

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH.

ORDER SHEET

Original Application No. _____

Misc. Petition No. _____

Contempt Petition No. _____

Review Application No. 1/2006 MOA 102/2004

Applicant(s) Kulen Borman

Respondent(s) U.O.I GOM

Advocate for the Applicants Mr. S. Sauma
Miss B. Devi

Advocate for the Respondent(s) M. K. Sharma Add CGSC
Rly St. Counsel

Notes of the Registry Date Order of the Tribunal

This Review petition
has been filed by the
Counsel for the petitioner
u/s 22(3)(f) of the
Administrative Tribunal
Act, 1985 and praying
for review of the judgment
and order dated 31.5.2005
passed in O.A 102/2004
by this Hon'ble Tribunal

20.3.07

Applicant is directed to furnish the
copy of the Review Petition to Mr. G.
Baishya, learned Sr.C.G.S.C. to take
instructions. Post the matter before the
next available Division Bench.

Registry is directed to fix the
matter on the 1st date of next available
Division Bench.

Vice-Chairman
On behalf of the Bench.

Laid before
the Hon'ble Court for further
order.

Section Officer

The R.A No. 1/06 may be sent to
the Hon'ble Justice Sri G. Sivarajan, VC
for circulation the OA no. 102/04 passed
by the Division Bench on 31.5.2005.
held before Hon'ble V.C. for
approval.

Approved
24.11.06. Nanv.C 25/1/06

Contd.....

R.A 1/06

F.No. 4/2006-J-II D. 20.4.06
received from the CA/Bangalore
Bench.

13.02.2008

An Order of 2.4.06
passed in RA 1/06 by the
vice-chairman of the CA/B
Bench may kindly be
seen at flag 'A'.
On the prayer of Mr.H.K.Das, (appearing
for the Advocate for the Applicant) this
R.A. stands adjourned and to be taken up
on 18.03.2008.

The same has been
placed before the Hon'ble
V.C. & ffo necessary
orders.
Call this matter on 18.03.2008.

(Khushiram)
Member (A)

(M.R.Mohanty)
Vice-Chairman

by
2/5/06
CO.

for
2/5/06
Sol(?)

Call before Hon'ble
V.C. for forwarding orders.
18.03.2008 Call this matter on 23.04.2008.

(Khushiram)
Member(A)

(M.R.Mohanty)
Vice-Chairman

Hon'ble V.C.

Judicial Section will
analyze the VC as to
the need of further steps
to be taken.

Ue 2/5/06

As per order passed by one
of the Member on circulation at
para 4, this application can be
placed before the Bench for consideration.

Therefore, as per Rule 49 of the
Rules of practice Appendix - IV of
the clause 5 modified by an
notification No. 13/19/91-JA
of 18.5.2005, Hon'ble V.C. is the
competent to constitute the
Bench consisting of the available
Member.

Hence the same may
placed before the court for
admission, if approved.

by
2/5/06
CO.

Stamp
2/5/06
DR (1/1)

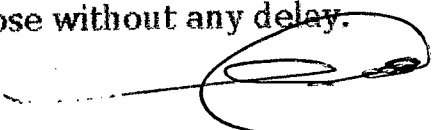
Hon'ble V.C.

Dated: 08.05.2006

In O.A. No.102 of 2004 order was passed by a Division Bench consisting of Hon'ble Justice Shri G. Sivarajan, Vice-Chairman and Hon'ble Shri K.V. Prahladan, Administrative Member on 31.5.2005. The Administrative Member has retired in August 2005 and the then Hon'ble Vice-Chairman has been transferred from Guwahati Bench to Bangalore Bench with effect from 16.1.2006. Both Members constituted for the Bench are not available in the Guwahati Bench. In the Writ Petition against the order of the Tribunal in the said O.A., the Hon'ble Gauhati High Court observed that "the additional affidavit filed by the applicant disclosing certain facts were not placed before the Tribunal. In the circumstances, we dispose of the writ petition with the observation that the facts stated in the additional affidavit may be adjudicated before the Central Administrative Tribunal by filing necessary application." Hence this R.A. has been filed.

The procedure for filing of R.A. is contained in Rule 17 of the Central Administrative Tribunal (Procedure) Rules, 1987, which as per Sub-rule (2) be ordinarily heard by the same Bench which has passed the order, unless the Chairman, may for reasons to be recorded in writing, direct it to be heard by any other Bench. Rule 49 prescribes the procedure in dealing with such R.A. Appendix IV clause (3) deals with review of the order in which both Members have ceased to be Members of the Tribunal. Clause 4 says that if one of the Members who passed the order is available in the Bench, the Vice-Chairman shall constitute a Bench with any other Member of the Bench and post the matter for preliminary hearing. Clause 5 deals with review of the order with both the Members who passed the order are Members of other Benches. In such cases it shall be sent to such Members to consider the petition by circulation. As one of the Members constituting the Bench has retired and the other Member has been transferred, I am of the view that the matter has to be placed before the Hon'ble Chairman as contemplated under Clause 5 seeking orders for constituting a fresh Bench as the Hon'ble Chairman will deem fit in the circumstances of the case.

Therefore, the Registry is directed to refer the matter to the Hon'ble Chairman for the said purpose without any delay.


Vice-Chairman 8/5/06

Flag 'B' may kindly be seen. It is received from PB regarding the constitution of Bench in no RA 1/06 in SA 102/04. As directed by the PB & in terms of para-5 of the notification dt. 18.5.05 at flag 'A', this RA may be placed before the next available Division Bench if the Honble is approved.

DR

N. Srinivas
18-8-06
SO(S)

Om
18-8-06
CO.

Pl. link up this Bench letter no CAT/674/63/2001/Judh/39 dt. 10-5-2006.

SO(S)

Electro
18/8/06

Link file submitted at Flag 'A' in file No. CAT/674/63/2001/Judh/348 dt. 10.5.06.

N. Srinivas
18-8-06

DR

Reply of PB in response to this Bench letter dt 10.5.06 flagged in the linked file no 16-12/96-JA, is placed for kind perusal and appropriate orders/directions.

Honble

Electro
18/8/06.

Put up this file immediately on knowing anybody (Ad. Member) is deployed to this Bench. So that appropriate orders can be considered. Put up the appropriate time well in advance.

C.O. N. Srinivas
13.9.06
SO(S)

Electro
13/9/06

13/9/06

RA-1/06 (OA 102/04) ⁻⁵

23.04.2008

On the prayer of learned counsel appearing for both parties, call this matter on 04.06.2008.

(M.R. Mohanty)
Vice-Chairman

lm

04.06.2008

None appears for the Applicant nor the Applicant is present. However, Mr. M. U. Ahmed, learned Addl. Standing Counsel appearing for the Respondents is present. He undertakes to file reply of the Respondents to this R.A. within three weeks.

Call this matter for hearing on 23.06.2008.

Reply not filed.

M
20.6.08.

(Khushiram)
Member(A)
(M.R. Mohanty)
Vice-Chairman

lm

23.06.08

Mr H. Das, learned counsel for the Applicant and Mr M.U.Ahmed, learned Addl. Standing counsel for the Respondents are present.

Call this matter on 23.07.2008.

Reply not filed.

M
22.7.08.

(M.R. Mohanty)
Vice-Chairman

pg


r b
R.A.1 of 06 (0-A-122/04)


23.07.2008. None appears for the Review Applicant nor the Applicant is present. Mr. M. U. Ahmed, learned Addl. Standing counsel appearing for the Respondents seeks more time to file written statement to the R.A.

Call this matter on 29th August 2008, awaiting reply from the Respondents to the R.A.

W/S not filed.

28.8.08

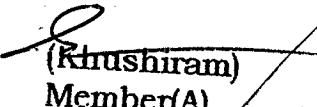

(Khushiram)
Member(A)

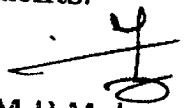

(M.R. Mohanty)
Vice-Chairman

lm

29.08.2008 Despite notice the Respondents have not filed any reply to this R.A. Mr. M. U. Ahmed, learned Addl. Standing Counsel appearing for the Respondents seeks more time to file reply.

Call this matter on 1st October, 2008 awaiting reply from the Respondents.


(Khushiram)
Member(A)


(M.R. Mohanty)
Vice-Chairman

lm

01.10.2008

Mr.H.K.Das, learned counsel is present on behalf of the review Applicant. Mr.M.U.Ahmed, learned Addl. Standing counsel for the Union of India is absent for the reason of his personal difficulty.

Call this matter on 11.11.2008.


(S.N. Shukla)
Member (A)


(M.R. Mohanty)
Vice-Chairman

/bb/

30.9.08
no reply filed.

W/S not filed.

10.11.08

11.11.2008 Mr. M. U. Ahmed, learned Addl. Standing Counsel appearing for the Respondents undertakes to file their reply in course of the day, after serving a copy thereof on the Applicant/ Advocate for the Applicant.

Call this matter on 02.12.2008.

(S.N.Shukla)
Member(A)

(M.R.Mohanty)
Vice-Chairman

lm

02.12.2008 On the prayer of the learned counsel for the Applicant call this matter on 29.01.2009.

(S.N.Shukla)
Member(A)

(M.R.Mohanty)
Vice-Chairman

Pg

17.03.2009 On the prayer of the learned counsel for the Applicant call this matter on 29.01.2009. ~~On the prayer of the learned counsel for the Applicant call this matter on 29.01.2009.~~ ~~any reply is not to be filed by the Respondents and the Applicant has already filed the matter on 17.03.2009.~~ M. Das, learned counsel representing the Union of India may be filed reply to the ~~same~~ ~~(M.R.Mohanty)~~ Vice-Chairman. She may do so, before the next date.

Lm

Call this matter on 24th April, 2009 for hearing.

Send copies of this order to the Applicant and the Respondents in the address given in the O.A

(M.R. Mohanty)
Vice- Chairman

lm

14.11.08

Reply to the Review application submitted by the Respondent No.1 to 3. copy served.

14/11

Reply has been filed.

28.1.09.

Reply filed.

16.3.09

R.A. 1 of 06

17.03.2009. ~~17.03.2009~~ Mr.H.K.Das, Advocate is present
on behalf of the Applicant. Mr. M. U. Ahmed,
learned Addl. Standing Counsel appearing for
the Union of India is also present.

(M.R. Mohanty)

lm Call this matter on 25th March, 2009
before Division Bench.

(M.R. Mohanty)

Vice- Chairman

lm

17.03.2009. Mr.H.K.Das, Advocate is present
on behalf of the Applicant. Mr. M. U. Ahmed,
learned Addl. Standing Counsel appearing for
the Union of India is also present.

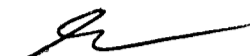
Call this matter on 25th March, 2009
before Division Bench.


(M.R. Mohanty)
Vice- Chairman

lm

25.03.2009

For the reasons recorded separately this
R.A. stands disposed of.


(Khushiram)
Member (A)


(A.K. Gaur)
Member (J)

/bb/

Received GPF
H.S.
27.3.09.

Revised
3/13
A22 CG SC

10

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Review Application No.1 of 2006 (O.A.102/2004)

DATE OF DECISION: 25.03.2009

Sri Kulen Barman

.....Applicant/s.

Mr.H.K.Das

..... Advocate for the
Applicant/s.

- Versus -

U.O.I. & Ors

.....Respondent/s

Mr.M.U.Ahmed, Addl..C.G.S.C.

.....Advocate for the
Respondents

CORAM

THE HON'BLE MR.A.K.GAUR, JUDICIAL MEMBER

THE HON'BLE MR.KHUSHIRAM, ADMINISTRATIVE MEMBER

- | | | |
|----|---|--------|
| 4. | Whether Reporters of local newspapers may be allowed to see the Judgment? | Yes/No |
| 5. | Whether to be referred to the Reporter or not? | Yes/No |
| 6. | Whether their Lordships wish to see the fair copy of the Judgment? | Yes/No |

Judgment delivered by


Judicial Member

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Review Application No.1 of 2006
(in O.A. No.102 of 2004)

Date of Order : This, the 25th day of March, 2009.

THE HON'BLE MR. A.K.GAUR, JUDICIAL MEMBER
THE HON'BLE MR. KHUSHIRAM, ADMINISTRATIVE MEMBER

Sri Kulen Barman
S/o Late Bihu Ram Barman
Resident of Vill: Pub-Bangnabari
Barama, P.O: Barama
District: Nalbari, Assam.

...Applicant.

By Advocates: Mr.S.Sarma & Mrs.B.Devi.

- Versus -

1. The Union of India represented by the
by the Secretary to the Govt. of India
Ministry of Human Resource
New Delhi
2. The Director
Anthropological Survey of India
27th, Jawaharlal Nehru Marg
Kolkata-16.
3. The Deputy Director
Anthropological Survey of India
North East Regional Centre
Mawblei Block-B, Mandanrting
Shillong- 793 021.

... Respondents.

By Mr.M.U.Ahmed, Addl. C.G.S.C.

✓

O R D E R (O R A L)

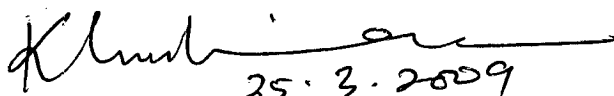
A.K.GAUR, MEMBER (J) :

We have heard Mr.H.K.Das, learned counsel for the Review Applicant and Mr.M.U.Ahmed, learned Addl.C.G.S.C. for the Respondents.

We do not find any error apparent on the face on the record. The Review Application is not legally maintainable. However, Mr.H.K.Das, learned counsel for the Review Applicant stated at the very outset that a number of similarly situated persons have already been regularised by the competent authority pursuant to the order dated 07.01.2009 passed by the Hon'ble Gauhati High Court in W.P.(C) No.6517/2005. the grievance of the Applicant might be redressed in case the Applicant is directed to file a fresh representation along with copy of the order passed by the Hon'ble High Court, within two weeks from the date of receipt of a copy of this order.

If such a representation along with the aforesaid order of the Hon'ble High Court is received by the competent authority, the same shall be considered and disposed of by the competent authority by passing a reasoned and speaking order taking into account the grievances of the Applicant within a period of three months from the date of receipt of such representation. Be it noted that we have not passed any order on the merits of the R.A.

With the aforesaid observations, the R.A. is disposed of.


25.3.2009
(KHUSHIRAM)
ADMINISTRATIVE MEMBER


(A.K.GAUR)
JUDICIAL MEMBER

CENTRAL ADMINISTRATIVE TRIBUNAL: GUWAHATI BENCH
GUWAHATI

13

REVIEW APPLICATION NO.1 OF 2006

THURSDAY, THIS THE 20TH DAY OF APRIL, 2006.

Shri Justice G.Sivarajan,
Vice-Chairman,
Central Administrative Tribunal,
Bangalore Bench, Bangalore.

.. Vice-Chairman.

Shri Kulen Barman.

.. Applicant.

Vs.

Union of India and others.

.. Respondents.

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ORDER
(By Circulation)

The Deputy Registrar, Bangalore Bench has placed before me the file in R.A.No.1/2006 in O.A.No.102/2004 received from the Guwahati Bench.

1. The Review Application was filed in O.A.No.102/2004 disposed of by a Division bench consisting of myself as Vice-Chairman and Mr. K.P.V.Prahladan, Administrative Member on 31-05-2005. The Administrative Member had retired from service in the month of August 2005. Since I have been transferred from Guwahati Bench to Bangalore Bench with effect from 16-01-2006 both the Members constituting the Bench are not available in Guwahati Bench.

GPB

2. It is seen that the applicant in the O.A. has filed writ petition challenging the order in the O.A. before the Gauhati High Court in Writ Petition No.8218 of 2005 and the same was disposed of by order dated 12-12-2005 (Annexure-2 in the R.A). The High Court observed that there is no ground to interfere with the order passed by the Tribunal in exercise of certiorari jurisdiction which is not vitiated by any error apparent on the face of the record. The High Court however, observed that the additional affidavit filed by the applicant disclosing certain facts were not placed before the Tribunal. In the circumstances the writ petition was disposed of with the observation that the facts stated in the additional affidavit may be adjudicated before the Central Administrative Tribunal by filing necessary application.

3. It is in view of the said order that the applicant has filed the present review application. The High Court has made it clear that they have not considered the facts stated in the additional affidavit. In view of the directions in the order dated 12-12-2005 passed by the High Court the reference application is maintainable.

4. I have gone through the averments in the additional affidavit (Annexure-3) filed before the High Court. Prima facie I do not find anything new has been made out to change the decision already made. However, in view of the order passed by the High Court, this matter can be placed before the Bench for consideration at the stage of admission itself.



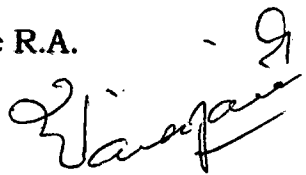
5. The procedure for filing Review Application is contained in Rule 17 of the Central Administrative Tribunal (Procedure) Rules, 1987. Sub-rule (2) provides that a review application shall ordinarily be heard by the same Bench which has passed the order, unless the Chairman may, for reasons to be recorded in writing, direct it to be heard by any other Bench. Rule 49 read with Appendix-IV (Notification dated 18-02-1992) of the Central Administrative Tribunal Rules of Practice, 1993 also prescribes the procedure for dealing with review petitions. Appendix-IV clause (3) deals with review of order in which both the Members have ceased to be Members of the Tribunal. It is provided that in such a case the Vice-Chairman shall place the review petition for preliminary hearing before a Bench consisting of any two Members of that Bench and that it would not be necessary to seek orders of the Chairman in such a case. Clause 4 deals with review of order in which one of the Members has ceased to be a Member of the Tribunal. It says that if one of the Members who passed the order is available in that Bench, the Vice-Chairman shall constitute a Bench with him/her and any other Member of the Bench and place the petition for preliminary hearing; If not, the Vice-Chairman shall constitute a Bench consisting of any two Members of that Bench. Clause 5 deals with review of order with both the Members who passed the order are Members of other Benches. In such a case the Vice-Chairman shall arrange to send the review petition to both the Members to consider the petition by circulation; if one of them is of the view that the petition merits a hearing, then the

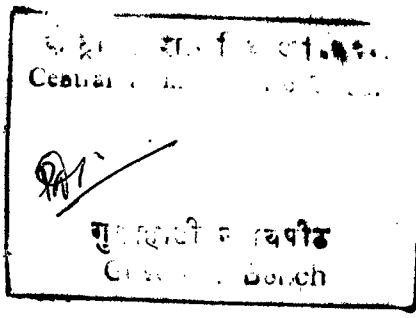


petition shall be placed for preliminary hearing; for that purpose the Vice-Chairman shall seek orders of the Chairman. As already noted, one of the Members constituting the Bench has retired and the other Member has been transferred. According to me, on the factual situation it is Clause 5 which can be made applicable though one of the Members is no longer in the services of the Tribunal.

6. I have already stated that the application merits a hearing in view of the order passed by the High Court. In the circumstances the further steps to be taken by the Vice-Chairman of the Guwahati Bench is to seek orders of the Hon'ble Chairman as contemplated under Clause 5 supra.

Office will send this order to the Guwahati Bench by way of reply to the letter dated 6/7-02-2006 enclosing the R.A.


(JUSTICE G.SIVARAJAN)
VICE-CHAIRMAN.



Filed by -
The Applicant
Through
Bandana Devi
Advocate 7
12.1.06

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL::
GUWAHATI BENCH::

Review Application No. 1 of 2006.

In O.A No. 102 of 2004.

Sri. Kulen Barman.

vs.

Union of India & ors.

IN THE MATTER OF.

An application under Sec 22 (3) (f) of the Administrative Tribunal Act 1985, praying for review of the judgment and order dated 31.05.2005 passed in O.A No 102 of 2004.

AND.

IN THE MATTER OF.

Sri Kulen Barman, son of late Bihu Ram Barman, resident of Vill. Pub-Bangnabari, Barama, P.O. Barama. Dist. Nalbari, Assam.

Applicant.

versus.

Kulen Barman

1. Union of India, represented by
the Secretary to the Govt of India,
Ministry of Human Resource.
New Delhi.

2. The Director,
Anthropological Survey of India,
27th, Jawaharlal Nehru Marg.
Kolkata - 16.

3. The Deputy Director.
Anthropological Survey of India,
North Eastern Regional Centre,
Mawblei Block-B, Mandanrting.
Shillong - 793021.

Respondents.

The humble petition on behalf of the applicant
above named;

MOST RESPECTFULLY SHEWETH.

1. That the applicant seeking regularisation of his
services from the date of his joining along with other
consequential service benefits, preferred the above noted
O.A before the Hon'ble Tribunal. The Hon'ble Tribunal after
hearing the parties to the proceeding was pleased to dismiss
the said O.A vide judgment and order dated 31.05.05.

A copy of the said judgment and
order dated 31.05.05 is annexed
herewith and marked as ANNEXURE - 1.

Kuln / Bauman

2. That the applicant being aggrieved by the said Judgment and order dated 3.05.05, passed in OA No 102/2004, preferred a Writ Petition before the Hon'ble High Court, which was numbered and registered as WP(C) No 8218/05. The Hon'ble High Court after hearing was pleased to direct the petitioner to place the factual materials before the Hon'ble Tribunal by way of filing necessary application, and hence this review application.

A copy of the said Judgment and order dated 12.12.2005 is annexed herewith and marked as ANNEXURE - 2.

3. That the petitioner craves leave of the Hon'ble Tribunal to place the factual back ground of the matter.

That the petitioner got his initial appointment as Chowkidar since May, 1993 and his such appointment continued till his service has been terminated w,e,f, 16.08.05. He worked under the respondents for more than 12 years and now he is overaged for any Govt. job/service. Apprehending termination as well as claiming regularisation of his service under the guidelines he filed the aforesaid OA No 102/04 before the Hon'ble Tribunal. The Hon'ble Tribunal vide Judgment dated 31.5.05 dismissed the said O.A. It is pertinent to mention here that the respondents as a consequence issued an order dated 16.08.05 terminating the service of the applicant.

That the applicant assailing the said Judgment

P.13
Kuldev Bahman

preferred the aforesaid Writ Petition before the Hon'ble High Court. The Hon'ble High Court on 5.12.05 directed the applicant to place all the factual details. Accordingly, the applicant filed an additional affidavit highlighting all the factual details. The Hon'ble High Court vide order dated 11.11.05 disposed of the said Writ Petition remanding back the matter to the Hon'ble Tribunal.

The Addl affidavit filed by the applicant along with the annexures and the Annexures of the Writ Petition are annexed herewith and marked as ANNEXURE- 3 colly and 4 colly.

That the applicant craves leave of the Hon'ble Tribunal to place the copy of the Writ Petition as and when necessary.

4. That the applicant begs to state that inspite of his best efforts and due diligent the material placed before the Hon'ble High Court through the Writ Petition and the Addl-Affidavit could not be placed before this Hon'ble Tribunal in his OA.

5. That in view of the aforesaid factual background of the case the applicant has filed this review application seeking review of the Judgment and order dated 31.5.05 on amongst the following grounds.

Kulsh 13/11/05

G R O U N D S.

A. For that the Hon'ble Tribunal ought to have called for the records from the respondents which go to show that the applicant fulfills the required qualification as prescribed in the scheme.

B. For that the Hon'ble Tribunal ought to have directed the respondents to place the relevant guidelines at the time of hearing of the case.

C. For that the Hon'ble Tribunal having regard to the earlier settled law in O.A No 106/03 ought to have directed the respondents for consideration of the case of the applicant.

D. For that the applicant who could not procure the records of his service particulars some how collected the copies at the relevant point of time after due diligent and same has been annexed as Annexure - 3 colly and 4 colly in this Review Petition and from which it is crystal clear that his case is covered by the scheme for grant of temporary status and regularisation. It is under the peculiar fact situation of the case the Judgment and order dated 31.5.05 is required to be reviewed directing the respondents to grant temporary status with retrospective effect and provide him all the consequential service benefit including retrospective regularisation and arrear salary and back wages etc.

Kuldev / Sarthak

E. For that in any view of the matter for the ends of justice the Judgment and order dated 31.05.05 is required to be reviewed.

In the premises aforesaid it is most respectfully prayed that Your Lordships would graciously be pleased to admit this Review application, issue notices to the respondents, call for the records of the case and on perusal of records be further pleased to recall the Judgment and order dated 31.05.05 passed in OA and hear the matter on merit considering the entire materials on record and thereafter to pass necessary order directing the respondents to grant temporary status with retrospective effect and provide him all the consequential service benefit including retrospective regularisation and arrear salary and back wages etc and / or pass any such order/orders as may be deemed fit and proper considering the facts and circumstances of the case.

And.

Pending disposal of the review application the applicant further

Kulsh Bhatnagar

prays for an interim order suspending the effect and operation of the Judgment and order dated 31.05.05 and the impugned consequential order of termination dated 16.08.05, with a further direction to the respondents to allow the applicant to continue in his post of chowkider under the respondents and / or pass any such order/orders as may be deemed fit and proper considering the facts and circumstances of the case.

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

Kulen Baeman

AFFIDAVIT.

I Sri Kulen Barman, aged about 29 years, son of late Bihuram Barman, resident of Vill Pub-Bangnabari, Barama, P.O. Barama, Assam do hereby solemnly affirm and state as follows;

1. That I am the petitioner in the instant Review Application and as such am well acquainted with the facts and circumstances with the case and competent to swear this affidavit.

2. That the statements made in this affidavit and in the accompanying petition in paragraphs..... 4 and 5..... are true to my knowledge and the statements made in paragraphs..... 1, 2 and 3..... are matters of records and rests are my humble submission before this Hon'ble Court.

And I sign this affidavit on this the 12nd day of Jan, 2006.

Kulen Barman

Identified by *Bandana Sui* Advocate.

DEPONENT.

Solemnly affirm ~~and~~ before ~~that~~ to me by the deponent who is identified by Mr. U.K. Gaswami Advocate.

8

U. K. Gaswami
Advocate
12.1.06

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No. 102 of 2004.

Date of Order: This the 31st day of May, 2005.

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

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

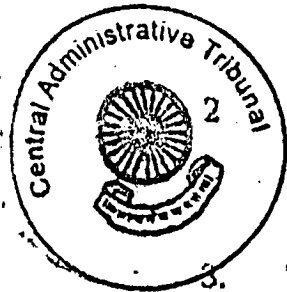
Shri Kulen Barman,
 Son of Late Bihu Ram Barman,
 Chowkidar (Casual worker)
 In the office of the
 Anthropological Survey of India,
 North East Regional Centre,
 Mawblei Block-B, Mandarling,
 Shillong-793021.

... Applicant

By Advocate Mr A. Ahmed

- Versus -

1. Union of India,
 represented by the Secretary to the
 Government of India,
 Ministry of Human Resource,
 New Delhi-1.



2. The Director,
 Anthropological Survey of India,
 27th Jawaharlal Nehru Marg,
 Kolkata-16.

3. The Deputy Director,
 Anthropological Survey of India,
 North Eastern Regional Centre,
 Mawblei Block-B, Mandarling,
 Shillong-793021.

... Respondents

By Mr M.U. Ahmed, Addl.C.G.S.C.

ORDERSIVARAJAN J. (V.C)

This application is for regularization of service of the applicant with effect from the date of his joining and pay him all the consequential service benefits including seniority with retrospective effect. The applicant claims that he was appointed as casual worker

under the respondents in the year 1989. After that he was appointed as Chowkidar on 1.4.1993 on casual basis and that till date he is working as Chowkidar under the respondent No. 3. The applicant has been working continuously for more than 15 years as a casual worker and he has acquired a legal right for regularization and regular pay scale of the Group 'D' post. The applicant claims that Sri Dasarath Barik was recruited by respondents on 1995 as a casual worker and he was regularised against Group D post under respondent No.2. Sri Barik was junior to the applicant. The applicant claims that since he had worked for a considerable long period under the respondents he is entitled to be regularised in Group D post.

2. The respondents claimed that the applicant was engaged as a daily wage labour from 1.5.93 to 23.7.93 for the first time. His services were terminated after expiry of 89 days (Annexure-1 to the



written statement). He was engaged for no work no pay basis since 1.5.93 as and when required. Therefore, the claim of the applicant that he was engaged continuously for more than 15 years is not based

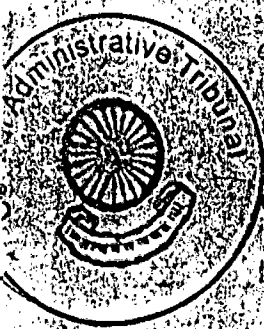
on facts. The claim of the applicant was considered by the respondents in terms of judgment in O.A.106/2003, but he was not found eligible as per the Casual Labourers (Grant of Temporary Status and Regularisation) Scheme 1993 of Government of India which came into effect from 1.9.1993. The claim of the applicant regarding Sri Dasarath Barik is not based on any facts. Sri Dasarath Barik had fulfilled all criteria for regularization under the Scheme. The applicant is not entitled for regularization as per the existing rules issued by the Government of India.

3. Heard Mr A. Ahmed, learned counsel for the applicant and Mr M.U. Ahmed, learned Addl.C.G.S.C for the respondents. The applicant

has not been able to substantiate his claim that he had worked under the respondents for more than 15 years. As per Annexures A, A-1, A-2, A-3, A-4, A-5, A-6, A-7 and A-8, the applicant had worked for period of approximately 170 days in 1994, 30 days in 1997, 30 days in 1998, 18 days in 1999, 25 days in 2000, 26 days in 2001, 24 days in 2002 and 26 days in 2003. As per Annexure-1 to the written statement the applicant had worked for 89 days from 1.5.1993 to 28.7.1993. As per the scheme of 1993, Group D post is restricted to casual workers with temporary status and regular Group D tender surplus. For temporary status the casual worker should have been in continuous service at least for 240 days (206 days in case of office observing 5 days a week) on the date in which the above scheme came into effect i.e. 1.9.1993. The applicant had neither completed the required number of days nor he was in employment on 1.9.1993. Since the applicant is not even eligible for temporary status, therefore the question of his appointment to regular Group D post does not arise. The applicant does not fulfill the eligibility criteria neither for temporary status nor for selection to the post of Group D.

Therefore, the application is liable to be dismissed and stands dismissed. No order as to costs.

SD- Vice-Chairman
SD- Member (A)



Certified to be true Copy
সত্যমিহ প্রতিষ্ঠিত

[Signature]
13.6.05

Section Officer (A)
C.A.T. GUWAHATI BRANCH
Guwahati-781005

[Signature]
13/6

20

IN THE GAUHATI HIGH COURT

(High Court of Assam, Nagaland, Tripura
Mizoram & Arunachal Pradesh)

CIVIL APPELLATION

Appeal from _____

WP (C) 8218 of 2005

Civil Rule _____

Sri Kuleu Barman

Appellant
Petitioner

Versus

Union of India & ors.

Respondent
Opposite Party

Appellant Mr. S. Sarma

For Petitioner Miss B. Devi - Advocate.

Respondent C.G.P. vsd S.G.F

For Opposite Party

Noting by Officer or Advocate	Serial No.	Date	Officer or Advocate of proceeding with signature
1	2	3	

Attested
Dri
Advocate.

Noting by Officer or Advocate	Serial No.	Date	Office notes, reports, orders or proceedings with signature
1	2	3	4

W.P. (C) No. 8218 of 2005

BEFORE

HON'BLE THE CHIEF JUSTICE MR. B.S. REDDY
THE HON'BLE MR. JUSTICE P.G. AGARWAL

ORDER

12.12.2005

B.S. Reddy, C.J.-

Heard Mr. S. Sarma, learned counsel appearing on behalf of the petitioner.

We do not find any ground to interfere with the order passed by the Central Administrative Tribunal in exercise of our Certiorari jurisdiction which is not vitiated by any error apparent on the face of the record.

Mr. S. Sarma, learned counsel for the petitioner submits that an additional affidavit has been filed in support of the writ petition which discloses certain facts which we do not consider it just and proper for the purpose of issuing necessary direction for regularization of service of the petitioner.

The factual details stated in the additional affidavit were not placed before the Central Administrative Tribunal and we are not inclined to consider the contents of the additional affidavit made available before this court by exercising our Certiorari writ jurisdiction against the impugned order passed by the Central Administrative Tribunal.

In the circumstances, we dispose of the writ petition with the observation that the facts stated in the additional affidavit may be adjudicated before the Central Administrative Tribunal by filing necessary application.

Remains order

District : Kamrup

Filed on
9/12/05

IN THE GUWAHATI HIGH COURT. AT GUWAHATI.

(The High Court of Assam, Nagaland, Meghalaya, Manipur, Tripura, Mizoram and Arunachal Pradesh)

(CIVIL EXTRA-ORDINARY JURISDICTION).

To,

The Hon'ble Shri B.S.Reddy, B.A, LL.B. the Chief Justice of the Guwahati High Court and His Lordship's Companion Justices of the said Hon'ble Court.

W.P. (C) No. 6218 of 2005.

Sri Kulen Barman,

.....Petitioner.

- vs -

Union of India & ors.

.....Respondents.

IN THE MATTER OF.

An additional affidavit placing certain factual details relating to the issue involved in the case.

I Sri Kulen Barman, aged about 29 years, son of late Bihuram Barman, resident of Vill Puhabangnabari, Barama, P.O. Barama, Assam do hereby solemnly affirm and state as follows;

Attested

[Signature]

Advocate.

1. That as per the direction passed by the Hon'ble Court on 5.12.2005, the petitioner begs to place the following factual aspect as under ;

2. That on 30.4.93 the Petitioner got his initial appointment as casual worker. He continued to perform his duties till his service has been terminated by the impugned order dated 16.08.05. Though he is continuing but respondents never issued specific orders to that effect, but in some occasions the respondents have issued orders.

3. That the case of the petitioner is squarely covered by the scheme issued by the Ministry of Personnel, Public Grievance, (Dept. of Personnel and Training) DN No 51016/2/90 dated 10th Sept 1993 and as such his service is required to be regularised after extending the benefit of the scheme i.e, temporary status, with retrospective effect i.e, the date when he acquired such right.

A copy of the scheme dated 10.9.93 is annexed herewith and marked as ANNEXURE - A.

4. That as per the order dated 5.12.05 the petitioner begs to place a chart showing the details of the working days on the basis of the available documents. It is further

stated that the respondents in each and every occasion refused the petitioner to issue/supply orders showing continuation of his service.

The petitioner having regard to the fact situation of the case craves leave of the Hon'ble Court for a direction towards the respondents to produce the records at the time of hearing of the case.

A typed chart prepared by the petitioner showing his service particulars is annexed herewith and marked as ANNEXURE - B.

5. That the petitioner begs to state that from the records available as indicated in the chart (Annexure - B), the petitioner fulfills the required qualification as prescribed in the scheme dated 10.09.93, and his service is required to be regularised after granting the temporary status with retrospective effect.

6. That the statements made in paragraphs are true to my knowledge and those made in para are matters of records derived there from the records and rests are my humble submission before this Hon'ble Court.

And I sign this Affidavit on this the _____ day of, 2005.

Identified by me:

Deponent

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

(XVIII)

Subject : Grant of temporary status and regularisation of casual workers -
Formulation of a scheme in pursuance of the CAT, Principal
Bench, New Delhi, Judgement dated 16th Feb. 1990 in the case of
Raj Kamal & Others Vs UOI.

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

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

Sd/- Y.G. Parande
Director

APPENDIX

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

1. This Scheme shall be called "Casual Labourers (Grant of Temporary Status and Regularisation) Scheme of Government of India, 1993."
2. This Scheme will come into force w.e.f. 1.9.1993.
3. This Scheme is applicable to casual labourers in employment of the Ministries/Departments of Government of India and their attached and subordinate offices, on the date of issue of these orders. But it shall not be applicable to casual workers in Railways, Department of Telecommunication and Department of Posts who already have their own schemes.

4. Temporary Status

- i) Temporary status would be conferred on all casual labourers who are in employment on the date of issue of this OM and who have rendered a continuous service of at least one year, which means that they must have been engaged for a period of at least 240 days (206 days in the case of offices observing 5 days week).
- ii) Such conferment of temporary status would be without reference to the creation/availability of regular Group 'D' posts.
- iii) Conferment of temporary status on a casual labourer would not involve any change in his duties and responsibilities. The engagement will be on daily rates of pay on need basis. He may be deployed anywhere within the recruitment unit/territorial circle on the basis of availability of work.

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

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

- i) Wages at daily rates with reference to the minimum of the pay scale for a corresponding regular Group 'D' official including DA, HRA and CCA.
- ii) Benefits of increments at the same rate as applicable to a Group 'D' employee would be taken into account for calculating pro-rata wages for every one year of service subject to performance of duty for at least 240 days; 206 days in administrative offices observing 5 days week) in the year from the date of conferment of temporary status.
- iii) Leave entitlement will be on a pro-rata basis at the rate of one day for every 10 days of work, casual or any other kind of leave, except maternity leave, will not be admissible. They will also be allowed to carry forward the leave at their credit on their regularisation. They will not be entitled to the benefits of encashment of leave on termination of service for any reason or on their quitting service.
- iv) Maternity leave to lady casual labourers as admissible to regular Group 'D' employees will be allowed.
- v) 50% of the service rendered under Temporary Status would be counted for the purpose of retirement benefits after their regularisation.

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

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

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

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

8. Procedure for filling up of Group 'D' posts.

i) Two out of every three vacancies in Group 'D' cadres in respective offices where the casual labourers have been working would be filled up as per extant recruitment rules and in accordance with the instructions issued by Department of Personnel and Training from amongst casual workers with temporary status. However, regular Group 'D' staff rendered surplus for any reason will have prior claim for absorption against existing/future vacancies. In case of

Illiterate casual labourers or those who fail to fulfil the minimum qualification prescribed for post, regularisation will be considered only against those posts in respect of which literacy or lack of minimum qualification will not be a requisite qualification. They would be allowed age relaxation equivalent to the period for which they have worked continuously as casual labourer.

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

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

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

- 22 -

ANNEXURE - D.

a. Order No 1-292/91/Estt/92 dated 11/3.01.1994,

19.01.94 to 13.04.94 = 85. days.

Ref :- page 13 of the WP(C).

b. Order No 1-292/91/Estt dated 10/21.03.94.

24.03.94 (14.4.94) to 19.06.94 = 66. days.

Ref :- page 14 of the WP(C).

c. Order No 1-292/91/Estt. dated 29.4.95.

continuation order.

01.05.94 (20.06.94) to 23.07.94 = 36 days.

Ref :- page 15. of the WP(C).

d. Order No. 1-292/91/Estt dated 22/23.03.94.

continuation order.

25.03.94 to 13.11.94. = 79 days.

TOTAL = 266 DAYS. IN 1994.

a. Order No 1-292/9/Estt.1415 dated 26.2.02

Ref :- Page 20. = 26 days.

b. Order No 1-292/91Estt dated 20.3.2002.

Ref :- Page 27 = 26 days.

c. Order No 2-292/91/Estt dated 29.4.2002.

Ref :- Page 26 = 26 days.

d. Order No 1-292/91/Estt dated 31.5.2002.

Ref :- Page 25. = 26 days.

e. Order No 1-292/91/Estt (Vol-11) dated 28.6.2002.

Ref :- Page 24 = 26 days.

f. Order dated 1-292/91/Estt (Vol-111)/1418 dated 31.7.2002

Ref :- Page 23 = 26 + (Extra) = 27 days.

g. Order No 1-292/91 (VOL-III)/1898 dated 4.10.2002

Ref :- page 22 = 27 days.

h. Order No 2-292/91/Emt Vol II/2000 dated 30.10.2002

Ref :- Page 21 = 26 days.

i. Order No 1-292/91/Emt Vol II dated 29.11.2002.

Ref :- Page 20 = 27 days.

NB 1. :- Two orders pertaining to the Month of January 2002 showing 26 days and December 2002 showing 27 days have not been annexed to the Writ Petition. (Copies enclosed).

NB 2. :- Apart from total 290 days the petitioner was allowed 4 paid holidays each month.

TOTAL = 290 DAYS.

NB 3. :- Apart from above each year from 1995 to 2001 and 2003 to 2009 and 2007 the petitioner has completed 240 days of continuous service.

No. 1-292/91/Estt. Vol-II)
Anthropological Survey of India,
North East Regional Centre,
Mawblei Block-B, Madanring,
Shillong-793021.

Dated : November 26, 2002.

OFFICE ORDER

In supersession of this office order of even number dated 30th October, 2002, the duties of Regular and Daily Wages Chowkidars for the month of December, 2002 as suggested will be as follows. The duties of the Daily Wages Chowkidars will be on temporary basis and may be terminated automatically as and when required and they will be paid @ Rs. 116/- per day i.e. OD no work no pay basis as per rules :-

Sl. No.	Name of Chowkidars.	Times.	Days.
1.	Sri. I. Sangma, Regular Chowkidar.	2.00 pm to 10.00 pm.	From 1st-31st December, 2002. Weekly off : 3,10,17,24,31.
2.	Sri. G. Khongwir, - do -	10.00 pm to 6.00 am	From 1st-31st December, 2002 Weekly off: 2,9,16,23,30.
3.	Sri. Chinmoy Das, D/W. Chowkidar.	10.00 pm to 6.00 am	From 1st-31st December, 2002. Weekly off : 6,13,20,27.
4.	Sri. Uma Nath Rai, - do - (Library)	9.00 am to 5.00 pm	From 1st - 31st December, 2002, Weekly off : 1,8,15,22,29. BREAK ON : 14th & 15th Dec' 02.
5.	Sri. Naresh Sarkar, - do -	6.00 am to 2.00 pm	From 1st - 31st December, 2002. Weekly off: 7,14,21,28.
6.	Sri. Sanjeet Kumar, - do - (Museum)	8.00 am to 5.00 pm	From 1st-31st December, 2002. Weekly off : 5,12,19,26. BREAK ON : 10th & 11th Dec, 2002.
7.	Sri. Kulen Barman, - do -	2.00 pm to 10.00 pm - 10.00pm to 2.00 pm -	on 3,10,17,24,31 on 2,9,16,23,30, 6,13,20,27.
	(Library)	9.00 am to 5.00 pm -	on 1,8,15,22,29,
	(Museum)	9.00 am to 5.00 pm -	on 5,12,19,26
		6.00 am to 2.00 pm -	7,14,21,28.
			Weekly off :- 4,11,18,25 December'02.

Copy to :-

- 1) Shri. R. Sahani, A.A(P) & Security officer, An.S.I., Shillong-21 for information and necessary action.
- 2) Account section, - do - do -

Attested:
Director In-charge, Shillong & Excavation
Meghalaya, Shillong.

(B. Dhar)
Head of Office
Anthropological Survey of India,
Government of India
North East Regional Centre,
Shillong-793001

- 25

No. 1-292/91/Estt./3-9
Anthropological Survey of India
North East Regional Centre
Mawblei, Madanpuri - 21.
Shillong - 21.

(61)

41

OFFICE ORDER Dt : December 24, 2001.
Sun 1

In pursuance of this office order of even number dated 27-11-01, the duties of Regular & Daily Wages Chowkidars for the month of January, 2002 as suggested will be as follows. The duties of D/W. Chowkidars will be on temporary basis and may be terminated automatically as and when required and they may be allowed extra emergent duties and they will be paid @ Rs. 116/- per day i.e. no work no pay basis as per rules :-

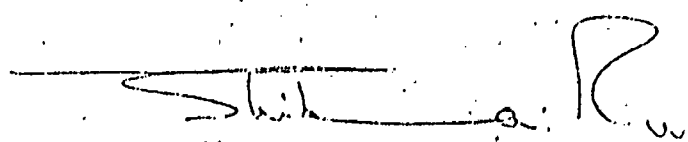
Sl. No.	Name of Chowkidars.	Period	Days.
1.	Shri I. Sangma, Regular Chowkidar	2 P.M to 10 P.M.	From 1st to 31st January, 2002 Weekly off : 7,14,21,28. (Monday)
2)	Sri. G. Khongair, - do -	10 P.M. to 6 A.M.	From 1st January to 31st Jan'2002 Weekly off : 1,8,15,22,29 (Tues)
3.	Sri. Chirmoy Das, D/W. Chowkidar	6 A.M. to 2 P.M.	From 1, 3, 4, 6, 7, 8, 9, 10, 11, 13, 14, 15, 16, 17, 18, 20, 21, 22, 23, 24, 25, 27, 28, 29, 30, 31 = 27 days. Weekly off :- 5, 12, 19, 26 (Sat.)
4.	Sd. Naresh Sarkar, - do -	10 P.M. to 6 A.M.	From 1, 2, 4, 5, 6, 7, 8, 9, 10, 12, 13, 14, 15, 16, 17, 19, 20, 21, 22, 23, 24, 26, 27, 28, 29, 30, 31 = 27 days. Weekly off: 4, 11, 18, 25 (Friday)
5.	Shri Uma Nath Rai, - do - Museum	9 A.M. to 5 P.M.	From 1, 2, 3, 4, 5, 7, 8, 9, 10, 11, 12, 14, 15, 16, 17, 18, 19, 21, 22, 23, 24, 25, 26, 28, 29, 30, 31 = 27 days. Weekly off : 6, 13, 20, 27 (Sunday)
6.	Shri Sanjeet Kumar, - Do - Library	9 A.M. to 5 P.M.	From 1, 2, 3, 4, 5, 6, 7, 8, 9, 11, 12, 13, 14, 15, 16, 18, 19, 20, 21, 22, 23, 25, 26, 27, 28, 29, 30 = 26 days Weekly off : 10, 17, 24, 31 (Thur)
7.	Sri. K. Barman, - do -	6.00AM to 2.00 PM	From 5, 13, 19, 26 (Sat.)
		2.00 PM to 10.00 PM	From 7, 14, 21, 28 (MON)
		10.00 PM to 6.00 AM	From 1, 4, 8, 11, 15, 18, 22, 25, 29 (Tuesday/Friday)
		9.00AM to 5.00 PM	From 3, 10, 17, 24, 31 (Thursday)
	(Museum) -	9.00AM to 5.00 PM	From 6, 13, 20, 27 (Sunday) = 26 days Weekly off :- 2, 9, 16, 23, 30 (Wed)

Attested
Reside Inspector of Police, Shillong

Copy to :-
1) Sri. N.H. Sengupta, Security officer,
An.S.I. Shillong-21.

As per the approval of Head of Office at note sheet a page No.14, dated 30th April, 1993, the following contingent labourers have been engaged for a period of 89-days with effect from 1.5.1993 to 28.7.93. Their duty will be terminated automatically after 29.7.93 and they should not be allowed for double duty. They may be paid wages @ Rs.46/- (Rupees forty six only) per day i.e. no work no pay basis.

- 1) Shri Kulon Barman c/o Dipu Kutir,
Upper Lachumara, Shillong
- 2) Shri Chinmoy Das C/o. B.N.Dey, Upper Laban,
Shillong-1.


Head of Office

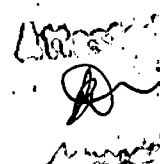
No.1-292/91/Estt

Dated: 30.4.93

Copy to: 1) Accounts Section

2) Shri N.N.Sengupta, Asstt. Keeper,
(Museum Incharge) Shillong.

OA 102



Anthropological Survey of India
North-eastern Region
Shillong

No. 1-292/01/Estt. / 92

Dated 11.01.1994.
13

As per the approval of the Head of Office dt. 11.01.1994 Shri Kulen Burman S/O. Bhu Burman C/O. Dip Kutir, Upper Lachumiere, Shillong has been engaged for 85 days as casual labour with effect from 19.01.94 to 23.01.94 (10.00p.m. to 6.00a.m.) and from 24.01.94 to 13.4.94 (6.00a.m. to 2.00p.m.) at Main building. His duty will be terminated automatically after 13.4.94 and he should not be allowed for any double duty. He will be paid wages @Rs.46/- (Rs. forty six only) per day i.e. on work no pay basis.

[Signature]
Deputy Director
&
Head of Office

Accounts section



[Faint handwritten notes and stamps]
1-01-94

12
28
13/3/94

= 28-

Ann-4
Copy

Anthropological Survey of India
North East Regional Centre
Shillong

ANNEXURE - 4

No.1-292/91/Estt.

Dated 18.03.1994.

21

As per the approval of the Head of Office
the duty of Chowkidars at Main building from 24.3.94
to 19.6.94 will be as follows:

- 1. Shri Gladstone Khongwir, Casual labour - 6.00a.m. to 2.00p.m.
- 2. Shri Kulen Barman, Casual labour - 2.00p.m. to 10.00p.m.

Deputy Director
&
Head of Office

No.1-292/91/Estt.

Dated 18.03.1994.

Copy forwarded for informaton and necessary action to:

- 1. Accounts section.
- 2. Office copy.

Prasanna
Deputy Director
&
Head of Office

66

13-4-94 to
19-6-94 ->

30
19
57

Anthropological Survey of India
North East Regional Centre
Shillong.

No.1-292/91/Estt.

Dated 29.4 1994.

As per the approval of the Head of Office dt.29.4.94
Shri Kulen Barman, C/O. Dip Kutir, Upper Lachumiere, Shillong
has been engaged for 86 days as casual labour with effect from
1.5.94 to 25.7.94 (6.00A.M. to 2.00P.M.) at Museum Building.
His duty will be terminated automatically after 25.7.94 and
he should not be allowed for any double duty. He will be paid
wages @Rs.49/- (Forty nine) only per day i.e. no work no pay
basis.

Prm
Deputy Director
&
Head of Office

- 1. Copy to Accounts section.
- 2. Spare copy.

25/36

Anthropological Survey of India
North East Regional Centre
Shillong.

No. 1-292/91/Estt.

Dated 22.8.1994
22

As per the approval of the Head of Office dated 22.8.94
Shri Kulen Burman C/O. Dip Kutir, Upper Lachumiere, Shillong
has been engaged for 81 days as casual labour with effect from
25.8.1994 to 13.10.1994 (2.00P.M. to 10.P.M) at Main Building.
His duty will be terminated automatically after 13.10.94 and he
should not be allowed for any double duty. He will be paid wages
@Rs. 49/- (Forty nine) only per day i. e. no work no pay basis.
~~xxxxxxmentionedxxxxxxxxxxxxliexxxrdxxxx.~~

M. R. Chakraborti
(M. R. Chakraborti)
Junior Administrative Officer

1. Copy to Accounts Section.

81 days

81

- 37 -
No. 1-292/91/Estt.

Ann-4
Contd.

ANNEXURE - A₂

Anthropological Survey of India,
Government of India,
North East Regional Centre,
Upper Lachhara,
Shimoga-79 3001.

Dated : August 26, 1997.

OFFICE ORDER

As per the approval of Deputy Director dated 25-8-97. The following Daily Wages Chowkidars will be perform their duties in Main Building and Museum building from 26-8-97 to 25-9-97 as per the scheduled programme given below on working days. They may handover the keys to O.I.C./Chowkidars of the respective building.

- 1) Shri Kulon Baman, will perform his duty in Main building from 6:00 A.M. to 9:30 A.M. and from 5:30 P.M. to 10:00 P.M. for 8 hours w.e.f. 26-8-97 to 25-9-97.
- 2) Shri Umanath Rai, will perform his duty in the Museum building from 10:00 P.M. to 6:00 A.M. for 8 hours w.e.f. 26-8-97 to 25-9-97.
- 3) Shri Iterson Sangma, will perform his duty in Museum building from 6:00 A.M. to 9:30 A.M. and from 5:30 P.M. to 10:00 P.M. for 8 hours w.e.f. 26-8-97 to 25-9-97.
- 4) Shri Chimoy Das, will perform his duty in the Main office building from 10:00 P.M. to 6:00 A.M. for 8 hours w.e.f. 26-8-97 to 25-9-97.

(B. R. Rizvi)
Deputy Director &
Head of office

No. 1-292/91/Estt. (Vol-I)
Anthropological Survey of India,
North East Regional Centre,
Mawblei Block-B, Madanring,
Shillong- 21.

Dated 18 8th May, 2002.

OFFICE ORDER

Kulirani
During the break ~~fix~~ periods of Shri ^{Chinmay Das} ~~Naresh Sarkar~~, D/W. Chowkidar whose duties is from 9.00 AM to 5.00, Shri Kulen Barman, D/W. Chowkidar will perform the duties ~~xxx~~ on 9th May, 2002.

And also during the break period of Shri Naresh Sarkar, D/W. on 24th May, 2002 whose duties is at 9.00 AM to 5.00 P.M, Shri Uma Nath Raig D/W. will perform the duties on 24th May, 2002.

D. F. Kulirani

(D.F. Kulirani)

Head of Office
Anthropological Survey of India
Government of India
North East Regional Centre
Shillong- 793001

Copy to :-

- 1) Shri N.N. Sengupta, Security officer, An.S.I., Shillong for information and necessary action.
- 2) C/C section, - do - - do -

D. F. Kulirani

(D.F. Kulirani)

Head of Office
Anthropological Survey of India
Government of India
North East Regional Centre
Shillong- 793001

No. 1-292/91/Estt. (Vol-III) / 11889
Anthropological Survey of India,
North East Regional Centre,
Mawblei Block-B, Madanring,
Shillong- 793 021.

Dated : September 30, 2002.

Ythoct

OFFICE ORDER

During the Break period of Shri. Chinmey Das, Daily wage chowkidar on 24th October, 2002 whose duties is from 6.00 am to 2.00 pm, Sri. Kulen Barman, Daily wages chowkidar will perform the duties from 6.00 am to ~~2.00~~ 2.30 pm on 24th October, 2002.

Copy to :-

- 1) Shri. Remesh Sahani, A.A(P) and Security officer, An.S.I. Shillong for information and necessary action.
- 2) A/C. section. - do -

Drac

(B. Francis Kulirani)
Head of Office
Anthropological Survey of India
Government of India
North East Regional Centre
Shillong- 793001

Dated : November 28, 2002.

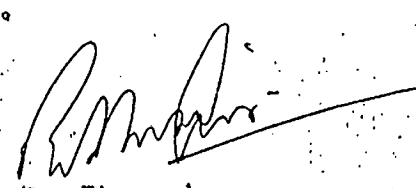
OFFICE ORDER

In supersession of this office order of even number dated 30th October, 2002, the duties of Regular and Daily Wages Chowkidars for the month of December, 2002 as suggested will be as follows. The duties of the Daily Wages Chowkidars will be on temporary basis and may be terminated automatically as and when required and they will be paid @ Rs. 116/- per day i.e. DD no work no pay basis as per rules :-

Sl. No.	Name of Chowkidars.	Times.	Days.
1.	Sri. I. Sangma, Regular Chowkidar.	2.00 pm to 10.00 pm	From 1st-31st December, 2002. Weekly off : 3,10,17,24,31.
2.	Sri. G. Khongwir, - do -	10.00 pm to 6.00 am	From 1st-31st December, 2002 Weekly off : 2,9,16,23,30.
3.	Sri. Chinmoy Das, D/W. Chowkidar.	10.00 pm to 6.00 am	From 1st-31st December, 2002. Weekly off : 6,13,20,27.
4.	Sri. Uma Nath Rai, - do - (Library)	9.00 am to 5.00 pm	From 1st - 31st December, 2002, Weekly off : 1,8,15,22,29. BREAK ON : 14th & 15th Dec '02.
5.	Sri. Naresh Sarkar, - do -	6.00 am to 2.00 pm	From 1st - 31st December, 2002. Weekly off : 7,14,21,28.
6.	Sri. Sanjeet Kumar, - do - (Museum)	9.00 am to 5.00 pm	From 1st-31st December, 2002. Weekly off : 5,12,19,26. BREAK ON : 10th & 11th Dec, 2002.
7.	Sri. Kulen Barman, - do - (Library) (Museum)	2.00 pm to 10.00 pm 10.00pm to 2.00 pm 9.00 am to 5.00 pm 9.00 am to 5.00 pm 6.00 am to 2.00 pm	- on 3,10,17,24,31 - on 2,9,16,23,30, 6,13,20,27. - on 1,8,15,22,29, - on 5,12,19,26 - 7,14,21,28. Weekly off :- 4,11,18,25 December '02.

Copy to :-

- 1) Shri. H. Sahani, A.A(P) & Security officer, An.S.I., Shillong-21
for information and necessary action.
- 2) Account section, - do - do -


(B. Dhar)

Head of Office
Anthropological Survey of India,
Government of India
North East Regional Centre,
Shillong-793001

16

Anthropological Survey of India,
North East Regional Centre,
Mawblei Block-2, Madanring,
Shillong- 793 021

101-11/2020

51

ANNEXURE - A7

Dated : October 30, 2002

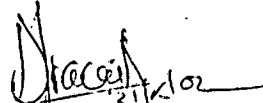
OFFICE ORDER

In supersession of this office order of even number dated 30-9-2002, the duties of Regular and Daily Wages Chowkidars for the month of November, 2002 as suggested will be as follows. The duties of the Daily Wages Chowkidars will be on temporary basis and may be terminated automatically as and when required and they will be paid @ Rs. 116/- per day i.e. no work no pay basis as per rules :-

Sl. No.	Name of Chowkidars.	Times.	Days.
1.	Sri. I. Sangma, Regular Chowkidar	10.00 PM to 6.00 AM	From 1-30 November, 2002 Weekly off : 5, 12, 19, 26 Nov'02
2.	Sri. G. Khongwir, - do - (Museum) Uma Nath Rai	9.00 am to 5.00 pm	From 1-30 November, 2002 Weekly off: 4, 11, 18, 25 Nov'02
3.	Sri. Khimam Das, Daily Wage Chowkidar	2.00pm to 10.00 pm	From 1-30 November, 2002 Weekly off : 3, 10, 17, 24 Nov'02
4.	Sri. Naresh Sarkar, -do-	10.00 pm to 6.00 am	From 1-30 November, 2002 Weekly off: 2, 9, 16, 23, 30 Nov'02 Break :- on 8th & 9th November, '02
5.	Sri. Kulen Barman, -do-	6.00 am to 2.00 pm	From 1-30 November, 2002 Weekly off : 6, 13, 20, 27 Nov'02 Break :- on 19th & 20th November'02
6.	Sri. Sanjeet Kumar, -do- (Library)	9.00am to 5.00pm	From 1-30 November, 2002 Weekly off: 7, 14, 21, 28 Nov'02
7.	Sri. Chinmoy Das, -do- Museum - Library -	10.00 - 6.00 am 9.00am - 5.00 pm 9.00am - 5.00 pm	on 5, 12, 19, 26, 28, 2, 9, 16, 23, 30 November, 2002 On 7, 14, 21, 28 November, 2002 Weekly off: 1, 8, 15, 22, 29 November'02 6.00am - 2.00 pm - 6, 13, 20, 27 November, 2002 2.00pm - 10.00pm - 3, 10, 17, 24. November, 2002.

Copy to :-

- 1) Sri. Ramesh Sahani, A.A(P) & Security officer, An.S.I., Shillong-21 for information and necessary action.
- 2) Account section, - do - - do -


 (S.F. Kulirani)
 Head of Office
 Anthropological Survey of India
 Government of India
 North East Regional Centre
 Shillong- 793001

No. 1-292/91. (Vol-III) / 1898
Anthropological Survey of India,
North East Regional Centre,
Mawhlai Block-B, Madanring,
Shillong- 793 021.

Dated : September 2002.

OFFICE ORDER *uthoct*

In supersession of this office order of even number dated 29-8-02, the duties of Regular and Daily Wages Chowkidars for the month of October, 2002 as suggested will be as follows. The duties of the Daily Wages chowkidars will be on temporary basis and may be terminated automatically as and when required and they will be paid @ Rs.116/- per day i.e., no work no pay basis as per rules :-

<u>No.</u>	<u>Name of Chowkidars.</u>	<u>Times</u>	<u>Days.</u>
1.	Sri. I. Sangma, Regular Chowkidar.	8.00 pm to 10.00 pm	From 1-31st October, 2002. Weekly off: 1, 8, 15, 22, 29 Oct'02.
2.	Sri. G. Khongwir, - do -	10.00 to 6.00 am	From 1-31st October, 2002 Weekly off: 7, 14, 21, 28 Oct'02.
3.	Sri. Chinmay Das, D/W. Chowkidar.	6.00 am to 2.00 pm	From 1-31st October, 2002 Weekly off: 4, 11, 18, 25 Oct'02. Break: 24th & 25th Oct, '02.
4.	Sri. Uma Nath Rai, -do- Library	6.00 am to 8.00 pm	From 1-31st October, 2002 Weekly off: 6, 13, 20, 27 Oct'02.
5.	Sri. Naresh Sarkar, -do- Museum	9.00 am to 6.00 pm	From 1-31st October, 2002 Weekly off: 5, 12, 19, 26 Oct'02.
6.	Sri. K. Barman, - do - Museum	10.00 pm to 8.00 pm	From 1-31st October, 2002 Weekly off: 2, 9, 16, 23, 30 Oct'02
7.	Sri. Sanjeet Kumar, -do- Library Mus eum Museum	10.00 pm to 6.00 am 6.00 am to 2.00 pm 9.00 am to 5.00 pm 10.00 pm to 8.00 pm	From 1-31st October, 2002 Weekly off: 1, 8, 15, 22, 29 Oct'02. On 7, 14, 21, 28 Oct, '02. On 4, 11, 18, 25 Oct'02. On 6, 13, 20, 27 Oct, '02. On 5, 12, 19, 26 Oct, '02. On 2, 9, 16, 23, 30 Oct, '02.

Weekly off :- 3, 10, 17, 24, 31 Oct'02.

Copy to :

- 1) Sri, Ramesh Sahani, A, A(F) & Security Officer, An.S.I. for information and necessary action.
- 2) A/C section - do -

[Signature]
(B. Francis Kulirani)

No. 1-292/91/Estt (Vol-III) / 1418
Anthropological Survey of India
North East Regional Centre
Shillong-793 021

53

Dated : 31 July, 2002.


OFFICE ORDER

In Supersession of this office order of even number dated 28.6.2002, the duties of Regular and Daily wage Chowkidars for the month of August, 2002 as suggested will be as follows. The duties of the daily wage Chowkidars will be on temporary basis and may be terminated automatically as and when required and they will be paid @Rs116/- per day i.e no work no pay basis as per rules -

- 1. Shri. I. Sangma : 2 PM to 10 PM From 1 - 31 August, 2002
Regular Chowkidar Off - 6, 13, 20, 27 August
- 2. Shri G. Khongwir : 10PM to 6 AM From 1 - 31 August, 2002
Regular Chowkidar Off- 5, 12, 19, 26 August
- 3. Sri C Das : 9AM to 5PM From 2 - 31 August, 2002
D/W Chowkidar Museum Off- 2, 9, 16, 23, 30 and break on 1 st August
- 4. Sri N. Sarkar : 6 AM to 2 PM From- 1-15, 17-31 August
D/W Chowkidar Off- 3, 10, 17, 24, 31 and break on 16 th August.
- 5. Sri S. Kumar : 10 PM to 6 AM From 1 - 31 August
D/W Chowkidar Off- 1, 8, 15, 22, 29, and extra duty on 27 th August
9 AM - 5 PM
- 6. Sri K. Barman : 9 AM to 5 PM. From- 1-26, 28-31 August
D/W Chowkidar Library Off- 7, 14, 21, 28, break on 27th and extra on 16th August. (6 AM to 2 PM)
- 7. Sri U. N. Rai : running duty on 6, 13, 20, 27, 5, 12, 19, 26, 3, 10, 17, 24, 31, 7, 14, 21, 28, 2, 9, 16, 23, 30, 1, 8, 15, 22, 29 August
D/W Chowkidar Off- 4, 11, 18, 25 August and extra duty on 1st August. (9AM to 5PM)

Copy to:-

- 1) Sri N. N. Sengupta, A. K. & security officer, An S. I, Shillong for information and necessary action.
- 2) A/C Section. -- Do --


(B. Francis Kulfrani)
Head of Office.

Dated : June, 28, 2002.

OFFICE ORDER

In supersession of this office order of even number dated 31-05-2002, the duties of Regular and Daily Wages Chowkidars for the month of July, 2002 as suggested will be as follows. The duties of D/W. Chowkidars will be on temporary basis and may be terminated automatically as and when required and they will be paid @ Rs. 116/- per day. i.e. no work no pay basis as per rules :-

Sl. No.	Name of Chowkidars.	Period	Days.
1.	Shri. I. Sangma, Regular Chowkidar.	6.00 AM to 2.00PM.	From 1st to 31st July, 2002 Weekly off: 2, 9, 16, 23, 30 July '02.
2.	Sri. G. Khongwir, do - (Library)	9.00AM to 5.00 PM.	From 1st to 31st July, 2002 Weekly off: 1, 8, 15, 22, 29th July '02.
3.	Sri. Chinmoy Das, D/W. Chowkidar.	10.00PM - 6.00 AM.	From 1st to 31 July, 2002, Weekly off: 5, 12, 19, 26, July, 2002.
4.	Sri. Uma Nath Rai, do - (Museum)	9.00AM - 5.00PM.	From 1st to 31st July, 2002. Weekly off: 7, 14, 21, 28, July, 2002
5.	Sri. Naresh Sarkar, do -	10.00PM - 6.00 AM.	From 1st to 31st July, 2002. Weekly off: 6, 13, 20, 27, July, 2002.
6.	Sri. Sanjit Kumar, do -	2.00PM - 10.00 PM	From 1st to 31st July, 2002, Weekly off: 4, 11, 18, 25 July, 2002.
7.	Sri. Kulen Barman, do - (Library) - (Museum) -	6.00 AM - 2.00PM on - 9.00AM - 5.00PM on - 9.00AM - 5.00PM on -	2, 9, 16, 23, 30 July, 2002 (Tuesday) 1, 8, 15, 22, 29 July, 2002 (Monday) 7, 14, 21, 28 July, 2002 (Sunday) 6, 13, 20, 27 July, 2002 (Saturday) 5, 12, 19, 26 July, 2002, (Friday) 4, 11, 18, 25 July, 2002, (Thursday) Weekly off. :- 3, 10, 17, 24, 31 July, 2002

Copy to :-

- 1) Shri. N.N. Sengupta, A.K. ZAM & Security Officer, An.S.I., Shillong for information and necessary action.
- 2) A/C. Section. - do -


(B. Francis Kulirani)

Head of Office,
Anthropological Survey of India
Government of India
North East Regional Centre
Shillong, 793 001

Dated : 31-05-2002.

OFFICE ORDER

In supersession of this office order of even number dated 29-04-2002, the duties of Regular and Daily Wages Chowkidars for the month of June, 2002 as suggested will be as follows. The duties of D/W. Chowkidars will be on temporary basis and may be terminated automatically as and when required and they will be allowed paid @ Rs. 116/- per day i.e. no work no pay basis as per rules :-

Sl. No.	Name of Chowkidars.	Period	Days
1.	Shri I. Sangma, Regular Chowkidar.	10.00 PM to 6.00 AM	From 1st - 30 June, 2002 Weekly off- 4, 11, 18, 25 (Tue)
2.	Sri. G. Khongwir, - do -	6.00 AM to 2.00 PM	From 1st - 30 June, 2002, Weekly off- 3, 10, 17, 24 (Monday)
3.	Sri. Uma Nath Rai, - do -	2.00 PM - 10.00 PM	From 1st-30th June, 2002 Weekly off - 2, 9, 16, 23, 30 (Sunday) Break on - 9th, 30th June, 2002.
4.	Sri. Nagesh Sarkar, - do - (Museum)	9.00 AM - 3.00 PM	From 1st - 30 June, 2002 Weekly off - 1, 8, 15, 22, 29th (Sat).
5.	Sri. Kulen Bar-man, - do -	10.00 AM - 3.00 PM	From 1st-30th June, 2002. Weekly off - 5, 12, 19, 26 (Wed). Break on - 4th, 11th, 18th, 25th, June, 2002.
6.	Sanjeet Kumar, - do - (Library)	9.00 AM - 3.00 PM	From 1st - 30th June, 2002, Weekly off - 6, 13, 20, 27 (Thursday) Break on - 20th, 27th June, 2002.
7.	Sri. Chinmoy Das, - do -	10.00 PM - 6.00 AM	4, 11, 18, 25 (Tuesday)
		6.00 AM to 2.00 PM	3, 10, 17, 24 (Monday)
	<u>Museum</u> -	2.00 PM - 10.00 PM	2, 9, 16, 23, 30 (Sunday)
		9.00 - 3.00 PM	1, 8, 15, 22, 29 (Saturday)
		10.00 PM - 6.00 AM	5, 12, 19, 26 (Wednesday)
	<u>Library</u> -	9.00 AM - 3.00 PM	6, 13, 20, 27 (Thursday)
			Weekly off - 7, 14, 21, 28 (Friday).

- Copy to :-
- 1) Shri N.N. Sengupta, A.K. ZAM & Security Officer, An.S.I. Shillong for information and necessary action.
 - 2) A/C. Section. - do -

(Signature)
 Head of Office
 Anthropological Survey of India
 Government of India
 North East Regional Centre
 Shillong


Dated : April, 29, 2002.

OFFICE ORDER

In supersession of this office order of even number dated 28-03-2002, the duties of Regular and Daily Wages Chowkidars for the month of May, 2002 as suggested will be as follows. The duties of D/W. Chowkidars will be on temporary basis and may be terminated automatically as and when required and they will be allowed extra emergent duties and they will be paid Rs. 116/- per day i.e. no work no pay basis as per rules :-

Sl. No.	Name of Chowkidars.	Period.		Days.
		F.M.	P.M.	
1.	Shri. I. Sangma, Regular Chowkidar.	2.00	10.00	From 1st - 31st May, 2002. Weekly off: 7, 14, 21, 28 (Tue)
2.	Sri. G. Khengwir, - do -	6.00 AM to 2.00 PM		From 1st-31st May, 2002. Weekly off: 6, 13, 20, 27 (Mon)
3.	Sri. Chinmoy Dad, D/W. Chowkidar (Museum)	9.00 AM to 5.00 PM		From 1st - 31st May, 2002. Weekly off: 3, 17, 24, 31 (Fri) Break of : 9th & 10th May, 2002. = 24 days
4.	Sri. Uma Nath Rai, - do -	10.00 PM to 6.00 AM		From 1st to 31st May, 2002. Weekly off: 5, 12, 19, 26 (Sun) = 27 days.
5.	Sri. Naresh Sarkar, - do - (Library)	9.00 AM to 5.00 PM		From 1st May to 31st May, 2002. Break on 24 & 25th May, 2002. Weekly off: 4, 11, 18. (Saturday) = 26 days.
6.	Sri. Kulen Barman, - do -	10.00 PM to 6.00 AM		From 1st to 31st May, 2002 Weekly off: 1, 8, 15, 22, 29 (Wed) = 26 days.
7.	Sri. Sanjeet Kumar, - do -	6.00 AM-2.00 PM 2.00 PM to 10.00 PM 10.00 PM to 6.00 AM <u>Museum</u> 9.00 AM-5.00 PM <u>Library</u> 9.00 AM to 5.00 PM		On 6, 13, 20, 27 (Monday) On 7, 14, 21, 28 (Tue) On 1, 5, 8, 12, 15, 19, 22, 26, 29 (Sun/Wed) On 3, 10, 17, 24, 31 (Friday) On 4, 11, 18, 25 (Sat.) = 26 days. Weekly off:- 2, 9, 16, 23, 30 (Thursday)

Copy to :-

- 1) Sri. D.P. Biswas, A.A.(C) & Security Officer, An.S.I., Shillong -21 for information & n/a.
 - 2) Srxx A/C. Section, - do -
- 
B.F. Keelivra
Head of Office
Anthropological Survey of India
Government of India
North East Regional Centre
Shillong 793021

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Ann-4

Contd.

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No. 1-292/91/Estt.

Anthropological Survey of India,
North East Regional Centre,
Mawblei Block-B, Madanring,
Shillong- 793 021.

Dated : March 28, 2002.

OFFICE ORDER

In supersession of this office order of even number dated 26-02-2002, the duties of Regular and Daily Wages Chowkidars for the month of April, 2002 as suggested will be as follows. The duties of D/W. Chowkidars will be on temporary basis and may be terminated automatically as and when required and they will be ~~paid~~ allowed extra emergents duties and they will be paid @ Rs. 116/- per day i.e. no work no pay basis as per rules :-

<u>No.</u>	<u>Name of Chowkidars.</u>	<u>Period</u>	<u>Days.</u>
1.	Shri. I. Sangma, Chowkidar, Regular Chowkidar.	10.00 PM to 6.00 AM	From 1st to 30th April, 2002. Weekly off:- 2,9,16,23, 30 (Tuesday)
2.	Shri G. Khongwir, - do -	2.00 PM to 10.00 PM	From 1st to 30th April, 2002. Weekly off:- 1,8,15,22, 29 (Monday)
3.	Shri Chinmoy Das, D/w. Chowkidar	9.00 Am to 5.00 PM	From 1,2,3,4,6,7,8,9,10, 11,13,14,15,16,17,18,20, 21,22,23,24,25,27,28, 29,30 April, 2002 = 26 days Weekly off:-5,12,19,26 (Fri)
4.	Sri. Uma Nath Rai, - do -	6.00 AM to 2.00 PM Break on 1 & 2nd	From 3,4,5,6,8,9,10,11,12, 13,15,16,17,18,19,20,22,23, 24,25,26,27,29,30 =24 days Weekly off:-7,14,21,28 (Sun)
5.	Sri. Kulen Barman, - do -	9.00AM to 5.00PM (Museum)	From 1,2,4,5,6,7,8,9,11, 12,13,14,15,16,18,19,20,21, 22,23,25,26,27,28,29,30=26days Weekly off:3,10,17,24 (Wed)
6.	Sri. Sanjeet Kumar, - do -	10.00PM to 6.00 AM Break on 3,4th	From 1,2,5,6,7,8,9,10,12,13, 14,15,16,17,19,20,21,22, 23,24,26,27,28,29,30=25 days Weekly off: 4,11,18,25 (Thurs)
7.	Sri. Naresh Sarkar, - do -	6.00 Am to 2.00 PM 2.00 to 10.00PM 10.00PM to 6.00A.	On 7,14,21,28 (Sun) On 1,8,15,22,29 (MON) On 2,4,9,11,16,18,23, 25,30 (Thur/Tuesday) On 5,12,19,26 (Friday) On 3,10,17,24 (Wednesday)
	<u>Library.</u>	9.00Am to 5.00 PM	On 5,12,19,26 (Friday)
	<u>Museum</u>	9.00Am to 5.00 PM	On 3,10,17,24 (Wednesday)

Weekly off:- 6,13,20,27 (Saturday)

Copy to : Security officer, A.S.I., Shillong for information
1) and necessary action.
2) A/C. section - do -.

[Signature]

Anthropological Survey of India,
North East Regional Centre,
Mabibai Block-3, Madanting,
Shillong-792021.

58

Dated : February 26, 2002.

OFFICE ORDER

In supersession of this office order of even number dated 31-01-02 and subsequent dated 21-2-02, the duties of Regular and Daily Wages Chowkidars for the month of March, 2002 as suggested will be as follows. The duties of D/W. Chowkidars will be on temporary basis and may be terminated automatically as and when required and they will be allowed extra emergents duties and they will be paid G.M. 116/- per day i.e. no work no pay basis as per rules :-

- Sl. No. Name of Chowkidars Period Days
1. Shri I. Sangma, Chowkidar Regular Chowkidar 2.00 PM to 10.00 PM. From 1st to 31st March, 2002
Weekly off: 5, 12, 19, 26. (Tuesday)
 2. Shri. G. Khongwir, - do - 6.00 AM to 2.00 PM From 1st to 31st March, 02
Weekly off: 4, 11, 18, 25 (Monday)
 3. Shri Uma Nath Rai, D/W. Chowkidar 9.00 AM to 5.00 PM (Library) On 1, 2, 4, 5, 6, 7, 8, 9, 11, 12, 13, 14, 15, 16, 18, 19, 20, 21, 22, 23, 25, 26, 27, 28, 29, 30.
= 26 days.
Weekly off: 3, 10, 17, 24, 31 (Sunday)
 4. Sri. Nareesh Sarkar, - do - 10.00 PM to 6.00 AM On 1, 3, 4, 5, 6, 7, 8, 10, 11, 12, 13, 14, 15, 17, 18, 19, 20, 21, 22, 24, 25, 26, 27, 28, 29, 31.
= 26 days.
Weekly off: 2, 9, 16, 23, 30. (Saturday)
 5. Sri. Kulen Barman, - do - 10.00 PM to 6.00 AM On 1, 2, 3, 4, 7, 8, 9, 10, 11, 12, 14, 15, 16, 17, 18, 19, 21, 22, 23, 24, 25, 26, 28, 29, 30, 31 = 26 days.
Weekly off: 6, 13, 20, 27 (Wednesday)
Break on 5th March, 2002.
 6. Sri. Sanjeet Kumar, - do - 9.00 AM to 5.00 PM (Museum) On 1, 2, 3, 4, 5, 6, 8, 9, 10, 11, 12, 13, 15, 16, 17, 18, 19, 20, 22, 23, 24, 25, 26, 27, 29, 30, 31 = 27 days.
Weekly off: 7, 14, 21, 28 (Thursday)
 7. Sri. Chirney Das, -do- 6.00 AM to 2.00 PM - On 4, 11, 18, 25 (Monday)
2.00 PM to 10.00 PM - On 5, 12, 19, 26 (Tuesday)
10.00 PM to 6.00 AM - On 2, 6, 9, 13, 16, 20, 23, 27, 30 (Wed/Saturday)
9.00 AM to 5.00 PM On 3, 10, 17, 24, 31 (Sunday) (Library)
9.00 AM to 5.00 PM On 7, 14, 21, 28 (Thursday) (Museum) = 26 days
Weekly off:- 1, 8, 15, 22, 29 (Friday)

Copy to :-

1. Sri. D.P. Biswas, Security officer, An.S.I. KRC, Shillong-21 for information & n/a.
2. VC Section, An.S.I. - do -

Head of Office
Anthropological Survey of India
Government of India
Regional Centre

OFFICE ORDER

Dated: 01.01.03

In supersession of this office order of even number dated 28.11.2002 the duties of Regular and Daily wages Chowkidars for the month of January, 2003, as suggested will be as follows. The Duties of the Daily Wages Chowkidars will be on temporary basis and may be terminated automatically as and when required and they will be paid @ Rs.127/- per day i.e. no pay basis as per rules:-

Sl. No.	Name of Chowkidars	Times	Days
1.	Sh. Kulen Barman, D/W Chowkidar	10.00 AM to 6.00 AM	From 1-31 January, 2003 Weekly off : 1, 8, 15, 22, 29 Jan 03
2.	Sh. I. Jangma, Regular	10.00 PM to 6.00 AM	From - 1-31 January, 2003 Weekly off : 7, 14, 21, 28, Jan. 03
3.	Sh. Sanjeet Kumar D/W Chowkidar	6.00 AM to 2.00 PM	From - 1-31 January, 2003 Weekly off : 2, 9, 16, 23, 30, Jan. 03
4.	Sh. S. Khongwir, Regular	9.00 AM to 5.00 PM	From 1-31, January, 2003 Weekly off : 6, 13, 20, 27, Jan 03
5.	Sh. Nares Borkar, D/W Chowkidar	2.00 PM to 10.00 PM	From 1-31, January, 2003 Weekly off : 4, 11, 18, 25, Jan. 03 Break on 31.01.2003
6.	Sh. Chinmoy Das D/W Chowkidar (Museum)	9.00 AM to 5.00 PM	From - 1-31, January, 2003 Weekly off : 3, 10, 17, 24, 31, January 2003. Break on 16, 17 Jan. 2003
7.	Sh. Una Nath Rai, D/W Chowkidar (Museum) (Library)	10.00 PM to 6.00 AM 2.00 PM to 10.00 PM 6.00 AM to 2.00 PM 9.00 AM to 5.00 PM 9.00 AM to 5.00 PM	1, 7, 8, 15, 21, 22, 28, 29, January 2003 4, 11, 18, 25, Jan. 03 2, 9, 16, 23, 30, Jan. 03 3, 10, 17, 24, 31, Jan. 03 5, 12, 20, 27, Jan. 03 Weekly off : 5, 12, 19, 26 January 2003

Copy to:

1. Sh. Ramesh Bahani, AA(P) & Security Officer, An. J.I, Shillong-21 for information and necessary action.

2. Accounts Section, An. J.I, Shillong-21, for information and necessary action.

(S. P. B. B. B. B.)
 Head of Office

Attested
S. L. B. B. B.
Asst.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUAHATI BENCH

Original Application No.106 of.2003

Date of decision: This the 24th day of February 2004

The Hon'ble Shri Shanker Raju, Judicial Member

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

1. Shri Naresh Sarkar,
S/o Late G.C. Sarkar
Casual Worker in the
Office of the Anthropological Survey of India,
North Eastern Regional Centre,
Shillong, Meghalaya.
2. Shri Uma Nath Rai,
S/o of Sital Prasad Rai,
Casual Worker in the
Office of the Anthropological Survey of India,
North Eastern Regional Centre,
Shillong, Meghalaya.
3. Shri Sanjeet Kumar,
S/o Shri Jai Babu Rai,
Casual Worker in the
Office of the Anthropological Survey of India,
North Eastern Regional Centre,
Shillong, Meghalaya.Applicants

By Advocates Mr S. Sarma, Mr U.K. Nair
and Ms U. Das.

- versus -

1. The Union of India,
represented by the Secretary to the
Government of India,
Ministry of Human Resources,
New Delhi.
2. The Director,
Anthropological Survey of India,
Kolkata.
3. The Deputy Director,
Anthropological Survey of India,
Shillong, Meghalaya.Respondents

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



Attested
Advocate

46-

: 2 :

other Group 'D' posts as there is no nomenclature for a casual labourer and he can be adjusted in any Group 'D' post.

6. Having regard to the above the O.A. is disposed of with a direction to the respondents to consider the claim of the applicants for regularisation in the light of the Notification and Scheme promulgated by the Government. Till then they may not be discontinued from service.

Sd/MEMBER (J)

Sd/MEMBER(ADM)

TRUE COPY
18/1/04

N. Srinivas
26/4/04

... ..
... ..
... ..
... ..
... ..



Attested
[Signature]
[Signature]

47

Ann-4
Contd.

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IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. _____ OF 1995.

(Arising out of S.L.P. (C) No. 15619 of 1994)

Arvind Kumar & Ors. Appellants.

- Versus -

U.O.I. & Ors. Respondents.

WITH

CIVIL APPEAL NO. _____ OF 1995.

(Arising out of S.L.P. (C) No. 15043 of 1994)

Subhash Chand & Anr. Appellants.

- Versus -

U.O.G. & Ors. Respondents.

ORDER

S.A. S.L.P. (C) No. 15619/1994.

Special Leave granted.

Heard learned Counsel for the parties.

Admittedly, the employees concerned who are on daily wages are transferable from one job to another and also from one place to another in the country. Hence, there has to be a common seniority list of all such employees and the regularization has to be made strictly according to such seniority list. The respondents are in fact maintaining what they call a master seniority list according to the dates of appointments of the employees concerned.

It is not disputed before us that the appellants herein were engaged on different dates between March, 1986

Contd... P.2.

and September 1987. They have not yet been regularised while others about 15 in number whose names have been given by the appellants in their application before the Tribunal who were engaged between November, 1987 and 1992 have been regularised. The only ground given for regularising the said 15 persons ignoring the claim of the appellants, is that the said 15 workers are working on the mining side while the appellants are working the drilling side. It is not disputed that the appellants themselves were first working on the mining side and they were later assigned to the drilling side. Further, as stated above the jobs are transferable and there has to be a common seniority list. Hence the ground made out for discrimination is untenable in law. We, therefore, direct that the appellants shall also be regularised from the day their juniors in the common seniority list were regularised. The appeals are allowed accordingly with no order as to costs.

S.L.P.(C) No. 15619/1994

Leave granted.

In view of our decision in the appeal arising out of S.L.P.(C) No. 15619 of 1994, this appeal stands allowed. The respondents will regularise the appellants herein from the date their juniors were regularised. Appeal allowed accordingly. No order as to costs.

Sd/- Illegible,
(P. B. SAHANI)

Sd/- Illegible,
(K. VENKATASWAMI)

New Delhi:
April 26, 1995.

- 49-

Ann-4

Contd.

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भारतीय मानवविज्ञान सर्वेक्षण

ANTHROPOLOGICAL SURVEY OF INDIA

उत्तर - पूर्व क्षेत्रीय केन्द्र

North East Regional Centre

भारत सरकार Govt. of India

Mawblei, Block - B, Madanring, Shillong - 793 021

तार - मानवविज्ञान

Gram : Anthropos

☒ (Off-Cum-Museum)

(0364) 2537285 /

2537286 / 2230431

email : ansinerc@sancharnet.in

No. 3-378/2004/Estt.

Dt. 16-08-2005

सं.

No.

To,

Shri Kulen Barman,
Contingent Paid Chawkidar,
Anthropological Survey of India,
NERC, Shillong-21.

তারিখ:

Date

Sub: Central Administrative Tribunal-,Guwahati- O.A. No. 102/2004.

In the light of the letter No. 25-80/2004/Estt. Dt. 11th August, 2005, issued by the Director-in-charge, Anthropological Survey of India, Kolkata, the Services of Sri Kulen Barman, Chawkidar as Contingent Paid staff is terminated with effect from 16th August, 2005.

(R.P. Athparia)
Head of office

No. 3-378/2004/Estt.

Dated: 16.08.2005

Copy to:

- ✓ 1. Sri Kulen Barman, Contingent Paid Chawkidar, An.S.I, N.E.R.C, Shillong.
2. The DIC, AN.S.I, Kolkata.
3. Office Superintendent, An.S.I, Shillong.
4. Accts. Section. An.S.I, Shillong.
5. Office Copy.

(R.P. Athparia)
Head of Office

File in Court on 11/11/06
Court Officer.

65

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH, GUWAHATI

IN THE MATTER OF

Review Application No. 1/2006
In OA NO. 102/2005

Shri Kulen Barman

... Review Applicant

-Versus-

Union of India & others

.... Respondents

-AND-

IN THE MATTER OF

Reply to the Review Application submitted by the Respondent
No. 1 to 3

WRITTEN STATEMENT:

The humble answering respondents submitted their reply to the
Review Application as follows:

I(a) Dr. Rajendra Prasad Athpama, Anthropologist That I
am...the...Anthropologist...and...Head...of...office...;

Anthropological Survey of India, N.E.R.C., Shillong

.....and respondent No. B (Representative) in the
above case. I have gone through a copy of the Review Application (herein after
referred as Application) served on me and have understood the contents thereof.
I have and, except whatever is specifically admitted in this reply, the contentions and
statements made in the application and authorized to file the reply on behalf of all
the respondents.

The application is filed unjust and unsustainable both facts and in law.

through -
Motin Ud-Din Ahmed
M.A., B.Sc., LL.B.
Addl. Central Govt. Standing Counsel
Guwahati Bench (CAT)

Received copy
for P.S. Saikia.
Pradip K. Das
11.11.06

filed by
Rajendra Prasad
Athpama

Head of Office
Anthropological Survey of India
Shillong - 791002

16
11 NOV 2005
Central Administrative Tribunal
General Bench

2

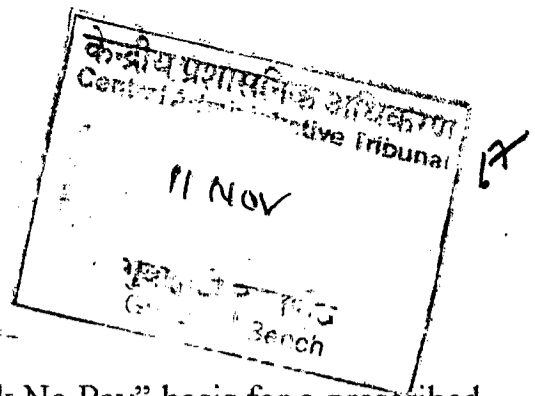
- (c) That the application is bad for non-joinder of necessary parties and misjoinder of unnecessary parties.
- (d) That the application is also hit by the principles of waiver estoppels and acquiescence and liable to be dismissed.
- (e) That any action taken by the respondents was not stigmatic and some were for the sake of public interest and it cannot be said that the decision taken by the Respondents, against the applicant had suffered from vice of illegality.

1. That with regard to the statement made in paragraph 1 of the Review Application the answering respondents beg to submit that the applicant seeking regularization of services from the date of his joining along with other consequential service benefit, preferred the above noted OA before the Hon'ble Tribunal. the Hon'ble Tribunal after hearing the parties to the proceeding was pleased to dismiss the said OA by the judgment and order dated 31.5.2005.

2. That with regard to the statement made in paragraph 2 of the Review Application, the answering respondents beg to submit that the applicant was aggrieved buy the said judgment and order dated 03.5.2005 passed in OA No. 122/2004, preferred a Writ Petition before the Hon'ble High Court, which was numbered and Registered as WP (C) No. 8212/2005. The Hon'ble High Court after hearing was pleased to direct the petitioner/Applicant to place the factual materials before the Hon'ble Tribunal.

3. That with regard to the statement made in paragraph 3 of the Review Application, the answering respondents beg to state that the applicant was working as Daily Wage Chowkidar in the office of the Anthropological

Rajendra Prasad Athpuri
Head of Office
Survey of India
11/11/2005



Survey of India, NERC, Shillong on "No Work No Pay" basis for a prescribed period of maximum 89 days at a stretch.

He was engaged as Daily Wage Labourer on "No Work No Pay" basis since 1.5.1993 to 28.7.1993 at the first instance and his service was terminated after the expiry of 89 days. As his engagement was purely contingent in nature, he does not qualify to be considered for regularization as per rule.

The applicant was engaged on "No Work No Pay" basis since 1.5.1993 and as and when his services were required. The respondents beg that no such assurance was given to the applicant regarding regularization of his service, which cannot be done arbitrarily. Therefore the allegation made by the applicant is baseless and an attempt against to mislead the Hon'ble Tribunal.

A copy of the engagement letter of the applicant, dated 30.4.1993 is annexed herewith and marked as Annexure- R1.

4. That with regard to the statement made in paragraphs 4 and 5 of the OA, the answering respondents beg to offer no comment.

GROUNDS

5. That as the applicant was engaged purely on "No Work No Pay" basis and as and when his services were required qualification does not arise.

6. That there are no relevant guidelines for the "Daily Wage Chowkidars" who are working on "No Work No Pay" basis.

7. That no consideration of the case as the Hon'ble Tribunal has dismissed the applicant's case earlier.

Rajendra Prasad Ahirwar
Head of Office
Survey of India

11 NOV
Tribunal

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8. That the question of grant of temporary status and regularization does not arise as the applicant worked purely on "No Work No Pay" basis.

9. That in view of the statement given above in replies to various paras, the Review Application has no merit hence the applicant is not entitled to any of the reliefs sought for in the present application and the Hon'ble Tribunal may be pleased to dismiss the same.

Rajendra Prasad Athpavia
Head of Office
Survey of India
Amritsar

R2
P.141

[Signature]
11/3

*Nothing new
in
Additional
assessments*

Anthropological Survey of India
North East Regional Centre,
Shillong-1

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5A

As per the approval of Head of Office at note sheet at page No.14, dated 30th April, 1993, the following contingent labourers have been engaged for a period of 89 days with effect from ~~1.5.1993~~ 1.5.1993 to 28.7.93. Their duty will be terminated automatically after 29.7.93 and they should not be allowed for double duty. They may be paid wages @ Rs.46/- (Rupees forty six only) per day i.e. no work no pay basis.

- 1) Shri Kulon Barman c/o Dipu Kutir, Upper Lachumiere, Shillong
- 2) Shri Chinmoy Das G/o. B.N.Dey, Upper Laban, Shillong-4.

Shikha Rani
Head of Office

No.1-292/91/Estt

Dated: 30.4.93

- Copy to: 1) Accounts Section
2) Shri N.N.Sengupta, Asstt. Keeper, (Museum Incharge) Shillong.

OA 102

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
1 DEC 1993
गुवाहाटी न्यायपीठ
Guwahati Bench

Filed by
M. M. Sharma, Addl. Secy
Without attested.

11/12/08

P.A-1/06