by these MTP Organisations as and when the posts are actually sanctioned.

(Ref: Board's letter No.E(NG)II/84/PO/MTP/13 dated 13-2-85).

17.19 The staff of co-operative societies, canteen commission vendor/Bearers etc. can be considered for regular absorption in Group-'D' after eligible Casual Labour and substitutes have been considered, i.e. in the list of screening, they will be below all casual labour and substitutes.

(Ref: Board's letter No.E(NG)III/77/RPI/5 dated 26-8-77).

18. TERMINATION/RETRENCHMENT:

Except where notice is required to be served under any statutory obligation, no notice is required for the termination of the services of casual labour. Their services will be deemed to have been terminated when they absent themselves.

Where retrenchment is necessary, due to non-availability of work, the unit for their retrenchment will be the unit of their recruitment i.e. the Inspector or the establishment of the Senior Subordinate viz. IOW, PWI, S.M, Tfc.Inspector, L.F., as the case may be. The junior most will be retrenched first, subject to what has been mentioned in para 18.9. Casual Labour diverted from one unit to another will rank juniormost in the new unit. On Projects, the jurisdiction of the XFN will be the unit for retrenchment.

(Ref:- Board's letter No.E(LL)71/AT/IL/1-7 dated 22-1-74).

18.1 In the case of casual labour who have attained temporary status, termination of services otherwise than due to completion of work or want of work or due to being rendered surplus requires the procedure prescribed under the Disc.& Appeal Rules to be followed.

18.2 In terms of the provisions of the Industrial Disputes Act, a worker means any individual doing either Manual or ~~clerical~~ clerical or technical work and

56

87

--: 41 :-

includes all casual labour employed on the Railways i.e. open line, Project and Construction. For purposes of effecting retrenchment, wherever it becomes necessary, the unit concerned should prepare and display seniority list(s) of the particular categories of casual labour employed therein including those who have attained temporary status.

18.3 Notice.

Casual labour, who have worked for a period of not less than 240 days in the proceeding twelve calendar months should be given a notice of one month in writing as per the proforma prescribed indicating the reasons for retrenchment or paid in lieu of such notice, wages for the period of notice. One month's notice as required under the relevant provisions of the I.B. Act should invariably be given rather than payment of wages in lieu of notice. The total service rendered by casual labour under different subordinates in a Division or under a Personnel Office would count for the purpose of providing the retrenchment benefits.

(Ref:- Board's letter No. 221/55470 dated 26-12-59.)

18.4 No notice is required, if the retrenchment is under an agreement, which specifies a date for the termination of service. A direct written communication to the casual labour concerned will be necessary, wherever the engagement is for a specific period.

18.5 Retrenchment Compensations:

Upon termination of service on due notice or payment of wages in lieu of notice period, compensation as laid down in Section 25(F) of the I.D. Act i.e. compensation equivalent to 15 days' average pay for each completed year of service or any part thereof in excess of 6 months, is payable to casual labour, who have been employed for not less than 240 days in the proceeding 12 months in-

- (a) Construction work or a project which has been going on for a period more than two years; and
- (b) Other than construction work or project.

57

-: 42 :-

Casual labour should be deemed to have completed continuous service for one year under an employer if he has worked for 240 days (Calculated in terms of Section 25(B) (2) of the I.D. Act) in a period of 12 months preceding the date with reference to which calculation is to be made, even though the casual labour might not have been in service for one whole year. Similarly, service rendered in excess of 6 months with not less than 120 working days therein will count as one whole year. However, in a service of more than 6 months, if the casual labour have not put in actual work for not less than 120 days, compensation will not be payable for that period and the casual labour will be eligible to be paid only for the completed years of service.

Retrenchment compensation, where due, should invariably be paid, at the time of retrenchment.

(Ref: Board's letters No. E(L)58 AM/10 dated 26-12-59, E(LWA)57 AT/L/1-16 dated 20-1-63, E(LL)81 AT/ID/1-18 dated 23-2-62, E(LL)72 AT/ID/1-2 dated 5-3-73).

18.7 In cases of refusal by any casual labour to accept the retrenchment compensation a certificate from three or four witnesses, who may include co-workers and other Railway servants employed, may be recorded on the voucher with the date, mentioning that the casual labour concerned, who was tendered retrenchment compensation refused to accept the same. An intimation to this effect should be sent to the LEO(C)/ALC(C) of the are immediately.

(Ref: Board's letter No. E(LL)80A/10/1-31 dated 31-8-82).

18.8 Where the services of casual labour who have worked under an employer for not less than one year are terminated following their failure at the screening done for regular employment, the conditions precedent to retrenchment as laid down in the relevant sections of the I.D. Act have to be complied with.

(Ref: Board's letter No. E(LL)78/AT/ID/1-26 dated 21-12-78).

18.9 While effecting retrenchment of casual labour, ordinarily the principle of 'Last come first to go' should be adopted, in terms of the provisions of Section 25-G of the I.D. Act. The employer may,

.....43/-

58

69

-:43 :-

however, depart from this principle for reasons to be recorded in writing.

Thus, at the time of retrenchment if junior Sch.Castes/Sch.Tribes have to be protected from retrenchment when there is deficiency in their representation, such a protection will be justified and this reason will have to be recorded while retrenching the seniors in preference to the junior Sch.Castes/Tribes.

(Ref: Board's letter No.E(LL)76 AT/ID/1-16 dated 17-2-78).

If no quota for the representation of Sch.Caste/Sch.Tribes was kept in view in the recruitment of casual labour at the initial stage, it would still be open to the Administration to fix quota within reasonable limits at the time of retrenchment, for purposes of protection of Sch.Castes/Sch.Tribes.

(Ref: Board's letter No.E(LL)76 AT/ID/1-16 dated 23-11-78.)

18.10 Sixty days before a unit is expected to discharge or retrench casual labour, is expected to close down, intimation should be given to the nearest Employment Exchange on the prescribed proforma, *if alternative employment for them on the Railways is unlikely, so as to enable the Employment exchange to render employment assistance if possible, even before they are discharged.

(Ref: *Prescribed vide Min.of labour 's 3.0. No.EE1/9/44/71 dated 25-5-72 circulated with Board's No.E(NG)II 72 CL/72 dt. 26-8-72).

18.11 If a Survey Project is closed down for any reason whatsoever, Casual labour who have been in continuous service for not less than one year in the said Survey Project immediately before the closure, will be entitled to retrenchment notice and compensation in accordance with the provisions of the Industrial Disputes Act.

(Ref: Board's letter No.E(LL)79 AT/ID/1-23 dated 28-5-79).

18.12 Retrenchment compensation need not be paid, to be discharged casual labour, who after discharge, are immediately offered re-engagement under the

-: 44 :-

employer in the same area/locality within a radius of 5 miles/8 kms and who refuse to accept the same.

18.13 The Railway Administration should gear up machinery in following the provisions of I.D.Act, so that statutory provisions of I.D.Act are followed while terminating the services of Railway employees/casual labour to avoid huge expenditure towards compensation, wages etc.

(Ref:- Board's letter No.E(LL)82/AT/ID/39 dated 5/11-5-89).

19. Payment of Gratuity.

All casual labour on the Railways whether on daily rates or no monthly wages are eligible, on demitting service due to superannuation, retirement, retrenchment, resignation, death or disablement, to the payment of gratuity, as may be due in accordance with the provisions of the payment of gratuity Act 1972. The payment of gratuity would be applicable to all cases from 16-9-72 viz. the date of commencement of the Act/Legislation which provided for the benefit. The procedure for dealing the claims pertaining to the period from 16-9-72 to 25-2-86 has been spelt out.

(Ref: Board's letter No.E(LL)85/AT/GRA/1-1 dated 26-2-86 & E(LL)86/AT/GRA/1-2 dated 6-11-90).

19.1 Gratuity is payable to casual labour employed seasonally i.e. hot weather water carrier, water tightening staff etc. engaged for short duration. Gratuity under the payment of Gratuity Act is admissible, in addition to retrenchment compensation payable under the Industrial Disputes Act.

(Ref: Board's letter No.E(LL)86 AT/GRA/1-2 dt .7-8-89)

20. Other Provisions.

(i) It is not necessary to create temporary posts to accommodate casual labour, who have acquired temporary status, for allowing the attendant benefits like regular time scale of pay, annual increment etc.

(Ref: Board's letter No.E(NG)64 CL/25 dt. 4-9-65)

60

41

-: 45 :-

- (ii) Labour shall not be employed against regular vacancies, whether permanent or temporary, on casual labour terms.

(Ref: Board's letter No.E(NG)64-CL/23 dated 12-10-65).

- (ii) If a casual labour with temporary status fails to resume duty on expiry of maximum period of extra-ordinary leave granted to him or where he is granted a lesser period of leave than the maximum admissible and his continuous absence exceeds the maximum limit upto which he could have been granted leave under sub-rule(1) of Rule 732-R-1(1971), his services may be terminated after the service of notice, as is required in the case of temporary Railway servants, duly keeping in view Rule 149-R.I(1971) and also after complying with the relevant provisions of I.D.Act, 1947 wherever applicable, treating the case as one of retrenchment from service for reasons other than availability of work and intimation given to the concerned authorities under the I.D.Act, 1947.

(Ref: Board's letter No.E(NG)II/88/CL/13 dated 12-1-39)

- (iv) There should be an effective watch over the strength of total casual labour force on a system and efforts should be made to bring about a steady reduction to monitor the progress in this direction, while no 'fresh face' should be engaged without the prior personal approval of the General Manager and similarly no offer of re-engagement of discharged labour borne on the live register should be made without the GM's prior personal approval, as a further check each supervisor should certify under his signature in the muster sheets, as to whether any names not figuring in the previous bill have been included. Wherever new names have been included, the details thereof along with the authority for their engagement should be furnished in a statement to accompany the bill. In the Accounts Office, the

inclusion of the certificate by the Supervisor concerned should be verified. Also a few test checks should be conducted by the concerned authorities to verify the correctness of inclusions made from live registers and the sanctions issued for their engagement as well as the engagement of fresh faces wherever done. Failure/lapses in this behalf should be seriously viewed and action under D&A Rules initiated against the Railway servant responsible.

(Ref: Board's letter No. E(NG)II/88/CL/113 dated 16-5-89).

(v) Casual labour are not eligible to become members/office bearers of the recognised Unions on the Railways. as they are not railway servants in terms of Rule 102(13)-Estt. Code MOL-I.

(Ref: Board's letter No. E(LP)I/80/UTP/4 dated 25-6-87 to Northern Railway).

(vi) The practice of entrusting establishment work to casual labour/substitute Khatri in executive offices is to be stopped forthwith.

(Ref: Board's letter No. E(G)82/ALL/9 dated 20-8-85).

(vii) The continuous temporary service rendered by Project casual labour also prior to their absorption, can be counted towards the qualifying service for the purpose of promotion from Group-D to Group-D. and the same will be admissible only if the same is rendered on similar fields. In respect of open line casual labour the same benefit was extended vide Board's No. E(NG)64/CL/25 dated 25-7-64).

(Ref: Board's letter No. E(NG)II/85/CFP)/3 dated 31-7-87).

21. (1) While referring to this master circular the original letters/references mentioned herein should be read for a proper appreciation. This

62

72

-: 47 :-

circular is only a consolidation of the existing instructions and should not be treated as a substitution of the original letters. In case of doubt, the original letters should be relied upon as authority,

(ii) The instructions contained in the original letters referred to have only prospective application, unless indicated otherwise, and

(iii) If any letter, having a bearing on the subject which has not been superseded, has been lost sight of in the preparation of this master circular, the said letter, which has been missed through oversight, should not be ignored but should be treated as valid and operative.

22. The letters relied upon for the preparation of this master circular have been indicated in the enclosure.

Sd/- P. L. N. Sarma
Deputy Director, Establishment (N)
Railway Board.

DA:- List showing the
letters with
ref. No. & Date
relied upon/consulted.

....

74 63.

List of letters, with reference number
and date, relied upon for the Master
Circular.

<u>Number</u>	<u>Date</u>
1. E(L)58 AL 4/10	26-12-59
2. E(NG)60 CL/13	22-8-62
3. E(NG)60 CL/13	1-9-62
4. E(NG)63 CL/4	29-10-62
5. E(NG)62 CL/36	16-1-63
6. E(NG)63 CL/13	16-9-63
7. E/TRG/68 Adj/29	17-12-63
8. E(L)62 HL 1/3	17-1-64
9. E(G)63 FRI/1	11-2-64
10. E(NG)63 CL/42	24-3-64
11. E(NG)64 CL/25	4-9-65
12. E(NG)64 CL/23	12-10-65
13. E(NG)64 CL/25	29-1-66
14. E(LWA)66 AT/MW/1-14	21-12-66
15. E(L)66 HLI/12	30-12-66
16. E(NG)66 CL/21	1-2-67
17. E(L)67 HL/3	27-4-67
18. E(LWA)67 AT/ID/1-16	20-1-68 20-1-68
19. E(LWA)67/HER/25	14-5-68
20. E(NG)II/70/CL/28	20-7-70
21. E(NG)II/71/CL/5	20-11-71
22. E(NG)II/72/CL/11	7-3-72
23. E(H(FW)/6/74	15-3-72
24. E(NG)II/72/CL/11	3-5-72
25. E(NG)II/72/CL/72	26-9-72
26. E(NG)II/72/CL/84	13-12-72
27. E(LL)72 AT/ID/1-2	5-3-73
28. E(NG)II/71/CL/84	10-5-73
29. E(NG)II/71/CL/83	11-5-73
30. E(LWA)69/HER/42	26-5-73
31. E5/H(FP)/6/74	7-6-73
32. PC-72/RLT/69/3(1)	12-7-73
33. E(LL)72 AT/MW/1-2	17-7-73 & 24-12-73
34. E(NG)II/73/CL/41	23-8-73
35. PC/RLT/72/89/3(1)	17-9-73
36. PC/RLT/69/3(11)	17-9-73
37. PC-72/RCT/69/3	19-11-73
38. E(LL)72 AT/MW/1-2	24-12-73
39. E(LL)71 AT/ID/1-7	22-1-74
40. E(SCT)74 CM 15/7	27-7-74
41. E(NG)II/73/CL/70	13-6-74
42. E(LL)74 ATMW/1-1	18-7-74
43. E(SCT)74 CM/18/7	9-10-74
44. E(NG)II/74/CL/26	25-2-75
45. E PC/76/CL/79	21-8-76
46. E(NG)II/76/CL/79	5-11-76
47. E(NG)II/76/CL/63	22-1-77

Number.	Date.
48.E(NG)II/76/CL/116	21-3-77
49.E(NG)II/77/CL/1	30-4-77
50.PC-75/RLT/69/7	13-7-77
51.E(LL)76/AT/ID/1-16	17-2-78
52.E(NG)II/77/CL/2	3-5-78
53.E(NG)II/78/CL/8	7-8-78
54.E(NG)II/78/CL/30	13-9-78
55.E(NG)II/77/CL/2	8-11-78
56.E(NG)II/78/CL/14	22-11-78
57.E(LL)76/AT/ID/1-16	23-11-78
58.E(LL)78/AT/ID/1-26	21-12-78
59.E(NG)II/78/CL/14	27-12-78
60.E 78/H(FW/9/5	15-2-79
61.79E(SCT)15/1	10-3-79
61.A.E(NG)II/90/CL/7	13-3-79
62.E(NG)II/79/CL/16	27-4-79
63.E(NG)II/79/CL/5	16-5-79
64.E(NG)II/77/CL/N/4	24-7-79
65.E(NG)II/79/CL/26	28-7-79
66.E(LL)/77/AT/ID/1-23	28-5-79
67.E(P&A)II/79/PLB/1	24-1-80
68.80/H/FW/7/1	7-2-80
69.E(LR)III/78/HLI/H	23-2-80
70.E(NG)II/83/CL/NR/39	29-9-80
71.E(NG)II/78/CL/12	14-10-80
72.E(NG)II/80/CL/25	21-10-80
73.E(NG)II/80/CL/19	3-1-81
74.E(MG)II/80/CL/25	2-4-81
75.E(NG)II/77/CL/46	8-6-81
76.E(NG)II/81/RSC/48	15-10-81
77.80E(SCT)/15/15	26-10-81
78.E(NG)II/80/CL/22	28-10-81
79.E(NG)II/77/CL/46	18-11-81
80.E(NG)II/87/LG-2/28	15-1-82
81.E(NG)II/81/CL/9	21-2-82
82.E(NG)II/79/CL/2	3-3-82
83.E(LL)81 AT/ID/1-18	23-2-82
84.E(LL)80 AT/ID/1-31	31-8-82
85.E(NG)II/82/CL/W-5	21-4-83
86.E(NG)II/83/CL/SC/9	7-5-83
87.E(NG)II/83/CL/NR/39	19-5-83
88.E(NG)II/82/LG-5/4	6-6-83
89.E(NG)II/80/CL/18	29-7-83
90.E(NG)II/80/CL/29	29-8-83
91.E(NG)II/80/CL/25	8-9-83
92.E(NG)II/80/CL/18	7-10-83
93.E(NG)II/82/CL/6	19-11-83
94.E(P&A)II/62/1 PLB/6	10-1-84
95.E(NG)II/83/CL/74	4-2-84
96.E(NG)II/78/CL/2	21-2-84
97.E(NG)II/84/CL/28	4-5-84

- 3 -

98. E(NG)II/80/CL/25	14-5-84
99. E(NG)II/84/CL/41	11-6-84
100. E(NG)II/80/CL/5 107	4-6-84
101. E(NG)II/80/CL/7	7-6-84
102. E(NG)II/80/CL/41	25-6-84
103. E(NG)II/84/CL/41	27-7-84
104. E(NG)II/78/CL/2	22-11-84
105. E(NG)II/80/CL/5	10-12-84
106. E(NG)II/84/CL/92	15-12-84
107. E(NG)II/80/CL/5	20-12-84
108. 80/H/PW/7/1	30-12-84
109. E(NG)II/83/CL/117	25-1-85
110. E(NG)II/84/PO/NTP/13	13-2-85
111. E(LL)84/AT/MW/1-5	7-6-85
112. E(NG)II/84/CL/85	31-7-85
113. E(NG)II/84/CL/85	13-9-85
114. 80/N/F(W)7/1	3-8-85
115. E(NG)II/83/CL/117	10-12-85
116. E(NG)II/84/CL/58	20-12-85
117. E(LL)85/AT/GRA/1-1	26-2-86
118. E(NG)II/78/CL/2	25-8-86
119. E(NG)II/84/RR/26	4-9-86
120. E(NG)II/84/CL/41	11-9-86
121. E(NG)II/85/CL/6	8-11-86
122. E(NG)II/84/CL/28	3-12-86
123. E(NG)II/84/CL/41	2-3-87
124. E(NG)II/78/CL/2	4-3-87
125. E(NG)II/85/CL/6	19-5-87
126. E(NG)II/87/CL/38	12-6-87
127. E(LR)I/80/UTP/4 N. Rly	25-6-87
128. E(NG)II/84/CL/24	24-9-87
129. E(NG)II/84/CL/41	21-10-87
130. E(NG)II/88/CL/18	1-11-88
131. 88E(SCT)I/28/1	4-10-88
132. E(NG)II/88/CL/34	22-4-88
133. E(NG)II/84/RR/26	15-12-88
134. E(NG)II/88/CL/13	12-1-89
135. E(NG)II/88/CL/109	17-2-89
136. E(NG)II/88/CL/113	16-5-89
137. E(LL)86 ATSGRA/1-2	7-8-89
138. E(NG)II/89/CL/SE/11	28-9-89
139. E(NG)II/84/CL/28	6-12-89
140. 89/E(SCT)/80/23	11-12-89
141. E(NG)II/88/CL/86	14-2-90
142. E(NG)II/89/CL/1	23-2-90
143. E(NG)II/89/CL/NR/27	13-3-90
144. E(NG)II/84/CL/5	22-6-90
145. E(NG)II/88/CL/68	17-9-90
146. E(NG)87 UN 1/14	26-7-90
147. E(NG)II/86/CL/34	20-1-87

...

Annex - (G)

66

78

GOVERNMENT OF INDIA
MINISTRY OF RAILWAYS
(RAILWAY BOARD)

RBE NO.78/96.

NO.E(NC)II/96/CL/61

New Delhi, dt. 3.9.96.

The General Manager (P),
All Indian Railways and FUs etc.

Sub: Regularisation of Casual Labour.

Attention is invited to AM(Staff) Railway Board's d.o. letter of even number dt. 12.8.96 advising the Railways of the announcement made by the Hon'ble MR in Parliament in the course of his reply to the discussion on the Railway Budget for 1996-97, that all the 56,000 approx. Casual Labour on roll as on 30.4.96 will be regularised by 1997-98, and requiring the Railways to draw an Action Plan to ensure that the absorption of all casual labour on roll is completed by Dec'97, so that a position of no casual labour on roll is achieved by that date.

2. The matter has been further considered by the Board who have decided to lay down the following guidelines for the Railways so as to smoothen the process of absorption/ensure of casual labour on roll is met;
/and to ensure that the target of Dec'97 for complete absorption

i) Railways should henceforth not engage any casual labour so that with the regularisation of all the casual labour on roll by Dec'97 as per the assurance given by the hon'ble Minister the position of no casual labour is reached by Dec'97.

ii) All the vacancies in the lowest grade in Group 'D' including the resultant vacancies due to promotion within Group 'D' and from Group 'D' to Group 'C' upto Dec'97 in each department should be assessed and casual labour available in the department equal to the number of Group 'D' vacancies thus worked out, should be screened for regularisation.

iii) After the screening of casual labour against the vacancies of the department as above has been completed, the left over unscreened casual labour of the department should be screened for regularisation in other departments against vacancies in the lowest grade in Group 'D' including the resultant vacancies/promotion within Group 'D' and from Group 'D' to Group 'C' upto Dec'97.

/due to

...2/-

iv) In the process of posting after screening as above, it is possible that some of the casual labour may have to be posted to stations other than those at which they are working. It should be made clear to them that any refusal to move on transfer on their part would result in forfeiture of the benefit of screening for regularisation.

v) In the process of screening, it should be ensured that the quota for SC, ST & OBC is strictly adhered to and in case sufficient candidates are not available from these categories for screening, the posts are kept vacant and not de-reserved.

3. Please acknowledge receipt.
Hindi version will follow.

(ANJU BANERJEE)
DIRECTOR ESIT N)
RAILWAY BOARD

No.E(NG)II/96/CL/61

New Delhi, dt. 3.9.96.

Copy to: with 35 spares to:

1. The General Secretary Secretary, AIRF, 4 State Entry Road, New Delhi.
2. The General Secretary, NFIR, 3-Chalmers Road, New Delhi.

for Secretary/Railway Board.

Copy to:
PSS to CRE, FC, MI, MT, ML, MS, ME, ALM(S), ALM(F), ALM(MTP),
ALM(ELEC), DG(RHS), AGW(CE), AGW(MECH), AGW(PU), AGW(S&T),
AGW(COIN), AGW(SAFETY), AGW(TRAFFIC), AGW(STORES), EL(SAFETY),
EDPA, EDE(RES), EL(II), EDE, EDPC, EDE(C), EDA, EDE(T&MP),
EL(COACHING), EDW, DE(NG), JDE(P&A), DE(RRB), JDE(RIP), DDE(R)I,
II, DDE(W), JDE(SCT), JDE(D&A), E(Rep)I, II, III, R(SCT)I, II,
E(NG) and E(LR)II Branches of Railways: DDE(R)II with 2 spares.

Annexure

68

NE Railway

No.E/191/26 Pt.VII (C)

Office of the
General Manager(P)
Maligaon, Guwahati-781
Dated. /7.05.2000

To,
GM(Con), All PHOD & HODs/Maligaon,
All DRM, DAOs & WAOs,
Dy.CME/NBQ & DBWS,
All Controlling officers of divisionalised officers,
All Cadre Section's SPO & APO.

Sub:- Preservation and Destruction of old Records.

An extract of chapter 'A' on Establishment matter from the " Record Retention Schedule for Records "- issued by the Ministry of Personnel Public Grievances, New Delhi, is forwarded herewith for information and guidance please.

DA : As above

General
10/5/2000
for General Manager (P)

69 A-ESTABLISHMENT

PAGE

11. Creation and classification of posts	1
12. Recruitment	1
14. Scheduled castes and Scheduled tribes	4
15. Retrenchment	4
16. Verification/re-verification of character and antecedents	5
17. Medical examination	5
19. Personal files (gazetted)	5
20. Personal files (non-gazetted)	6
21. Service records	6
22. Postings and transfers	8
23. Seniority	8
24. Leave (other than study leave & casual leave)	9
25. Casual leave (including special leave)	9
26. Pay/special pay	9
27. Allowances	9
28. Confidential/assessment report	10
9. Increment	11
0. Quasi-permanency	11
1. Probation/confirmation	12
2. Promotion/reversion	12
3. Training/scholarships/fellowships in India and abroad	13
4. Departmental examinations	14
5. Deputations and delegations	14
5. Delegation of powers	15
Honorarium/awards	15
Pension/retirement	15
esignation	16
Extension of service	16
Re-employment	16
Nomination of employees	16
Forwarding of applications	17
Study leave	17
No objection certificate (for registration with employment exchange)	17
Review for determining suitability of employees for continuance in service	18
Review of cadres/services	18
No objection certificate for issue of passport, arms licence etc. to government servants	18
Records other than files	19

RECORD RETENTION SCHEDULE IN RESPECT OF RECORDS COMMON TO ALL DEPARTMENTS

Part I—Records relating to establishment and house-keeping work

A—ESTABLISHMENT

Description of record		Retention period	Remarks
Main head	Sub-head		
11. Creation and classification of posts	11. Continuance/abolition/re- vival of posts	1 year	Subject to particulars of sanc- tions being noted in Establi- shment/Sanction Register.
	12. Conversion of temporary posts into permanent ones	10 years	Subject to particulars of sanc- tions being noted in Establi- shment/Sanction Register.
	13. Creation of posts	10 years	Subject to particulars of sanc- tions being noted in Establi- shment/Sanction Register.
	14. Revision of scales of pay	Permanent in the case of departments issuing the orders and departments concerned; other departments need keep only the standing orders, weeding out the superseded ones, as and when they become obsolete.	Subject to particulars of sanc- tions being noted in Establi- shment/Sanction Register.
	15. Upgrading of posts	10 years	Subject to particulars of sanc- tions being noted in Establi- shment/Sanction Register.
	*16. Redesignation of Posts	10 years	Subject to particulars of chan- ge being noted in Estt./San- ction Register.
	*17. Plan/non-Plan	1½ yrs.	Subject to particulars of ann- ction being noted in Estt./ Sanction Register.
12. Recruitment	11. Recruitment (general as- pects) including provisions of the Constitution	Permanent in the case of departments issuing the orders and instructions; other departments need keep only the standing orders, weeding out the superseded ones, as and when they become obsolete.	
	12. Appointment of dependents of deceased employees	5 years	Subject to application of the candidate and an authenticat- ed copy of the order of appo- intment being kept on the personal file.

71

82

2

A-ESTABLISHMENT—contd.

1	2	3	4
13. Appointment of honorary workers	10 years		Subject to the bio-data/application of the candidate and an authenticated copy of the order of appointment being kept on the personal file.
14. Appointment of non-Indians.	10 years		Subject to the application of the candidate and an authenticated copy of the order of appointment being kept on the personal file.
15. Estimate (annual) of vacancies	2 years		
16. Employment priorities and maintenance of roster.	(a) 10 years in respect of Scheduled Castes/Tribes. (b) 5 years in the case of other.		
17. UPSC (Exemption from Consultation) Regulations	Permanent in the case of departments issuing the orders and the departments concerned; other departments need keep only the standing orders, weeding out the superseded ones as and when they become obsolete.		
18. Framing of recruitment rules	Permanent in the case of departments issuing the orders and the department concerned; other departments need keep only the standing rules, weeding out the superseded ones as and when they become obsolete.		
19. Notification to and release of vacancies by (i) Local employment exchange (ii) D.G.E.&T.	3 years		
20. Nomination of candidates by local employment exchange and their selection	3 years.		
21. Recruitment through employment exchange (general aspects)			
22. Recruitment through department of Personnel and Administrative Reforms			
23. Recruitment by ministries			
24. Recruitment from open market, including advertisement and inviting of applications	10 Years		Subject to the application of the successful candidates and an authenticated copy of the order of appointment being kept on the personal file.
25. Recruitment through UPSC including requisitions for recruitment and recommendations of UPSC			
(i) Group A			
(ii) Group B			
(iii) Group B (Non-Gazetted)			

72 87

3

4 ESTABLISHMENT—contd.

1	2	3	4
26. Recruitment otherwise than through UPSC	10 years		Subject to the application of the successful candidate and an authenticated copy of the order of appointment being kept on the personal file.
27. Reservation in services : (a) Scheduled castes/ Scheduled Tribes (b) Others	10 years 5 years		The Department of Personnel & Training and Commissioner for Scheduled Castes and Scheduled Tribes as authorities responsible for overall policy and co-ordination in the matter, may keep such record for appropriate longer periods to be prescribed by them in their respective record retention schedule.
29. Return regarding appointment and promotion made without consultation with UPSC	1 year		Subject to : (a) files not being closed till after the presentation of the Commission's report to Parliament; and (b) correspondence regarding difference of opinion between the UPSC and the administrative department being dealt with on the appropriate recruitment file.
31. Selection Committees for recruitment of personnel :			
(a) Constitution	3 years; or 1 year after reconstitution, whichever is later.		
(b) Proceedings	Period of limitation or 3 years, whichever is greater.		
32. Relaxation of age/educational qualifications	3 years		Subjects to a suitable entry being made in the appropriate service record (i.e. service book or service card) and an authenticated copy of the order being placed on Vol. II of Service book/personal file.

26. Recruitment otherwise than through UPSC 10 years

Subject to the application of the successful candidate and an authenticated copy of the order of appointment being kept on the personal file.

27. Reservation in services :
(a) Scheduled castes/
Scheduled Tribes 10 years
(b) Others 5 years

The Department of Personnel & Training and Commissioner for Scheduled Castes and Scheduled Tribes as authorities responsible for overall policy and co-ordination in the matter, may keep such record for appropriate longer periods to be prescribed by them in their respective record retention schedule.

29. Return regarding appointment and promotion made without consultation with UPSC 1 year

Subject to : (a) files not being closed till after the presentation of the Commission's report to Parliament; and (b) correspondence regarding difference of opinion between the UPSC and the administrative department being dealt with on the appropriate recruitment file.

31. Selection Committees for recruitment of personnel :

(a) Constitution 3 years; or 1 year after reconstitution, whichever is later.

(b) Proceedings Period of limitation or 3 years, whichever is greater.

32. Relaxation of age/educational qualifications 3 years

Subjects to a suitable entry being made in the appropriate service record (i.e. service book or service card) and an authenticated copy of the order being placed on Vol. II of Service book/personal file.

72

Annexure

1

84

A-ESTABLISHMENT—contd.

1	2	3	4
	33. Condonation of break in service	3 years	Subject to a suitable entry being made in the appropriate service record and an authenticated copy of the order being kept in Vol. II of service book/personal file.
	35. Engagement of casual labour	3 years or 1 year after completion of audit, whichever is later.	
1. Castes and Tribes	11. Representation in posts and services—policy and implementation of safeguards	Permanent in the case of departments issuing the orders, instructions, etc.; other departments need maintain only the standing orders and instructions, weeding out the superseded ones as and when they become obsolete.	
	12. Reservation of vacancies (including grouping of posts, and exclusion of posts from reservation order)	5 years	The Department of Personnel and Training and the Commissioner for Scheduled Castes and Scheduled Tribes, as authorities responsible for overall policy and coordination in the matter, may keep such record for appropriate longer periods to be prescribed by them in their respective record retention schedules.
	13. De-reservation of vacancies		
	15. Complaints from associations regarding non-observance of reservation in services	3 years	
	16. Annual statement regarding representation of Scheduled Castes/Scheduled Tribes	1 year	
11. General principles		Permanent in the case of departments issuing the orders, instructions, etc.; other departments need keep only the standing orders and instructions, weeding out the superseded ones, as and when they become obsolete.	

74
85

GUMHATI GPO 781001
RL-AD 3183
PA : PDAS
To: HARI CH RAY,
NALBARI, PIN:



Wt: 10grams
PS: 28.00, Amt: 0.00, 21/01/2006, 17:05:40
HAVE A GOOD DAY

GUMHATI GPO 781001
RL-AD 3184
PA : PDAS
To: DILIP DUTTA,
KARFETA, PIN:



Wt: 10grams
PS: 28.00, Amt: 0.00, 21/01/2006, 17:05:59
HAVE A GOOD DAY

GUMHATI GPO 781001
RL-AD 3185
PA : PDAS
To: DILIP BARMAN,
NALBARI, PIN:



Wt: 10grams
PS: 28.00, Amt: 0.00, 21/01/2006, 17:06:34
HAVE A GOOD DAY

GUMHATI GPO 781001
RL-AD 3186
PA : PDAS
To: PRATIMA BASUMATARY,
KOKRAJHAR, PIN:



Wt: 10grams
PS: 28.00, Amt: 0.00, 21/01/2006, 17:06:57
HAVE A GOOD DAY

GUMHATI GPO 781001
RL-AD 3187
PA : PDAS
To: JADAB BHUYAN,
NALBARI, PIN:



Wt: 10grams
PS: 28.00, Amt: 0.00, 21/01/2006, 17:07:21
HAVE A GOOD DAY

GUMHATI GPO 781001
RL-AD 3188
PA : PDAS
To: RATAN MONDAL,
BANGAPARA, PIN:



Wt: 10grams
PS: 28.00, Amt: 0.00, 21/01/2006, 17:07:46
HAVE A GOOD DAY

75

Sn	Name of applicants	Date of receiving of court verdict	Date of submission of application alongwith Court verdict	Advised to Applicant to submit document vide L/No. & Date	Reply received from applied on	Nature of documents submitted	Again advised to submit documents vide L/No. & Date	Application receipt in response	Nature of documents submitted	Remarks
1	2	3	4	5	6	7	8	9	10	11
1	Ratan Mandal		28.03.05	E/63/Con/	12.05.05	Uncertified	E/64/C/1 dt.	08.10.05	54 Nos.	
2	Prabin Deory	Date of	21.02.05	1 dt.27.4.05	12.05.05	Photocopy of	15.9.05 to	05.09.05	submitted	
3	Hemo Mili	CAT/GHY's	23.02.05	to 62 Nos	12.05.05	discharged	62 Nos.	06.10.05	copy of	
4	Hiranya Bori	order	11.02.05	Applicants	12.05.05	letter	Applicants	07.10.05	discharged letter.	
		23.12.04 of OA No.339/04								
5	Dilip Yadav		21.02.05	do	12.05.05	do	do	01.10.05	do	
6	Smt.Joymati Boro	Received by	02.03.05	do	12.05.05	do	do	04.10.05	do	
7	Dharmendra Boro	this office	12.02.05	do	13.05.05	do	do	06.10.05	do	
8	Surya Kr.Mushahari	on 23.03.05	20.01.05	do		do	do		do	
9	Smt.P. Basumatary		13.02.05	do	13.05.05	do	do	05.10.05	do	
10	Hitar Koch	Total	13.02.05	do	13.05.05	do	do	Undated	do	
11	Panender Sutradhar	Applicants	12.02.05	do	13.05.05	do	do	07.10.05	do	
12	Alashi Mushahari	65 Nos.	01.02.05	do	13.05.05	do	do	06.10.05	do	
13	Jitu Das	do	02.03.05	do	12.05.05	do	do	06.10.05	do	
14	S. Ali	do	02.03.05	do	12.05.05	do	do	06.10.05	do	
15	Lalit Rajvanshi	do	11.02.05	do	12.05.05	do	do	06.10.05	do	
16	Gopal Nandi	do	11.02.05	do	12.05.05	do	do	01.10.05	do	
17	Kulojit Das	do	22.02.05	do	12.05.05	do	do	02.10.05	do	
18	Pinku Das	do	21.02.05	do	12.05.05	do	do	05.10.05	do	
19	Aujan Kalita	do	23.02.05	do	12.05.05	do	do	05.10.05	do	
20	Gajen Tamuli	do	21.02.05	do	12.05.05	do	do	05.10.05	do	
21	Umprakash Gupta	do	23.02.05	do	13.05.05	do	do	05.10.05	do	
22	Gautam Barman	do	24.02.05	do	12.05.05	do	do	06.10.05	do	
23	Akhil Huzuri	do	23.02.05	do	13.05.05	do	do	06.10.05	do	
24	Prasantasen Deka	do	23.02.05	do	12.05.05	do	do		do	
25	Rupen Boro	do	25.02.05	do	12.05.05	do	do	01.10.05	do	
26	Abul Hussain	do	23.02.05	do	12.05.05	do	do	08.10.05	do	
27	Sanjiv Das	do	22.02.05	do	12.05.05	do	do	03.10.05	do	
28	Nagen Tamuli	do	23.02.05	do	12.05.05	do	do	06.10.05	do	
29	Bhavesh Tamuli	do	22.02.05	do	12.05.05	do	do	06.10.05	do	
30	Haladhar Daimari	do	25.02.05	do	13.05.05	do	do	05.10.05	do	

76

1	2	3	4	5	6	7	8	9	10	11
31	G. Basumatary	do	22.02.05	do	13.05.05	do	do	05.10.05	do	
32	Hemen Tamuli	do	24.02.05	do	12.05.05	do	do	06.10.05	do	
33	Phulen Kherkatary	do		do		do	do		do	Not submitted Application
34	Biswajit Ramchiary	do	25.02.05	do	12.05.05	do	do	04.10.05	do	
35	Arun Boro	do	24.02.05	do	13.05.05	do	do	03.10.05	do	
36	Bhabananda Das	do	25.02.05	do	Undated	do	do		do	
37	Tilak Ch. Boro	do	24.02.05	do		do	do		do	
38	Dipak Ch. Boro	do	23.02.05	do	12.05.05	do	do	02.10.05	do	
39	Simanta Rabha	do		do		do	do		do	Not submitted Application
40	Harichandra. Roy	do	20.01.05	do	12.05.05	do	do	02.10.05	do	
41	U. S. Sah	do	21.01.05	do	12.05.05	do	do	02.10.05	do	
42	Madhuram Deka	do	22.01.05	do	13.05.05	do	do	07.10.05	do	
43	Yadav Bhuyan	do	20.01.05	do	12.05.05	do	do	03.10.05	do	
44	Samir Mandal	do	20.01.05	do	13.05.05	do	do	03.10.05	do	
45	BabanYadav	do	25.01.05	do		do	do	04.10.05	do	
46	Milan Roy	do	20.01.05	do	13.05.05	do	do	04.10.05	do	
47	Haricharan Boro	do	25.01.05	do	13.05.05	do	do	02.10.05	do	
48	G. Basumatary	do	25.02.05	do	13.05.05	do	do	07.10.05	do	
49	Jayotish Das	do	20.03.05	do	13.05.05	do	do	02.10.05	do	
50	Kamal Boro	do	21.02.05	do	13.05.05	do	do	Undated	do	
51	Rabin Nazary	do	26.01.05	do	13.05.05	do	do	07.10.05	do	
52	Arun Swargary	do	28.02.05	do	13.05.05	do	do		do	
53	Dilip Barman	do	25.03.05	do	12.05.05	do	do	05.10.05	do	
54	Mohan Daimari	do	27.02.05	do	13.05.05	do	do	06.10.05	do	
55	Binod Tamuli	do	21.03.05	do	13.05.05	do	do	07.10.05	do	
56	Dilip Dutta	do	20.01.05	do	12.05.05	do	do	02.10.05	do	
57	Ganapati Deka	do	23.02.05	do	13.05.05	do	do	06.10.05	do	
58	Haricharan Das	do	24.02.05	do	13.05.05	do	do	04.10.05	do	
59	Mohan Roy	do	23.01.05	do	13.05.05	do	do	04.10.05	do	
60	Suresh Harijan	do	24.2.05	do	13.05.05	do	do	06.10.05	do	
61	G. Huzuri	do	25.02.05	do	12.05.05	do	do	06.10.05	do	
62	Mukesh Thakur	do	23.02.05	do	13.05.05	do	do	04.10.05	do	
63	Naresh Roy	do	22.2.05	do	13.05.05	do	do	05.10.05	do	
64	Manoj Roy	do	21.02.05	do	13.05.05	do	do	02.10.05	do	
65	Upendra Thakur	do		do		do	do		do	Not submitted Application

77 ANNEXURE - J
NORTHEAST FRONTIER RAILWAY

Office of the
General Manager/Con
Maligaon, Guwahati-11
Dated: 20-01-2006

No.E/63/CON/1(OA 339/04)

To
Shri Ratan Mandal
C/o H.Boro,
Qrs.No.223(B)New Coloney
P.O.:Rangapara, Dist: Sonitpur(Assam)
PIN:784505

**Sub: Your representation dated 08.10.05 in pursuance of Hon'ble
CAT/Guwahati's orders dated 23.12.2004 in the O.A.
No.339/2004.**

Pursuant to the Hon'ble CAT/ GHY's orders dated 23.12.2004, the representation submitted by you has been considered and you were advised for submission of necessary documents in support of your claim. However, documents said to be discharge certificate submitted by you were uncertified photo copies and no original certificates particularly the casual labour card. As such no action could be taken on those documents and you were further advised vide letter No.E/63/CON/1 dated 15.9.2005 to produce the documents in original for verification of your case. But you again submitted uncertified documents on 07.10.05 and not the original as required.

Were produced by you.
[Signature]

2. In accordance with the Railway Board's circular No.E(NG)II/9/CL Master Circular/157 dated 30-6-1992, a discharged Casual Labour shall have to produce the original Casual Labour Card and his representation made to the Railway administration for his re-engagement/re-induction of what-so-ever nature in Group-D employment as and when required by the Railway administration in proof of his service to be considered by the Railway administration towards re-engagements/absorption after making necessary verification of records and observing other formalities etc. But you have failed to produce the original Casual Labour service card relating to your engagement in the Railway administration as required, therefore, it is not possible for the Railway administration to consider your case.

3. Further, this may be noted that in accordance with the Railway Board's Circular communicated to all Zonal Railways vide No.E(NG)II/96/CL/61 dated 3.9.96 an action plan was drawn to ensure absorption of all casual labour on roll and also whose names were kept in the live casual labour register and supplementary live casual register and the entire process of which were to be completed by the December/1997 so that a position of no casual labour is achieved. To ensure the said action plan a massive drive was launched by the Railway Administration to ensure whether any casual labour

Contd....P/2

[Signature]
20-1-06

was borne on live register/supplementary live casual labour register, who was earlier at any time were engaged by Railway, and consider their cases on merits. But as per available records in this office you did not make any representation at that time to any of the competent railway authority in regard to your claim.

4. In view of above, the undersigned being authorized for and on behalf of the Respondents Railway Administration is constrained to accede to your representation for re-engagement in the Railway and, hence your request being devoid of merits does not deserve to be considered.


(A. Saikia)

Dy. Chief Personnel Officer/Con
N.F. Railway, Maligaon, Guwahati-11
For General Manager/Con