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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. 113/05
R.A./C.P No.
E.P./M.A No. 115/05

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SECTION OFFICER (Judl.)

FORM NO. 4

(SEE RULE 42)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

ORDER SHEET

113/05

Original Application No. _____

Misc. Petition NO. _____

Cobtempt petition No. _____

Review Application No. _____

Applicants. L. K. Bordoloi & ORS.

Respondents. W. O. P. For.

Advocates for the Applicant. Mr. S. Ali, Miss S. S. Ali

Advocates of the Respondents. Call

Notes of the Registry	Dated	Order of the Tribunal
<p>The application is admitted is J.C.F. for Rs. 10/- and vide IPC/PO No. 200/60825 Dated 16.5.05</p> <p><i>[Signature]</i> Dy. Registrar</p>	<p>20.5.2005</p>	<p>present : Hon'ble Sri K.V. Prahlada Administrative Member.</p> <p>Heard Mr. S. Ali, learned Sr. counsel for the applicants and also Mr. M.U. Ahmed, learned Addl. C.G.S.C. for the respondents.</p> <p>The application is admitted, call for records. Returnable within four weeks.</p> <p>List on 24.6.2005 for order.</p> <p><i>[Signature]</i> Member</p>
<p>Steps taken.</p> <p>Notice & order dt. 20/5/05 sent to D/section for issuing to resp. Nos. 1, 2 & 3, by regd. A/D post.</p> <p><i>[Signature]</i> 24/5/05. D/No=808 to 810 Dt=24/5/05.</p>	<p>mb</p> <p>24.6.2005</p> <p>mb</p>	<p>Heard Mr. S. Ali, learned Sr. counsel for the applicant, Mr. M.U. Ahmed, learned Addl. C.G.S.C. for the respondents and Mr. G. Rahul, learned counsel, for the respond- ent No. 3.</p> <p>Issue notice to the amended O.A. Post on 26.7.2005.</p> <p><i>[Signature]</i> Vice-Chairman</p>

(2)

26.7.2005 Mr. M.U. Ahmed, learned Addl. C.G.S.C. for the respondents No. 1 and 2 and Mr. G. Rahul, learned counsel for the Respondent No. 3 are present.

Post on 29.8.2005. Respondents to file affidavit/written statement in the meantime.

Service report are still awaited.

23.6.05

23.6.05

mb

An amendment petition 30.8.05 has been filed by the counsel for the petitioners.

[Signature]
Member

[Signature]
Vice-Chairman

The counsel for the respondents submits that they want further time to file written statement. Mr. S. Ali, Sr. Advocate is present. The counsel for the respondents seeks for two weeks time to file affidavit/written statement. Post the matter on 14.9.05.

[Signature]

Notice duly served on resp. No. 3

lm

5/7/05

steps of amendment OA 113/05, taken on 8/7/05.

[Signature]
Vice-Chairman

Notice and order dated 24/6/05 with PM 115/05, order dt. 24/6/05 sent to D/section for issuing to resp. Nos. 1, 2 & 3 by regd. A/D post.

8/7/05 D/No. 1127 to 1129 dt. 14.7.05. Notice duly served on resp. No-2, 1.

③ JA.113105

No written statement
has been filed.

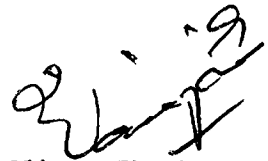
14.9.2005

Mr.S.Ali, learned Sr. counsel
for the applicant is present. Mr.G.
Rahul, learned counsel for the respon-
dents submits that the written state-
ment has been sent for vetting and tha
it has ~~been~~ not been received back.

Post on 6.10.2005.

21
13.9.05

5-10-05


Vice-Chairman

No wks has been
filed.


bb

06.10.2005

Mr. S. Ali, learned Sr. Advocate
for the applicant is present. Mr. G.
Rahul, learned counsel for the Respon-
dent No. 3 submits that the applicant
has impugned the order of the Central
Government and the 3rd respondent has
only implemented the ~~same~~ said order.
Mr. A.K. Chaudhuri, learned Addl. C.
G.S.C. on behalf of Mr. M.U. Ahmed,
learned Addl. C.G.S.C. for the respon-
dents seeks time to file written state-
ment. Post on 16.11.2005.

No wks has been
filed.

21
14.10.05


Member


Vice-Chairman

mb

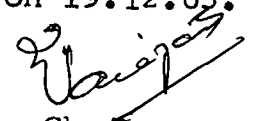
16.11.05.

Mr. S.Ali, learned Sr.counsel for
learned counsel
the applicant is present. Mr.G.Rahul /
on behalf of Respondent No.2 is also
present. Mr.M.U.Ahmed learned Addl.CGSC
submits that some more time is required
to file written statement.

Post the matter on 19.12.05.

16-12-05

No. written statement
has been filed.

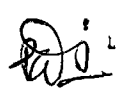

Vice-Chairman

21

lm

16.12.05

An amended petition
has been filed by
the Applicant.



19.12.2005

Mr. S. Ali, learned Sr. counsel for the applicants, Mr. M.U. Ahmed, learned Addl. C.G.S. for the Respondent No. 1 and Mr. G. Rahul, learned counsel for the other respondents are present.

In view of the submission made by Mr. M.U. Ahmed, learned Addl. C.G.S.C. that he could not get instruction from his party, the case is adjourned to 20.1.2006.

Post on 20.1.2006.

[Signature]
Vice-Chairman

mb

20.01.2006 Present : Hon'ble Sri K.V. Sachidanandan, Vice-Chairman

Mr. G. Rahul, learned counsel for the respondent No. 3 is present. Counsel appearing on behalf of the Respondent Nos. 1 and 2 wanted to fix further time to file reply statement. None for the applicant.

Post on 22.2.2006.

[Signature]
Vice-Chairman

mb

22.2.2006

Mr. S. Ali, learned Sr. counsel is present for the applicants. Learned counsel for the respondents submit that they would like to have some more time to file reply statement. But on going through the proceeding right from 20.5.2005 much time has already been taken for the same. However, as a last chance, three weeks time is granted to them to file the same. No further time will be granted thereafter. Post on 15.3.2006. Copy of this order shall be furnished to the counsel for the respondents.

19-1-06
NO D/S filed so far.
[Signature]

21-2-06
NO W/S has been filed.
[Signature]

23/2/06
15-3-06
NO D/S filed so far.
[Signature]

16.03.2005

Mrs. R.S. Chowdhury, learned counsel for the 3rd respondents submits that she has filed the reply statement on behalf of the respondent No. 3. Learned counsel representing the Respondent Nos. 1 & 2 was absent due to personal inconvenience.

Post on 12.04.2006.

Vice-Chairman

mb

08.05.2006

When the matter came up for hearing, Mr. M.U. Ahmed, learned Addl. C.G.S.C. ~~for the~~ submitted that despite correspondence with the 2nd respondent, nothing is forthcoming, and only a copy of the reply of the letter has ^{been} received by him stating that ICAR is on the party array and will file statement on behalf of all. Mr. G. Rahul, learned counsel for the Respondent No. 3, on the other hand, stated that since this is a policy matter of the Government, the 2nd respondent alone can make a decision, not ICAR and ICAR made ^{it} clear in the reply statement. He also submitted that ~~their~~ presence of the 2nd respondent is mandatory for adjudication of the case.

Considering the aspect, Mr. M. U. Ahmed, learned Addl. C.G.S.C. is directed to write again to the 2nd respondent and come up after one month. It is made clear that if the 2nd respondent does not file reply statement, the case will be proceeded without their presence.

Post on 07.06.2006.

Vice-Chairman

mb

17.3.06

W/S filed by the Respondent No. 3.

Pr

5-5-06

W/S filed by R. 3.
W/S awaited from R. 1 & 2.

9/5/06

6-6-06

- ① W/S filed on behalf of R. No-3
- ② W/S awaited from R. No-1 & 2.

m

7.6.2006

When the matter came up for hearing it is submitted that there is a change of counsel for the respondents and counsel for the respondents submits that since policy decision of the Government is involved in this case and Division Bench is not available therefore the case may be posted before the next Division Bench.

Considering the above submission post the case before the next Division Bench on 26.6.2006. In the meantime respondents may file reply statement.

Vice-Chairman

bb

26.06.2006

Post before the next Division Bench. Learned counsel for the applicants submitted that he does not want to file rejoinder. Pleadings are complete.

Vice-Chairman

mb

3.8.2006

Heard Mr.S.Ali, learned Sr.counsel for the applicants and Mrs.R.S.Choudhury learned counsel for the respondents.

Hearing concluded. Reserved for judgment.

Member (A)

Vice-Chairman

bb

10.08.2006

Judgment pronounced in open Court kept in separate sheets. The application is dismissed in terms of the order. No order as to costs.

Member

Vice-Chairman

mb

23-8-06

① W/s filed by the R.No-3

② W/s awaited from R.No-1 & 2

1-8-06

W/s filed by the Respondent No. 1 & 2.

1-8-06

No. rejoinder has been filed.

17.8.06

Received copy for Applicant.

[Signature]

Dt - 17.8.06

Certified copy of the judgment has been collected by the Respondents through their Adv.

[Signature]

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH, GUWAHATI

O.A. No. 113 of 2005

DATE OF DECISION 10.08.2006

Smti L.K.Bordoloi & 118 ors.

.....Applicant/s

Shri S. Ali.

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

- Versus -

U.O.I. & Ors.

.....Respondent/s

Mr.K.N.Choudhury, Mrs R.S.Choudhury
& G. Rahul

.....Advocate for the
Respondents

CORAM

THE HON'BLE MR. K.V. SACHIDANANDAN, VICE CHAIRMAN

THE HON'BLE MR. GAUTAM RAY, ADMINISTRATIVE MEMBER

1. Whether reporters of local newspapers may be allowed to see the Judgment? Yes/No
2. Whether to be referred to the Reporter or not? Yes/No
3. Whether to be forwarded for including in the Digest Being compiled at Jodhpur Bench? Yes/No
4. Whether their Lordships wish to see the fair copy of the Judgment? Yes/No


Vice-Chairman/Member (A)

A

**CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH**

Original Application No. 113 of 2005.

Date of Order: This, the 10th day of August 2006.

THE HON'BLE MR. K.V.SACHIDANANDAN, VICE CHAIRMAN

THE HON'BLE MR. GAUTAM RAY, ADMINISTRATIVE MEMBER

Shri Lohit Kumar Bordoloi & 118 others.
All are working in the office of the Director
of ICAR, Research Complex for NEH Region,
Umroi Road, Barapani, Meghalaya

...Applicants

By Advocate Shri S.Ali

- Versus -

1. Union of India,
represented by the Secretary
to the Govt. of India,
ICAR, Krisi Bhawan,
New Delhi.

2. The Director,
Ministry of Personnel and Training,
Govt. of India,
New Delhi-1.

3. The Director,
ICAR Research Complex for NEH Region,
Umroi Road, Barapani, Meghalaya.

....Respondents

By Advocate Sri K.N.Choudhury, Mrs R.S.Choudhury
& G. Rahul.

ORDER

GAUTAM RAY, MEMBER (A)

By this application under Section 19 of the Administrative
Tribunals Act 1985 the applicants pray that the impugned order dated
26.4.2004 issued by the Director, ICAR, Government of India may be
set aside and quashed with a further prayer to implement the
judgment and order dated 12.1.1988 passed by this Tribunal in
G.C.No. 112 of 1987 with effect from 1988 immediately.

2/8

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2. Briefly stated the facts of the case of the applicants is that all the applicants were working as casual labourers with effect from 1980 in the office of the Director of ICAR, Borapani, Meghalaya. All the 119 applicants were granted temporary status with effect from 1.9.1993 as per judgment and order dated 16.2.90 passed by this Tribunal. Their service books have been opened, they were given GPF and other benefits. All of them have been working to the entire satisfaction of the Department and they had been paid their salaries/wages regularly. By impugned order dated 26.4.2004 the Director, ICAR, New Delhi informed the applicants that they are going to introduce New Pension Scheme modifying the scheme for grant of temporary status as far back as on 1.9.93. Aggrieved by the said order of the respondents the applicants approached this Tribunal by this present O.A. Hence this application.

3. The respondents have filed written statement contesting the claim of the applicants. The case of the respondents is that the applicants were working as casual workers under the respondent No.3 since 1980 and they were conferred temporary status w.e.f. 1.9.1993 in terms of the instructions dated 10.9.1993 issued by the respondent No.2. All those casual labourers after rendering 3 years of service would be treated on par with temporary Group 'D' employees for the purpose of GPF, Festival Advance, Flood Advance provided they furnish two sureties from permanent Government servants on their department. Respondent No.2 has got the power to amend or relax any of the provisions of the scheme that may be considered necessary from time to time. As per Sub clause (ii) of Clause 4 of the instructions the conferment of temporary status would be without reference to the creation/availability of regular Group 'D' posts. As

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per Sub clause (iv) of Clause 4 temporary status casual labourers will not be brought on to the permanent establishment unless they are selected through regular selection process for Group 'D' posts. The respondents further reiterated that even after the conferment of temporary status w.e.f. 1.9.1993 the applicants continue to be casual labourers for want of the regular Group 'D' posts. Hence the actions of the respondents in modifying the scheme can in no way be termed to be illegal/improper. As such the application has no merit and liable to be dismissed.

4. Heard Mr S. Ali, learned senior counsel for the applicants and Mrs R.S.Choudhury, learned counsel for the respondents at length. The learned counsel for the applicant submitted that the applicants had been conferred with temporary status equivalent to group 'D' post and the Annexure-I impugned memorandum dated 26.4.2004 is applicable to the employees who have been appointed on or after 1.1.2004. The respondents have stopped the subscription of GPF of the applicants without any rhyme or reason which is illegal and improper. The review order dated 16.9.90 passed in the case of Raj Kamal vs. Union of India by the Central Administrative Tribunal, Principal Bench has been misinterpreted by the respondent in case of the applicants. The learned counsel for the respondents on the other hand submitted that conferment of temporary status is not linked to any regular post, despite grant of temporary status the casual labourers would be engaged on daily rates of pay on need basis, without any change in their duties and responsibilities. Therefore, casual labourers despite grant of temporary status are not regular temporary Government servants and they have no vested right to claim such benefit. Furthermore, the Central Civil Service (Pension)

2/2/09

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Rules 1972 is not applicable to persons in casual and daily rated employment. As per new Defined Contribution Pension Scheme no deductions will be made towards G.P.F contribution from the Government servants joining the service on or after 1.1.2004 as the GPF scheme is not applicable to them.

5. Before proceeding to adjudicate this matter a vital point emerges as to whether this Tribunal is competent to adjudicate a matter which is a policy matter of the Government involving financial burden. A bare reading of the Office Memorandum No.49014/1/2004-Estt.(C) dated 26.4.2004 which has been impugned by the applicants in this application would show that it is a policy matter of the Government of India towards General Provident Fund. The relevant portion of the said O.M. is reproduced herein below :


(ii) As there is no provision of General Provident Fund in the new pension scheme, it will not serve any useful purpose to continue deductions towards GPF from the existing casual employees, in term of para 5(vi) of the scheme for grant of temporary status. It is, therefore, requested that no further deductions towards General Provident Fund shall be effected from the casual labourers w.e.f. 1-1-2004 onwards and the amount lying in their General Provident Fund accounts, including deductions made after 1.1.2004, shall be paid to them.

The Hon'ble Supreme Court in Union of India & Ors. vs. Tejram Parashramji Bombhate & Ors. reported in 1991 SCC (L&S) 809 has held that "no court or the tribunal could compel the Government to change its policy involving expenditure." Therefore, respectfully agreeing with the decision of the Hon'ble Supreme Court we refrain from adjudicating this application which arises out of a policy matter of the Government involving expenditure.

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6. In the light of the above discussion, the application is dismissed. The parties to bear their own costs.


(GAUTAM RAY)
ADMINISTRATIVE MEMBER


(K.V.SACHIDANANDAN)
VICE CHAIRMAN

Central Administrative Tribunal
AMENDED PETITION
Guwahati Bench
0 JUN 2005

Filed by:-
Samina Sultana Shi,
Advocate, for the
applicant, 23/6/05

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL GAUHATI BENCH
AT GUWAHATI.

O.A. No. 113. /2005.

Shri Lohit Kumar Bordoloi & Ors Applicants.

-Versus-

The Union of India & Ors Respondents.

I N D E X

<u>Sl.No.</u>	<u>Particulars</u>	<u>Pages</u>
1	Original application	- 1 to 12
2	Annexure-1	
3	Annexure-2 series	
4	Annexure-3 series	

Filed by:-

Samina Sultana Shi
Advocate.

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S Y N O P S I S

O.A. No. 113 /2005.

Shri Lohit Kumar Bardoloi & Ors.

-Vs-

Union of India & Ors.

All the applicants were working as casual labourers w.e.f. 1980 in the office of the Director of ICAR, Borapani, Meghalaya. In this original application there are 119 applicants who were casual labourers but they were given temporary status w.e.f. 1.9.93 as per judgment and order dated 16.2.90 passed by the Hon'ble Central Administrative Tribunal, Guwahati. Their service books have been opened. They were given GPF and other reliefs. They have been working to the entire satisfaction of the Department. Nothing was found against them. They had always been paid their salaries/wages regularly. Now the Director of ICAR vide letter No.49014/1/2004-Estt(c) dated New Delhi the 26th April, 2004 has informed that they are going to introduce New Pension Scheme modification of scheme for grant of temporary status as far back as on 1.9.93. Hence, the applicants have challenged the introduction of new pension scheme modification as they have been given temporary status w.e.f. 1.9.93.

Submitted by:-

Advocate.

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL GAUHATI BENCH
AT GUWAHATI.

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

AMENDED PETITION

O.A. No. 113 /2005.

-Inbetween-

Shri Lohit Kumar Bordoloi & Ors.

..... Applicants

-Versus-

The Union of India & Ors.

..... Respondents.

1. PARTICULARS OF THE APPLICANTS :-

1. Shri Lohit Kumar Bordoloi
2. Shri Sukleswar Kalita
3. Shri Khagendra Nath Medhi
4. Rafiqul Hoque
5. Shri Homeswar Talukdar
6. Shri Joy Chandra Kalita
7. Shri Marphin T. Sangma
8. Bearson Marak
9. Shri Devilal Sarma
10. Smti Ilenda Shylla
11. Shri Ramesh Haloi
12. Shri Biren Deka
13. Shri Malekson Momin
14. Shri Ojitson Marak
15. Shri Jedon Singh Marak
16. Smti Medha Thabeh

Contd.....2

Lohit Kumar Bordoloi

17. Biren Talukdar
18. Smti Monika Nongpuh
19. Rita Kurbah
20. Neemi Lyngdoh
21. Smti Thrisha Deengdoh
22. Sh. Niranjan Medhi
23. Smti Sarala Medhi
24. Sita Devi Chetri
25. Srimoti Momin
26. Sh. Prinbarth Sangma
27. Sh. Marget Sangma
28. Smti Methilla Momin
29. Sh. Ramkhe Momin
30. Grittingbarth Sangma
31. Sh. Enithson Momin
32. Sh. Pramod Thakuria
33. Sh. Jamshed Ali
34. Sh. Edwinson Shira
35. Kherush Sangma
36. Akbar Ali
37. Harmohan Sarma
38. Ghanshyam Barman
39. Lakheswar Sharma
40. Bishnu Chetri
41. Gajen Das
42. Smti Relish Makri
43. Sh. Biren Kalita
44. Gobin Kalita
45. Sh. Hussina Begum
46. Sh. Metherson Marak
47. Sh. Christinath Marak

48. Smti Amablish Marbaning
49. Smti Mon Kharkongar
50. Smti Mejinish Marak
51. Smti Plerry Lyngdoh
52. Trelin Thangkhiew
53. Smti Prejish Sangma
54. Bishnukala
55. Jagdeo Shah
56. Trik Nongrum
57. Sh. Nithson Sangma
58. Sh. Mulung Das
59. Smti Ledish Momin
60. Sh. Dharanidhar Das
61. Smti Maju Das
62. Sh. Pradip Boro
63. Smti Trolin Pyrtuh
64. Smti Sborlin Lyngdoh
65. Sh. Ludu Mirdha
66. Sh. Tez Bh. Chetri
67. Kamal Sahi Chetri
68. Birendra Shah
69. Giridhar Das
70. Bhadreswar Hajong
71. Mofida Khatun
72. Tulsi Chetri
73. Rentish Skhemlang
74. Sh. Ganesh Sangma
75. Smti Lila Devi Sonar
76. Sh. Krishna Bh. Rai
77. Mon Bh. Sonar

78. Hira Rabha
79. Smti Martina Thangkiew
80. Smti Mardish Markhap
81. Wantihun Markhap
82. Rose Mery Kharbongar
83. Jesenta Kharbongar
84. Sh. Mon Bh. Chetri
85. Smti Drosdalin Sangma
86. Sh. Kalu Swin
87. Smti Sama Devi
88. Sh. Debeswar Das
89. Tili Devi
90. Smti Jushna Sarkar
91. Sh. Lakhindar Singh
92. Nelson Sangma
93. Jit Bh. Sonar
94. Hepjoner Sangma
95. Ganesh Kalita
96. Smti Lisha Makri
97. Smti Quentina Tariang
98. Leena Rangslang
99. Phlasibon Kharkongar
100. Permina Momin
101. Sh. Ganga Pradhan
102. Tirtha Kanta Hazarika
103. Kindness Marak
104. Babulal Matok
105. Isabel Makri
106. Sh. Anil Deka
107. Sh. Kumar Chetri

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Rohit Kumar Baredaloi

108. Smti Jesenta Tariang
109. Smti Bharati Majaw
110. Sh. Ball Bh. Darjee
111. Sh. Thanewar Kalita
112. Shri Pradip Kalita
113. Silalakhan Jadav
114. Kamala Das
115. Indreswar
116. Mariana Sunn
117. Sidheswar Marak
118. Bijoy Markhap
119. Helen War

All are working in the office of the Director of ICAR, Research Complex for NEH Region, Umrai Road, Barapani, Meghalaya.

2. PARTICULARS OF THE RESPONDENTS :-

1. The Union of India, represented by the Secretary to the Govt. of India, ICAR, Krisi Bhawan, New Delhi.
2. The Director, Ministry of Personnel and Training, Govt. of India, New Delhi-11 001.
3. The Director, ICAR, Research Complex, NEH Region, Umrai Road, Barapani, Meghalaya.

3. JURISDICTION :-

The applicants declare that this application is within the jurisdiction of this Hon'ble Central Administrative Tribunal, Guwahati.

K. N. Choudhury

4. LIMITATION :-

This application has been filed within the limit under section 21 of the Central Administrative Tribunal Act, 1985.

4(1). ORDER AGAINST WHICH THIS APPLICATION HAS BEEN FILED:-

Memo No.49014/2004 dated 26.4.2004 (Annexure-1).

5. FACTS OF THE CASE :-

5.1. That your applicants are Indian citizen and permanent resident of India and as such they are entitled to all the rights and privileges guaranteed under the Constitution of India.

5.2. That the cause of action and relief sought for being common to all the applicants so they have filed this application jointly before this Hon'ble Tribunal, the same be accepted under Rule 4(5)(a) of the Central Administrative Tribunal (Procedure) Rules, 1987.

5.3. That your applicants were engaged as Casual Labourers with effect from 1976/1980 in the office of the Director of ICAR Borapani, Meghalaya and since then they were working as casual workers but w.e.f. 1.9.93 they have been given temporary status on the basis of judgment and order dated 16.2.90 passed by the Principal Bench, Central Administrative Tribunal, New Delhi in O.A.

No.1

7
Rohit Kumar Sawada

5.4. That after giving them temporary status, they have also been given GPF benefit and this GPF facility continued till February, 2005 but suddenly without prior notice to the applicants, the respondents illegally stopped their GPF benefits but offer EPG benefit viz Employees Provident Fund which is not acceptable to the applicants. This has been given as per office memorandum contained in No.49014/1/2004-ESTT, Govt.of India, Ministry of Personnel Public Grievances and Pension, Department of Personnel and Trading issued by the Director, ICAR, Govt.of India.

Annexure-1 is the photocopy of such office memorandum dated 26.4.2004.

Annexure-2 series are the orders giving the applicants temporary status w.e.f. 1.9.93.

Annexure-3 series are the pass books of all the applicants showing deduction of GPF.

5.5. That vide Annexure-1, it is clearly stated that the scheme for grant of temporary status and regularisation of casual workers in Central Govt. Offices formulated in pursuance of the judgment dated 16.9.90 of the Central Administrative Tribunal, Principal Bench in the case of Rajkamal & Ors Vs. Union of India has been reviewed in the light of introduction of new pension scheme in respect of person appointed to the Central Govt. Service on or after 1.1.2004 and it has been decided to modify the scheme thereunder :-

- i) As the new pension scheme is based on defined contribution, the length of qualifying service for the purpose of retirement benefits has lost its relevance, no credit of casual service has specified in para 5(iv) shall be available to the casual labourers on their regularisation against Group-D post on or after 2004.
- ii) As there is no provision of Central Provident Fund in the new pension scheme, it will not serve any useful purpose to continue deductions towards GPF from the existing casual employees in terms of para 5(vi) of the scheme for grant of temporary status. It is therefore, requested that no further deduction towards GPF shall be effected from the casual labourers w.e.f. 1.1.2004 onwards and the amount lying in their GPF accounts including deduction made after 1.1.2004 shall be made to them.
- iii) The existing guidelines contained in this Department office Memorandum No.49014/2/86-Estt(c) dated 7.6.88 may continue to be followed in the matter of engagement of casual workers in the Central Govt. offices.

Dobit Kr. Bawelaloi

5.6. That from the contents of the aforesaid order issued by the Director, it is clearly stated that the judgment and order passed by the Central Administrative Tribunal, Principal Bench, in the case of Raj Kamal and

Ors Vs. Union of India & Ors has been reviewed in the light of introduction of new pension scheme in respect of persons appointed to Central Govt. service on or after 1.1.2004. This portion of the order has been misinterpreted by the authority and illegally stopped GPF of the applicants w.e.f. the month of February, 2005 and hence the applicants are compelled to file this application before this Hon'ble Tribunal.

6. GROUND with LEGAL PROVISIONS :-

6.1. For that this scheme which has been challenged in this application is not applicable in case of the applicants as they have been given temporary status equivalent to Group-D post as the present memorandum at Annexure-1 states that the Govt. employees who have been appointed on or after 1.1.2004 is only applicable.

6.2. For that the stoppage of GPF of the applicants without any rhyme or reason is illegal and improper and hence the same is liable to be quashed.

6.3. For that as the applicants had been given temporary status as per on 1.9.93, the stoppage of GPF to the applicants is illegal, malafide and improper and hence the same is liable to be set aside and quashed.

6.4. For that the review order passed in Raj Kamal Case by the Central Administrative Tribunal, Principal Bench has been misinterpreted by the respondent in case of the applicants and hence the present impugned order is liable to be set aside and quashed.

6.5. For that at any rate the impugned order at Annexure-1 is liable to be quashed.

7. DETAILS OF REMEDIES EXHAUSTED :-

As the authorities have suddenly issued the impugned order without prior notice to the applicants, the applicants had no scope to file representation before the authority and hence they are compelled to file this present original application seeking adequate relief.

8. MATTERS NOT PREVIOUSLY FILED OR PENDING WITH ANY OTHER COURT OF TRIBUNAL :-

No case before the Hon'ble Tribunal or in any Court of law has been filed or is pending in any Court of law or Tribunal.

9. RELIEF SOUGHT FOR :-

In view of the facts and circumstances narrated above the applicants pray for the following reliefs:-

i) The impugned order dated 26.4.2004 issued by the Director, ICAR, Govt. of India may be set aside and quashed.

ii) To implement the judgment and order dated 12.1.1988 passed in G.C. No.112/1987, w.e.f. 1988 immediately.

iii) Any other relief or reliefs as entitled to the applicants.

iv) Cost of the case.

10. INTERIM RELIEF PRAYED FOR :-

As the present scheme at Annexure-1 is applicable only to the persons appointed or or after 1.1.04 hence the same is not applicable in case of the present applicants and hence the illegal application of the scheme against the applicants may kindly be stayed till disposal of the case.

11. DETAILS OF POSTAL ORDER :-

1. Postal Order No.
2. Date of issue :-
3. Issued by :-
4. Payabale at Guwahati.

12. LIST OF ENCLOSURES :-

As per Index.

Verification.....

26
Lohit Kumar Saredabi

VERIFICATION

I, Shri Lohit Kumar Bordoloi Son of Late K.N. Bardoloi, aged about 42 years, at present working as Casual Worker having status in the office of the Director of ICAR, Research Complex, NEH Region, Umrai Road, Borapani, Meghal do hereby solemnly affirm and verify the statements made in paragraphs are true to my knowledge and those made in paragraphs 5-5, 5-6 being matter of records are true to my information derived therefrom which I believe to be true and the rests are my humble submissions made before this Hon'ble Tribunal. I have not suppressed any material facts in this case. And I sign this verification on this the th day of June, 2005 at Guwahati.

Lohit Kumar Bordoloi

Signature.

C. Secy
Case - 15 - 14/13

Amr... - 7 28

No. 49014/1/2004-Estt. (C)

Government of India
Ministry of Personnel, Public Grievances and Pensions
Department of Personnel & Training

New Delhi-110001 dated the 26th April, 2004

OFFICE MEMORANDUM

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

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

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

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

P. Mohan
(Smt. Pratibha Mohan)
Director

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

Affected
Sali
Advocate
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C.S. Adv...
23092338

12/secy. Jugal Kishore
23092313

1993 Reg...

C.No. - 11/2/15/14

Annexure - 1

No. 49014/1/2004-Estt. (C)

Government of India
Ministry of Personnel, Public Grievances and Pensions
Department of Personnel & Training

New Delhi-110001 dated the 23rd July, 2004

OFFICE MEMORANDUM

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

The undersigned is directed to refer to this Department's OM of even number dated 26th April, 2004 vide which the provisions of Casual Labourers (Grant of Temporary Status & Regularisation) Scheme of Govt. of India, 1993 was reviewed and modified on introduction of New Pension Scheme w. e. f. 1st January, 2004. The references have been received in this Department seeking clarification as up to what date interest on the GPF accumulations of the casual labourers has to be allowed. The matter has been considered in consultation with Department of Pension & Pensioners' Welfare and Ministry of Finance (Department of Expenditure) and it has been decided that interest up to 30th April, 2004 may be allowed on the GPF accumulations of the casual labourers who have been bestowed with temporary status.

2. This issues in concurrence with Department of Expenditure vide their UO.
No. 442/EV/2004 dated 15.7.2004

P. Mohan
(Smt. Pratibha Mohan)
Director

To

- All Ministries/Departments of Govt. of India and their Attached and Subordinate Offices;
- Copy for
1. Comptroller and Auditor General of India, New Delhi
 2. Union Public Service Commission, New Delhi
 3. Central Vigilance Commission, New Delhi
 4. Central Bureau of Investigation, New Delhi
 5. All Union Territory Administrations
 6. Lok Sabha/ Rajya Sabha Secretariat
 7. Secretary, Staff Side National Council (JCM), Feroze Shah Road, New Delhi

P. Mohan
(Smt. Pratibha Mohan)
Director

INDIAN COUNCIL OF AGRICULTURAL RESEARCH
ICAR Research complex for N.E.H. Region
Umroi Road, Barapani - 793063, Meghalaya

No. RCAG/14/95

Dated the 14th March, 1995.

O R D E R

In pursuance of the Council's order No. F.No. 24(15)/93-Cdn dt. 23.9.94 & 23.11.94 and Govt of India, Ministry of Personnel (PG) and Pensions, Deptt of Personnel & Training's OM No. 51016/2/90-Estt(e) dt. 10.9.93, Sri/Smt. ~~Smt. Smt.~~ Sukleswar... Kaddas, Casual Labourer, ICAR Res. Complex for NEH Region, Barapani casual labour is hereby granted temporary status with effect from 1.9.93 on the following terms and conditions.

- ✓ 1) Conferral/grant of the said temporary status would not involve any change in his/her nature of duties and responsibilities.
- ✓ 2) The engagement will be on daily rates of pay on need basis.
- ✓ 3) He/She will be deployed anywhere within the engagement unit/place on the basis of availability of works.
- ✓ 4) He/She will not have any right to claim for Group 'D' post under permanent establishment unless he/she is selected through a regular selection process of Group 'D' post.
- ✓ 5) He/She will be entitled wages at daily rates with reference to the minimum of the pay scale for a corresponding regular group 'D' post including Da, HRA & CCA (as admissible to a 'Group D' post of the place of his/her working on a y).
- ✓ 6) 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 (in the year from the date of conferral of temporary status).
- 7) He/She will be entitled to leave on pro-rata basis at the rate of one day for every ten days of work. Casual leave or any other kind of leave except maternity leave will not be admissible.

attested
Sali
Substante,
Date 23/6/05

- 8) Maternity leave to lady casual labourers as admissible to regular Group 'D' employees will be allowed.
- 9) He/She will have to produce Educational/Qualification certificate, Age/date of birth certificate, caste certificate and citizen ship certificate in original within one month from the date of issue of this order failing which the order shall automatically stands cancelled.
- 10) The wages for the duty period will be payable only on the days on which he/she is engaged on work.
- 11) Despite conferment of temporary status he/she would be liable to be dispensed/removed from the services of casual labour by giving a notice of one month in writing.

Sd/- S. LASKAR
Director

Memo. No. RC(G) 14/95

14th
Dated the 14th March, 1995.

- 1) Sd/- ~~XXXX~~ Sukleswar Kalita, Casual Labour, ICAR Res. Complex, Barapani.
- 2) Sr. Farm Manager/Farm Manager, ICAR Research complex for NEH Region, Barapani.
- 3) Joint Director, ICAR Research complex for NEH Region,
- 4) Incharge, ICAR Research complex for NEH Region,
- 5) Finance & Accounts Officer, ICAR Research complex for NEH Region, Barapani, Umroi Road, Meghalaya.
- 6) The Asstt. Adm. Officer (Entt), ICAR Research complex for NEH Region, Barapani, Umroi Road, Meghalaya.

(I.K. SHARMA)
ADMINISTRATIVE OFFICER

INDIAN COUNCIL OF AGRICULTURAL RESEARCH
ICAR Research Complex for N.E. Region
Umsof Road, Barapani - 793 103 Meghalaya

No. RC(3) 14/95

Dated the 17th March, 1995.

ORDER

In pursuance of the Council's order No. F.No. 24(15)/93-Cad dt. 23.9.94 & 23.11.94 and Govt of India, Ministry of Personnel(PG) and Pensions, Deptt of Personnel & Training's order No. 51016/2/90-East(c) dt. 10.9.93, Sri/Smt. *[Name]* casual labour is hereby granted temporary status with effect from 1.9.93 on the following terms and conditions.

- 1) Conferral/grant of the said temporary status would not involve any change in his/her nature of duties and responsibilities.
- 2) The engagement will be on daily rates of pay on need basis.
- 3) He/She will be deployed anywhere within the engagement unit/place on the basis of availability of works.
- 4) He/She will not have any right to claim for Group 'D' post under permanent establishment unless he/she is selected through a regular selection process of Group 'D' post.
- 5) He/She will be entitled wages at daily rates with reference to the minimum of the pay scale for a corresponding regular group 'D' post including DA, DA & CA (as admissible to a 'Group D' post of the place of his/her working only).
- 6) Benefits of increments at the same rates 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 in the year from the date of conferral of temporary status.
- 7) He/She will be entitled to leave on pro-rata basis at the rate of one day for every ten days of work. Casual-leave or any other kind of leave except maternity leave will not be admissible.

Attested
Sd/-
Secretary
23/6/05

1 2 1

- 8) Maternity leave to lady casual labourers as admissible to regular Group 'D' employees will be allowed.
- 9) He/She will have to produce Educational/qualification certificate, age/date of birth certificate, caste certificate and citizenship certificate in original within one month from the date of issue of this order failing which the order shall automatically stands cancelled.
- 10) The wages for the duty period will be payable only on the days on which he/she is engaged on work.
- 11) Despite conferment of temporary status he/she would be liable to be dispensed/removed from the services of casual labour by giving a notice of one month in writing.

Sd/- S. DASAR
Director

Memo. No. NC(G) 11/95

Dated the 15th March, 1995.

- 1) Sri / Smt. JOY. CHANDRA SAHAJI, S/Labour, ICAR Research complex for NEH Region, Barapani.
- 2) Sr. Farm Manager/Farm Manager, ICAR Research complex for NEH Region, Barapani.
- 3) J. K. Das, S/Labour, ICAR Research complex for NEH Region, Barapani.
- 4) J. K. Das, S/Labour, ICAR Research complex for NEH Region, Barapani.
- 5) J. K. Das, S/Labour, ICAR Research complex for NEH Region, Barapani.
- 6) J. K. Das, S/Labour, ICAR Research complex for NEH Region, Barapani.

16/3/95
 (I. K. SHARMA)
 ADMINISTRATIVE OFFICER

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INDIAN COUNCIL OF AGRICULTURAL RESEARCH
I.C.A.R. Research complex for N.E.H. Region
Umroi Road, Barapani - 793163, Meghalaya

No. RC(G) 14/95

Dated, the 15th March, 1995.

O R D E R

In pursuance of the Council's order No. F.No. 24(15)/93-Cdn dt. 23.9.94 & 23.11.94 and Govt of India, Ministry of Personnel(PG) and Pensions, Deptt of Personnel & Training's Oa No. 51016/2/90-Estt(c) dt. 10.9.93, Sri/SRIKANTH...
TALUKDAR, C/Labour, ICAR Research complex for N.E.H. Region, Barapani
casual labour is hereby granted temporary status with effect from 1.9.93 on the following terms and conditions.

- 1) Conferment/grant of the said temporary status would not involve any change in his/her nature of duties and responsibilities.
- 2) The engagement will be on daily rates of pay on need basis.
- 3) He/She will be deployed anywhere within the engagement unit/place on the basis of availability of works.
- 4) He/She will not have any right to claim for Group 'D' post under permanent establishment unless he/she is selected through a regular selection process of Group 'D' post.
- 5) He/She will be entitled wages at daily rates with reference to the minimum of the pay scale for a corresponding regular group 'D' post including DA, HRA & GCA (as admissible to a 'Group D' post of the place of his/her working only).
- 6) 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 (in the year from the date of conferment of temporary status).
- 7) He/She will be entitled to leave on pro-rata basis at the rate of one day for every ten days of work. Casual leave or any other kind of leave except maternity leave will not be admissible.

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- 8) Maternity leave to lady casual labourers as admissible to regular Group 'D' employees will be allowed.
- 9) He/She will have to produce Educational/qualification certificate, age/date of birth certificate, caste certificate and citizenship certificate in original within one month from the date of issue of this order failing which the order shall automatically stand cancelled.
- 10) The wages for the duty period will be payable only on the days on which he/she is engaged on work.
- 11) Despite confinement of temporary status he/she would be liable to be dispensed/removed from the services of casual labour by giving a notice of one month in writing.

Sd/- S. DASGUPTA
Director

Memo. NORC(G) 14/95

Dated the 15th March, 1995.

- 1) Sri / ~~Smt~~ HOMESWAR TALUKDAR, C/Labour, ICAR Research complex for NEH Region, Barapani
- 2) Sr. Farm Manager/Farm Manager, ICAR Research complex for NEH Region, Barapani
- 3) Joint Director, ICAR Research complex for NEH Region,
- 4) Incharge ~~Adm~~ ICAR Research complex for NEH Region,
- 5) Finance & Accounts Officer, ICAR Research complex for NEH Region, Barapani, Umroi Road, Meghalaya.
- 6) The Asstt. Adm Officer (Estt), ICAR Research complex for NEH Region, Barapani, Umroi Road, Meghalaya

(I. K. SHARMA)
ADMINISTRATIVE OFFICER

INDIAN COUNCIL OF AGRICULTURAL RESEARCH
ICAR RESEARCH COMPLEX FOR N.E.H. REGION
UNAOI ROAD, BARAPATI, SILIGURIA

No. AC(G)14/95

Dated Barapati, the 15th March, '95

O R D E R

In pursuance of the Council's order no. F.No.24(15)/95-Cdn dated 25.9.94 & 23.11.94 and Govt. of India, Ministry of Personnel (PG) and Pensions, Deptt. of Personnel & Training Om No.51015/2/90-Estt(C) dated 10.9.93, Shri/Smtt.

Emerson Mondra Casual labour is hereby granted temporary status with effect from 1.9.93 on the following terms and conditions :

- 1) Conferment/grant of the said temporary status would not involve any change in his/her nature of duties and responsibilities.
- 2) The engagement will be on daily rates of pay on need basis.
- 3) He/she will be deployed anywhere within the engagement unit/place on the basis of availability of works.
- 4) He/she will not have any right to claim for Group 'D' post under permanent establishment unless he/she is selected through a regular selection process of group 'D' post.
- 5) He/she will be entitled wages at daily rates with reference to the minimum of the pay scale for a corresponding regular group 'D' (post including DA, HRA & CC, (as admissible to a Group 'D' post of the place of his/her working only)
- 6) 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 in the year from the date of conferment of temporary status.
- 7) He/she will be entitled to leave on pro-rata basis at the rate of one day for every ten days of work. Casual leave or any other kind of leave except maternity leave will not be admissible.
- 8) Maternity leave to lady casual labourers as admissible to regular Group 'D' employees will be allowed.
- 9) He/she will have to produce Educational/qualification certificate, Age/date of birth certificate, caste certificate and citizen-ship certificate in original within one month of the date of this order

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- 8) Maternity leave to lady casual labourers as admissible to regular Group 'D' employees will be allowed.
- 9) He/She will have to produce Educational/Qualification certificate, age/date of birth certificate, caste certificate and citizenship certificate in original within one month from the date of issue of this order failing which the order shall automatically stand cancelled.
- 10) The wages for the duty period will be payable only on the days on which he/she is engaged on work.
- 11) Despite confinement of temporary status he/she would be liable to be dispensed/removed from the services of casual labour by giving a notice of one month in writing.

Sd/- S. DASGUPTA
Director

Memo. No. RC(G) 14/95 Dated the 15th March, 1995.

- 1) Sri/XXX HOMESWAR TALUKDAR, C/Labour, ICAR Research complex for NEH Region, Barapani.....
- 2) Sr. Farm Manager/Farm Manager, ICAR Research complex for NEH Region, Barapani.....
- 3) Joint Director, ICAR Research complex for NEH Region,
- 4) Incharge, ICAR Research complex for NEH Region,
- 5) Finance & Accounts Officer, ICAR Research complex for NEH Region, Barapani, Umroi Road, Meghalaya.
- 6) The Asstt. Adm. Officer (Estt), ICAR Research complex for NEH Region, Barapani, Umroi Road, Meghalaya.

(I. K. SHARMA)
ADMINISTRATIVE OFFICER

INDIAN COUNCIL OF AGRICULTURAL RESEARCH
ICAR RESEARCH COMPLEX FOR N.E.H. REGION
UNAOI ROAD, BARAPANI, MIZORAM

No. IC(G)14/95

Dated Barapani, the 15th March, '95

O R D E R

In pursuance of the Council's order No. P.No.24(15)/95-Cdn dated 23.9.94 & 23.11.94 and Govt. of India, Ministry of Personnel (PG) and Pensions, Deptt. of Personnel & Training Om No.51015/2/PC-Estt(C) dated 10.9.93, Shri/Smtt.

Enitson Monin Casual labour is hereby granted temporary status with effect from 1.9.93 on the following terms and conditions :

- 1) Conferment/grant of the said temporary status would not involve any change in his/her nature of duties and responsibilities.
- 2) The engagement will be on daily rates of pay on need basis.
- 3) He/she will be deployed anywhere within the engagement unit/place on the basis of availability of works.
- 4) He/she will not have any right to claim for Group 'D' post under permanent establishment unless he/she is selected through a regular selection process of group 'D' post.
- 5) He/she will be entitled wages at daily rates with reference to the minimum of the pay scale for a corresponding regular group 'D' (post including DA, HRA & OCA (as admissible to a Group 'D' post of the place of his/her working only)
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- 8) Maternity leave to lady casual labourers as admissible to regular Group 'D' employees will be allowed.
- 9) He/she will have to produce Educational/qualification certificate, Age/date of birth certificate, caste certificate and citizenship certificate in original within one month of the date of this order

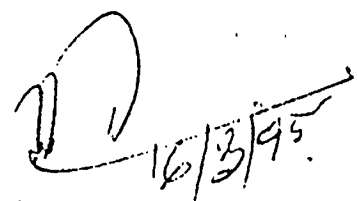
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- 11) Despite conferment of temporary status he/she would be liable to be dispensed/removed from the services of casual labour by giving a notice of one month in writing.

Sd/-
(S. Laskar)
Director.

Memo. No. RC(G)14/95 Dated Barapani, the 15th March, '95

Copy to :-

- 1. ~~Sd/-~~ .. Ehitson Momin, Casual Labour, ICAR Res. Complex, Barapani.
- 2. The Sr. Farm Manager/Farm Manager, ICAR Research Complex for NEH Region, Barapani.
- 3. The Joint Director, ICAR Research Complex for NEH Region,
- 4. In-charge, AVK, ICAR Research Complex for NEH Region,
- 5. The Finance & Accounts Officer, ICAR Research Complex for NEH Region, Barapani.
- 6. The Assst. Admn. Officer (Estt.); ICAR Research Complex for NEH region, Barapani.



(I. K. SHARMA)
ADMINISTRATIVE OFFICER

INDIAN COUNCIL OF AGRICULTURAL RESEARCH
ICAR Research complex for N.E.H. Region
Umroi Road, Barapani - 793163 Meghalaya

No. RC(G) 14/95

Dated the 14th March, 1995.

O R D E R

In pursuance of the Council's order No. F.No. 24(15)/93-Cdu dt. 23.9.94 & 23.11.94 and Govt of India, Ministry of Personnel(P.G) and Pensions, Deptt of Personnel & Training, O.M. No. 51016/2/90-Estt(c) dt. 10.9.93, Sri / ~~XXXXXXXX~~ DHARANIDHAR DAS C/Labour, ICAR Research complex for NEH Region, Barapani..... casual labour is hereby granted temporary status with effect from 1.9.93 on the following terms and conditions.

- 1) Confirmation/grant of the said temporary status would not involve any change in his/her nature of duties and responsibilities.
- 2) The engagement will be on daily rates of pay on need basis.
- 3) He/She will be deployed anywhere within the engagement unit/place on the basis of availability of works.
- 4) He/She will not have any right to claim for Group 'D' post under permanent establishment unless he/she is selected through a regular selection process of Group 'D' post.
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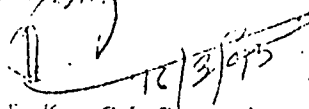
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- 10) The wages for the duty period will be payable only on the days on which he/she is engaged in work.
- 11) Despite confinement of temporary status he/she would be liable to be dispensed/removed from the services of casual labour by giving a notice of one month in writing.

SSC/SHANKAR
Director

No. No. RC(G) 14/95

Dated 14th March 1995

- 1) Sri. DHARANIDHAR DAS, C/Labour, ICAR Research complex for NEH Region, Barapani.
- 2) Sr. Farm Manager/Farm Manager, ICAR Research complex for NEH Region, Barapani.
- 3) Joint Director, ICAR Research complex for NEH Region,
- 4) Incharge, ICAR Research complex for NEH Region,
- 5) Finance & Accounts Officer, ICAR Research complex for NEH Region, Barapani, Umroi Road, Meghalaya.
- 6) The Asstt. Adm. Officer (Estt), ICAR Research complex for NEH Region, Barapani, Umroi Road, Meghalaya.


 (L.K. SHARMA)
 ADMINISTRATIVE OFFICER

- 26 -
file

Annexure - 2 (v) 12

INDIAN COUNCIL OF AGRICULTURAL RESEARCH
ICAR Research complex for N. E. H. Region
Umroi Road, Barapani - 793163 Meghalaya

No. RC(G) 14/95

Dated the 15th March, 1995.

ORDER

In pursuance of the Council's order No. F.No. 24(15)/93-Cdm dt. 23.9.94 & 23.11.94 and Govt of India, Ministry of Personnel(PG) and Pensions, Deptt of Personnel & Training's OM No. 51016/2/90-Estt(c) dt. 10.9.93, Sri/Smt. ~~Srinivasa~~ Malung Das, Casual Labour, ICAR Res. Complex, Barapani. casual labour is hereby granted temporary status with effect from 1.9.93 on the following terms and conditions:

- 1) Conferment/grant of the said temporary status would not involve any change in his/her nature of duties and responsibilities.
- 2) The engagement will be on daily rates of pay on need basis.
- 3) He/She will be deployed anywhere within the engagement unit/place on the basis of availability of works.
- 4) He/She will not have any right to claim for Group 'D' post under permanent establishment unless he/she is selected through a regular selection process of Group 'D' post.
- 5) He/She will be entitled wages at daily rates with reference to the minimum of the pay scale for a corresponding regular group 'D' post including DA, HRA & CCA (as admissible to a 'Group D' post of the place of his/her working only).
- 6) 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 (in the year from the date of conferment of temporary status).
- 7) He/She will be entitled to leave on pro-rata basis at the rate of one day for every ten days of work. Casual leave or any other kind of leave except maternity leave will not be admissible.

P. T. O.

- 8) Maternity leave to lady casual labourers as admissible to regular Group 'D' employees will be allowed.
- 9) He/She will have to produce Educational/Qualification certificate, age/date of birth certificate, caste certificate and citizen ship certificate in original within one month from the date of issue of this order failing which the order shall automatically stands cancelled.
- 10) The wages for the duty period will be payable only on the days on which he/she is engaged on work.
- 11) Despite conferment of temporary status he/she would be liable to be dispensed/removed from the services of casual labour by giving a notice of one month in writing.

Sd/- S. DASRAR
Director

Memo. NoRC(G) 14/95

Dated the 15th March, 1995.

- 1) Sri /~~XXXX~~ ~~XXXX~~ Mulung Das, Casual Labour, ICAR Res. Complex, ~~BHX~~ Barapani,
- 2) Sr. Farm Manager/Farm Manager, ICAR Research complex for NEH Region, Barapani.
- 3) Joint Director, ICAR Research complex for NEH Region,
- 4) Incharge A/c, ICAR Research complex for NEH Region,
- 5) Finance & accounts Officer, ICAR Research complex for NEH Region, Barapani, Umroi Road, Meghalaya.
- 6) The Asstt. Adm. Officer (Estt), ICAR Research complex for NEH Region, Barapani, Umroi Road, Meghalaya.

(I. K. SHARMA)
ADMINISTRATIVE OFFICER

INDIAN COUNCIL OF AGRICULTURAL RESEARCH
ICAR Research complex for N. E. H. Region
Umroi Road, Barapani - 793003 Meghalaya

No. RC(G) 14/95

Dated the 14th March, 1995.

ORDER

In pursuance of the Council's order No. F.No. 24(15)/93-Cdm dt. 23.9.94 & 23.11.94 and Govt of India, Ministry of Personnel (PG) and Pensions, Deptt of Personnel & Training's Oa No. 51016/2/90-Estt(•) dt. 10.9.93, Sri /XXXXXXXXX/ Biren Kalita, Casual Labour, ICAR Res. Complex for NEH Region, Barapani..... casual labour is hereby granted temporary status with effect from 1.9.93 on the following terms and conditions:

- 1) Confirmation/grant of the said temporary status would not involve any change in his/her nature of duties and responsibilities.
- 2) The engagement will be on daily rates of pay on need basis.
- 3) He/She will be deployed anywhere within the engagement unit/place on the basis of availability of works.
- 4) He/She will not have any right to claim for Group 'D' post under permanent establishment unless he/she is selected through a regular selection process of Group 'D' post.
- 5) He/She will be entitled wages at daily rates with reference to the minimum of the pay scale for a corresponding regular group 'D' post including DA, HRA & CCA (as admissible to a 'Group D' post of the place of his/her working only).
- 6) 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 (in the year from the date of conferment of temporary status).
- 7) He/She will be entitled to leave on pro-rata basis at the rate of one day for every ten days of work. Casual-leave or any other kind of leave except maternity leave will not be admissible.

P.T.O

- 8) Maternity leave to lady casual labourers as admissible to regular Group 'D' employees will be allowed.
- 9) He/She will have to produce Educational/Qualification certificate, age/date of birth certificate, caste certificate and citizenship certificate in original within one month from the date of issue of this order failing which the order shall automatically stand cancelled.
- 10) The wages for the duty period will be payable only on the days on which he/she is engaged on work.
- 11) Despite confinement of temporary status he/she would be liable to be dispensed/removed from the services of casual labour by giving a notice of one month in writing.

Sd/- S. LAKSHAR
Director

Memo. No RC(G) 14/95

Dated the 14th ~~12th~~ March, 1995.

- 1) Sri /~~SOMAX~~ Biren Kalita, Casual Labour, ICAR Res. Complex for NEH Region, Barapani.
- 2) Sr. Farm Manager/Farm Manager, ICAR Research complex for NEH Region, Barapani.
- 3) Joint Director, ICAR Research complex for NEH Region,
- 4) Incharge A.V., ICAR Research complex for NEH Region,
- 5) Finance & Accounts Officer, ICAR Research complex for NEH Region, Barapani, Umroi Road, Meghalaya.
- 6) The Asst. Adm. Officer (L&T), ICAR Research complex for NEH Region, Barapani, Umroi Road, Meghalaya.

(Signature)
(I.K. Saha)
ADMINISTRATIVE OFFICER

INDIAN COUNCIL OF AGRICULTURAL RESEARCH
ICAR Research Complex for N.E.H. Region
Umroi Road, Barapani - 793163 Naghalaya

No. RC(G) 14/95

Dated the 15th March, 1995.

O R D E R

In pursuance of the Council's order No. F.No. 24(15)/93-Odn dt. 23.9.94 & 23.11.94 and Govt of India, Ministry of Personnel (PG) and Pensions, Deptt of Personnel & Training's OM No. 51016/2/90-Estt(c) dt. 10.9.93, Sri/Smt. ~~Sankar~~ Sankar Samah, Casual Labour, ICAR Res. Complex, Barapani, casual labour is hereby granted temporary status with effect from 1.9.93 on the following terms and conditions.

- 1) Conferment/grant of the said temporary status would not involve any change in his/her nature of duties and responsibilities.
- 2) The engagement will be on daily rates of pay on need basis.
- 3) He/She will be deployed anywhere within the engagement unit/place on the basis of availability of works.
- 4) He/She will not have any right to claim for Group 'D' post under permanent establishment unless he/she is selected through a regular selection process of Group 'D' post.
- 5) He/She will be entitled wages at daily rates with reference to the minimum of the pay scale for a corresponding regular group 'D' post including DA, HRA & CCA (as admissible to a 'Group D' post of the place of his/her working only).
- 6) 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 (in the year from the date of conferment of temporary status).
- 7) He/She will be entitled to leave on pro-rata basis at the rate of one day for every ten days of work. Casual-leave or any other kind of leave except maternity leave will not be admissible.

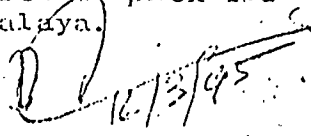
P.T.O

- 8) Maternity leave to lady casual labourers as admissible to regular Group 'D' employees will be allowed.
- 9) He/She will have to produce Educational/Qualification certificate, Age/Date of birth certificate, caste certificate and citizenship certificate in original within one month from the date of issue of this order failing which the order shall automatically stands cancelled.
- 10) The wages for the duty period will be payable only on the days on which he/she is engaged on work.
- 11) Despite conferment of temporary status he/she would be liable to be dispensed/removed from the services of casual labour by giving a notice of one month in writing.

Sd/- S. LASKAR
Director

Memo. NORO(G) 14/95 Dated the 15th March, 1995.

- 1) Sri/xxxx Lankeswar Sarmah, Casual Labour, ICAR Res. Complex, Barapani.....
- 2) Sr. Farm Manager/Farm Manager, ICAR Research complex for NEH Region, Barapani.....
- 3) Joint Director, ICAR Research complex for NEH Region,
- 4) Incharge A/c, ICAR Research complex for NEH Region,
- 5) Finance & Accounts Officer, ICAR Research complex for NEH Region, Barapani, Umroi Road, Meghalaya.
- 6) The Asstt. Adm. Officer (Estt), ICAR Research complex for NEH Region, Barapani, Umroi Road, Meghalaya.


(I.R. SHARMA)
ADMINISTRATIVE OFFICER

No. IC(6)14/95

Dated Bangalore, the 15th March, 1995

O R D E R

In pursuance of the Council's order No. F.No.24(15)/95-Cdn dated 25.9.94 & 25.11.94 and Govt. of India, Ministry of Personnel (PG) and Pensions, Deptt. of Personnel & Training, OI No.51015/2/90-Estt(C) dated 10.9.93, Shri/Smti.
Sri. Sherush Sangma, Casual labour is hereby granted temporary status with effect from 1.9.95 on the following terms and conditions :

- 1) Conferment/grant of the said temporary status would not involve any change in his/her nature of duties and responsibilities.
- 2) The engagement will be on daily rates of pay on need basis.
- 3) He/She will be deployed anywhere within the engagement unit/place on the basis of availability of works.
- 4) He/She will not have any right to claim for Group 'D' post under permanent establishment unless he/she is selected through a regular selection process of group 'D' post.
- 5) He/She will be entitled wages at daily rates with reference to the minimum of the pay scale for a corresponding regular group 'D' (post including DA, HRA & CC) (as admissible to a group 'D' post of the place of his/her working only)
- 6) 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 in the year from the date of conferment of temporary status.
- 7) He/She will be entitled to leave on pro-rata basis at the rate of one day for every ten days of work. Casual leave or any other kind of leave except maternity leave will not be admissible.
- 8) Maternity leave to lady casual labourers as admissible to regular Group 'D' employees will be allowed.
- 9) He/She will have to produce Educational/qualification certificate, Age/date of birth certificate, caste certificate and citizen-ship certificate in original within one month from the date of issue of this order failing which the order shall automatically stand cancelled.

Contc...P/2.

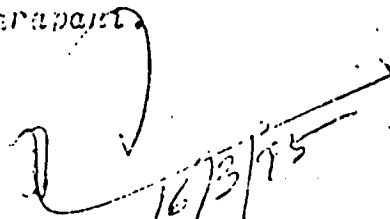
- 10) The wages for the duty period will be payable only on the days on which he/she is engaged on work.
- 11) Despite conferment of temporary status he/she would be liable to be dispensed/removed from the services of casual labour by giving a notice of one month in writing.

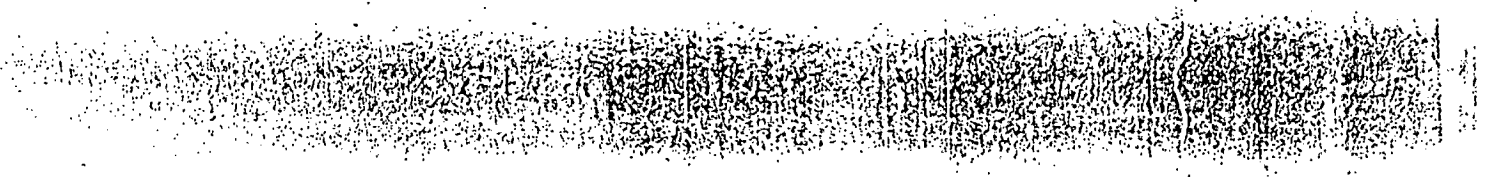
Sd/-
(E. Laskar)
Director.

memo. No. DC(G)14/25 Dated Barapani, the 15th March, '25

Copy to :-

- 1. ~~Miri/xxxx~~ Kherush Sangma, Casual Labour, ICAR Res. Complex, Barapani.
- 2. The Sr. Farm Manager/Farm Manager, ICAR Research Complex for NEB Region, Barapani.
- 3. The Joint Director, ICAR Research Complex for NEB Region,
- 4. In-charge, AVK, ICAR Research Complex for NEB Region,
- 5. The Finance & Accounts Officer, ICAR Research Complex for NEB Region, Barapani.
- 6. The Asstt. Admn. Officer (Hstt.), ICAR Research Complex for NEB Region, Barapani.


16/3/25
(I. K. Sarda)
ADMINISTRATIVE OFFICER



INDIAN COUNCIL OF AGRICULTURAL RESEARCH
ICAR Research complex for N. E. H. Region
Umroi Road, Barapani - 793103 Meghalaya

No. RC(G) 14/95

Dated the 15th March, 1995.

ORDER

In pursuance of the Council's order No. F.No. 24(15)/93-Cdn dt. 23.9.94 & 23.11.94 and Govt of India, Ministry of Personnel(PG) and Pensions, Deptt of Personnel & Training's OM No. 51016/2/90-Eatt(c) dt. 10.9.93, Sri/~~XXXXXXXX~~ Harmohan Sarmah, Casual Labour, ICAR Res. Complex, Barapani, casual labour is hereby granted temporary status with effect from 1.9.93 on the following terms and conditions.

- 1) Conferment/grant of the said temporary status would not involve any change in his/her nature of duties and responsibilities.
- 2) The engagement will be on daily rates of pay on need basis.
- 3) He/She will be deployed anywhere within the engagement unit/place on the basis of availability of work.
- 4) He/She will not have any right to claim for Group 'D' post under permanent establishment unless he/she is selected through a regular selection process for Group 'D' post.
- 5) He/She will be entitled wages at daily rates with reference to the minimum of the pay scale for a corresponding regular group 'D' post including DA, HRA & CCA (as admissible to a 'Group D' post of the place of his/her working only).
- 6) 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 210 days (in a year from the date of conferment of temporary status).
- 7) He/She will be entitled to leave on pro-rata basis at the rate of one day for every ten days of work. Casual-leave or any other kind of leave except maternity leave will not be admissible.

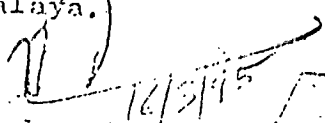
- 8) Maternity leave to lady casual labourers as admissible to regular Group 'D' employees will be allowed.
- 9) He/She will have to produce Educational/Qualification certificate, Age/date of birth certificate, caste certificate and citizen ship certificate in original within one month from the date of issue of this order failing which the order shall automatically stand cancelled.
- 10) The wages for the duty period will be payable only on the days on which he/she is engaged on work.
- 11) Despite confinement of temporary status he/she would be liable to be dispensed/removed from the services of casual labour by giving a notice of one month in writing.

Sd/- S. LASKAR
Director

Memo. NorC(G) 14/95

15th
Dated the 15th March, 1995.

- 1) Sri /XXXXX Harmohan Sarmah, Casual Labour, ICAR Res. Complex, Barapani,
- 2) Sr. Farm Manager/Farm Manager, ICAR Research complex for NEH Region, Barapani.
- 3) Joint Director, ICAR Research complex for NEH Region,
- 4) Incharge A/V, ICAR Research complex for NEH Region,
- 5) Finance & Accounts Officer, ICAR Research complex for NEH Region, Barapani, Umroi Road, Meghalaya.
- 6) The Asstt. Adm. Officer (Estt), ICAR Research complex for NEH Region, Barapani, Umroi Road, Meghalaya.


(J.R. SHARMA)
ADMINISTRATIVE OFFICER

38-34-

17A

Annexure-3

-36-

9। अंशदाता से निवेदन है कि वह विवरण के सही होने के बारे में अपनी तसल्ली कर ले और यदि उसमें कुछ गलतियाँ हों तो उन्हें इस पास बुक में इन्द्रराज करने की तारीख से तीन महीने के भीतर रोकड़ अनुभाग के ध्यान में ला दे। यदि अंशदाता चाहेगा तो वह अपना खाता पत्रा देख सकेगा।

2। यदि पास बुक गुम हो जाए तो इस कार्यालय को रिपोर्ट कीजिए। जब कभी दोबारा पास बुक जारी की जाएगी तो अंशदाता को पास बुक की लागत की दुगुनी रकम देनी होगी।

Note :-

1. The Subscriber is requested to satisfy himself as to the correctness of the statement and to bring errors, if any, to the notice of the Cash Section within three months from the date of entries in the Pass Book. The Ledger Folio of the subscriber if so required by him will be available for inspection.
2. If this Pass Book is lost, the matter should be reported to the office. An amount equivalent to twice the cost of the Pass Book will be charged from the subscriber for issue of each extra Pass Book.



भारतीय कृषि अनुसंधान परिषद
INDIAN COUNCIL OF AGRICULTURAL RESEARCH

संस्थान का नाम
Name of the Institute ICAR Research Complex,
for NEH Region, Munzai Road,
Barapani.

पास बुक
PASS BOOK

सामान्य भविष्य निधि
GENERAL PROVIDENT FUND

नाम Name Sh. Lohit Kr. Bardaloi,
खाता संख्या Account No. NERC/TS/1287.

Attested
Barapani
22/10/22

52

अंशदाता का नाम
Name of Subscriber

Sh. Lalit K. Bardalai

खाता संख्या
Account No. NERC/T.S/1287

जमा DEPOSITS

वर्ष Year	खाता पत्रा Ledger Folio	अथशेष Opening Balance	अंशदान Sub- scription	वापिस की गई Refund
Dec '96 to 31 st. Mrh' 97	T/S. Val. I	—	2,000/-	—
1997-98	—	2,050/-	6,000/-	400/-
98-99	—	6,031/-	6,000/-	2,400/-
99-2000	—	4,860/-	6,000/-	6,569/-
2000-2001	—	17,081/-	6,000/-	12,000/-
2001-2002	—	12,969/-	6,000/-	16,000/-
2002-2003	—	16,154/-	11,500/-	20,907/-

व्याज Interest		निकाली गई रकम Withdrawals	इतिशेष Closing Balance	पर्यवेक्षक के पूरे हस्ताक्षर Full Signature of Supervisor
दर Rate	रकम Amount			
12%	50/-	—	2,050/-	
12%	581/-	3,000/-	6,031/-	
12%	1239/-	10,810/-	4,860/-	
12%	1211/-	1,559/-	17,081/-	
11%	1888/-	24,000/-	12,969/-	
9.5%	1185/-	20,000/-	16,154/-	
9%	822/-	38,107/-	11,276/-	

१। अंशदाता से निवेदन है कि वह विवरण के सही होने के बारे में अपनी तसल्ली कर ले और यदि उसमें कुछ गलतियाँ हों तो उन्हें इस पास बुक में इन्द्राज करने की तारीख से तीन महीने के भीतर रोकड़ अनुभाग के ध्यान में ला दे। यदि अंशदाता चाहेगा तो वह अपना खाता पत्रा देख सकेगा।

२। यदि पास बुक गुम हो जाए तो इस कार्यालय को रिपोर्ट कीजिए। जब कभी दोबारा पास बुक जारी की जाएगी तो अंशदाता को पास बुक की लागत की दुगुनी रकम देनी होगी।

Note :-

1. The Subscriber is requested to satisfy himself as to the correctness of the statement and to bring errors, if any, to the notice of the Cash Section within three months from the date of entries in the Pass Book. The Ledger Folio of the subscriber if so required by him will be available for inspection.
2. If this Pass Book is lost, the matter should be reported to the office. An amount equivalent to twice the cost of the Pass Book will be charged from the subscriber for issue of each extra Pass Book.



ICAR

भारतीय कृषि अनुसंधान परिषद
INDIAN COUNCIL OF AGRICULTURAL RESEARCH

संस्थान का नाम

Name of the Institute ICAR Research Complex,
for NEH Region, Umrai Road,
Barapani

पास बुक

PASS BOOK

सामान्य भविष्य निधि

GENERAL PROVIDENT FUND

नाम Name

Sh. Sukleswar Kalita

खाता संख्या Account No.

NERC/TS/1222

अंशदाता का नाम

Name of Subscriber Sh. Sukhraj Kalita

खाता संख्या

Account No. NERETS/122

जमा DEPOSITS

वर्ष Year	खाता पत्रा Ledger Folio	अथशेष Opening Balance	अंशदान Sub- scription	वापिस की गई Refund
Dec 96 to 31st. Mrh' 47. 1997-98	T/S. Val. I	—	2,000/-	—
1998-99	—	2,050/-	6,000/-	—
99-2000	—	8,741/-	6,000/-	5,000/-
2000-2001	—	14,900/-	6,000/-	3,500/-
2001-2002	—	11,788/-	6,000/-	7500/-
2003-2004	—	12,429/-	6,000/-	10,260/-
		23,197/-	6,000/-	12,902/-

ब्याज Interest		निकाली गई रकम Withdrawals	इतिशेष Closing Balance	पर्यवेक्षक के पूरे हस्ताक्षर Full Signature of Supervisor
दर Rate	रकम Amount			
12%	50/-	—	2,050/-	
12%	691/-	—	8,741/-	
12%	1,159/-	6,000/-	14,900/-	
12%	1388/-	14,000/-	11,788/-	
11%	1141/-	14,000/-	12,429/-	
9.5%	841/-	14,940/-	14,590/-	
8%	957/-	29,990/-	13,066/-	

१। अंशदाता से निवेदन है कि वह विवरण के सही होने के बारे में अपनी तसल्ली कर ले और यदि उसमें कुछ गलतियाँ हों तो उन्हें इस पास बुक में इन्द्राज करने की तारीख से तीन महीने के भीतर रोकड़ अनुभाग के ध्यान में ला दे। यदि अंशदाता चाहेगा तो वह अपना खाता पत्रा देख सकेगा।

२। यदि पास बुक गुम हो जाए तो इस कार्यालय को रिपोर्ट कीजिए। जब कभी दोबारा पास बुक जारी की जाएगी तो अंशदाता को पास बुक की लागत की दुगुनी रकम देनी होगी।

Note :-

1. The Subscriber is requested to satisfy himself as to the correctness of the statement and to bring errors, if any, to the notice of the Cash Section within three months from the date of entries in the Pass Book. The Ledger Folio of the subscriber if so required by him will be available for inspection.
2. If this Pass Book is lost, the matter should be reported to the office. An amount equivalent to twice the cost of the Pass Book will be charged from the subscriber for issue of each extra Pass Book.



ICAR

भारतीय कृषि अनुसंधान परिषद
INDIAN COUNCIL OF AGRICULTURAL RESEARCH

संस्थान का नाम

Name of the Institute ICAR Research Complex
for NEH Region, Umrai Road,
Barabani.

पास बुक
PASS BOOK

सामान्य भविष्य निधि
GENERAL PROVIDENT FUND

नाम Name Sh. Khagendra Nath Medhi.

खाता संख्या Account No. NERE/TS/1187.

अंशदाता का नाम
Name of Subscriber. Sh. K. N. Medhi

खाता संख्या
Account No. NERC/TS/1187

जमा DEPOSITS

वर्ष Year	खाता पत्रा Ledger Folio	अथशेष Opening Balance	अंशदान Sub- scription	वापिस की गई Refund
1967-68 1st. Mrh 77.	T/S. Vol. I	—	1,200/-	—
1977-78	—	1,230/-	3,600/-	—
78-79	—	5,245/-	3,600/-	—
79-2000	—	9,741/-	5,400/-	—
000-2001	—	16,634/-	6,000/-	—
001-2002	—	24,821/-	11,000/-	—
002-2003	—	38,705/-	12,000/-	—
003-2004	—	54,773/-	12,000/-	—
004-2005	—	71,675/-	12,000/-	—

ब्याज Interest		निकाली गई रकम Withdrawals	इतिशेष Closing Balance	पर्यवेक्षक के पूरे हस्ताक्षर Full Signature of Supervisor
दर Rate	रकम Amount			
12%	30/-	—	820/- 1230 ²⁰⁰	
12%	415/-	—	5,245/-	
12%	896/-	—	9,741/-	
12%	1,493/-	—	16,634/-	714/2000
11%	2,187/-	—	24,821/-	
9.5%	2,884/-	—	38,705/-	
9%	4,068/-	—	54,773/-	
8%	4,902/-	—	71,675/-	
8%	485/-	—	84,160/-	

१। अंशदाता से निवेदन है कि वह विवरण के सही होने के बारे में अपनी तसल्ली कर ले और यदि उसमें कुछ गलतियाँ हों तो उन्हें इस पास बुक में इन्द्राज करने की तारीख से तीन महीने के भीतर रोकड़ अनुभाग के ध्यान में ला दे। यदि अंशदाता चाहेगा तो वह अपना खाता पत्रा देख सकेगा।

२। यदि पास बुक गुम हो जाए तो इस कार्यालय को रिपोर्ट कीजिए। जब कभी दोबारा पास बुक जारी की जाएगी तो अंशदाता को पास बुक की लागत की दुगुनी रकम देनी होगी।

Note

1. The Subscriber is requested to satisfy himself as to the correctness of the statement and to bring errors, if any, to the notice of the Cash Section within three months from the date of entries in the Pass Book. The Ledger Folio of the subscriber if so required by him will be available for inspection.
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ICAR

भारतीय कृषि अनुसंधान परिषद्
INDIAN COUNCIL OF AGRICULTURAL RESEARCH

संस्थान का नाम

Name of the Institute ICAR Research Complex,
for NEH Region, Umrai Road,
Barabani

पास बुक
PASS BOOK

सामान्य भविष्य निधि
GENERAL PROVIDENT FUND

नाम Name Sh. Homeswar Talukdar,

खाता संख्या Account No. NERC/T.S/1212

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अंशदाता का नाम
Name of Subscriber Sh. Homeswar Talukdar

खाता संख्या
Account No NERE/T.S/1212

जमा DEPOSITS

वर्ष Year	खाता पत्रा Ledger Folio	अथशेष Opening Balance	अंशदान Sub- scription	वापिस की गई Refund
Dec '98 to 31st. Mrh' 97.	T/S, Val. I	—	1,200/-	—
1997-98	—	1,230/-	3,600/-	—
99-2000	—	7206/-	3600/-	5360/-
2000-2001	—	4572/-	3600/-	6216/-

ब्याज Interest		निकाली गई रकम Withdrawals	इतिशेष Closing Balance	पंचवेदक के पूरे हस्ताक्षर Full Signature of Supervisor
दर Rate	रकम Amount			
12%	30/-	—	1,230/-	} <i>ASHM</i>
12%	415/-	—	5,245/-	
12%	590/-	12,184/-	4,572/-	
11%	1,088/-	—	15,476/-	

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Annexure - 3 (iv)

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1. अंशदाता से निवेदन है कि वह नियंत्रण ... कर ले और यदि उसमें कुछ गलतियाँ हो तो उन्हें इस पास बुक में धारण करने की तारीख से तीन महीने के भीतर रोड्डू अनुभाग के ध्यान में ला दे। यदि अंशदाता चाहेगा तो वह अपना खाता पत्र देख सकेगा।

2. यदि पास बुक गुम हो जाए तो इस कार्यालय को रिपोर्ट की जाएगी। जब कभी दोबारा पास बुक जारी की जाएगी तो अंशदाता को पास बुक की समतल को दोगुनी रकम देनी होगी।

Note :-

1. The Subscriber is requested to satisfy himself as to the correctness of the statement and to bring errors, if any, to the notice of the Cash Section within three months from the date of entries in the Pass Book. The Ledger Folio of the subscriber if so required by him will be available for inspection.
2. If this Pass Book is lost, the matter should be reported to the office. An amount equivalent to twice the cost of the Pass Book will be charged from the subscriber for issue of each extra Pass Book.



भारतीय कृषि अनुसंधान परिषद
INDIA COUNCIL OF AGRICULTURAL RESEARCH

संस्थान का नाम
Name of the Institute: ICAR Research Complex
For NEH Region, Umrai Road,
Barapani

पास बुक
PASS BOOK

सामान्य प्रविध्य निधि
GENERAL PROVIDENT FUND

नाम Name: Sh. Joy Chandra Kalita
खाता सं. Account No: NERC/TS/1220

अंशदाता का नाम
Name of Subscriber: Sh. Jay Chandra Kalita

खाता नं.
Account No: NERCTS/15

जमा DEPOSITS

वर्ष Year	खाता पत्रा Ledger Folio	अवशेष Opening Balance	अंशदान Sub- scription	वापिस की गई Refund
Dec 1967 to 31st. Mrh 1977	T/S. Vali I	—	400/-	—
1977-78	—	410/-	1,200/-	—
78-79	—	1,748/-	4,380/-	—
79-2000	—	6,678/-	3,600/-	1,000/-
2000-2001	—	7,151/-	3,600/-	6,600/-
2001-2002	—	13,408/-	3,600/-	6,400/-
2002-2003	—	14,497/-	3,600/-	5,000/-
2003-2004	—	25,870/-	3,600/-	6,225/-

ब्याज Interest		निकाली गई रकम Withdrawals	इतिराप Closing Balance	पर्यवेक्षक के पूरे हस्ताक्षर Full Signature of Supervisor
दर Rate	रकम Amount			
12%	10/-	—	410/-	
12%	1,200/-	—	1,748/-	
12%	570/-	—	6,678/-	
12%	853/-	5,000/-	7,151/-	
11%	1,057/-	5,000/-	13,408/-	
9.5%	1,089/-	10,000/-	14,497/-	
9%	1,773/-	—	25,870/-	
8%	1,404/-	15,000/-	22,099/-	



भारतीय कृषि अनुसंधान परिषद
INDIAN COUNCIL OF AGRICULTURAL RESEARCH

१। अंशदाता ने निवेदन है कि वह विवरण के सही होने के बारे में अपनी तसल्ली कर ले और यदि उसमें कुछ गलतियाँ हों तो उन्हें इस पास बुक में इन्द्राज करने की तारीख से तीन महीने के भीतर रोकड़ अनुभाग के ध्यान में ला दे। यदि अंशदाता चाहेगा तो वह अपना खाता पत्रा देख सकेगा।

२। यदि पास बुक गुन हो जाए तो इस कार्यालय को रिपोर्ट कीजिए। जब कभी देवार पास बुक जारी की जाएगी तो अंशदाता को पास बुक की लागत की दायिगी रकम देनी होगी।

Note :-

1. The Subscriber is requested to satisfy himself as to the correctness of the statement and to bring errors, if any, to the notice of the Cash Section within three months from the date of entries in the Pass Book. The Ledger Folio of the subscriber if so required by him will be available for inspection.
2. If this Pass Book is lost, the matter should be reported to the office. An amount equivalent to twice the cost of the Pass Book will be charged from the subscriber for issue of each extra Pass Book.

संस्थान का नाम

Name of the Institute ICAR Research Complex
for NEH Region, Umrai Road,
Barabani

पास बुक

PASS BOOK

सामान्य प्रविष्य निधि

GENERAL PROVIDENT FUND

नाम Name

Sh. Marphin T. Sangma,

खाता संख्या Account No.

NERE/TS/1237.

अंशदाता का नाम
Name of Subscriber: Sh. Mahesh T. Sangma

खाता संख्या
Account No: NR/TS/1237

बना DEPOSITS

वर्ष Year	खाता पत्रा Ledger Folio	अवशेष Opening Balance	अंशदान Sub- scription	वापिस की गई Refund
Dec-96 to 31st. mch' 97.	T/S, Vol. I	—	400/-	—
1997-98	—	410/-	1,200/-	—
98-99	—	1748/-	4380/-	—
99-2000	—	6698/-	3600/-	—
2000-2001	—	11336/-	6000/-	1500/-
2001-2002	—	18892/-	6000/-	3750/-
2002-2003	—	22968/-	6000/-	3750/-
2003-2004	—	35345/-	6000/-	2000/-

व्याज Interest		निकाली गई रकम Withdrawals	इतिशेष Closing Balance	ए. वे. सं. के हस्ताक्षर Full Signature of Supervisor
दर Rate	रकम Amount			
12%	10/-	—	410/-	
12%	138/-	—	1748/-	
12%	570/-	—	6698/-	
12%	1038/-	—	11336/-	
11%	1556/-	1500/-	18892/-	
9.5%	1826/-	7500/-	22968/-	
9%	2627/-	—	35345/-	
8%	3041/-	2000/-	44386/-	

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ICAR

भारतीय कृषि अनुसंधान परिषद
INDIAN COUNCIL OF AGRICULTURAL RESEARCH

संस्थान का नाम
Name of the Institute: ICAR Research Complex,
for NEH Region, Umrain Road,
Barabani.

पास बुक
PASS BOOK

सामान्य भविष्य निधि
GENERAL PROVIDENT FUND

नाम Name: Sh. Mahabon Marak
खाता संख्या Account No: NERE/TS/1111

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Annexure - 3(N)

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490-50-

उत्तर प्रदेश
Account No.....

अंशदाता का नाम
Name of Subscriber.....

जमा DEPOSITS

वर्ष Year	खाता पत्रा Ledger Folio	अथशेष Opening Balance	अंशदान Sub- scription	वापिस की गई Refund
Dec '96 to 31st. Mrh- 97.	T/B. Vd. I		400/-	
1997-98	-	410/-	1200/-	
98-99	-	1,748/-	4,380/-	
2001-2002	-	4584/-	3,600/-	10,600/-
2002-2003	-	20,118/-	3,600/-	
2003-2004	-	25,704/-	3,600/-	

व्याज Interest		निकाली गई रकम Withdrawals	इतिशेष Closing Balance	पर्यवेक्षक के पूरे हस्ताक्षर Full Signature of Supervisor
दर Rate	रकम Amount			
12%	10/-		410/-	
12%	1380/-		1,748/-	
12%	5700/-		6,698/-	
9.5%	1334/-		20,113/-	
9%	1986/-		25,704/-	
8%	2,212/-		31,516/-	

१। अंशदाता से निवेदन है कि वह विवरण के सही होने के बारे में अपनी तसल्ली कर ले और यदि उसमें कुछ गलतियाँ हों तो उन्हें इस पास बुक में इन्द्राज करने की तारीख से तीन महीने के भीतर रोकड़ अनुभाग के ध्यान में ला दे। यदि अंशदाता चाहेगा तो वह अपना खाता पत्रा देख सकेगा।

२। यदि पास बुक गुम हो जाए तो इस कार्यालय को रिपोर्ट कीजिए। जब कभी दोबारा पास बुक जारी की जाएगी तो अंशदाता को पास बुक की लागत की दुगुनी रकम देनी होगी।

Note :-

1. The Subscriber is requested to satisfy himself as to the correctness of the statement and to bring errors, if any, to the notice of the Cash Section within three months from the date of entries in the Pass Book. The Ledger Folio of the subscriber if so required by him will be available for inspection.
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**भारतीय कृषि अनुसंधान परिषद
INDIAN COUNCIL OF AGRICULTURAL RESEARCH**

संस्थान का नाम
Name of the Institute ICAR Research Complex,
FOR NEH Region, Umrai Road,
Barapani.

**पास बुक
PASS BOOK**

सामान्य भविष्य निधि
GENERAL PROVIDENT FUND

नाम Name Smt. Glenda Sylla (Shylla)
खाता संख्या Account No NERC/TS/1387.

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Annexure-3(VI)

अंशदाता का नाम
Name of Subscriber Smt. Ilevda Shylla

खाता संख्या
Account No. NERC/3/1387

बना DEPOSITS

वर्ष Year	खाता पन्ना Ledger Folio	अवशेष Opening Balance	अंशदान Sub- scription	वापिस की गई Refund
Dec 1967 to 31st. March 1997-98	T/S. Vol. II	—	600/-	—
98-99	—	610/-	2,400/-	—
99-2000	—	3,263/-	3,500/-	1200/-
2000-2001	—	4486/-	3,600/-	6,185/-
2001-2002	—	3914/-	4,200/-	9,015/-
2002-2003	—	15,254/-	6,000/-	11,550/-
	—	8,545/-	6,000/-	12,500/-

व्याज Interest		निकली गई रकम Withdrawals	इतिशेष Closing Balance	पर्यवेक्षक के पूरे हस्ताक्षर Full Signature of Supervisor
दर Rate	रकम Amount			
12%	12/-	—	612/-	<i>[Signature]</i>
12%	254/-	—	3,263/-	<i>[Signature]</i>
12%	523/-	4,000/-	4,486/-	<i>[Signature]</i>
12%	543/-	10,900/-	3,914/-	<i>[Signature]</i>
11%	1125/-	3,000/-	15,254/-	<i>[Signature]</i>
9.5%	1191/-	25,450/-	8,545/-	<i>[Signature]</i>
9%	1070/-	9,100/-	19,015/-	<i>[Signature]</i> 6/12



ICAR

भारतीय कृषि अनुसंधान परिषद्
INDIAN COUNCIL OF AGRICULTURAL RESEARCH

संस्थान का नाम

Name of the Institute. ICAR Research Complex
for NEH Region, Umri Road
Umiam.

- १। अंशदाता से निवेदन है कि वह विवरण के सही होने के बारे में अपनी तसल्ली कर ले और यदि उसमें कुछ गलतियाँ हों तो उन्हें इस पास बुक में इन्द्रराज करने की तारीख से तीन महीने के भीतर रोकड़ अनुभाग के ध्यान में ला दे। यदि अंशदाता चाहेगा तो वह अपना खाता पत्रा देख सकेगा।
- २। यदि पास बुक गुम हो जाए तो इस कार्यालय को रिपोर्ट कीजिए। जब कभी दोबारा पास बुक जारी की जाएगी तो अंशदाता को पास बुक की लागत की दुगुनी रकम देनी होगी।

Note :-

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पास बुक

PASS BOOK

सामान्य भविष्य निधि

GENERAL PROVIDENT FUND

नाम Name

Shri. Devika Sharma

खाता संख्या Account No.

NERC/TS/1236

Central Administrative Tribunal
8 MAY 2005
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
Gauhati Bench
GAUHATI BENCH AT GIWAHATI

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Filed by:-
Sanindullana &
Sohanta for the
Applicants, 18/5/05

O.A. No. 113 2005.

Shri Lohit Kumar Bordoloi & Ors

Applicants.

Versus

The Union of India & Ors

Respondents.

Lohit Kr. Bordoloi

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2.	Annexure-1	14-15
3.	Annexure-2 series	16-35
4.	Annexure-3 series	36-43

Filed by:-

Sali
18/5/05
Advocate.

All the applicants were working as casual labourers w.e.f. 1980 in the office of the Director of ICAR Borpam, Meghalaya. In this original application there are 111 applicants who were casual labourers but they were given temporary status w.e.f. 1.9.93 as per judgment and order dated 16.2.90 passed by the Hon'ble Central Administrative Tribunal, Guwahati. Their service books have been opened; they were given GPF and other reliefs. They have been working to the entire satisfaction of the Department. Nothing was found against them. They had always been paid their salaries/wages regularly. Now the Director of ICAR vide letter No.49014/1/2004-Estt(c) dated New Delhi the 26th April, 2004 has informed that they are going to introduce New Pension Scheme modification of scheme for grant of temporary status as far back as on 1.9.93. Hence, the applicants have challenged the introduction of new pension scheme modification as they have been given temporary status with effect from 1.9.93.

Shri Lohit Kumar Bordoloi & Ors Vs Union of India & Ors.

O.A. No. 12005
SYNOPSIS

Lohit K. Bordoloi.

I

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL GAUHATI BENCH
AT GUWAHATI.

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

O.A. No. _____/2005.

-Inbetween-

Shri Lohit Kumar Bordoloi & Ors

..... Applicants

-Versus-

The Union of India & Ors.

..... Respondents.

1. PARTICULARS OF THE APPLICANTS:-

1. Shri Lohit Kumar Bordoloi
2. Shri Sukleswar Kalita
3. Shri Khagendra Nath Medhi
4. Rafiqul Hoque
5. Shri Homeswar Talukdar
6. Shri Joy Chandra Kalita
7. Shri Marphin T. Sangna
8. Bearson Marak
9. Shri Devilal Sama
10. Smti Ilenda Shylla
11. Shri Ramesh Haloi
12. Shri Biren Deka
13. Shri Malekson Momin
14. Shri Ajit Sen Marak
15. Shri Jedon Singh Marak
16. Smti Medha Thabah

Lohit Kr. Bordoloi.

17. Biren Talukdar
18. Smti Monika Nongpluh
19. Rita Kurbah
20. Neemi Lyngdoh
21. Smti Thrisha Deengdoh
22. Sh. Niranjan Medhi
23. Smti Sarala Medhi
24. Sita Devi Chetri
25. Srimoti Momin
26. Sh. Prinbarth Sangma
27. Sh. Marget Sangma
28. Smti Methilla Momin
29. Sh. Ramkhe Momin
30. Grittingbarth Sangma
31. Sh. Enithson Momin
32. Sh. Pramod Thakuria
33. Sh. Jamshed Ali
34. Sh. Edwinson Shira
35. Kherush Sngma
36. Akbar Ali
37. Harmohan Sarma
38. Ghanshyam Barman
39. Lakheswar Sharma
40. Bishnu Chetri
41. Gajen Das
42. Smti Relish Makri
43. Sh. Biren Kalita
44. Gobin Kalita
45. Sh. Hussina Begum

Dr. B. B. Bordoloi.

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46. Sh. Metherson Marak
47. Sh Christinath Marak
48. Smti Amablith Marbaning
49. Smti Mon Kharkongar
50. Smti Mejinish Marak
51. Smti Plerry Lyngdoh
52. Trelin Thangkhiew
53. Smti Prejish Sangma
54. Bishnukala
55. Jagdeo Shah
56. Trik Nongrum
57. Sh. Nithson Sangma
58. Sh. Mulung Das
59. Smti Ledish Momin
60. Sh. Dharanidhar Das
61. Smti Maju Das
62. Sh. Pradip Boro
63. Smti Trolin Pyrtuh
64. Smti Sborlin Lyngdoh
65. Sh. Ludu Mirdha
66. Sh. Tez Bh. Chetri
67. Kamal Sahi Cehtri
68. Birendra Shah
69. Giridhar Das
70. Bhadreswar Hajong
71. Mofida Khatun
72. Tulsi Chetri
73. Rentish Skhemlang

Doleit Sr. Boddaloi.

74. Sh. Gamesh Sangma
75. Smti Lila Devi Sonar
76. Sh. Kriehna Bh. Rai
77. Mon Bh. Sonar
78. Hira Rabha
79. Smti Martina Thangkhiew
80. Smti Martina Thangkhiew
81. Wantihun Markhap
82. Rose Mery Kharbongar
83. Jesenta Kharbongar
84. Sh. Mon Bh. Cehtri
85. Smti Drosdalin Sangma
86. Sh. Kalu Swin
87. Smti Soma Devi
88. Sh. Debeswar Das
89. Smti Lili Devi
90. Smti Jushna Sarkar
91. Sh. Lakhbindar
92. Nelson Sangma
93. Jit Bh. Sonar
94. Hepjoner Sangma
95. Ganesh Kalita
96. Smti Lisha Makri
97. Smti Quentina Tariang
98. Leena Rangslong
99. Phlasibon Kharkongar
100. Pemina Ch. Momin

101. Sh. Ganga Pradhan
102. Tirtha Knt. Hazarika
103. Kindness Marak
104. Babulal Matok
105. Smti Isabal Makri
106. Sh. Anil Deka
107. Sh. Kumar Cehtri
108. Smti Jesenta Tariang
109. Smti Bharati Majaw
110. Sh. Ball Bh. Darjee
111. Sh. Thaneswar Kalita

All are working in the office of the Director of ICAR, Research Complex for NEH Region, Umrai Road, Barapani, Meghalaya.

2. PARTICULARS OF THE RESPONDENTS -

1. The Union of India, represented by the Secretary to the Govt. of India, ICAR, Krisi Bhawan, New Delhi.
2. The Director, Govt. of India, Ministry of Personnel and Training, New Delhi-11 11001.
3. The Director, ICAR, Research Complex, NEH Region, Umrai Road, Barapani, Meghalaya.

3. JURISDICTION :-

The applicants declare that this application is within the jurisdiction of this hon'ble Central Administrative Tribunal, Guwahati.

4. LIMITATION:-

This application has been filed within the limit under section 21 of the Central Administrative Tribunal Act, 1985.

5. FACTS OF THE CASE :-

5.1 That your applicants are Indian citizen and permanent resident of India and as such they are entitled to all the rights and privileges guaranteed under the Constitution of India.

5.2 That the cause of action and relief sought for being common to all the applicants so they have filed this application jointly before this Hon'ble Tribunal, the same be accepted under Rule 4(5)(a) of the Central Administrative Tribunal (Procedure) Rules, 1987.

5.3 That your applicants were engaged as Casual Labourers with effect from 1980 in the office of the Director of ICAR Borapani, Meghalaya and since then they were working as casual workers but with effect from 1.9.93 they have been given temporary status in O.A. No. vide judgment and order dated 16.2.90 passed by the Hon'ble Central Administrative Tribunal, Guwahati.

Contd.....7

5.4 That after giving them temporary status, they have also been given GPF benefit and this GPF facility continues till February, 2005 but suddenly with ^{out} prior notice to the applicants, the respondents illegally stopped their GPF benefits but offer EPF benefit viz Employees Provident Fund which is not acceptable to the applicants. This has been given as per office memorandum contained in No.49014\1\2004-ESTT Govt. of India, Ministry of Personnel Public Grievances and Pension, Department of Personal and Trading issued by the Director, ICAR, Govt. of India.

Annexure-1 is the photocopy of such office memorandum dated 26.4.2004.

Annexure-2 series are the orders giving the applicants temporary status w.e.f. 1.9.93.

Annexure-3 series are the passbooks of all the applicants showing deduction of GPF.

5.5 That vide Annexure-1 it is clearly stated that the scheme for grant of temporary status and regularization of casual workers in Central Govt. Offices formulated in pursuance of the judgment dated 16.2.90 of the Central Administrative Tribunal, Principal Bench in the case of Rajkamal & Ors Vs Union of India has been reviewed in the light of introduction of new pension scheme in respect of person appointed to the Central Govt. Service on or after 1.1.2004 and it has been decided to modify the scheme thereunder -

- i) As the new pension scheme is based on defined contribution, the length of qualifying service for the purpose of retirement

7/2

Debit Kr. Boddala;

For

benefits has lost its relevance, no credit of casual service has specified in para 5(iv) shall be available to the casual labourers on their regularization against Group-D post on or after 2004.

- ii) As there is no provision of Central provident fund in the new pension scheme, it will not serve any useful purpose to continue deductions towards GPF from the existing casual employees in terms of para 5(vi) of the scheme for grant of temporary status. It is therefore, requested that no further deduction towards GPF shall be effected from the casual labourers w.e.f. 1.1.2004 onwards and the amount lying in their GPF accounts including deduction made after 1.1.2004 shall be made to them.
- iii) The existing guidelines contained in this Department Office Memorandum No.49014\2\86-Estt(c) dated 7.6.88 may continue to be followed in the matter of engagement of casual workers in the Central Government Offices.

5.6 That from the contents of the aforesaid order issued by the Director, it is clearly stated that the judgment and order passed by the Central Administrative Tribunal, Principal Bench, in the case of Raj Kamal and ors Vs. Union of India & Ors has been reviewed in the light of introduction of new pension scheme in respect of persons appointed to Central Govt. service on or after 1.1.2004. This portion of the order has been misinterpreted by the authority and illegally stopped GPF of the applicants w.e.f the month of February, 2005 and hence the applicants are compelled to file this application before this Hon'ble Tribunal.

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do let
Rr. Bordaloi.

5.7 That the order of illegal deduction of GPF from the applicants without prior notice to the applicants is not maintainable in law. That apart it has been clearly stated in Annexure-1 that in respect of persons appointed to the Central Govt. Service on or after 1.1.2004 is applicable only and not in case of the applicants who have secured temporary status and other benefits of Group D employees.

5.8 That it may be mentioned in this connection that the introduction of new Pension Scheme has not yet been applied in the other parts of India and hence the application of this New Scheme to the applicants is discriminatory and hence the same is liable to be quashed.

6. ORDER AGAINST WHICH THIS APPLICATION HAS BEEN MADE :-

i) Office memorandum No.49014\1\2004-Estt(c), Govt. of India, Ministry of Personnel, Public Grievances and Pensions, Department of Personnel and Training, New Delhi dated the 26th April, 2004.

ii) And illegal stopping of GPF of the casual labourers.

7. GROUNDS WITH LEGAL PROVISIONS :-

7.1 For that this scheme which has been challenged in this application is not applicable in case of the applicants as they have been given temporary status equivalent to Group D post as the present memorandum at Annexure-1 states that the Govt. employees who have been appointed on or after 1.1.2004 is only applicable.

17
Lokesh K. Boddaluri

7.2 For that the stoppage of GPF of the applicants without any ^{scheme} ~~reason~~ or reason is illegal and improper and hence the same is liable to be quashed.

7.3 For that as the applicants had been given temporary status as per on 1.1.93, the stoppage of GPF to the applicants is illegal, malafide and improper and hence the same is liable to be set aside and quashed.

7.4 For that the review order passed in Raj Kamal Case by the Central Administrative Tribunal, Principal Bench has been misinterpreted by the respondent in case of the applicants and hence the present impugned order, is liable to be set aside and quashed.

7.5 For that at any rate the impugned order at Annexure-1 is liable to be quashed.

8. DETAILS OF REMEDIES EXHAUSTED :-

As the authorities have suddenly issued the impugned order without prior notice to the applicants, the applicants had no scope to file representation before the authority and hence they are compelled to file this present original application seeking adequate relief.

9. MATTERS NOT PREVIOUSLY FILED OR PENDING WITH ANY OTHER COURT OR TRIBUNAL :-

No case before the Hon'ble Tribunal or in any Court of law has been filed or is pending in any Court of law or Tribunal.

10. RELIEF SOUGHT FOR :-

In view of the facts and circumstances narrated above the applicants pray for the following reliefs:-

1. The impugned order which is effective from 1.1.04 is not applicable in case of the present applicants;
2. The issue of GPF of the applicants continuing from 1993 is not liable to be changed and the same is liable to be continued;
3. The discontinuation of the GPF of the applicant is illegal and improper and hence liable to be quashed.
4. Any other relief or reliefs entitled to be applicant may be granted.

11. INTERIM RELIEF PRAYED FOR :-

As the present scheme at Annexure-1 is applicable only to the persons appointed on or after 1.1.04 hence the same is not applicable in case of the present applicants and hence the illegal application of the scheme against the applicants may kindly be stayed till disposal of the case.

12. DETAILS OF POSTAL ORDER :-

1. Postal Order No. 20 G. J 60825

Contd.....12

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Do let Mr. Bordoloi.

-12-

2. Date of issue: 16.5.05
3. Issued by: Post Master
4. Payable at Guwahati.

13. LIST OF ENCLOSURES :-

As per Index.

VERIFICATION

I, Sri Lohit Kumar Bordoloi Son of
aged about years at present working as Casual worker having status in the office
of the Director of ICAR, Research Complex, NEH Region, Umrai Road, Borapani,
Meghalaya, do hereby solemnly affirm and verify the statements made in paragraphs
are true to my knowledge and those made in paragraphs
being matters of records are true to my information derived therefrom which I believe to
be true and the rests are my humble submissions made before this Hon'ble Tribunal. I
have not suppressed any material facts in this case.

And I sign this verification on this the 17th day of May, 2005 at Guwahati.

Lohit Kr. Bordoloi

Signature.

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Lohit Kr. Bordoloi

File No 45 14 Govt

ANNEXURE - I

84

No. 49014/1/2004-Estt. (C)

Government of India
Ministry of Personnel, Public Grievances and Pensions
Department of Personnel & Training

New Delhi-110001 dated the 26th April, 2004

OFFICE MEMORANDUM

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

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

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

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

P. Mohan
(Smt. Pratibha Mohan)
Director

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

Attested,
Sd/-
Advocate, 18/5/05

INDIAN COUNCIL OF AGRICULTURAL RESEARCH
ICAR Research complex for N. E. H. Region
Umroi Road, Barapani - 793163 Meghalaya

No. RC(G) 14/95

Dated the 14th March, 1995.

O R D E R

In pursuance of the Council's order No. F.No. 24(15)/93-Cdn dt. 23.9.94 & 23.11.94 and Govt of India, Ministry of Personnel(PG) and Pensions, Deptt of Personnel & Training's OM No. 51016/2/90-Estt(e) dt. 10.9.93, Sri/SRIKANTH SUNDAR... Kadda, Casual Labourer, ICAR Res. Complex for NEH Region, Barapani casual labour is hereby granted temporary status with effect from 1.9.93 on the following terms and conditions.

- 1) Confirmation/grant of the said temporary status would not involve any change in his/her nature of duties and responsibilities.
- 2) The engagement will be on daily rates of pay on need basis.
- 3) He/She will be deployed anywhere within the engagement unit/place on the basis of availability of works.
- 4) He/She will not have any right to claim for Group 'D' post under permanent establishment unless he/she is selected through a regular selection process of Group 'D' post.
- 5) He/She will be entitled wages at daily rates with reference to the minimum of the pay scale for a corresponding regular group 'D' post including DA, HRA & COA (as admissible to a 'Group D' post of the place of his/her working only).
- 6) 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 (in the year from the date of conferment of temporary status).
- 7) He/She will be entitled to leave on pro-rata basis at the rate of one day for every two days of work. Casual leave or any other kind of leave except maternity leave will not be admissible.

P.T.O.

Attested
Sali,
Dhruvate, 18/5/05

- 8) Maternity leave to lady casual labourers as admissible to regular Group 'D' employees will be allowed.
- 9) He/She will have to produce Educational/Qualification certificate, age/date of birth certificate, caste certificate and citizen ship certificate in original within one month from the date of issue of this order failing which the order shall automatically stands cancelled.
- 10) The wages for the duty period will be payable only on the days on which he/she is engaged on work.
- 11) Despite confinement of temporary status he/she would be liable to be dispensed/removed from the services of casual labour by giving a notice of one month in writing.

Sd/- S. LASKAR
Director

Memo. No. RC(G) 14/95

14th
Dated the 14th March, 1995.

- 1) Sd/- ~~MOCK. Sukleswar. Kalita~~, Casual Labour, ICAR Res. Complex, Barapani.
- 2) Sr. Farm manager/Farm Manager, ICAR Research complex for NEH Region, Barapani.
- 3) Joint Director, ICAR Research complex for NEH Region,
- 4) Incharge, ICAR Research complex for NEH Region,
- 5) Finance & accounts Officer, ICAR Research complex for NEH Region, Barapani, Umroi Road, Meghalaya.
- 6) The Asstt. Admn. Officer (Entt), ICAR Research complex for NEH Region, Barapani, Umroi Road, Meghalaya.

(I.K. SHARMA)
ADMINISTRATIVE OFFICER

11/3/95

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INDIAN COUNCIL OF AGRICULTURAL RESEARCH
ICAR Research complex for N.E.H. Region
Umroi Road, Barapani - 793 003 Meghalaya

No. RC(G) 14/95

Dated the 15th March, 1995.

ORDER

In pursuance of the Council's order No. F.No. 24(15)/93-Cdn dt. 23.9.94 & 23.11.94 and Govt of India, Ministry of Personnel (PG) and Pensions, Deptt of Personnel & Training's order No. 51016/2/90-Estt(c) dt. 10.9.93, Sri/Smt. ~~.....~~ casual labour is hereby granted temporary status with effect from 1.9.93 on the following terms and conditions.

- 1) Confement/grant of the said temporary status would not involve any change in his/her nature of duties and responsibilities.
- 2) The engagement will be on daily rates of pay on need basis.
- 3) He/She will be deployed anywhere within the engagement unit/place on the basis of availability of works.
- 4) He/She will not have any right to claim for Group 'D' post under permanent establishment unless he/she is selected through a regular selection process of Group 'D' post.
- 5) He/She will be entitled wages at daily rates with reference to the minimum of the pay scale for a corresponding regular group 'D' post including DA, HRA & CCA (as admissible to a 'Group D' post of the place of his/her working only).
- 6) 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 in the year from the date of confement of temporary status).
- 7) He/She will be entitled to leave on pro-rata basis at the rate of one day for every ten days of work. Casual-leave or any other kind of leave except maternity leave will not be admissible.

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- 8) Maternity leave to lady casual labourers as admissible to regular Group 'D' employees will be allowed.
- 9) He/She will have to produce Educational/qualification certificate, age/date of birth certificate, caste certificate and citizenship certificate in original within one month from the date of issue of this order failing which the order shall automatically stand cancelled.
- 10) The wages for the duty period will be payable only on the days on which he/she is engaged on work.
- 11) Despite conferment of temporary status he/she would be liable to be dispensed/removed from the services of casual labour by giving a notice of one month in writing.

Sd/- S. BANARJEE
Director

Memo. No. KC(G) 14/95

Dated the 15th March, 1995.

- 1) Sri/ Smt. JY. CHANDRA KALLIK, S/Labour, ICAR Research complex for NEH Region, Barapani.
- 2) Sr. Farm Manager/Farm Manager, ICAR Research complex for NEH Region, Barapani.
- 3) Joint Director, ICAR Research complex for NEH Region, Barapani.
- 4) Incharge, ICAR Research complex for NEH Region, Barapani.
- 5) Planning Officer, ICAR Research complex for NEH Region, Barapani.
- 6) Sr. Asst. Director, ICAR Research complex for NEH Region, Barapani.

16/3/95
(I. K. SHARMA)
ADMINISTRATIVE OFFICER

INDIAN COUNCIL OF AGRICULTURAL RESEARCH
ICAR Research complex for N.E.H. Region
Umroi Road, Barapani - 793163 Meghalaya

No. RC(G) 14/95

Dated the 15th March, 1995.

O R D E R

In pursuance of the Council's order No. F.No. 24(15)/93-Cad dt. 23.9.94 & 23.11.94 and Govt of India, Ministry of Personnel (PG) and Pensions, Deptt of Personnel & Training, OM No. 51016/2/90-Estt(c) dt. 10.9.93, Sri/SHEKHAH HOMESWAR TALUKDAR, C/Labour, ICAR Research complex for NEH Region, Barapani casual labour is hereby granted temporary status with effect from 1.9.93 on the following terms and conditions.

- 1) Conferment/grant of the said temporary status would not involve any change in his/her nature of duties and responsibilities.
- 2) The engagement will be on daily rates of pay on need basis.
- 3) He/She will be deployed anywhere within the engagement unit/place on the basis of availability of works.
- 4) He/She will not have any right to claim for Group 'D' post under permanent establishment unless he/she is selected through a regular selection process of Group 'D' post.
- 5) He/She will be entitled wages at daily rates with reference to the minimum of the pay scale for a corresponding regular group 'D' post including DA, HRA & GCA (as admissible to a Group 'D' post of the place of his/her working only).
- 6) 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 (in the year from the date of conferment of temporary status).
- 7) He/She will be entitled to leave on pro-rata basis at the rate of one day for every ten days of work. Casual leave or any other kind of leave except maternity leave will not be admissible.

- 8) Maternity leave to lady casual labourers as admissible to regular Group 'D' employees will be allowed.
- 9) He/She will have to produce Educational/Qualification certificate, age/date of birth certificate, caste certificate and citizenship certificate in original within one month from the date of issue of this order failing which the order shall automatically stand cancelled.
- 10) The wages for the duty period will be payable only on the days on which he/she is engaged on work.
- 11) Despite confinement of temporary status he/she would be liable to be dispensed/removed from the services of casual labour by giving a notice of one month in writing.

Sd/- S. LASKAR
Director

Memo. No RC(G) 14/95

Dated the 15th March, 1995.

- 1) Sri / ~~XXX~~ HOMESWAR TALUKDAR, C/Labour, ICAR Research complex for NEH Region, Barapani.
- 2) Sr. Farm Manager/Farm Manager, ICAR Research complex for NEH Region, Barapani.
- 3) Joint Director, ICAR Research complex for NEH Region,
- 4) Incharge A.V., ICAR Research complex for NEH Region,
- 5) Finance & Accounts Officer, ICAR Research complex for NEH Region, Barapani, Umroi Road, Meghalaya.
- 6) The Asstt. Admn. Officer (Estt), ICAR Research complex for NEH Region, Barapani, Umroi Road, Meghalaya

(I. K. SHARMA)
ADMINISTRATIVE OFFICER

INDIAN COUNCIL OF AGRICULTURAL RESEARCH
ICAR RESEARCH COMPLEX FOR N.E.H. REGION
UMROI ROAD, BARAPANJ, MEGHALAYA

No. IC(G)14/95

Dated Barapani, the 15th March, '95

O R D E R

In pursuance of the Council's order No. F.No.24(15)/95-Cdr dated 23.9.94 & 23.11.94 and Govt. of India, Ministry of Personnel (PG) and Pensions, Deptt. of Personnel & Training OM No. 51015/2/90-Estt(C) dated 10.9.93, Shri/Smtt.

~~Shri/Smtt. Momin~~ Casual labour is hereby granted temporary status with effect from 1.9.93 on the following terms and conditions :

- 1) Conferment/grant of the said temporary status would not involve any change in his/her nature of duties and responsibilities.
- 2) The engagement will be on daily rates of pay on need basis.
- 3) He/She will be deployed anywhere within the engagement unit/place on the basis of availability of works.
- 4) He/She will not have any right to claim for Group 'D' post under permanent establishment unless he/she is selected through a regular selection process of group 'D' post.
- 5) He/She will be entitled wages at daily rates with reference to the minimum of the pay scale for a corresponding regular group 'D' (post including DA, HRA & CC, as admissible to a Group 'D' post of the place of his/her working only)
- 6) 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 in the year from the date of conferment of temporary status.
- 7) He/She will be entitled to leave on pro-rata basis at the rate of one day for every ten days of work. Casual leave or any other kind of leave except maternity leave will not be admissible.
- 8) Maternity leave to lady casual labourers as admissible to regular Group 'D' employees will be allowed.
- 9) He/She will have to produce Educational/Qualification certificate, Age/date of birth certificate, caste certificate and citizenship certificate in original within one month of this order

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- 10) The wages for the duty period will be payable only on the days on which he/she is engaged on work.
- 11) Despite conferment of temporary status he/she would be liable to be dispensed/removed from the services of casual labour by giving a notice of one month in writing.

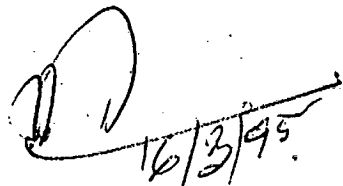
Sd/-
 (S. Laskar)
 Director.

Memo. No. RC(G)14/95

Dated Barapani, the 15th March, '95

Copy to :-

- 1. Shri/ ~~xxxx~~ .. Dhritson Momin, Casual Labour, ICAR Res. Complex, Barapani.
- 2. The Sr. Farm Manager/Farm Manager, ICAR Research Complex for NEH Region, Barapani.
- 3. The Joint Director, ICAR Research Complex for NEH Region,
- 4. In-charge, KVK, ICAR research Complex for NEH Region,
- 5. The Finance & Accounts Officer, ICAR Research Complex for NEH Region, Barapani.
- 6. The Asstt. Admn. Officer (Estt.), ICAR research Complex for NEH region, Barapani.


 16/3/95
 (I. K. SHARMA)
 ADMINISTRATIVE OFFICER

INDIAN COUNCIL OF AGRICULTURAL RESEARCH
ICAR Research complex for N.E.H. Region
Umroi Road, Barapani - 793163 Meghalaya

No. RC(G) 14/95

Dated the 14th March, 1995.

O R D E R

In pursuance of the Council's order No. F.No. 24(15)/93-Cdn dt. 23.9.94 & 23.11.94 and Govt of India, Ministry of Personnel (P.G.) and Pensions, Deptt of Personnel & Training's OM No. 51016/2/90-Estt(c) dt. 10.9.93, Sri / ~~XXXXXXXX~~ DHARANIDHAR DAS C/Labour, ICAR Research complex for NEH Region, Barapani, casual labour is hereby granted temporary status with effect from 1.9.93 on the following terms and conditions:

- 1) Conferment/grant of the said temporary status would not involve any change in his/her nature of duties and responsibilities.
- 2) The engagement will be on daily rates of pay on need basis.
- 3) He/She will be deployed anywhere within the engagement unit/place on the basis of availability of works.
- 4) He/She will not have any right to claim for Group 'D' post under permanent establishment unless he/she is selected through a regular selection process of Group 'D' post.
- 5) He/She will be entitled wages at daily rates with reference to the minimum of the pay scale for a corresponding regular group 'D' post including DA, HRA & CCA (as admissible to a 'Group D' post of the place of his/her working only).
- 6) 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 (in the year from the date of conferment of temporary status).
- 7) He/She will be entitled to leave on pro-rata basis at the rate of one day for every ten days of work. Casual leave or any kind of leave except maternity leave will not be available.

- 8) Maternity leave to lady casual labourers as admissible to regular Group 'D' employees will be allowed.
- 9) He/She will have to produce educational/qualification certificate, Age/date of birth certificate, caste certificate and citizenship certificate in original within one month from the date of issue of this order failing which the order shall automatically stand cancelled.
- 10) The wages for the duty period will be payable only on the days on which he/she is engaged on work.
- 11) Despite confinement of temporary status he/she would be liable to be dispensed/removed from the services of casual labour by giving a notice of one month in writing.

Sd/- S. LASKARY
Director

Memo. No. RC(G) 14/95

Dated: 14th March 1995

- 1) Sd/- **DHARANIDHAR DAS, C/Labour, ICAR Research complex for NEH Region, Barapani.**
- 2) Sr. Farm Manager/Farm Manager, ICAR Research complex for NEH Region, Barapani.
- 3) Joint Director, ICAR Research complex for NEH Region.
- 4) Incharge A.M., ICAR Research complex for NEH Region.
- 5) Finance & accounts Officer, ICAR Research complex for NEH Region, Barapani, Umroi Road, Meghalaya.
- 6) The Asstt. Adm. Officer (Estt), ICAR Research complex for NEH Region, Barapani, Umroi Road, Meghalaya.

(Sd/-) **S. K. SHARMA**
ADMINISTRATIVE OFFICER

INDIAN COUNCIL OF AGRICULTURAL RESEARCH
 I.C.A.R. Research complex for N. E. H. Region
 Umroi Road, Barapani - 793103 Meghalaya

No. RC(G) 14/95

Dated the 14th March, 1995.

ORDER

In pursuance of the Council's order No. F.No. 24(15)/93-Cdn dt. 23.9.94 & 23.11.94 and Govt of India, Ministry of Personnel(PG) and Pensions, Deptt of Personnel & Training's Oa No. 51016/2/90-Estt(•) dt. 10.9.93, Sri/~~XXXXXX~~ Biren Kalita, casual labour, I.C.A.R. Res. Complex for NEH Region, Barapani..... casual labour is hereby granted temporary status with effect from 1.9.93 on the following terms and conditions:

- 1) Conferral/grant of the said temporary status would not involve any change in his/her nature of duties and responsibilities.
- 2) The engagement will be on daily rates of pay on need basis.
- 3) He/She will be deployed anywhere within the engagement unit/place on the basis of availability of works.
- 4) He/She will not have any right to claim for Group 'D' post under permanent establishment unless he/she is selected through a regular selection process of Group 'D' post.
- 5) He/She will be entitled wages at daily rates with reference to the minimum of the pay scale for a corresponding regular group 'D' post including DA, HRA & CCA (as admissible to a 'Group D' post of the place of his/her working on-y).
- 6) 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 (in the year from the date of conferral of temporary status).
- 7) He/She will be entitled to leave on pro-rata basis at the rate of one day for every ten days of work. Casual leave or any other kind of leave except maternity leave will not be admissible.

- 8) Maternity leave to lady casual labourers as admissible to regular Group 'D' employees will be allowed.
- 9) He/She will have to produce Educational/Qualification certificate, age/date of birth certificate, caste certificate and citizenship certificate in original within one month from the date of issue of this order failing which the order shall automatically stand cancelled.
- 10) The wages for the duty period will be payable only on the days on which he/she is engaged on work.
- 11) Despite confinement of temporary status he/she would be liable to be dispensed/removed from the services of casual labour by giving a notice of one month in writing.

Sd/- S. LASKAR
Director

Memo. NorC(G) 14/95

Dated the ~~13th~~ 14th March, 1995.

- 1) Sri /~~XXXX~~ Biren Kalita, Casual Labour, ICAR Res. Complex for NEH Region, Barapani:
- 2) Sr. Farm Manager/Farm Manager, ICAR Research complex for NEH Region, Barapani.
- 3) Joint Director, ICAR Research complex for NEH region,
- 4) Incharge A.M., ICAR Research complex for NEH Region,
- 5) Finance & Accounts Officer, ICAR Research complex for NEH Region, Barapani, Umroi Road, Meghalaya.
- 6) The Asst. Adm. Officer (Estt), ICAR Research complex for NEH region, Barapani, Umroi Road, Meghalaya.

(Signature)
16/3/95
(I.K. SHARMA)
ADMINISTRATIVE OFFICER

No. IC(G)/14/95

Dated Baran, the 15th

March, '95

O R D E R

In pursuance of the Council's order No. F.No.24(15)/95-Cdn dated 23.9.94 & 23.11.94 and Govt. of India, Ministry of Personnel (PG) and Pensions, Deptt. of Personnel & Training OI No.51015/2/90-Estt(C) dated 10.9.93, Shri/Smti.

Sri. Kherush Sangma, Casual labour is hereby granted temporary status with effect from 1.9.93 on the following terms and conditions :

- 1) Conferment/grant of the said temporary status would not involve any change in his/her nature of duties and responsibilities.
- 2) The engagement will be on daily rates of pay on need basis.
- 3) He/She will be deployed anywhere within the engagement unit/place on the basis of availability of works.
- 4) He/She will not have any right to claim for Group 'D' post under permanent establishment unless he/she is selected through a regular selection process of group 'D' post.
- 5) He/She will be entitled wages at daily rates with reference to the minimum of the pay scale for a corresponding regular group 'D' (post including DA, HRA & CCA (as admissible to a Group 'D' post of the place of his/her working only)
- 6) 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 in the year from the date of conferment of temporary status.
- 7) He/She will be entitled to leave on pro-rata basis at the rate of one day for every ten days of work. Casual leave or any other kind of leave except maternity leave will not be admissible.
- 8) Maternity leave to lady casual labourers as admissible to regular Group 'D' employees will be allowed.
- 9) He/She will have to produce Educational/qualification certificate, Age/date of birth certificate, caste certificate and citizen-ship certificate in original within one month from the date of issue of this order failing which the order shall automatically stand cancelled.

Contc...P/2.

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- 10) The wages for the duty period will be payable only on the days on which he/she is engaged on work.
- 11) Despite conferment of temporary status he/she would be liable to be dispensed/removed from the services of casual labour by giving a notice of one month in writing.

Ed/-
(S. Laskar)
Director.

Memo. No. RC(G)14/95 Dated Barapani, the 15th March, '95

Copy to :-

- 1. Shri ~~Shri~~ Kherush Sangma, Casual Labour, ICAR Res. Complex, Barapani.
- 2. The Sr. Farm Manager/Farm Manager, ICAR Research Complex for NE Region, Barapani.
- 3. The Joint Director, ICAR Research Complex for NE Region.
- 4. In-charge, AVR, ICAR research Complex for NE Region.
- 5. The Finance & Accounts Officer, ICAR Research Complex for NE Region, Barapani.
- 6. The Asstt. Admn. Officer (Estt.), ICAR Research Complex for NE Region, Barapani.

16/3/95
(I. K. SHARMA)
ADMINISTRATIVE OFFICER

INDIAN COUNCIL OF AGRICULTURAL RESEARCH
ICAR Research complex for N.E.H. Region
Umroi Road, Barapani - 793163 Meghalaya

No. RC(G) 14/95

Dated the 15th March, 1995.

O R D E R

In pursuance of the Council's order No. F.No. 24(15)/93-Cdn dt. 23.9.94 & 23.11.94 and Govt of India, Ministry of Personnel(PG) and Pensions, Deptt of Personnel & Training, OM No. 51016/2/90-Estt(c) dt. 10.9.93, Sri/Smt. ~~Sankar~~ ~~Barapani~~ Sarma, Casual Labour, ICAR Res. Complex, Barapani, casual labour is hereby granted temporary status with effect from 1.9.93 on the following terms and conditions:

- 1) Conferment/grant of the said temporary status would not involve any change in his/her nature of duties and responsibilities.
- 2) The engagement will be on daily rates of pay on need basis.
- 3) He/She will be deployed anywhere within the engagement unit/place on the basis of availability of works.
- 4) He/She will not have any right to claim for Group 'D' post under permanent establishment unless he/she is selected through a regular selection process of Group 'D' post.
- 5) He/She will be entitled wages at daily rates with reference to the minimum of the pay scale for a corresponding regular group 'D' post including DA, HRA & CCA (as admissible to a 'Group D' post of the place of his/her working only).
- 6) 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 (in the year from the date of conferment of temporary status).
- 7) He/She will be entitled to leave on pro-rata basis at the rate of one day for every ten days of work. Casual-leave or any other kind of leave except maternity leave will not be admissible.

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- 8) Maternity leave to lady casual labourers as admissible to regular Group 'D' employees will be allowed.
- 9) He/She will have to produce Educational/Qualification certificate, Age/date of birth certificate, caste certificate and citizenship certificate in original within one month from the date of issue of this order failing which the order shall automatically stand cancelled.
- 10) The wages for the duty period will be payable only on the days on which he/she is engaged on work.
- 11) Despite conferment of temporary status he/she would be liable to be dispensed/removed from the services of casual labour by giving a notice of one month in writing.

Sd/- S. LASKAR
Director

Memo. No. RC(G) 14/95 Dated the 15th March, 1995

- 1) Sri/xxx Lankeswar Sarmah, Casual Labour, ICAR Res. Complex, Barapani,
- 2) Sr. Farm Manager/Farm Manager, ICAR Research complex for NEH Region, Barapani
- 3) Joint Director, ICAR Research complex for NEH Region,
- 4) Incharge A.Vs, ICAR Research complex for NEH Region,
- 5) Finance & Accounts Officer, ICAR Research complex for NEH Region, Barapani, Umroi Road, Meghalaya.
- 6) The Asstt. Adm. Officer (Estt), ICAR Research complex for NEH Region, Barapani, Umroi Road, Meghalaya.

(I. K. SHARMA)
ADMINISTRATIVE OFFICER

INDIAN COUNCIL OF AGRICULTURAL RESEARCH
ICAR Research complex for N. E. H. Region
Umroi Road, Barapani - 793163 Meghalaya

No. RC(G) 14/95

Dated the 15th March, 1995.

O R D E R

In pursuance of the Council's order No. F.No. 24(15)/93-Cdn dt. 23.9.94 & 23.11.94 and Govt of India, Ministry of Personnel(PG) and Pensions, Deptt of Personnel & Training's OI No. 51016/2/90-Estt(c) dt. 10.9.93, Sri/SIXXXXXX...Hamohan... Sarmah, Casual Labour, ICAR Res. Complex, Barapani, casual labour is hereby granted temporary status with effect from 1.9.93 on the following terms and conditions.

- 1) Conferment/grant of the said temporary status would not involve any change in his/her nature of duties and responsibilities.
- 2) The engagement will be on daily rates of pay on need basis.
- 3) He/She will be deployed anywhere within the engagement unit/place on the basis of availability of works.
- 4) He/She will not have any right to claim for Group 'D' post under permanent establishment unless he/she is selected through a regular selection process for Group 'D' post.
- 5) He/She will be entitled wages at daily rates with reference to the minimum of the pay scale for a corresponding regular group 'D' post including DA, HRA & CCA (as admissible to a 'Group D' post of the place of his/her working only).
- 6) 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 (in a year from the date of conferment of temporary status).
- 7) He/She will be entitled to leave on pro-rata basis at the rate of 10 day for every ten days of work. Casual-leave or any other kind of leave except maternity leave will not be admissible.

- 8) Maternity leave to lady casual labourers as admissible to regular Group 'D' employees will be allowed.
- 9) He/She will have to produce Educational/Qualification certificate, Age/date of birth certificate, caste certificate and citizenship certificate in original within one month from the date of issue of this order failing which the order shall automatically stand cancelled.
- 10) The wages for the duty period will be payable only on the days on which he/she is engaged on work.
- 11) Despite conferment of temporary status he/she would be liable to be dispensed/removed from the services of casual labour by giving a notice of one month in writing.

Sd/- S. LASKAR
Director

Memo: NORC(G) 14/95

Dated the 15th March, 1995.

- 1) Sri / ~~XXXX~~ ~~XXX~~ Mulung Das, Casual Labour, ICAR Res. Complex, Barapani,
- 2) Sr. Farm Manager/Farm Manager, ICAR Research complex for NEH Region, Barapani.
- 3) Joint Director, ICAR Research complex for NEH Region,
- 4) Incharge A.V., ICAR Research complex for NEH Region,
- 5) Finance & Accounts Officer, ICAR Research complex for NEH Region, Barapani, Umroi Road, Meghalaya.
- 6) The Asstt. Adm. Officer (Estt), ICAR Research complex for NEH Region, Barapani, Umroi Road, Meghalaya.

(I. K. SHARMA)
ADMINISTRATIVE OFFICER

- 8) Maternity leave to lady casual labourers as admissible to regular Group 'D' employees will be allowed.
- 9) He/She will have to produce Educational/Qualification certificate, Age/date of birth certificate, caste certificate and citizenship certificate in original within one month from the date of issue of this order failing which the order shall automatically stand cancelled.
- 10) The wages for the duty period will be payable only on the days on which he/she is engaged on work.
- 11) Despite conferment of temporary status he/she would be liable to be dispensed/removed from the services of casual labour by giving a notice of one month in writing.

Sd/- S. LASHAR
Director

Memo. NoRC(G) 14/95

15th
Dated the 15th March, 1995.

- 1) Sri /XXXXX Harmohan Sarmah, Casual Labour, ICAR Res. Complex, Barapani.
- 2) Sr. Farm Manager/Farm Manager, ICAR Research complex for NEH Region, Barapani.
- 3) Joint Director, ICAR Research complex for NEH Region,
- 4) Incharge A.Va, ICAR Research complex for NEH Region,
- 5) Finance & Accounts Officer, ICAR Research complex for NEH Region, Barapani, Umroi Road, Meghalaya.
- 6) The Asstt. Adm. Officer (Estt), ICAR Research complex for NEH Region, Barapani, Umroi Road, Meghalaya.

(I. K. SHARMA)
ADMINISTRATIVE OFFICER

Annexure - 3
907

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भारतीय कृषि अनुसंधान परिषद
INDIAN COUNCIL OF AGRICULTURAL RESEARCH

संस्थान का नाम
Name of the Institute ICAR Research Complex,
for NEH Region, Umrai Road,
Barabani.

पास बुक
PASS BOOK

सामान्य भविष्य निधि
GENERAL PROVIDENT FUND

नाम Name Sh. Lohit Kr. Bardoloi,
खाता संख्या Account No. NERC/TS/1287.

1. अंशदाता से निवेदन है कि वह विवरण के सही होने के बारे में अपनी तसल्ली कर ले और यदि उसमें कुछ गलतियाँ हों तो उन्हें इस पास बुक में इन्द्राज करने की तारीख से तीन महीने के भीतर रोकड़ अनुभाग के ध्यान में ला दे। यदि अंशदाता चाहेगा तो वह अपना खाता पत्रा देख सकेगा।

2. यदि पास बुक गुम हो जाए तो इस कार्यालय को रिपोर्ट कीजिए। जब कभी दोबारा पास बुक जारी की जाएगी तो अंशदाता को पास बुक की लागत की दुगुनी रकम देनी होगी।

Note :-

1. The Subscriber is requested to satisfy himself as to the correctness of the statement and to bring errors, if any, to the notice of the Cash Section within three months from the date of entries in the Pass Book. The Ledger Folio of the subscriber if so required by him will be available for inspection.
2. If this Pass Book is lost, the matter should be reported to the office. An amount equivalent to twice the cost of the Pass Book will be charged from the subscriber for issue of each extra Pass Book.

18/5/05
18/5/05
18/5/05

अंशदाता का नाम
Name of Subscriber Sh. Lohit K. Bardalai

खाता संख्या
Account No. NERC/T.S/1287

जमा DEPOSITS

वर्ष Year	खाता पत्रा Ledger Folio	अधशेष Opening Balance	अंशदान Sub- scription	वापिस की गई Refund
Dec 1981 to 31st. March 97	T/S. Vol. I	—	2,000/-	—
1997-98	—	2,050/-	6,000/-	400/-
98-99	—	6,031/-	6,000/-	2,400/-
99-2000	—	4,860/-	6,000/-	6,569/-
2000-2001	—	17,081/-	6,000/-	12,000/-
2001-2002	—	12,969/-	6,000/-	16,000/-
2002-2003	—	16,154/-	11,500/-	20,907/-

ब्याज Interest		निकाली गई रकम Withdrawals	इतिशेष Closing Balance	पर्यवेक्षक के पूरे हस्ताक्षर Full Signature of Supervisor
दर Rate	रकम Amount			
12%	50/-	—	2,050/-	
12%	581/-	3,000/-	6,031/-	
12%	1239/-	10,810/-	4,860/-	
12%	1211/-	1,559/-	17,081/-	
11%	1888/-	24,000/-	12,969/-	
9.5%	1185/-	20,000/-	16,154/-	
9%	822/-	38,107/-	11,276/-	

Annexure- 3 (i)

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१। अंशदाता से निवेदन है कि वह विवरण के सही होने के बारे में अपनी तसल्ली कर ले और यदि उसमें कुछ गलतियाँ हों तो उन्हें इस पास बुक में इन्द्राज करने की तारीख से तीन महीने के भीतर रोकड़ अनुभाग के ध्यान में ला दे। यदि अंशदाता चाहेगा तो वह अपना खाता पत्रा देख सकेगा।

२। यदि पास बुक गुम हो जाए तो इस कार्यालय को रिपोर्ट कीजिए। जब कभी दोबारा पास बुक जारी की जाएगी तो अंशदाता को पास बुक की लागत की दोगुनी रकम देनी होगी।

Note :-

1. The Subscriber is requested to satisfy himself as to the correctness of the statement and to bring errors, if any, to the notice of the Cash Section within three months from the date of entries in the Pass Book. The Ledger Folio of the subscriber if so required by him will be available for inspection.
2. If this Pass Book is lost, the matter should be reported to the office. An amount equivalent to twice the cost of the Pass Book will be charged from the subscriber for issue of each extra Pass Book.



Annexure - 3

भारतीय कृषि अनुसंधान परिषद
INDIAN COUNCIL OF AGRICULTURAL RESEARCH

संस्थान का नाम

Name of the Institute. ICAR Research Complex,
for NEH Region, Umrai Road,
Barapani.

पास बुक

PASS BOOK

सामान्य भविष्य निधि

GENERAL PROVIDENT FUND

नाम Name

Sh. Sukleswar Kalita

खाता संख्या Account No.

NERC/TS/1222

अंशदाता का नाम

Name of Subscriber Sh. Sukhdev Kalita

खाता संख्या

Account No NERETS/1222

जमा DEPOSITS

वर्ष Year	खाता पत्रा Ledger Folio	अवशेष Opening Balance	अंशदान Sub- scription	वापिस की गई Refund	ब्याज Interest		निकाली गई रकम Withdrawals	इतिशेष Closing Balance	पर्यवेक्षक के पूरे हस्ताक्षर Full Signature of Supervisor
					दर Rate	रकम Amount			
Dec 96 to 31 st. Mrh' ५7.	T/S. Vol. I	—	2,000/-	—	12%	50/-	—	2,050/-	
1997-98	—	2,050/-	6,000/-	—	12%	691/-	—	8,741/-	
1998-99	—	8,741/-	6,000/-	5,000/-	12%	1,159/-	6,000/-	14,900/-	
99-2000	—	14,900/-	6,000/-	3,500/-	12%	1,388/-	14,000/-	11,788/-	
2000-2001	—	11,788/-	6,000/-	7,500/-	11%	1,141/-	14,000/-	12,429/-	
2001-2002	—	12,429/-	6,000/-	10,260/-	9.5%	841/-	14,940/-	14,590/-	
2003-2004	—	23,197/-	6,000/-	12,902/-	8%	957/-	29,990/-	13,066/-	

6.01

Annexure - 3 (ii)

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- १। अंशदाता से निवेदन है कि वह विवरण के सही होने के बारे में अपनी तसल्ली कर ले और यदि उसमें कुछ गलतियाँ हों तो उन्हें इस पास बुक में इन्दराज करने की तारीख से तीन महीने के भीतर रोकड़ अनुभाग के ध्यान में ला दे। यदि अंशदाता चाहेगा तो वह अपना खाता पत्रा देख सकेगा।
- २। यदि पास बुक गुम हो जाए तो इस कार्यालय को रिपोर्ट कीजिए। जब कभी दोबारा पास बुक जारी की जाएगी तो अंशदाता को पास बुक की लागत की दुगुनी रकम देनी होगी।

Note :-

1. The Subscriber is requested to satisfy himself as to the correctness of the statement and to bring errors, if any, to the notice of the Cash Section within three months from the date of entries in the Pass Book. The Ledger Folio of the subscriber if so required by him will be available for inspection.
2. If this Pass Book is lost, the matter should be reported to the office. An amount equivalent to twice the cost of the Pass Book will be charged from the subscriber for issue of each extra Pass Book.



**भारतीय कृषि अनुसंधान परिषद
INDIAN COUNCIL OF AGRICULTURAL RESEARCH**

संस्थान का नाम
Name of the Institute ICAR Research Complex
for NEH Region, Umrai Road
Barabani.

**पास बुक
PASS BOOK**

सामान्य भविष्य निधि
GENERAL PROVIDENT FUND

नाम Name Sh. Khagendra Nath Med
खाता संख्या Account No. NERC/TS/1187.

अंशदाता का नाम

Name of Subscriber

Sh. K. N. Madhi

खाता संख्या

Account No. NERC/TS/1187

जमा DEPOSITS

वर्ष Year	खाता पन्ना Ledger Folio	अथशेष Opening Balance	अंशदान Sub- scription	वापिस की गई Refund
Dec '96 to 1st. Marh' 97.	T/S. Vol. I	—	1,200/-	—
97-98	—	1,230/-	3,600/-	—
98-99	—	5,245/-	3,600/-	—
99-2000	—	9,741/-	5,400/-	—
00-2001	—	16,634/-	6,000/-	—
001-2002	—	24,821/-	11,000/-	—
002-2003	—	38,705/-	12,000/-	—
003-2004	—	54,773/-	12,000/-	—
004-2005	—	71,675/-	12,000/-	—

व्याज Interest -		निकाली गई रकम Withdrawals	इतिशेष Closing Balance	पर्यवेक्षक के पूरे हस्ताक्षर Full Signature of Supervisor
दर Rate	रकम Amount			
12%	30/-	—	1230200	
12%	415/-	—	5,245/-	
12%	896/-	—	9,741/-	
12%	1493/-	—	16,634/-	
11%	2187/-	—	24,821/-	
9.5%	2884/-	—	38,705/-	
9%	4068/-	—	54,773/-	
8%	4902/-	—	71,675/-	
8%	485/-	—	84,160/-	

१। अंशदाता से निवेदन है कि वह विवरण के सही होने के बारे में अपनी तसल्ली कर ले और यदि उसमें कुछ गलतियाँ हों तो उन्हें इस पास बुक में इन्द्रराज करने की तारीख से तीन महीने के भीतर रोकड़ अनुभाग के ध्यान में ला दे। यदि अंशदाता चाहेगा तो वह अपना खाता पत्र देख सकेगा।

२। यदि पास बुक गुम हो जाए तो इस कार्यालय को रिपोर्ट की जाए। जब कभी दोबारा पास बुक जारी की जाएगी तो अंशदाता को पास बुक की लागत की दोगुनी रकम देनी होगी।

Note

1. The Subscriber is requested to satisfy himself as to the correctness of the statement and to bring errors, if any, to the notice of the Cash Section within three months from the date of entries in the Pass Book. The Ledger Folio of the subscriber if so required by him will be available for inspection.
2. If this Pass Book is lost, the matter should be reported to the office. An amount equivalent to twice the cost of the Pass Book will be charged from the subscriber for issue of each extra Pass Book.



भारतीय कृषि अनुसंधान परिषद
INDIAN COUNCIL OF AGRICULTURAL RESEARCH

संस्थान का नाम

Name of the Institute ICAR Research Complex,
for NEH Region, Umrai Road,
Barabani

पास बुक

PASS BOOK

सामान्य भविष्य निधि

GENERAL PROVIDENT FUND

नाम Name Sh. Homeswar Talukdar

खाता संख्या Account No. NERC/TS/1212

अंशदाता का नाम

Name of Subscriber Sh. Hameswar Talukdar

जमा DEPOSITS

वर्ष Year	खाता पत्रा Ledger Folio	अयशेष Opening Balance	अंशदान Sub- scription	वापिस की गई Refund
Dec '96 to 31.31. Mrh' 97.	T/S, Val. I	—	1,200/-	—
1997-98	—	1,230/-	3,600/-	—
99-2000	—	7,206/-	3,600/-	5,360/-
2000-2001	—	4,572/-	3,600/-	6,216/-

खाता संख्या

Account No NERE/TG/1212

व्याज Interest		निकाली गई रकम Withdrawals	इतिशेष Closing Balance	पर्यवेक्षक के पूरे हस्ताक्षर Full Signature of Supervisor
दर Rate	रकम Amount			
12%	30/-	—	1,230/-	
12%	415/-	—	5,245/-	
12%	590/-	12,184/-	4,572/-	
11%	1,088/-	—	15,476/-	

Annexure - 3 (iv)

2/1

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१। अंशदाता से निवेदन है कि वह विवरण में दी गई राशियों को सही कर ले और यदि उसमें कुछ गलतियाँ हों तो उन्हें इस पास बुक में इस्तराज करने की तारीख से तीन महीने के भीतर रोकाड़ अनुभाग के ध्यान में ला दे। यदि अंशदाता चाहेगा तो वह अपना खाता पत्र देख सकता है।

२। यदि पास बुक गुम हो जाए तो इस कार्यालय को रिपोर्ट की जाए। जब कभी दोबारा पास बुक जारी की जाएगी, तो अंशदाता को पास बुक की लागत को दुगुनी रकम देनी होगी।

Note :-

1. The Subscriber is requested to satisfy himself as to the correctness of the statement and to bring errors, if any, to the notice of the Cash Section within three months from the date of entries in the Pass Book. The Ledger Folio of the subscriber if so required by him will be available for inspection.
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भारतीय कृषि अनुसंधान परिषद
INDIAN COUNCIL OF AGRICULTURAL RESEARCH

Name of the Institute ICAR, Research Complex
For NEH Region, Umrai Road
Barapani

पास बुक
PASS BOOK

सामान्य प्रविध्य निधि
GENERAL PROVIDENT FUND

Name Sh. Joy Chandra Kalita
Account No NERC/TS/1220

5

अशदाता का नाम

Name of Subscriber

Sh. Jay Chandra Kahlota

खाता नम्बर

Account No. NRE/TS/L

जमा DEPOSITS

वर्ष Year	खाता पत्रा Ledger Folio	अथशेष Opening Balance	अंशदान Sub- scription	वापिस की गई Refund	दर Interest		निकाली गई रकम Withdrawals	इतिशेष Closing Balance	पर्यवेक्षक के पुरे हस्ताक्षर Full Signature of Supervisor
					दर Rate	रकम Amount			
Dec 1967 to 31st. Mar 1979	T/S. Val. I	—	400/-	—	12%	10/-	—	410/-	
1997-98	—	410/-	1,200/-	—	12%	130/-	—	1,748/-	
98-99	—	1,748/-	4,386/-	—	12%	570/-	—	6,698/-	
99-2000	—	6,698/-	3,600/-	1,000/-	12%	853/-	5,000/-	7,151/-	
2000-2001	—	7,151/-	3,600/-	6,600/-	11%	1,057/-	5,000/-	1,3408/-	
2001-2002	—	13,408/-	3,600/-	6,400/-	9.5%	1,089/-	10,000/-	14,497/-	
2002-2003	—	14,497/-	3,600/-	6,000/-	9%	1,773/-	—	25,870/-	
2003-2004	—	25,870/-	3,600/-	6,225/-	8%	1,404/-	15,000/-	22,099/-	

Annexure - 3(v)

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१। अंशदाता से निवेदन है कि वह विवरण के सही होने के बारे में अपनी तसल्ली कर ले और यदि उसमें कुछ गलतियाँ हों तो उन्हें इस पास बुक में इन्द्रराज करने की तारीख से तीन महीने के भीतर रोकड़ अनुभाग के ध्यान में ला दे। यदि अंशदाता चाहेगा तो वह अपना खाता पत्रा देख सकेगा।

२। यदि पास बुक गुम हो जाए तो इस कार्यालय को रिपोर्ट कीजिए। जब कभी दोबारा पास बुक जारी की जाएगी तो अंशदाता को पास बुक की लागत की दुगुनी रकम देनी होगी।

Note :-

1. The Subscriber is requested to satisfy himself as to the correctness of the statement and to bring errors, if any, to the notice of the Cash Section within three months from the date of entries in the Pass Book. The Ledger Folio of the subscriber if so required by him will be available for inspection.
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भारतीय कृषि अनुसंधान परिषद
INDIAN COUNCIL OF AGRICULTURAL RESEARCH

संस्थान का नाम
Name of the Institute. ICAR Research Complex
for NEH Region, Umrai Road,
Barabani

पास बुक
PASS BOOK

सामान्य भविष्य निधि
GENERAL PROVIDENT FUND

नाम Name Sh. Marphin I. Sangma,
खाता संख्या Account No. N.E.R.C./T.S./1237.

9

अंशदाता का नाम
Name of Subscriber: Sh. Marbhin T. Sangma

खाता संख्या
Account No: NER/TS/1237

जमा DEPOSITS

वर्ष Year	खाता पत्रा Ledger Folio	अथशेष Opening Balance	अंशदान Sub- scription	वापिस की गई Refund
Dec '96 to 31st. Marh' 97.	T/S, Vol. I	—	400/-	—
1997-98	—	410/-	1,200/-	—
98-99	—	1,748/-	4,380/-	—
99-2000	—	6,698/-	3,600/-	—
2000-2001	—	11,336/-	6,000/-	1,500/-
2001-2002	—	18,892/-	6,000/-	3,750/-
2002-2003	—	22,968/-	6,000/-	3,750/-
2003-2004	—	35,345/-	6,000/-	2,000/-

व्याज Interest		निकाली गई रकम Withdrawals	इतिशेष Closing Balance	पंवेक्षक के हस्ताक्षर Full Signature of Supervisor
दर Rate	रकम Amount			
12%	10/-	—	410/-	
12%	138/-	—	1,748/-	
12%	570/-	—	6,698/-	
12%	1038/-	—	11,336/-	
11%	1556/-	1,500/-	18,892/-	
9.5%	1826/-	750/-	22,968/-	
9%	2627/-	—	35,345/-	
8%	3041/-	2,000/-	44,386/-	

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Annexure-3 (VI)

811

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ICAR

भारतीय कृषि अनुसंधान परिषद
INDIAN COUNCIL OF AGRICULTURAL RESEARCH

संस्थान का नाम

Name of the Institute: ICAR Research Complex,
for NEH Region, Umrai Road,
Barabani.

पास बुक

PASS BOOK

सामान्य भविष्य निधि

GENERAL PROVIDENT FUND

नाम Name: Sh. Metharson Marak

खाता संख्या Account No. NERC/TS/1111.

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अंशदाता का नाम
Name of Subscriber.....

जमा DEPOSITS

वर्ष Year	खाता पत्रा Ledger Folio	अथशेष Opening Balance	अंशदान Sub- scription	वापिस की गई Refund	व्याज Interest		निकाली गई रकम Withdrawals	इतिशेष Closing Balance	पर्यवेक्षक के पूरे हस्ताक्षर Full Signature of Supervisor
					दर Rate	रकम Amount			
			400/-		12%	10/-		410/-	
Dec '96 to 31st. Mar- 97.	7/B. Vol. I								
1997-98	-	410/-	1200/-		12%	138/-		1,748/-	
98-99	-	1,748/-	4,380/-		12%	570/-		6,698/-	
2001-2002	-	4584/-	3600/-	10,600/-	9.5%	1334/-		20,118/-	
2002-2003	-	20,118/-	3600/-		9%	1986/-		25,704/-	
2003-2004	-	25,704/-	3600/-		8%	2212/-		31,516/-	

Annexure - 3(vii)

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१। अंशदाता से निवेदन है कि वह विवरण के सही होने के बारे में अपना तसल्ली कर ले और यदि उसमें कुछ गलतियाँ हों तो उन्हें इस पास बुक में इन्द्रराज करने की तारीख से तीन महीने के भीतर रोकड़ अनुभाग के ध्यान में ला दे। यदि अंशदाता चाहेगा तो वह अपना खाता पत्रा देख सकेगा।

२। यदि पास बुक गुम हो जाए तो इस कार्यालय को रिपोर्ट कीजिए। जब कभी दोबारा पास बुक जारी की जाएगी तो अंशदाता को पास बुक की सागत की दुगुनी रकम देनी होगी।

Note :-

1. The Subscriber is requested to satisfy himself as to the correctness of the statement and to bring errors, if any, to the notice of the Cash Section within three months from the date of entries in the Pass Book. The Ledger Folio of the subscriber if so required by him will be available for inspection.
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भारतीय कृषि अनुसंधान परिषद
INDIAN COUNCIL OF AGRICULTURAL RESEARCH

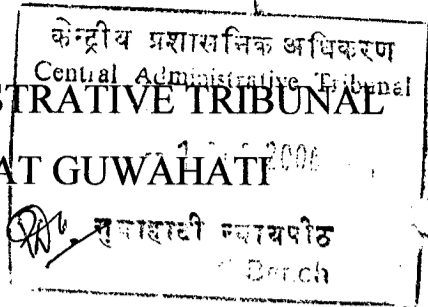
संस्थान का नाम
Name of the Institute ICAR Research Complex
for NEH Region, Umroi Road
Umiam

पास बुक
PASS BOOK

सामान्य भविष्य निधि
GENERAL PROVIDENT FUND

नाम Name Shri. Leibel Sharma
खाता संख्या Account No. NERC/TS/1230

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH AT GUWAHATI



FILED BY:
THE RESPONDENTS NO. 1 & 2

THROUGH:
11/8

MRS. RAKHEE SIAUTHIA CHOWDHURY.
ADVOCATE.
01/08/2006.

Original Application No. 113 of 2005

IN THE MATTER OF :

A written statement filed on behalf of the
Respondent Nos. 1 and 2 of the Original
Application No. 113 of 2005.

WRITTEN STATEMENT

I, Dr Kamal Malla Bujarbaruah, son of Late Annada Malla Bujarbaruah, aged about 54 years, presently serving as the Director, Indian Council of Agricultural Research (Regional Centre) for NEH Region, Umiam, Meghalaya, do hereby solemnly affirm and state as follows :

1. That, I have been impleaded as the Respondent No. 3 in the instant case and a copy of the Original Application has been served upon me. I have gone through the copy of the Original Application and have understood the contents thereof. I am well acquainted and fully conversant with the facts and circumstances of the instant case and as such, I am competent to file this Written Statement. I have been duly authorised by the Respondent Nos. 1 and 2 to swear this Written Statement on their behalf.
2. That, before giving a detailed parawise reply against the statements and averments made in the Original Application, the answering Respondents would like to bring before the Hon'ble Tribunal the circumstances that led to the issuance of the Office Memorandum under Memo No. 49014/1/2004 dated 26.04.2004 which is impugned in the instant Original Application.
 - i) That, the Respondent No. 2 in pursuance of the Judgment dated 16th February, 1990 rendered by the Hon'ble Central Administrative Tribunal, Principal Bench in the case of Raj Kamal & Others issued the Office Memorandum dated 10.09.1993 wherein a scheme was formulated for grant of temporary status to casual workers/labourers who have rendered a continuous service of at least one year. The scheme was called "Casual Labourers (Grant of

Kamal Malla Bujarbaruah

Temporary status and Regularization) Scheme of Government of India, 1993". Clause 4(ii) of the Scheme clearly stipulates that conferment of temporary status would be without reference to the creation/availability of regular Group 'D' posts. Further, Clause 4(iii) of the Scheme stipulates that conferment of temporary status on a casual labourer would not involve any change in his duties and responsibilities.

ii) That, Sub-clause (vi) of Clause 5 of the said Scheme of 1993 contemplated as follows:

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

iii) The answering respondent begs to state at this point that in terms of the Clause 11 of the said instructions, the Respondent No.2 was conferred with the exclusive powers to make amendments or relax any of the provisions in the scheme that may be considered necessary from time to time. The answering respondent further begs to draw the attention of this Hon'ble Tribunal towards Sub clause (ii) of Clause 4 of the aforesaid scheme wherein it has been categorically laid down that conferment of temporary status would be without reference to the creation/availability of regular Group 'D' posts. The Sub clause (iv) of Clause 4 further contemplates that the casual labourers who acquire temporary status will not be brought on to the permanent establishment unless they are selected through regular selection process for Group 'D' posts. Under Clause 6 of the instructions it has been clarified that no benefits other than those specified under the scheme will be admissible to casual labourers with temporary status.

iv) That the answering respondents deem it pertinent to mention at this stage that under Clause 11 of the aforesaid scheme the Department of Personnel and Training is empowered to make amendments or relax any of the provisions in the scheme that may be considered from time to time.

A copy of the aforesaid scheme dated 10.09.1993 issued by the respondent no.2 is annexed herewith and marked as ANNEXURE -A

Ramesh Chandra Singh

3. That, the answering respondents humbly state that the above provisions of the Scheme read together, without any ambiguity make it clear that the conferment of temporary status is not linked to any regular post, and despite grant of temporary status, the casual labourers would be engaged on daily rates of pay on need basis, without any change in their duties and responsibilities. In that view of the matter, it is evident that the casual labourers, despite grant of temporary status, are not regular temporary Government servants and it would be incorrect to claim that they have any vested right.
4. That, the answering respondents further state that Rule 2(b) of the Central Civil Service (Pension) Rules, 1972 clearly stipulates that the Rules will apply to Government servants, including civilian Government servants in the Defence Services, appointed substantively to Civil Services and posts in connection with the affairs of the Union which are borne on pensionable establishments, but shall not apply to persons in casual and daily rated employment. As such, it is evident that the provisions of the Pension Rules are not applicable to casual labourers.
5. That, the answering respondents further state that the Government of India under the Ministry of Finance, had introduced a new Defined Contribution Pension Scheme with effect from 01.01.2004 and which is applicable to all new entrants to the Central Government service, who have joined the Government service on or before 01.01.2004. It is stated herein that in the New Pension Scheme there is no concept of length of service. The benefits available under the New Pension Scheme are based on the contribution made by the Government servants under the Scheme. Clause 10(e) of the new Pension Scheme states that "No deductions will be made towards G.P.F. contribution from the Government servants joining the service on or after 01.01.2004 as the G.P.F. scheme is not applicable to them."

As such, it is evident that the casual labourers (temporary status Mazdoors), if regularized against the substantive post in future, would be considered to have been appointed on or after 01.01.2004 and hence, they would be liable to adopt the New Pension Scheme applicable from 01.01.2004. Therefore, counting 50% (fifty percent) of their service in retirement benefits and subscription to G.P.F. has lost relevance in the light of the New Pension Scheme introduced from 01.01.2004. In fact, the casual labourers would be entitled to get the benefits of their casual service under the provisions of the Payment of Gratuity.

In view of the above, there is no justification for allowing G.P.F. facility to the casual labourers, which has accordingly been discontinued vide office Memorandum dated 26.04.2004 on the introduction of the New Pension Scheme.

A copy of the Defined Contribution Pension Scheme introduced w.e.f. 01.01.2004 is

Ram Mohan Bujar Baruah

annexed herewith and marked as
ANNEXURE-B

6. That, notwithstanding the statements and averments made herein above, the answering respondents deem it pertinent to give parawise reply against the Original Application. Save and except the statements and averments made in the Original Application, which have been specifically admitted herein below, the rests shall be deemed to have been denied by the answering respondents.

PARAWISE REPLY:

7. That, with regard to the statements made in paragraphs 5.1 and 5.2 of the Original Application, the answering Respondents have no comments to offer.
8. That, the statements made in paragraphs 5.3 and 5.4 of the Original Application are disputed by the answering Respondents. It is pertinent to mention herein that in the Original Application, vide Annexure-2 series; the Applicants have only annexed the orders granting temporary status of nine (9) Applicants only, whereas a total number of hundred and nineteen (19) persons have approached this Hon'ble Tribunal for granting adequate reliefs. Similarly, Annexure-3 series shows the deduction of G.P.F. of only seven (7) numbers of Applicants. Further, it is stated that the Applicants have not craved leave of this Hon'ble Tribunal to produce copies of the orders granting temporary status and/or the Pass Books of the rests of the Applicants. Hence, the Applicants are put to strictest proof thereof. With regard to the E.P.F. benefit, the answering respondents reiterate the statements made in paragraphs 2, 3, 4 and 5 herein above. The answering respondents further state that the G.P.F. benefits have not been illegally stopped and in fact, the authorities have, after careful consideration, refunded the contributions, which have been made by the Applicants towards the G.P.F. even after 01.01.2004.
9. That, with regard to the statements made in paragraph 5.5 of the Original Application, the answering respondents have got no comments to offer, as the same are matters of record.
10. That, while denying the statements made in paragraph 5.6 of the Original Application, the answering respondents beg to state that there has been no misinterpretation of the said Order by the authorities concerned and in fact, as has been stated herein above, any deduction made towards G.P.F. on or after 01.01.2004 would be rendered futile in view of the new Pension Scheme, which does not envisage any such deduction. It is further stated herein that the Applicants are still working as casual labourers under the office of the Respondent No. 3 and the

Kannan Malla Bejor Basu

conferment of temporary status on them is without the creation/availability of a regular Group 'D' employee.

11. That, the answering respondents state that none of the grounds averred to in the Original Application are valid or tenable grounds in view of the statements and averments made herein above. It is further stated that the order, which have been impugned in the Original Application, i.e. the Order dated 26.04.2004 is only corollary to the introduction of the New Pension Scheme by the Government of India and there is no challenge to the said scheme in the instant application. It is further stated that the same being a policy decision of the Government, it is not within the ambit of this Hon'ble Tribunal to exercise judicial review over the same. As such, the Original Application is misconceived and devoid of any merit and is accordingly liable to be dismissed.

VERIFICATION

I, Dr. Kamal Malla Bujarbaruah son of Late A.M Bujarbaruah aged about 54 years, presently working as Director, I.C.A.R. Research Complex for N.E.H Region do hereby verify that the statements made in paragraphs 1, 2 (pt.), 3, 4 (pt.), 6, 7, 8 (pt.), 10, A, 11... of the written statement are true to my knowledge and those made in paragraphs 2 (pt.), 4 (pt.), 5 and 9... are true to my knowledge derived from records and rest are my humble submission before this Hon'ble Tribunal. I have not suppressed any material fact. I have been duly authorised to swear this Written Statement on behalf of the Respondent Nos. 1 and 2.

And I sign this Verification on this 1st day of ^{Aug} ~~July~~ 2006 at Guwahati.

Kamal Malla Bujarbaruah

Identified by Advocate


DEPONENT

ANNEXURE - A

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.


(ADULTATE)

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1) 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.

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v) 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

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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.

1993

F.No. 1(7)(2)/2003/TA/ \ \)
Government of India
Ministry of Finance
Department of expenditure
Controller General of Accounts
Lok Nayak Bhawan, Khan market
New Delhi

Dated 07-01-2004

OFFICE MEMORANDUM

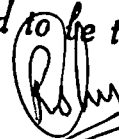
Sub : - Introduction of New Pension Scheme

Government of India have introduced a new Defined Contribution Pension Scheme replacing the existing system of Defined Benefit Pension System vide Government of India, Ministry of Finance, Dept. of Economic Affairs Notification dated 22nd December, 2003 (copy enclosed). The new Pension Scheme comes into operation with effect from 1.1.2004 and is applicable to all new entrants to Central Govt. service, except to Armed Forces, joining Government service on or after 1.1.2004.

The salient features of the New Pension Scheme are as follows:

1. The New Pension Scheme will work on defined contribution basis and will have two tiers - Tier I and II. Contribution to Tier I is mandatory for all government servants joining government service on or after 1.1.2004, whereas Tier II will be optional and at the discretion of Government servants.
2. In Tier I, Government servants will have to make a contribution of 10% of his basic pay plus DA, which will be deducted from his salary bill every month by the PAO concerned. The Government will make an equal matching contribution.
3. Tier I contributions (and the investment returns) will be kept in a non-withdrawable Pension Tier I Account. Tier II contributions will be kept in a

Certified to be true copy.



(ADVOCATE)

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(4)

separate account that will be withdrawable at the option of the government servant. Government will not make any contribution to Tier II account.

The existing provisions of Defined Benefit Pension and GPF would not be available to new government servants joining Government service on or after 1.1.2004.

5. In order to implement the Scheme, there will be a Central Record Keeping Agency and several Pension Fund Managers to offer three categories of Schemes to Government servants viz. options A, B and C based on the ratio of investment in fixed income instruments and equities. An independent Pension Fund Regulatory and Development Authority (PFRDA) will regulate and develop the pension market.

6. As an interim arrangement, till such time the Statutory PFRDA is set up, an interim PFRDA has been appointed by issuing an executive order by M/o Finance (DEA).

7. Till the regular Central record Keeping Agency and Pension fund Managers are appointed, and the accumulated balances under each individual account are transferred to them, it has been decided that such amounts representing the contributions made by the Government servants and the matching contribution made by the Government will be kept in the Public Account of India. This will be purely a temporary arrangement as announced by the Government.

8. It has also been decided that Tier II will not be made operative during the interim period.

9. A government servant can exit at or after the age of 60 years from the Tier I of the scheme. At exit, it would be mandatory for him to invest 40 percent of pension wealth to purchase an annuity (from an IRDA regulated Life insurance Company), which will provide for pension for the lifetime of the employee and his dependent parents/spouse. In the case of government servants who leave the Scheme before attaining the age of 60, the mandatory annuitisation would be 80% of the pension wealth.

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10. The following guidelines are issued for the implementation of the New Pension scheme during the interim arrangement for the guidance of the PAOs/DDOs:
- a) The new pension scheme becomes operational with effect from 1.1.2004.
 - b) Contributions payable by the Govt. servants towards the Scheme under Tier I i.e. 10% of the (basic pay + DA), will be recovered from the salary bills every month.
 - c) The scheme of voluntary contributions under Tier -II will not be made operative during the period of interim arrangement and therefore no recoveries will be made from the salaries of the employees on this account.
 - (d) Recoveries towards Tier I contribution will start from the salary of the month following the month in which the Government servant has joined service. Therefore, no recovery will be effected for the month of joining.** For example, for employees joining service in the month of January 2004, deductions towards Tier I contribution will start from the salary bill of February 2004. No deduction will be made for his salary earned in January 2004. Similarly, deductions for those joining service in the month of February 2004 will start from the salary bill of March 2004 and so on.
 - (e) No deductions will be made towards GPF contribution from the Government servants joining the service on or after 1.1.2004 as the GPF scheme is not applicable to them.**
 - (f) It has been decided that pending formation of a regular Central Record Keeping Agency, Central Pension Accounting Office will function as the Central Record Keeping agency for the above scheme.
 - (g) Immediately on joining government service, the government servant will be required to provide particulars such as his name, designation, scale of pay, date of birth, nominee(s) for the fund, relationship of the nominee etc. in the prescribed form (Annexure I). The DDO concerned will be responsible for obtaining this information from all government servants covered under the new Pension scheme. Consolidated information for all

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Those who have joined service during the month shall be submitted by the DDO concerned in the prescribed format (Annexure II) to his Pay & Accounts Officer by 7th of the following month. Annexure I will be retained by DDOs.

(h) On receipt of Annexure II from the DDOs, PAO will allot a unique 15 digit Permanent Pension Account Number (PPAN). The first four digits of this number will indicate the calendar year of joining government service, the next digit indicates whether it is a Civil or a Non-Civil ministry (for all Civil Ministries this digit will be "1"), the next six digits would represent the PAO code (which is used for the purpose of compiling monthly accounts), the last four digits will be the running serial number of the individual government servant which will be allotted by the PAO concerned. PAO will allot the serial number pertaining to individual Government servant from '0001' running from January to December of a calendar year. The following illustration may be followed :

The first Govt. servant joining service under Ministry of Civil Aviation under the accounting control of PAO (Sectt), New Delhi in 2004, shall be allotted the following PPAN:

Calendar Year				Civil Min	PAO Code						Serial Number			
2	0	0	4	1	0	4	0	8	6	6	0	0	0	1

(j) The Pay & Accounts Officer will maintain an Index Register for the purpose of allotment of PPAN to new entrants to Government service. Format of the index register is given in Annexure - VII.

(k) The PAO will return to the DDO concerned, a copy of the statement duly indicating therein the Account numbers allotted to each individual by 10th instant. DDO in turn will intimate the account number to the individuals concerned and also note in the Pay Bill Register.

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- (l) The particulars of the government servants received from the various DDOs will be consolidated by the PAO in the format (Annexure II-A) and sent to the Principal Accounts Office by the 12th of every month.
- (m) The Principal Accounts Office in turn will consolidate the particulars in the prescribed format (Annexure II-B) and forward the same to Central Pension Accounting Office by 15th instant. The CPAO will feed this information in their computer database.
- (n) **The DDOs/CDDOs will prepare separate Pay Bill Registers in respect of the govt. servants joining Govt. service on or after 1.1.2004.** The DDOs/CDDOs will have to prepare separate pay bills in respect of these govt. servants and will send the same with all the schedules to the PAO on or before 20th of the month to which the bills relate. **Cheque Drawing DDOs may note that hereafter in respect of government servants joining service on or 1-1-2004 they will only prepare pay bills and not make payment. Such bills will be sent by them to the Pay & Accounts Offices for pre-check and payment.**
- (o) The DDO/CDDO will prepare a recovery schedule in duplicate in the prescribed form (Annexure III) for the contributions under Tier-I and attach them with the pay bills. The amount of the Contributions under Tier I should tally with the total amount of recoveries shown under the corresponding column in the pay bill.
- (p) The accounting procedure for these deductions is being finalized and shall be notified shortly.
- (q) It may be noted that along-with the salary bill for the Government servants who join service on or after 1.1.2004, the DDO/CDDO shall also prepare a separate bill for drawal of

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matching contributions to be paid by the Government and creditable to Pension account.

(r) The bill for drawal of matching contribution should also be supported by schedules of recoveries in form (Annexure IV).

(s) On receipt of the salary bills in respect of government servants joining service after 1.1.2004, PAO will exercise usual checks and pass the bill and make the payments. After the payment is made and posting done in the Detailed Posting Register, one set of schedules relating to Pension contributions will be detached from the bills as done in the case of other schedules such as GPF, Long-term advances. The schedules will then be utilized for posting the credits of contributions in the Detailed ledger Account of the individual.

(t) The employee's contributions under Tier I and Tier II, and government's contribution should be posted in different columns of the individual ledger account (to be maintained in the format in Annexure V) and Broadsheet and tallied with the accounts figures as being done in the case of GPF.

~~(u) These accounts should not be mixed with GPF accounts and these records/ledger accounts should be independent of GPF accounts maintained in the case of pre-1-1-2004 entrants.~~

(v) The PAO will consolidate the information available in the New Scheme schedules received from the various DDOs and forward the same in a floppy in the prescribed form (Annexure VI) to Principal Accounts Office by 12th of the month following the month to which the credit pertains. Principal Accounts Office in turn will consolidate the information and send the same in electronic form to the Central Pension Accounting Office by 15th.

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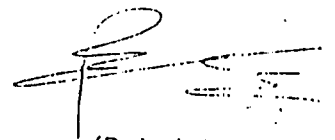
- (w) CPAO on receipt of this information from all the Pr. AOs (including the Non-Civil Ministries) will update its database and generate exception reports for missing credits, mismatches etc. which will be sent back to the PAOs concerned through the Pr.AOs for further action.
- (x) Whenever any Govt. servant is transferred from one office to another either within the same accounting circle or to another accounting circle, balances will not be transferred by the PAO to the other Accounts Office. However, the Drawing and Disbursing Officer should clearly indicate in the LPC of the individual the unique account number, the month upto which government servant's contribution & government's contribution have been transferred to the Pension Fund.
- (y) No withdrawal of any amount will be allowed during the interim arrangement. Provisions regarding terminal payments in the event of untimely death of an employee or in the event of his leaving the Government service during the interim period shall be notified in due course.
- (z) Detailed instructions on the interest payable on Tier I balances shall be issued in due course.
- (aa) At the end of each financial year the CPAO will prepare annual account statements for each employee showing the opening balance, details of monthly deductions and government's matching contributions, interest earned, if any, and the closing balance. CPAO will send these statements to the Pr. A.O. for onward transmission to the DDO through the PAO.
- (bb) After the close of each financial year CPAO will have to report the details of the balances (PAO-wise) to each Principal Accounts offices, who will forward the information to each PAO for the purpose of reconciliation. The PAO will reconcile the figures of contributions posted in the ledger account of the individuals as per their ledger with figures as per the books of CPAO.
- (cc) After the appointment of CRA & Fund Managers, this office will issue detailed instructions on transfer of balances to CPA.

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All Chief Controller of Accounts/ Controller of Accounts are requested to circulate the above guidelines to all the PAOs /DDOs /CDDOs of their ministry.



(Rajesh Kumar)
Asst. Controller General of Accounts

All Pr.CCA/CCAs/CAs/Dy.CAs

केन्द्रीय प्रशासनिक न्यायालय
Central Administrative Tribunal
16 MAR 2005
गुवाहाटी बेंच

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

FILED BY:
The Respondent No. 3.
THROUGH: R.S. Choudhury
Advocate
16/03/06.

Original Application No. 113 of 2005

IN THE MATTER OF :

A written statement filed on behalf of the Respondent No. 3 of the Original Application No. 113 of 2005.

WRITTEN STATEMENT

I, Dr Kamal Malla Bujarbaruah, son of Late Annada Malla Bujarbaruah. aged about 54 years, presently serving as the Director, Indian Council of Agricultural Research (Regional Centre) for NEH Region, Umiam, Meghalaya, do hereby solemnly affirm and state as follows :

1. That I have been impleaded as the Respondent No. 3 in the instant case and a copy of the Original Application has been served upon me. I have gone through the copy of the Original Application and have understood the contents thereof. I am well acquainted and fully conversant with the facts and circumstances of the instant case and as such, I am competent to file this written statement.
2. That before giving a detailed parawise reply against the statements and averments made in the Original Application, the Respondent No. 3 would like to clarify its stand with regard to the issues involved in the instant case. The applicants were working as casual workers under the Respondent No.3 since 1980 and they were conferred temporary status w.e.f. 01.09.1993 in terms of the instructions issued by the Respondent No. 2, Ministry of Personnel, P.G & Pension (DOPT) vide their O.M. No. 51016/2/90-Estt.(c) dated 10.09.1993.

The Sub clause (vi) of Clause 5 of the said instructions dated 10.09.1993 contemplated as follows:

“ (vi) After rendering three years continuous service after conferment of temporary status, the casual laborers 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

Kamal Malla Bujarbaruah

/Flood Advance on the same conditions as are applicable to the temporary Group 'D' employees, provided they furnish two sureties from permanent Govt. servants of their Department."

In terms of the aforesaid instructions the GPF deduction facility was extended to the applicants along with the other facilities that were made available to them.

The answering respondent begs to state at this point that in terms of the Clause 11 of the said instructions, the Respondent No.2 was conferred with the exclusive powers to make amendments or relax any of the provisions in the scheme that may be considered necessary from time to time. As such, any action sought to be taken by the Respondent No.3 regarding conferment or deduction of any benefits to the casual labourers working under it shall be governed by the decisions of the Respondent No.2.

The answering respondent further begs to draw the attention of this Hon'ble Tribunal towards Sub clause (ii) of Clause 4 of the instructions wherein it has been categorically laid down that conferment of temporary status would be without reference to the creation/availability of regular Group 'D' posts. The Sub clause (iv) of Clause 4 further contemplates that the casual labourers who acquire temporary status will not be brought on to the permanent establishment unless they are selected through regular selection process for Group 'D' posts. Under Clause 6 of the instructions it has been clarified that no benefits other than those specified under the instructions will be admissible to casual labourers with temporary status.

Hence the answering respondent begs to submit that the letter No.49014/1/2004-Estt (c) dated 26.04.2004(which is the subject matter of dispute in the instant application) is an instruction issued by the Respondent No. 2 and not a decision of the ICAR itself and as the same has been challenged by the applicants in the instant O.A., the Respondent No.2 would be in a better position to clarify about its legality and validity.

A copy of the aforesaid instructions dated 10.09.1993 issued by the respondent No. 2 is annexed herewith and marked as ANNEXURE-A.

3. That save and except those statements and averments made in the Original Application, which has been specifically admitted herein below, the rest shall

be deemed to have been denied by the answering respondent. However, the answering respondent denies anything, which is contrary to the records of the instant case.

4. That with regard to the statements made in paragraphs 5.1 to 5.3 of the Original Application, the answering respondents have no comments to offer.
5. That with regard to the statements made in paragraph 5.4 of the Original Application the answering respondent begs to state that the deductions towards the General Provident Fund of the applicants were made upto February, 2005 and thereafter it was discontinued because the O.M. dated 26.04.2004 issued by the Respondent 2 was received by the Respondent No. 3 much later. The same was communicated to the Respondent No. 3 vide letter dated 21.02.2005 issued by the Respondent No. 1. The O.M. dated 26.04.2004 specifically provided that the new pension scheme shall be available to the casual labourers on their regularization against Group-'D' posts on or after 01.01.2004 and that there will be no provision of General Provident Fund in the new pension scheme and it was directed that no further deductions towards General Provident Fund shall be effected from the casual labourers w.e.f. 01.01.2004. As has already been narrated hereinabove the Respondent No. 3 being exclusively governed by the policy decisions of the Respondent No. 2, was bound to implement the O.M. dated 26.04.2004 and consequently the deductions towards the General Provident Fund of the applicants were stopped.

A copies of the said O.M. dated 26.04.2004 and letter dated 21.02.2005 are annexed herewith and marked as ANNEXURE- B and C respectively.

6. That with regard to the statements made in paragraph 5.5 of the Original Application the answering respondent has got no comments to offer, as the same are matter of records.
7. That while denying the statements made in paragraph 5.6 of the Original Application the answering respondent begs to state that there has been no misinterpretation of the O.M. dated 26.04.2004 on the part of the Respondent No. 3, as has been alleged by the applicants. As has stated herein above the said order dated 26.04.2004 was received by the Office of the Respondent No. 3 on 21.02.2005 (Annexure -B herein). Hence the deduction of G.P.F. with regard to the applicants have been stopped since February 2005. The answering respondent further begs to state that the applicants are still working

as casual labourers and the conferment of the temporary status is without the creation/availability of regular Group 'D' posts. As such, the applicants cannot claim the benefits of a regular employee unless they are selected through a regular selection process for Group 'D' posts or regularized against regular Group 'D' posts after creation of such vacancies.

Since the applicants are still working as casual labourers, while taking any decision with regard to them, the Respondent No. 3 is exclusively guided by the instructions of the Respondent No.2. As such, the deductions made towards the General Provident Fund of the applicants had to be stopped by the Respondent No.3 in terms of the O.M. dated 26.04.2004.

Hence the answering respondent finally begs to reiterate that issues sought to be raised in the present Original Application can be better answered by the Respondent No.2, i.e. the Director, Ministry of Personnel and Training, Govt. of India.

8. That the answering respondent states that none of grounds averred to in the Original Application are valid or tenable grounds in view of the statements and averments made herein above. The respondents categorically denied that the instructions issued by the Respondent No.2 are not applicable to the applicants.

Further it is once again reiterated that even after the conferment temporary status w.e.f. 01.09.1993 the applicants continue to be casual workers for want of the regular Group-D posts. Hence the actions of the answering respondents can in no way be termed to be illegal / improper. As such the Original Application does not have any merit and is liable to be dismissed.

VERIFICATION

I, Dr. Kamal Malla Bujarbaruah son of (Late) A.M Bujarbaruah aged about 54 years, presently working as Director, I.C.A.R. Research Complex for N.E.H Region do hereby verify that the statements made in paragraphs 1,3,4,6,7 and 8 of the written statement are true to my knowledge and those made in paragraphs 2 and 5 are true to my knowledge derived from records and rest are my humble submission before this Hon'ble Tribunal. I have not suppressed any material fact.

DEPONENT

(Kamal Malla Bujarbaruah)

Kamal Malla Bujarbaruah

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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

Certified to be true copy

[Signature]
A. Anwar

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

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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.

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

New Delhi-110001 dated the 26th April, 2004

OFFICE MEMORANDUM

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

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

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

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

P. Mohan
(Smt. Pratibha Mohan)
Director

To

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

Certified to be true copy.

P. Mohan
Director

INDIAN COUNCIL OF AGRICULTURAL RESEARCH
KRISHI BHAVAN, NEW DELHI-110002

ANNEXURE - C

F.No.21-4/2005-CDN

Dated the 21st Feb. 2005

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

A copy of the O.M. No.49014/1/2004 - Estt. (C) dated 26.4.2004 and dated 23.7.2004 received from the Ministry of Personnel, Public Grievances & Pensions on the above cited subject is enclosed for information and further necessary action.

(S.K. MITRA)
UNDER SECRETARY(GAC)

DISTRIBUTION:

1. P.S. to President, ICAR.
2. Sr.PPS to DG, ICAR/PPS to Chairman, ASRB/PPS to Secy, ICAR/ P.S. to F.A., ICAR.
3. Director(Fin.), ICAR/ Director(Per.), ICAR.
4. The ADG(ARIS) for putting in the Web-Side.
5. All officers/sections at ICAR Hq./KAB I & II.
6. Secy (Staff Side) HJSC, ICAR, KAB, Pusa.
7. The Directors/Project Directors of all Research Instt./Centres.

The Directors of Research Institute are also requested to make available copy of orders / instructions to the staff side officials JCM of their Institute.

Endorsement No. RC(G)14/95(Vol.II)

Dated 1st March, 2005.

Copy forwarded for information and immediate necessary action to :-

1. The Joint Directors of all Centres.
2. The Sr.Farm Manager, ICAR Res. Complex, Umiam.
3. The Finance & Accounts Officer, ICAR Res. Complex, Umiam.
4. The Secretary, IJSC (SS)

(G. SINHA)
ASSTT. ADMINISTRATIVE OFFICER
(ADMN.)

Certified to be true copy.

[Signature]
A-2005-2005

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

New Delhi-110001 dated the 23rd July, 2004

OFFICE MEMORANDUM

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

The undersigned is directed to refer to this Department's OM of even number dated 26th April, 2004 vide which the provisions of Casual Labourers (Grant of Temporary Status & Regularisation) Scheme of Govt. of India, 1993 was reviewed and modified on introduction of New Pension Scheme w. e. f. 1st January, 2004. The references have been received in this Department seeking clarification as up to what date interest on the GPF accumulations of the casual labourers has to be allowed. The matter has been considered in consultation with Department of Pension & Pensioners' Welfare and Ministry of Finance (Department of Expenditure) and it has been decided that interest up to 30th April, 2004 may be allowed on the GPF accumulations of the casual labourers who have been bestowed with temporary status.

2. This issues in concurrence with Department of Expenditure vide their UO. No. 442/EV/2004 dated 15.7.2004

P. Mohan
(Smt. Pratibha Mohan)
Director

To

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

Copy to:

1. Comptroller and Auditor General of India, New Delhi
2. Union Public Service Commission, New Delhi
3. Central Vigilance Commission, New Delhi
4. Central Bureau of Investigation, New Delhi
5. All Union Territory Administrations
6. Lok Sabha/ Rajya Sabha Secretariat
7. Secretary, Staff Side National Council (JCM), Feroze Shah Road, New Delhi

P. Mohan
(Smt. Pratibha Mohan)
Director