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CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH  
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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O.A/T.A No. 16/2003

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SECTION OFFICER (Judl.)

( SEE RULE - 4 )

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH  
GUWAHATI

ORDER SHEET

Original Application No : 16/2003

Misc. Petition No. /

Contempt Petition No. /

Review Application No. /

Applicant(s) : S. R. Dey

- Vs. -

Respondent(s) : MOI LARS

Advocate for the Applicant(s) : Mr. M. Chanda

Advocate for the Respondent(s) : Mr. G. N. Chakrabarty  
(GSC)

| Notes of the Registry   | Date       | Order of the Tribunal   |
|---|------------|---|
| This application is in form but not in time. Foderation Petition is filed / not filed C.P. for Rs. 5/- deposited vide IPO/EP No 29/605354 Dated 27/1/03 | 29.01.2003 | Present : The Hon'ble Mr. Justice D.N. Chowdhury, Vice-Chairman.<br>The Hon'ble Mr. S.K. Hajra, Administrative Member.<br>Heard Mr. M. Chanda, learned counsel for the applicant.<br>Issue notice to show cause as to why the application shall not be admitted.<br>Also, issue notice to show cause as to why interim order as prayed for shall not be granted.<br>Returnable by four weeks. |
| 1) NO Synopsis has been filed. Copy by e.   |            | List the matter on 28.2.2003 for admission.   |
| 2) 4 copies not learned filed for respondent.   |            | In the meantime, the respondents are directed not to oust the applicant till the returnable date.   |
| Ans to D/LR is filed & Synopsis filed by the applicant. dated 29/1/03.  |            | Mr. M. Chanda, learned counsel for the applicant is ordered to file synopsis in course of the day   |
| Notice preferred and sent to D/LR for issuing the Interim Order No 154 by Regd. A.D. dated 29/1/03.   |            | Sub<br>Member   |
| D/No 197/6200<br>Stnd 10/2/03   | mb         | Vice-Chairman   |

No. Show cause notice  
been filed

v 3/3  
27.2.03.

Order dtd. 28/2/03  
Communicated to the  
parties concerned.

3/3.

O.A. No. 16/2003

28.2.2003 put up again on 28.3.2003. The  
respondents may file reply, if any.

Interim order dated 29.1.2003 to  
continue.

Vice-Chairman

bb

28.3.2003

Heard Mr. G.N. Chakrabarty,  
learned counsel for the applicant.

Respondents submitted the reply.

The application is admitted. No further  
notice need to be issued. The applicant  
may file rejoinder, if any within two  
weeks from today.

List the matter for hearing on  
21.4.2003.

Vice-Chairman

mb

21.4. Court did not sit today,  
the case is adjourned to  
24.4.2003.

Mo

24.4. ~~Division bench did not sit today,~~  
~~the case is adjourned~~

24.4. There is a reference,  
the case is adjourned to 29.4.2003.

Mo

29.4.2003

Heard the learned counsel for the  
parties. Hearing concluded. Judgment  
delivered in open court, kept in  
separate sheets. The application is  
disposed of. No order as to costs.

Vice-Chairman

nkm

22.5.2003  
Copy of the Judgment  
has been sent to the  
D/secy. for issuing the  
same to the applicant  
as well as to the D/o CSE  
in the Registry.

JK

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CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

O.A. / XXX No. 16 . . . of 2003

DATE OF DECISION 29.4.2003

Smt Sukla Rani Dev . . . . . APPLICANT(S).

Mr M. Chanda and Mr G.N. Chakraborty . . . . . ADVOCATE FOR THE  
APPLICANT(S).

- VERSUS -

The Union of India and others . . . . . RESPONDENT(S).

Mr A. Deb Roy, Sr. C.G.S.C. . . . . ADVOCATE FOR THE  
RESPONDENT(S).

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

THE HON'BLE

1. Whether Reporters of local papers may be allowed to see Yes *h*  
the judgment ?
  2. To be referred to the Reporter or not ?
  3. Whether their Lordships wish to see the fair copy of the  
judgment ?
  4. Whether the judgment is to be circulated to the other  
Benches ?
- No  
*h*

Judgment delivered by Ho'ble Vice-Chairman

Ho'ble Vice-Chairman

After hearing the parties concerned and after consideration of the  
matters in dispute, the following order is passed:

1. The application is allowed.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

Original Application No.16 of 2003

Date of decision: This the 29th day of April 2003

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

Smt Sukla Rani Dev  
Working as Water Supplier,  
Office of the Regional Director,  
National Savings Organisation,  
Shillong.

.....Applicant

By Advocates Mr M. Chanda and Mr G.N. Chakraborty.

- versus -

1. The Union of India, represented by  
The Secretary to the Government of India,  
Ministry of Finance,  
New Delhi.

2. The Commissioner,  
National Savings Commission,  
12 Seminary Hills, Nagpur.

3. The Regional Director  
National Savings Organisation,  
Shillong.

4. The District Savings Officer  
National Savings organisation,  
Shillong.

.....Respondents

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

.....

O R D E R (ORAL)

CHOWDHURY, J. (V.C.)

There is no dispute that the applicant was engaged as Water Puller by the respondents. According to the applicant, besides supplying water in the office, she is also rendering service against the post of Cleaner, Watchman etc. and thus she is engaged in various sorts of work by the respondents. Against that the applicant is getting a lumpsum amount and presently she is drawing only Rs.200/- per month.

2. By this application the applicant has prayed for a direction for conferment of temporary status in the light of the Scheme introduced by the Government from time to time.

3. I have heard Mr M. Chanda, learned counsel for the applicant as well as Mr A. Deb Roy, learned Sr. C.G.S.C. Mr Chanda stated that Rs.200/- is too meagre for a person to sustain herself alongwith her two minor children. Mr A. Deb Roy, learned Sr. C.G.S.C., on the other hand, submitted that the applicant hardly needs to work continuously. In supplying water to the office it hardly takes takes an hour. The learned Sr. C.G.S.C., referring to the written statement, contended that the respondent Organisation is itself pruning the staff strength and accordingly steps are being taken for restructuring of its function on the recommendation of the Expenditure Reforms Commission. Accordingly the restructured Organisation is to be called the National Savings Institute and it will have a staff strength of 122 against the existing strength of 1191 and it will have ten Regional Centres instead of twentyseven Regional Centres and 135 Sub-Centres in the existing Organisation. The learned Sr. C.G.S.C. further submitted that there is no sanctioned post of Cleaner to accommodate the applicant.

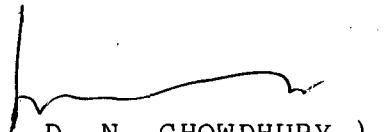
4. As alluded earlier the applicant is working under the respondents since 1980. The communication bearing No.1040/10(2)Misc/94 dated 29.7.1999 sent by the Acting Regional Director, National Savings, Government of India, Meghalaya, Shillong, itself indicated that the applicant was engaged in 1984 on a consolidated amount. The

communication.....

communication also mentioned that the applicant was the daughter of a former Peon in the office. The communication further mentioned that the applicant was married and abandoned by her husband with two minor sons. On compassionate ground the applicant was engaged as such consolidated rate.

5. In view of the facts and circumstances of the case, I am of the opinion that ends of justice would be met if a direction is issued to the applicant to submit a representation narrating her grievances before the authority within a month from the date of receipt of this order. If such representation is made the authority shall consider it sympathetically and pass some meaningful order as per law. It is expected that the respondent authority shall consider the same as expeditiously as possible.

6. With the above observation the application stands disposed of. No order as to costs.

  
D. N. CHOWDHURY )

VICE-CHAIRMAN

nkm

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
GUWAHATI BENCH :: GUWAHATI

INTHE MATTER OF : OA 16/03

Smt Sukla Rani Dey

... . . . Applicant

- Versus -

Union of India & Ors.

... . . . Respondents .

LIST OF DATES & SYNOPSIS

The petitioner above named respectfully submits that this Original Application seeking a direction upon the respondents for confirmation of temporary status under the Casual Labourers (Grant of Temporary Status & Regularisation) Scheme of Govt. of India 1993.

That some of the relevant dates with brief facts leading to filing of the present application are as under :

1984 : That Smt Sukla Rani Dey appointed on monthly wages basis as Water puller in the office of the Deputy Regional Director, National Savings Organisation, Shillong for supply of drinking water, since then she has been continuously working in the said office under respondent No.3 till date without having been regularised in service and without the benefit of regular pay scale.

Applicant is entrusted with different nature of works including file carrying etc. in addition to her normal duties.

contd..

8  
Filed by the applic  
Through Mr. Chandra  
29.1.03 (Inhru. Adv.)

Mr. Dulla  
Pl. in file  
WS  
29/1/03

10.9.93 : That the Government of India, Department of Personnel & Training, issued "Casual Labourers (Grant of Temporary Status & Regularisation) Scheme of 1993."

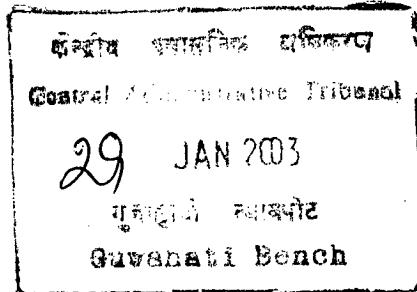
The applicant has fulfilled all the criteria as stated in the aforesaid scheme for grant of temporary status by virtue of her prolong casual service for a period of about 18 years as such she deserves consideration of her case for grant of temporary status. But the said benefit is denied to the applicant on the plea that she has engaged as a part time worker.

1.7.89 : That the Government of India had raised the labour rates w.e.f. 1.7.89 to the extent of Rs.33.50 per day in respect of casual labourers.

19.2.88 : That the Govt. of India under D.O.P letter dated 19.2.88 had decided to regularise the service of all the casual employees working in Group 'D' posts under various department (Annexure-5).

29.3.94 : That the Govt. of India vide Memorandum dated 29.3.94 further raised the rates of Dearness Allowance to the Central Govt. Employees but the said benefit is denied to the applicant since she is not provided with the regular pay scale.

23.2.98      1 Applicant has approached the respondents time  
26.4.99      1 and again praying for grant of temporary  
4.5.99      1  
13.3.2002      1 status to her and accordingly submitted several  
4.9.2002      1 representations but the said representation  
12.12.2002      1 did not yeild any result, hence the present  
                  1 application.



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

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

Title of the case : O. A. No. \_\_\_\_\_/2003

Smt. Sukla Rani Dey : Applicant

- Versus -

Union of India & Others : Respondents.

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Filed by

Manik Choudhury  
Advocate

Date 28.1.2003

Sukla Rani Dey

Filed by the applicant  
through M. Choudhury  
Dated - 28.1.2003

## IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

## GUWAHATI BENCH : GUWAHATI

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

O. A. No. 1/2003**BETWEEN**

Smti Sukla Rani Dey  
Working as Water Supplier in the  
Office of the Regional Director,  
National Savings Organisation,  
Lower Lachumiere, Shillong-793001

....Applicant

**-AND-**

1. The Union of India,  
Represented by the Secretary to the Government of India,  
Ministry of Finance, New Delhi.
2. The Commissioner  
National Savings Commission  
12 Seminary Hills, Nagpur - 440006
3. The Regional Director  
National Savings Organisation,  
Lower Lachumiere, Shillong-793001
4. The District Savings Officer  
National Savings Organisation,  
Lower Lachumiere, Shillong-793001

...Respondents.

*Sukla Rani Dey*

### DETAILS OF THE APPLICATION

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

This application is made against the action of the respondents in not granting temporary status and consequent regularization in service to the applicant with effect from 1984 in the post of Water Puller/Cleaner and/or any other Group D post as well as in denying her the benefit of regular pay scale with effect from 1984 as admissible to her in terms of the relevant scheme launched by the Government of India.

#### 2. Jurisdiction of the Tribunal.

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

#### 3. Limitation.

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

#### 4. Facts of the case.

4.1 That the applicant is a citizen of India and as such he is entitled to all the rights, protections and privileges as guaranteed under the Constitution of India.

Sesharaney Dey

- 13
- 4.2 That the applicant was initially appointed on monthly wage basis as Water Puller under the Respondents in the year 1984 by the then Deputy Regional Director, National Savings Organisation, Shillong for supply of Drinking Water. Since then, she has been continuously working in the office of the respondent no. 3 till date, however, without having been regularized in service and granted regular pay scale.
  - 4.3 That ever since her appointment as Water Puller in the year 1984, the applicant has been serving continuously under the respondents without any break. Besides her scheduled duty of supply of water in the office, the applicant has been rendering her services against the post of cleaner, watchman etc. in the said office. As a matter of fact, she is being entrusted with different types of works and as such, she is also doing other miscellaneous official work such as file carrying etc. whenever occasion arises and she is ordered in that respect.
  - 4.4 That the applicant has been attending to all types of works as assigned to her by the Respondents from time to time and she has been performing her duties to the best satisfaction of the respondents who have appreciated her qualities and abilities on different occasions and have issued valuable certificates in her favour.

Copy of some of such abovementioned certificates are annexed hereto as Annexure - 1.

4.5 That by virtue of her continuous service since 1984 under the respondents as casual worker, she has become entitled for grant of Temporary Status under "Casual Labourers (Grant of Temporary Status and Regularisation) Scheme of Government of India, 1993" issued by the Department of Personal & Training, Government of India under its Office Memorandum dated 10.9.1993. The said Scheme, inter alia, provides as follows:

**"4. Temporary status**

- i. Temporary status would be conferred on all casual labourers who are in employment on the date of issue of this O. M. and who have rendered a continuous service of at least one year, which means that they must have been engaged for a period of at least 240 days (206 days in the case of offices observing 5 days week).
- ii. Such enforcement 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

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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."
- 4.6 That it is needless to state that in the instant case, the applicant has fulfilled all the criteria as stated above.

Copy of the Office Memorandum dated 10.9.1993 is annexed hereto as **Annexure - 2.**

- 4.7 That the applicant begs to state that she has been working under the respondents for the period of last 18 (eighteen) years and as such deserves consideration of her case for grant of temporary status and consequent regularization as well as for grant of regular pay scale with effect from the date of her initial appointment. It is stated that her name has been duly registered with the Employment Exchange, Department of Labour, Government of Meghalaya, Shillong.

A copy of the identity card granted by the Employment Exchange is annexed hereto as **Annexure - 3.**

- 4.8 That in spite of her entitlement for grant of Temporary Status under the Scheme aforesaid, the respondents have not considered the case of the applicant over these years for grant of the said benefit. The said benefit has been denied to the applicant apparently on the plea that her engagement has been as a part time worker. Moreover, till date the respondents have not paid the applicant her salary in the regular scale of pay. It is stated that the respondents are paying her only Rs. 200/- in cash per month and she has been told that an amount of Rs. 750/- per month is recovered from her towards House Rent against the accommodation which has been provided to her by the respondents. Thus, virtually the respondents have been enjoying her service against the lump-sum monthly pay of Rs. 950/-.
- 4.9 That it is stated that Govt. of India had revised the Labour Rates with effect from 01.07.1989 to the extent of Rs. 33.50 per day in respect of Casual Labourers and this decision was communicated, amongst others, under Ministry of Finance, Department of Expenditure Office Memorandum No. 13017/1/8-E. II(B) dated 19.09.1989. This decision was also communicated to various other departments of the Govt. of India and on the strength of the said office memorandum, the department of telecommunications had also issued similar communications notifying the revised rates.

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A copy of a communication dated 29.11.1989 issued by the Accounts Officer of the office of the Telecom District Manager, Shillong, notifying the revised labour rates in terms of the OM dated 19.09.1989 is annexed herewith as **Annexure - 4**.

4.10 That the applicant begs to state that the Govt. of India under D. O. P. letter No. 66/70/87 - SPBI dated 19.02.1988 had decided to regularize the services of the casual employees working in Group D posts under its various departments and as such a scheme in this behalf was formulated. It was noticed that many casual labourers were deprived of appearing in the departmental test as they did not happen to complete 240 days of service during the previous two years but had rendered the service during any previous two years of their engagement for a considerable period. It was, therefore, decided there under that the casual workers who had rendered 240 days of service during any two years, would be allowed to take the departmental test.

An extract of the above mentioned letter is annexed herewith as **Annexure - 5**.

4.11 That it is stated that the applicant was/is eligible for consideration of her case for regularization even under the above scheme but unfortunately nothing has been done till date. It is further stated that the Govt. of India, Ministry of Finance, vide Office Memorandum dated 29.03.1994 revised the rates of

Sukla Ram D/S

Dearness Allowance to the Central Government Employees with effect from 01.01.1994. But since the respondents had not granted regular pay scale to the applicant, the benefit of the above mentioned office memorandum was also not extended to her.

A copy of the above mentioned office memorandum dated 29.03.1994 is annexed herewith as **Annexure - 6.**

4.12 That the applicant states that she has been abandoned by her husband since long and she has maintain two dependant sons. She has been working under the respondents for the period of last 18 (eighteen) years with the expectation that her services will be regularized and the benefit of regular pay scale will be extended to her but to her misfortune, nothing fruitful have come out till date and consequently her grievances have remained un-redressed.

4.13 That the applicant has approached the respondents time and again praying for grant of Temporary Status to her and eventually submitted several representations on 23.02.1998, 26.04.1999, 04.05.1999, 13.03.2002, 04.09.2002 and 12.12.2002 to the Respondent No.2 and 3 seeking redress of her grievances. The said representations were received by the respondents but could not yield any response.

Copies of the above mentioned representations are annexed herewith as **Annexure - 7.**

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4.14 That the applicant begs to state that by denying the benefit of Temporary Status to the applicant, the respondents have acted in an arbitrary, unjust, unfair and discriminatory manner. They have, therefore, made themselves liable for an appropriate direction from this Hon'ble Tribunal, as prayed for in this application.

4.15 That this application is made bonafide and for the cause of justice.

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

- 5.1 For that, the applicant has been serving under the respondents as Water Puller/Casual Labour since 1984 continuously.
- 5.2 For that, the applicant has acquired a valuable right for grant of Temporary Status and regularization of her service in terms of D. O. P. letter No. 66/70/87 - SPBI dated 19.02.1988 as well as the "Casual Labourers (Grant of Temporary Status and Regularisation) Scheme of Government of India, 1993" launched by the Government of India vide O. M. dated 10.9.1993.
- 5.3 For that, the applicant has been serving since 1984 continuously and without any break and her performances have been certified as satisfactory by the respondents.
- 5.4 For that, the denial of the grant of Temporary status and appointment to the applicant is arbitrary, unjust,

unfair and in violation of the principles of natural justice and also of Article 14 and 16 of the Constitution of India.

5.5 For that, the applicant submitted representations and made approaches to the respondents for grant of Temporary Status but with no result.

5.6 For that the applicant has been arbitrarily denied the benefit of regular pay scale/minimum pay scale although her service was utilized by the respondents like any other regular Group D employees.

5.7 For that service of the applicant has been utilized by the respondents more than eight hours in a day and in addition to the office work she has been entrusted with the night duty, retaining her in the Chowkidars quarter for a very long period, as such entitled to regular pay scale/minimum pay scale with all other admissible allowances at least from the date of issuance of the Scheme for grant of temporary status and regularization, 1993.

#### **6. Details of remedies exhausted.**

That the applicant states that she has exhausted all the remedies available to him and there is no other alternative and efficacious remedy than to file this application. Personal approaches and representation

made by the applicant have failed to evoke any response.

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

The applicant further declares that she had not previously filed any application, Writ Petition or Suit before any Court or any other authority or any other Bench of the Tribunal regarding the subject matter of this application nor any such application, Writ Petition or Suit is pending before any of them.

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

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

- 8.1 That the respondents be directed to grant Temporary Status to the applicant and regularize her service in terms of D. O. P. letter No. 66/70/87 - SPBI dated 19.02.1988 the Government Scheme, 1993 retrospectively with effect from the year 1984.

8.2 That the respondents be directed to grant the applicant the benefit of regular pay scale with effect from the date of her initial appointment i.e., with effect from the year 1984

or;

alternatively to pay the minimum of the pay scale with allowances in terms of the direction contained in terms of Casual Labourers (Grant of Temporary Status and Regularisation) Scheme, 1993 to the applicant with arrear pay and allowances at least with effect from 1.9.1993.

8.3 Costs of the application.

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

**9. Interim order prayed for.**

During subsistence of this application, the applicant prays for the following relief: -

9.1 That the respondents be directed not to oust the applicant from service till this application is decided by the Hon'ble Tribunal.

10.

This application is filed through Advocates.

11. Particulars of the I.P.O.

- i) I. P. O. No. : 7 G 60 53 54
- ii) Date of Issue : 27.1.03.
- iii) Issued from : G.P.O., Guwahati.
- iv) Payable at : G.P.O., Guwahati.

12. List of enclosures.

As given in the index.

VERIFICATION

I, Smti Sukla Rani Dey, Wife of Sri S. C. Dey of Lower Lachumiere, Shillong - 1, Meghalaya, do hereby verify that the statements made in Paragraph 1 to 4 and 6 to 12 are true to my knowledge and those made in Paragraph 5 are true to my legal advice and I have not suppressed any material fact.

And I sign this verification on this the ..... day of January, 2003.

*Sukla Rani Dey*

Whom it may Concern.

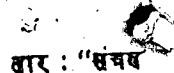
This is to certify that Soni Sankar Dey, daughter of late Sankar Dey, Shillong is supplying water and used to maintain the office since 1984 as per record of the office of the Regional Director, National Savings, Govt of India, Meghalaya, Shillong. Owing my tenure as D.S.O Shillong I have seen her sincerity and dedication towards her work and superior of her.

I wish her all success in life.

D. S. O  
Proprietary

Mr. (S. K. B. S. S. E. N.)  
National Savings (Bank of India)  
Shillong

Attested  
S. K. B. S. S. E. N.



वार : "संचय"  
Telegrams : "SANCHAYA"

टेलिफोन : 223233  
Telephone : 223233

२६

भारत सरकार, वित्त मंत्रालय

GOVT. OF INDIA, MINISTRY OF FINANCE

राष्ट्रीय बचत संगठन

NATIONAL SAVINGS ORGANISATION

क्षेत्रीय निदेशक का कार्यालय

OFFICE OF THE REGIONAL DIRECTOR

नोअर लाचुमियर, मेघालय, शिलांग - 793001

Lower Lachumiere, Meghalaya, Shillong - 793001

क्र. No. ....

दिनांक  
Date : 16.11.99

To whom it may concern

This is to certify that Smti Sukla Dey, the water purifier of this office is very much known to me since last two years. She is quite amiable, sincere, hard working lady. I wish her success in life.

B. Barthakur

C.R. BARTAKUR.

जिला बचत अधिकारी

District Savings Officer

राष्ट्रीय बचत संगठन (भारत सरकार)

NATIONAL SAVINGS ORGANISATION (GOI)

मेघालय : शिलांग

MEGHALAYA : SHILLONG

SI/16. 17/2  
No. 49014/2/90-Estt.(C)  
Government of India  
Ministry of Personnel, P.G. and Pensions  
Department of Personnel & Training  
\*\*\*

New Delhi, the 10th Sept., 1993.

OFFICE MEMORANDUM

**Subject:** Grant of temporary status and regularisation of Casual workers - formulation of a scheme in pursuance of the CAT, Principal Bench, New Delhi, judgement dated 16th February, 1990 in the case of Shri Raj Kamal & others Vs. U.O.

The guidelines in the matter of recruitment of persons on day-wage basis in Central Government offices were issued vide D.O.M. Department's O.M. No. 49014/2/90-Estt.(C) dated 7.6.80. The policy has further been reviewed in the light of the judgement of the CAT, Principal Bench, New Delhi delivered on 16.02.90 in the case of petition filed by Shri Raj Kamal and others Vs. Union of India and it has been decided that while the existing guidelines contained in O.M. dated 7.6.80 may continue to be followed, the grant of temporary status to the casual employees, who are presently employed and have rendered one year of continuous service in Central Government offices other than Department of Telecom, Posts and Railways may be regulated by the scheme as appended.

2. Ministry of Finance etc., are requested to bring the scheme to the notice of the appointing authorities under their administrative control and ensure that recruitment of casual employees is done in accordance with the guidelines contained in O.M. dated 7.6.80. Cases of negligence should be viewed seriously and brought to the notice of appropriate authority for taking prompt and suitable action.

Sd/-  
(Y.G. Paranda)  
Director

To  
all Ministers/Departments/offices of the Government of India as per the standard list.

**Copy to:** 1. All attached and subordinate offices of  
                   i) Ministry of Personnel, P.G. and Pensions  
                   ii) Ministry of Home Affairs  
 2. All officers and sections in the MHA and  
                   Ministry of Personnel, P.G and Pensions.

Sd/-  
(Y.G. Paranda)  
Director

*After  
One  
P.W.*

28

**APPENDIX**

**Department of Personnel & Training, Casual Labourers  
(Grant of Temporary status and Regularisation scheme).**

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

**4. Temporary status**

- i) Temporary status would be conferred on all casual labourers who are in employment on the date of issue of this O.M. and who have rendered a continuous service of at least one year, which means that they must have been engaged for a period of at least 240 days (200 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 & 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 atleast 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 Dispute Act, they shall continue to be admissible to such casual labourers.

7.4. Despite confirmation of temporary status, the services of a casual labourers 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 & 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, regularization 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 labourers.
9. On regularization 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 Departmental Circular dated 17-6-1988 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.



XIII Form No.11  
84/19, dated 24th Sept., 1984

GOVERNMENT OF MEGHALAYA  
DEPARTMENT OF LABOUR

X 10A

IDENTITY CARD

EMPLOYMENT EXCHANGE *My*

Next Renewal Due

~~14-4-90~~ / 28-2-98 / 28-2-2001

Name *Mr. S. Shinde Name Deep*

Category *Skilled*

Date of Registration *14-4-90* / 28-2-95

Registration No. *W-4497* / 10-2-28/95

N.G.O. *XG2-40* ( *Unskilled* )

Occupation *K-28-02-60*

Note:—If any information furnished by the applicant turns out to be false subsequently, his/her registration is liable to be cancelled.

Please read instructions on reverse.

Signature of the issuing Authority *14/4*

*Mr. S. Shinde  
Date 14/4/95*

DEPARTMENT OF TELECOMMUNICATIONS  
OFFICE OF THE TELECOM. DISTRICT MANAGER :: SHILLONG.

No. A-141/89-90/7

Dated at Shillong the 29th November, 1989.

Annexure-4

To

All S.D.Os., A.Es.,  
under T.D.M., Shillong.  
S.D.O. P. Shillong.

SUB: Revision of Labour Rates.

Consequent upon the revision of Dearness Allowance to the Central Government Employees communicated under D.O.T., New Delhi letter No. 5-1/89-DOT dated 20.9.89 and Ministry of Finance, Department of Expenditure O.M. No. 13017/1/84-EII(B) dated 19.9.89, the T.D.M., Shillong is please to revise the labour rates @ Rs. 33.50 (Rupees Thirtythree and Paise fifty) only per day in respect of Casual Labourers engaged under Muster Rolls.

The revised rate will be applicable to the Casual Labourers engaged under Muster Rolls with effect from 01.7.1989 and shall remain in force till further orders.

The arrear wages as per revised rates mentioned above may please be calculated and Due and Drawn statement against each Muster Roll Mazdoor may please be prepared and sent to this office for scrutiny.

29/11/89  
Accounts Officer (Asp)  
O/o the Telecom. District Manager,  
Shillong-793001.

1.25  
30  
37.50

\*\*\*\*\*

Attested  
Chander  
K.S.

33.50  
30

37.50  
10

8.75

Regularisation of casual employees in Group 'D' Posts — 240 days of service in any two years qualifies the eligibility for Departmental Test

According to the existing instructions full time casual labourers are allowed to appear in the Group 'D' examination provided they had rendered 240 days of service during each of the two preceding years (4 years in the case of part-time casual labourers). It has been brought to the notice of this office that many casual labourers are deprived of appearing in the departmental test as they do not happen to complete 240 days of service during the previous two years but had rendered the service during any previous two years of their engagement for a considerable period.

The issue has now been considered in the Directorate and it has been decided that the word 'preceding' may be deleted. A casual labourer completing 240 days of service during any two years will be eligible to take the Departmental test subject to fulfilment of other conditions such as orders of preference, restriction of number of candidates, etc.

After  
Whalin  
P.W.

F. No.1(1)/94-E II (B)  
Government of India  
Ministry of Finance  
Department of Expenditure

New Delhi, the 29th March 1994.

OFFICE MEMORANDUM

**Subject:- Payment of Dearness Allowance to Central Government Employees - Revised rates effective from 1.1.1994.**

The undersigned is directed to refer to this Ministry's Office Memorandum No. 1(37)/93-E.II(B) dated 27.9.1993 on the subject mentioned above and to say that the President is pleased to decide that the Dearness Allowance payable to Central Government employees with effect from 1st January, 1994 shall stand modified as follows:—

| Date from which payable | Pay range  | Rate of Dearness Allowance payable per month       |
|-------------------------|--|--|
| 1.1.1994                | Basic pay upto Rs. 3500/- p.m.                         | 104% of pay.                                       |
|                         | Basic pay above Rs. 3500/- p.m. and upto Rs.6000/-p.m. | 78% of pay subject to a minimum of Rs. 3640/- p.m. |
|                         | Basic pay above Rs. 6000/- p.m.                        | 67% of pay subject to a minimum of Rs.4680/- p.m.  |

2. The provisions contained in paras 2 and 4 of this Ministry's O.M.No. 13017/2/86-E.II(B) dated 21.11.86 relating to Groups 'B', 'C' and 'D' employees and dated 26.3.87 relating to Group 'A' employees shall continue to be applicable, while regulating Dearness Allowance under these orders.

3. While the additional instalment of dearness allowance payable under these orders shall be paid in cash to Central Government employees,

A. H. Patel  
D. B. Patel  
R. D. Patel

including Armed Forces and Railway personnel, drawing pay above Rs.3500/- p.m., the instalments of dearness allowance payable from 1.7.1990, 1.1.1991, 1.7.1991, 1.1.1992 & 1.7.1992 shall continue to be credited to respective provident fund accounts of the employees drawing pay above Rs.3500/- p.m. in accordance with the provisions contained in this Ministry's OM No.13017/1/89-EH(B) dated 19.6.1990.

4. The payment on account of Dearness Allowance involving fractions of 50 paise and above may be rounded off to the next higher rupee and the fractions of less than 50 paise may be ignored.

5. These orders shall also apply to the civilian employees paid from the Defence Services Estimates and the expenditure will be chargeable to the relevant head of the Defence Services Estimates. In regard to Armed Forces Personnel and Railway employees, ~~separate~~ orders will be issued by the Ministry of Defence and Ministry of Railways respectively.

6. In so far as the persons serving in the Indian Audit and Accounts Department are concerned, these orders issue in consultation with the Comptroller and Auditor General of India.

7. Hindi version of this office memorandum is attached.

CCW

(C. Balachandran)  
Under Secretary to the Govt. of India

To  
All Ministries/Departments of the Government of India as per standard distribution list etc.

Copy (with usual number of spare copies) forwarded to C. & A.G., U.P.S.C., etc. etc. as per standard endorsement list.

A

To,

34/2/98  
The Regional Director  
National Savings Office  
Lower Lachumiere  
Shillong - 793 001

Date - 23/2/98

Sub : Request for grant of "D" Post to me.

Respected Sir,

Most humbly I would like to inform you that the post of a cleaner, Helper Chawkidar or Peon has fallen vacant in your office. I beg most respectfully to offer myself as a candidate for the situation.

As regards I beg to state that I have been supplying water in this office (N.S.O) since 1984 to till date on against the regular nature of work. Sir unfortunately I did not get any benefits which implementation of various orders passed by the Government of India (Vide O.M. No. 13017/1/86-E-II, dated 21.11.1986 ( O.M. No. 49014/86 Ett (C) dated 07.06.1988 O.M. No. 51016/2/90 Ett (C) dated 10.09.1993. As a result at present my salary Rs. 175/- (Rupees One hundred & Seventy five) only per month from 01.01.1998. Sir I am too poor and unable to continue my family maintain.

Sir I have experience of work as a water supply cleaning, Peon and since 1994 watch and ward duty in the office of the National Savings Office, Lower Lachumiere Shillong - 1, Meghalaya for more than 14 years.

If you be kind enough to select me for the "D" Post, I shall to satisfy my superiors with faithful discharge on my duties.

I beg to submit here with copies of testimonials for your kind consideration.

I therefore, most humbly pray that you will be kind enough to grant me a "D" post. I will be obliged to you for ever.

Yours faithfully,

Sukla Rani Dey  
( SUKLA RANI DEY )  
Water Supply  
N.S. Office  
Lower Lachumiere

Attest  
Sukla Rani Dey  
Water Supply  
N.S. Office  
Lower Lachumiere

To,

The Regional Director  
National Savings Office  
Lower Lachumiere  
Shillong.

=====

- 27 -

Sub: Extension of benefits due to casual labourer.

Respected Sir,

I beg to approach you with the following prayer in the hope that it will receive your due consideration.

2. That sir, I have been working continuously in this office since 1984 mainly as water supplier. During this period I have also performed the duty of peon, cleaning and watch and ward and for these works. I have been drawing only Rs. 175/- per month as salary or wages, whatever it may be called. It is, perhaps, one of the rarest cases in the whole of India where a labourer is given remuneration of this nature; although under the Govt. of India, Ministry of Finance, Deptt. of Expenditure OM. No. 13017/1/8-E II (B) of 19.9.89 labour rate has been raised at the rate of Rs. 33.50 per day and although this order applicable to all casual labourers employed in various Govt. establishments of the Govt. of India. The great injustice done to me by not extending the benefits due to a casual labourer has put me to untoward financial hardship which is obviously against natural justice.

3. That sir, under the scheme known as "Grant of Temporary Status and Regularisation scheme OM NO. 51016/2/90 Estt (C) of 1993" which becomes operational w.e.f 1.9.1993, a casual labour rendering service continuously for one year has been conferred with temporary status with the usually benefits as admissible to regular Group 'D' employees in the Central Govt. offices. But it is a irony of fate that I have not been considered for this benefit as yet although I have rendered service for more than 14 years in this office. This unjust treatment has dashed all my hopes and aspirations for making both ends meet.

Contd.... P/2

I, therefore, request that you would be gracious enough to take into consideration my prayer at paragraphs 2 & 3 and pass necessary orders for extending all benefits to me.

I fervently hope that I would be favoured with a kind reply from your end within a reasonable period of one month. However, if I am not favoured with any reply within this period, it may be construed that my prayer has not received your due attention and sympathetic consideration. In that event there will be no other option left for me but to approach the appropriate in phased manner for redressed of my grievances.

Yours faithfully

Sukla Rani Dey

26.4.94

(SUKLA RANI DEY)

Water Supplier

N.S. Office

Shillong

Pin - 793001

Dated, Shillong

The 26.4.94.

To,  
 The Commissioner  
 National Savings Commission  
 Govt. of India  
 12 Seminary Hills  
 Nagpur  
 Pin - 440006

Sub: Prayer for extension of benefits due to a casual labourer.

Respected Sir,

Most humbly and respectfully I beg to approach you with a prayer in the high hope that it will receive your active consideration.

That sir, the enclosed letter addressed to the Regional Director, National Savings office, in which I have been working for the last 14 years, will speak of the prayer intended to be put forward for your perusal and sympathetic consideration.

That sir, it was my firm hope that the head of the office stationed here at Shillong would kindly consider my prayer favourably. But, as ill luck would have it, he had not even received my above letter not to speak of considering the prayer. On the contrary he has sounded a note of caution that in future I may lose the present job and in that event I may also be served with a notice to vacate the quarter that has been provided to me. Thus, my hope of getting the grievances redressed at this level has received a heavy jolt and hence my approach to your honour with this prayer.

I, therefore, fervently urge your honour on to consider my case sympathetically in order that in these days of crisis I along with my family may not be put to financial hardship.

Dated, Shillong  
 The \_\_\_\_\_

Yours faithfully  
 SUKLA RANI DEY  
 (SUKLA RANI DEY) 4-5-99  
 Water Supplier  
 N.S. Office  
 Shillong  
 Pin - 793001

To,

The Commissioner,  
National Savings Commission  
Govt. of India,  
12 Seminary Hills,  
Nagpur - 440 006

- 30 -

Annexure. 7 (Series)

Dated: 4/9/02

WP

Through Proper Channel

Sub : Extension of the pay at the minimum of the relevant pay scale plus dearness allowance and regularisation due to casual Labourer.

Respected Sir,

Most humbly and respectfully I beg to approach you with a prayer in the high hope that it will receive your active consideration.

2. That Sir, I have been working Continuously in this office since 1984 (Certificate enclosed) as Casual Labour. It is perhaps one of the rarest cases in the whole of India where a labourer is given remuneration of this nature, although under the Govt. of India Ministry of Finance, Deptt. of Expenditure OM. No. S 32 (21/16/86 - WC (MW) dated 23/08/1988. (Copy enclosed for ready reference). Labourer rate has been realised at the rate of 1/30<sup>th</sup> of the Pay at the minimum of the relevant pay scale Plus dearness allowance for work of 8 hours a day and although this order applicable to all casual labourer employed in various Govt. establishments of the Govt. of India. The Great injustice done to me not extending the benefits due to casual labourer had put me to untoward financial hardship which is obviously against natural justice.
3. That Sir, under the scheme known as "Grant of Temporary status and Regularisation scheme OM. No. 51016/2/90 Estt (c) of 1993" which becomes operational w.e.f. 01.09.1993 (Copy enclosed) a Casual Labour rendering service Continuously for one year has been confirmed with temporary status with the usually benefits as admissible to regular Group "D" employees in the Central Govt. offices. But it is a irony of fate that I have not been considered for this benefit as yet although I have rendered service for more than 18 years in this office. This unjust treatment has dashed all by hopes and aspirations for making both ends meet.

I therefore, request that you would be gracious enough to take into consideration my Prayer at paragraphs 2 and 3 and Pass necessary orders for extending all benefits to me. I therefore approach your honour the highest authority of the Deptt. with request to give a kind look to the above matters at point in the under the Govt. of India Ministry of Finance Deptt. of Expenditure. It is my frevent hope that your honour would be kind enough to do all that is needed to mitigate the mental suffering of me in waiting for regularisation by deciding upon the issue at the earliest.

Enclosed :-

1. Certificates of office
2. O.M. No. S 32 (21/16/86 - WC (MW)  
Dated 23.08.1988
3. O.M. No. 51016/2/90 Estt (C) of 1993  
Dated 10.09.1993

Copy to :-

The Regional Director,  
N.S. Office,  
Lower Lachumiere  
Shillong - 1.

Yours faithfully,

Sukla Rani Dey

✓ Sukla Rani Dey 4-9-02  
N. S. Office,  
Lower Lachumiere  
Shillong - 1

Date 13.3.2002

**To,**

**The Commissioner  
National Savings Commission  
Govt. of India  
12 Seminary Hills.  
Nagpur  
Pin - 440 006.**

**Sub: REGULARISATION & EXTENSION OF BENEFITS DUE TO CASUAL LABOURER.**

**Sir,**

I beg to invite your kind attention to series of correspondences from me side an subject stated above Vide Letter to RD, NSO, Shillong dated 24.02.1998 & Registered letter's Receipt No. 2390, dated 04.05.1999.

2. That sir, I have been working continuously in this office since 1984 mainly as water supplier & Cleaning. During this period I have also performed the duty of peon and watch and ward duty since 1993 to 14<sup>th</sup> February, 2002. I have been drawing only Rs. 200/- per month as salary or wages, whatever it may be called and the quarter that has been provided to me.
3. That sir, under the scheme known as "Grant of Temporary Status and Regularisation scheme OM No. 51016/2/90 Estt (C) of 1993" which becomes operational w.e.f. 1.9.1993, a casual labour rendering service continuously for one year has been conferred with temporary status with the usually benefits as admissible to regular Group 'D' employees in the Central Govt. offices. But it is a irony of fate that I have not been considered for this benefits as yet although I have rendered service for more than 18 years in this office. This unjust treatment has dashed all by hopes and aspirations for making both ends meet.
4. Sir, it needs to mention here that when the Commissioner, NSO visited our office in the N.E. Region, Shillong -1 in the year 1999. I seized an opportunity to meet him and discuss the

subject at length. During discussion he held out a hope that the matter of regularisation had been under active consideration of the Deptt. An a decision on this account would be taken soon. But nothing has been heart so far from the NSO Directorate in this regard. As a result of in ordinate delay in taking decision on this issue. I am afraid. I might not have enjoyed the cumulative benefits of regularisation.

5. Sir, it does not seem to be irrelevant to make a reference to the civil Appeal made in the Hon'ble Supreme court of India, which provides a proof that appellants shall also be regularised from the day their Juniors in the Common Seniority list were regularised. Which provides a proof that some of my Colleague in the N.E. Region, Shillong - 1 engaged during the period 1986 had been absorbed in regular posts on the 7<sup>th</sup> Feb. 2002 whereas in this Region I (Shukla Rani Dey) engaged on 1984 have been still kept on waiting for regularisation. The circumstances leading to the discrimination with me of the same Deptt. In the matter of regularisation are, however, not known to me.

However, intrude upon your valuable time pushing forward my appeal in this issue It is my frevent hope that your honor would be kind enough to do all that is needed to mitigate the mental sufferings of me in waiting for regularisation by deciding upon the issue at the earliest.

Thanking you,

Yours sincerely

Sukla Rani Dey

(Shukla Rani Dey)  
Water Supplier  
N.S. Office  
Shillong - 1

13.3.2002

To,

The Commissioner,  
National Savings Commission  
Govt. of India,  
12 Seminary Hills,  
Nagpur - 440 006

12/12/02

Through Proper Channel

Sub : Extension of the pay at the minimum of the relevant pay scale plus dearness allowance and regularisation due to casual Labourer.

Respected Sir,

Most humbly and respectfully, I beg to approach you with a prayer in the high hope that it will receive your active consideration.

2. That Sir, I have been working Continuously in this office since 1984 (Certificate enclosed) as Casual Labour. It is perhaps one of the rarest cases in the whole of India where a labourer is given remuneration of this nature, although under the Govt. of India Ministry of Finance, Deptt of Expenditure OM. No. S 32 (21/16/86 - WC (MW) dated 23.08.1988 and 49014/86 Estt (c) dated 07.06.1988 (Copy enclosed for ready reference). Labourer rate has been realised at the rate of 1/30<sup>th</sup> of the Pay at the minimum of the relevant pay scale plus dearness allowance for work of 8 hours a day and although this order applicable to all casual labourer employees in various Govt. establishments of the Govt. of India. The Great injustice done to me not extending the benefits due to casual labourer had put me to untoward financial hardship, which is obviously against natural justice.
3. That Sir, under the scheme known as "Grant of Temporary status and Regularisation scheme OM. No. 51016/2/90 Estt (c) of 1993" which becomes operational w.e.f. 01.09.1993 (Copy enclosed) a Casual Labour rendering service Continuously for one year has been confirmed with temporary status with the usually benefits as admissible to regular Group "D" employees in the Central Govt. offices. But it is an irony of fate that I have not been considered for this benefit as yet although I have rendered service for more than 18 years in this office. This unjust treatment has dashed all by hopes and aspirations for making both ends meet.

I therefore, request that you would be gracious enough to take into consideration my Prayer at paragraphs 2 and 3 and Pass necessary orders for extending all benefits to me. I therefore approach your honour the highest authority of the Deptt. with request to give a kind look to the above matters at point in the under the Govt. of India Ministry of Finance Deptt. of Expenditure. It is my fervent hope that your honour would be kind enough to do all that is needed to mitigate the mental suffering of me in waiting for regularisation by deciding upon the issue at the earliest.

Yours faithfully,

SUKLA RANI DEY  
12/12/02SUKLA RANI DEY  
N. S. Office,  
Lower Lachumiere  
Shillong - 1

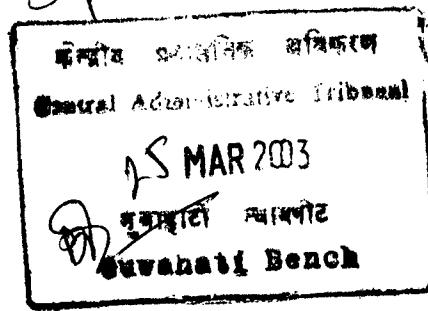
Enclosed :-

1. Certificates issued by Gazetted Officer  
In this office.
2. O.M. No. S 32 (21/16/86 - WC (MW), dated 23.08.1988 & 49014/86 Estt (c) dated 07.06.1988
3. O.M. No. 51016/2/90 Estt (c) of 1993  
Dated 10.09.1993
4. O.A. No. 76 of 2000, date of judgement 05.02.2002.

Copy to :-

The Regional Director,  
N. S. Office,  
Lower Lachumiere,  
Shillong - 1

cur  
12/12/02



Filed by

(A. DEB S. D.)  
S. C. G.  
C. A. P. Guwahati Bench

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH :::: GUWAHATI

O.A. NO. 16 OF 2003

Smt. Sukla Rani Dey.

..... Applicant.  
- Vs -

Union of India & Ors.

..... Respondents.

In the matter of :

Written statement submitted  
by the respondents.

The humble respondents beg to submit the para-wise  
written statement as follows :

1. That with regard to the statement made in para 4.2, of the application the respondents beg to state that <sup>they</sup> do not admit that the applicant Smt. Sukla Rani Dey has been appointed as water puller in the office of the Regional Director, N.S.O. Shillong. <sup>Further</sup> Rather she has been asked to supply water in the office on contract basis and for that work she hardly required 30 minutes time in a day to complete her job.

2. That with regard to the statement made in para 4.3, of the application the respondents beg to state that since her work does not come under the purview of the definition of casual labour hence the question of continuous service or break in service does not arise. Moreover, the Regional Directorate, Shillong has neither assigned nor entrusted

any other work other than the supply of water in the office.

3. That with regard to the statement made in para 4.4, of the application the respondents beg to state that the certificate that has been annexed as Annexure-I doe not have any bearing to her claim to grant her temporary status on casual labour since she has not been appointed as casual labourer in the office of the Regional Director, N.S., Shillong by the competent authority.

4. That with regard to the statement made in para 4.5, of the application the respondents beg to state that the respondents do not admit her claim that the applicant falls under the purview of the defination of the casual labour, since the applicant has been engaged for water supply in the office which takes hardly 30 minutes in a day. Hence the provision that applied for the casual labourer under Rule does not applicable to her case.

5. That with regard to the statement made in para 4.6, of the application the respondents beg to state that the answering respondents do not admit her claim that she fulfilled all the criteria in the instant case because the applicant has not been appointed by the answering respondents in any point of time as casual labourer, which is clear due to the fact that the applicant could not able to give any kind of documents in support of her claim that she has been engaged as casual labourer <sup>and her</sup> ~~Her~~ nature of work involves 8 hours a day.

-3-

6. That with regard to the statement made in para 4.7, of the application the respondents beg to state that the contention of the answering respondents are same as in the earlier paragraph,

7. That with regard to the statement made in para 4.8, of the application the respondents beg to state that she has been provided with the accommodation ~~inxxm~~ and Rs.750/- per month is recovered from her for that accommodation is not true and sustainable because there is no provision in the National Savings Organisation to provide accommodation for their employees. Moreover, the office accommodation of the N.S.O., Shillong office is provided by the State Govt. on free of cost.

8. That with regard to the statement made in para 4.9, of the application the respondents beg to state that the applicant is not applicable on her because she has not been appointed as casual labourer in the office of the Regional Director, National Savings, Shillong.

9. That with regard to the statements made in paras 4.10, 4.11, 4.12, 4.13 and 4.14 of the application the respondents do not sustain her claim because the applicant does not come under the purview of the casual labourer defination.

Further the answering respondents beg to state that the National Savings Organisation is going to face drastic reduction in the staff strength of National Savings

and there is going to be restructuring of its function, on the recommendation of the Expenditure Reforms Commission. The restructured organisation is to be called National Savings Institute and it will have the staff strength of 122 against the existing strength of 1191 and will have 10 Regional Centres instead of 27 Regional Centres and 135 Sub-Centres in the existing organisation. The Regional Centres of National Savings Institute will be at Chandigarh, Lucknow, Kolkata, Guwahati, Bangalore, Chennai, Mumbai, Jaipur, Nagpur, and Delhi, in addition to Headquarter at Nagpur.

The acceptance of the recommendations of E.R.C. by the Govt. of India, the above mentioned restructuring is in the process of implementation are likely to be completed by Feb/03 and there is no sanctioned post of cleaner.

Hence, the respondents submit in the light of the above submission that the petition is not maintainable in law and in facts.

Verification.....

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### VERIFICATION

I, Shri RATIN SAGAR, presently working as Regional Director, NSO, Assam, Ghy, being duly authorised and competent to sign this verification, do hereby solemnly affirm and state that the statements made in para

1 to 9 are true to my knowledge and belief and those made in para being matter of records, are true to my information derived therefrom and the rest are my humble submission before this Hon'ble Tribunal. I have not suppressed any material fact.

And I sign this verification on this 24th day of March, 2003.

*Ratin Sagor*  
Declarant.

YOUNG & YOUNG

Worship as well as the other forms of religious activity, is a social act.

afforded on, neither in the first nor in the second case has he been able to

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(39)

Central Administrative Tribunal  
Central Administrative Tribunal

APR 2003

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

In the matter of

O.A. No. 16 of 2003

Smti Sukla Rani Dey

-vs-

Union of India & Ors.

-And-

In the matter of

Rejoinder submitted by the applicant in reply to the written statement submitted by the Respondents.

The applicant above named most humbly and respectfully begs to state as under :

That the applicant categorically denies the statements made in paragraphs 1,2,3,4,5 and 6 of the written statement and begs to state that she was engaged not only as a Water Puller by the Respondents but she was engaged in other miscellaneous works of the office like carrying of files, cleaning of office, duties of Peon, Watch and Ward duty on regular basis, thus keeping her engaged for the whole day and she has been attending such duties <sup>on</sup> full time basis since 1984 continuously and without any break. As such, she is entitled to get the Temporary Status and regular scale of pay in terms of the relevant scheme of the Government. The certificate

Picked by the applicant  
Bhutan Singh and Noorul Arif  
G. N. Chakravarty lawyer

Sukla Rani Dey

annexed as Annexure-I with the OA clearly indicates that the applicant has not only been carrying water but maintaining the office as well under the respondents.

2. That the applicant categorically denies the statements made in paragraphs 7,8 and 9 of the written statement and beg to reiterate that she has been provided with accommodation by the Respondents against rents as stated in the O.A. and she has been engaged in the works of regular nature by the Respondents for long 18 years by now and, paying her a meager amount which amounts to unfair labour practice.

That it is further submitted that it would further evident from the letter bearing No. 1040/10(2)MISC/94 dated 29.7.99, whereby the then acting Regional Director N.S., Govt. of India submitted para wise comments in respect of present applicant with reference to the letter bearing No. 12299/HRD/8-5/98 dated 28.5.1999, wherein it is specifically admitted that the present applicant is working in monthly wages basis, it is also admitted in the said letter that she was engaged way back on 1984 and working on part time basis, it is further admitted <sup>that</sup> her service is being utilized on personal relationship, It is not understood in a Government Office how the service of a casual worker is being utilized depending on personal relationship; therefore, factually it is not correct that the applicant is a part time worker. It is

categorically submitted that the applicant is a full time worker and the plea of part time worker is taken by the respondents to deny the legitimate claim for conferment of temporary status and regularization of her service. The applicant is also entitled to the benefit of regularization of her service in the light of the casual worker's regularization scheme, 1988.

Further the plea of proposed restructuring of the respondent organization as stated by the Respondents in their written statement has no relevance to the issue in the instant application.

A copy of the letter dated 29.7.1999 is annexed as  
**Annexure-8.**

3. That in the facts and circumstances stated above, the application deserves to be allowed with costs.

VERIFICATION

I, Smti Sukla Rani Dey, Wife of Sri S. C. Dey of Lower Lachumiere, Shillong - 1, Meghalaya, applicant in O.A. No. 16/2003, do hereby verify and declare that the statements made in Paragraph 1 to 3 of this rejoinder are true to my knowledge and I have not suppressed any material fact.

And I sign this verification on this the 21<sup>st</sup> day of April, 2003.

Sukla Rani Dey

OFFICE OF THE REGIONAL DIRECTOR : NATIONAL SAVINGS  
(GOVT. OF INDIA) : MEGHALAYA : SHILLONG

No. 1040 : /10(2)Misc/94, Dated the 29th July '99.

To

The Deputy National Savings Commissioner (T),  
Nagpur.

Sub:- Parawise comments against the petition of  
Smti. Sukla Rani Dey, Water-puller.

Ref:- Letter No. 12299/HRD/8-5/98, dated 28th May '99.

Sir,

Kindly refer to your letter under reference, on the  
subject noted above.

Before submitting para-wise comments, I would like to  
submit a brief history as gathered regarding the antecedents of  
the engagement as labourer for supplying drinking water on  
monthly wage basis.

Smti. Sukla Rani Dey is the daughter of Late Shri S.C.  
Dey, Ex-Peon of this office and sister of our present Peon  
Shri Sukumar Dey. She is also the sister of Shri Sailendra Dey,  
Ex-Casual labourer who served as night watchman and who filed a  
suit at the Honourable CAT, Guwahati bench (Case No. 46/98).

Smti. Dey is married but was abandoned by her husband with two  
minor sons. Seeing this wretched condition, the then Dy. Regional  
Director, National Savings, engaged her service in the year 1984  
for supplying drinking water on monthly wage basis. Since then,  
she has been supplying drinking water to this office. Her wage  
has been revised on several occasions and presently, she is re-  
ceiving Rs. 175/- per month from this office.

As such, in respect of para one of her application,  
I would like to state that she is a part time worker engaged for  
supplying drinking water and not full time worker. Though the  
nature of work is regular, but she supply one or two buckets of  
water in a day. Her service has been engaged purely for supplying  
water. Therefore, her claim for engagement as full time worker  
does not deserve any justification. However, occasionally we  
engaged her service especially during exigency purely on personal  
relation.

Regarding residential accommodation, it may be men-  
tioned here that no quarter was allotted to her. The said quarter  
provided by the State Government was allotted to her brother  
Shri Sailendra Dey, Ex-casual labourer verbally by the then Dy.  
Regional Director. Since she is the sister of Casual labourer,  
so she started to reside with her said brother after she was  
abandoned by her husband. Though the service of the said brother  
was terminated after a theft case occurred in our office, but she  
was allowed to reside in the said quarter on humanitarian ground.  
Besides that there was no claimant of the quarter. On the other  
hand, this office has also not issued any notice for vacating  
the said quarter occupied by her, seeing her wretched condition  
on humanitarian ground. However, this office will issue necessa-  
ry notice for vacating the quarter as and when requires.

Under the circumstances, considering the nature of  
work, she does not deserve justification for engagement as full  
time worker or Casual labourer.

Yours faithfully,

( S.K. Tamuli )  
(PLS)

Acting Regional Director,  
National Savings, (Govt. of India),  
Meghalaya, Shillong.

Reverend  
Rev. J.W. Dendodkar