

50/100  
**CENTRAL ADMINISTRATIVE TRIBUNAL**  
**GUWAHATI BENCH**  
**GUWAHATI-05**

(DESTRUCTION OF RECORD RULES, 1990)

MP 48/09 under page 1 to 2  
MP 134/06 under 1 to 5 dtd 23/5/08 INDEX

✓  
O.A/T.A No.....  
R.A/C.P No.....  
E.P/M.A No.....

1. Orders Sheet..... O.A..... Pg. 1..... to 6.....  
CP 15/09 under \_\_\_\_\_ Pg. 1 \_\_\_\_\_ to 6 Standard 19/11/09

2. Judgment/Order dtd 23/05/2008 Pg. 1..... to 5.....

3. Judgment & Order dtd..... Received from H.C/Supreme Court

4. O.A..... 30/8/2008 Pg. 1..... to 36.....

5. E.P/M.P. M.P. 48/09 Pg. 1..... to 15.....  
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7. W.S. & No. 1 to 4 Pg. 1..... to 52.....  
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13. Written Arguments.....

14. Amendement Reply by Respondents.....

15. Amendment Reply filed by the Applicant.....

16. Counter Reply.....

SECTION OFFICER (Judl.)

*Faris*  
31/11/17

3  
CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH:

ORDER SHEET

1. Original Application No. 308/2006  
2. Mise Petition No. \_\_\_\_\_  
3. Contempt Petition No. \_\_\_\_\_  
4. Review Application No. \_\_\_\_\_

Applicant(s) P. Das VS Union of India & Ors.

Advocate for the Applicant(s) Mr. M. Das, N.K. Bhattacharya

Advocate for the Respondent(s) Dr. C.G.S.C. G. Bera

Notes of the Registry	Date	Order of the Tribunal
This application is in form is filed/C. F. for Rs. 10/- deposited with IPO/BD No. 28641829 Dated.....16.12.06.....  Gretta Dy. Registrar	20.12.06.	In this application the applicant has claimed for regularisation of his services. Vide Annexure A-5 dated 17.11.01 Temporary status was conferred on the applicant under the Scheme called "Grant of Temporary status and Regularisation." Vide office Memorandum dated 10.01.03 the applicant was afforded an opportunity to show cause as to why the erroneous order dated 17.11.2001 conferring temporary status on the applicant should not be withdrawn. The applicant was not engaged as Casual Labourer after 12.04.1997 and he has not fulfilled 120 days of continuous employment and therefore the order conferring temporary status on the applicant was withdrawn.

27.12.06  
copy of order dated 20.12.06  
send to the Advocate for  
the applicant with my. 134/06

27.12.06

20.12.06

Pl. comply with  
dated 20.12.06.

22.12.06.

Notice & order sent  
to D/Section Secy  
issuing to R-1 to 4  
by regd. A/D post.

Class D/No-34 to 37  
2/01/07 DT= 12/1/07.

2

I have heard Mr. M. Das learned counsel for the applicant and Mr. G. Baishya, learned Sr.C.G.S.C. for the respondents. When the matter came up for hearing the learned counsel for the applicant has submitted that the Respondent has shown in the Certificate issued to the applicant that the applicant has worked in the Division as a Casual Labour during the period from 2.9.96 to 12.4.97. The counsel for the respondent submitted that he would like to take instructions from the Respondents.

Issue notice on the respondents. Post the matter on 5.2.07.

① Service report  
awaited.

22  
2.2.07.

lm

Vice-Chairman

12/5/07/2006

4/2/07

② Service report  
awaited.

23  
2.3.07.

/bb/

5.3.07.

Post the matter on 4.4.07.

alongwith M.P. No.134 of 06.

Vice-Chairman

Service report  
awaited.

24  
18.5.07.

lm

Vice-Chairman

4.3.07 Post the matter on 21.5.07.

Vice-Chairman

OA. 308/06 -3+

21.5.2007

Mr. G. Baishya, learned Sr. C.G.S.C. sought for time to file reply statement. Accordingly two weeks' time is allowed.

Post on 6.6.2007.

No W/Ls has been filed.

3/5  
5.6.07.

  
Vice-Chairman

/bb/

06.06.07.

At the request of learned counsel for the respondents four weeks time is granted to file written statement. The will also file counter in the delay condonation petition.

Post the matter on 9.7.07.

Vokalatooma has been filed by Mr. S. Math, Advocate for the applicant.

3/5  
5.6.07

  
Vice-Chairman

lm

W/Ls not filed

3/5  
6.7.07.

W/Ls not filed.

lm

3/5  
31.7.07.

  
Vice-Chairman

1.8.07.

Counsel for the applicant wanted time to file rejoinder. Let it be done. Post the matter on 31.8.07.

2-8-07  
W/Ls filed by the Respondents 1 to 4, page 1 to 52. Copy served.

lm

Q/H  
Rejoinder not filed.

3/5  
30.8.07

31.8.2007

Post the case on 17.9.2007. In the meantime, Applicant is at liberty to file rejoinder.

  
Vice-Chairman

/bb/

0.P.308/06

17.9.07

Counsel for the applicant wanted  
time to file rejoinder. Let it be done. Post  
the matter on 5.11.07

2.11.07  
No rejoinder filed

lm

Vice-Chairman

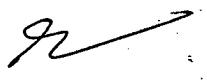
308/06

Mr.G.Baishya, learned Sr.  
Standing Counsel for the Central  
Government is present. Mr.S.Nath,  
learned counsel for the Applicant  
requests that the matter may be posted  
on 03.12.2007.

Call this matter on 03.12.2007.

Rejoinder not filed.

201  
30.11.07.

  
Member (A)

/bb/

Call this matter on 09.01.2008.  
03.12.2007

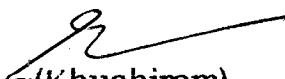
(Khushiram)  
Member(A)

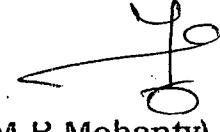
(M. R. Mohanty)  
Vice-Chairman

lm

Rejoinder not filed. Call this matter on  
03.12.2007 and 09.01.2008.

200  
8.1.08.

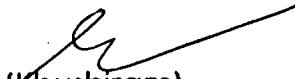
  
(Khushiram)  
Member(A)

  
(M. R. Mohanty)  
Vice-Chairman

lm

09.01.2008

On the prayer of learned counsels for  
both the parties call this matter on 05.02.2008

  
(Khushiram)  
Member (A)

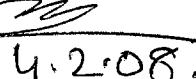
  
(M.R. Mohanty)  
Vice-Chairman

/bb/

Rejoinder not  
billed

05.02.2008

Call this matter on 12.3.2008.

  
4.2.08.

  
(Khushiram)  
Member (A)

  
(M.R. Mohanty)  
Vice-Chairman

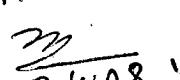
Rejoinder not billed.

Lm

  
11.3.08.

12.03.2008 Call this matter on 04.04.2008 for  
hearing.

Rejoinder not  
billed.

  
3.4.08.

pg

  
(M.R. Mohanty)  
Vice-Chairman

Rejoinder not  
billed.

  
22.4.08.

/bb/

04.04.2008

Heard the matter in part. Call this matter

on 23.05.2008.

  
(Khushiram)  
Member (A)

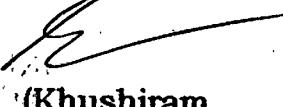
  
(M.R. Mohanty)  
Vice-Chairman

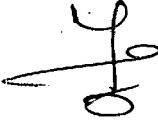
23.05.2008

Heard Mr. M. Das, learned counsel appearing for the Applicant and Mr. G. Baishya, learned Sr. Standing Counsel appearing for the Respondents.

Hearing concluded. For the reasons recorded separately, the O.A stands disposed of. No costs.

lm

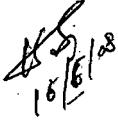
  
(Khushiram  
Member(A)

  
(M.R. Mohanty  
Vice-Chairman)

13.6.08

Copy of the order  
sent to the Office  
for issuing the  
time to the  
Parties.

order dated  
23.5.08 issued  
to the Parties  
wide of No 2817  
to 2821 dt 16.6.08.

  
16/6/08

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

Original Application No.308 of 2006.

DATE OF DECISION : 23-05-2008

Shri Pikul Das ..... Applicant/s

By Advocate Mr M. Das ..... Advocate for the  
..... Applicant/s

-Versus -

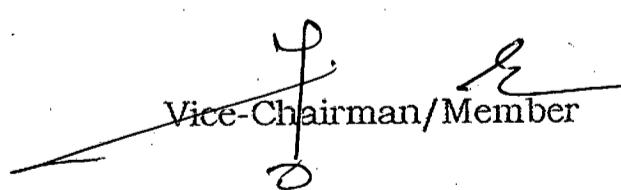
Union of India & Ors. ..... Respondent/s

Mrs. G. Baishya, Sr.C.G.S.C., ..... Advocate for the  
..... Respondent/s

CORAM

THE HON'BLE MR MANORANJAN MOHANTY, VICE CHAIRMAN  
HON'BLE MR.KHUSHIRAM, 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 their Lordships wish to see the fair copy of the  
judgment ? Yes/No.

  
Vice-Chairman/Member

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH

Original Application No. 308/2006.

Date of Order : This the 23rd Day of May, 2008.

THE HON'BLE MR MANORANJAN MOHANTY, VICE CHAIRMAN

THE HON'BLE MR KHUSHIRAM, ADMINISTRATIVE MEMBER

Shri Pikul Das,  
S/o Shri Amulya Das,  
Village Bahadurpur,  
P.O. Larsingpar, PS-Silchar Sadar,  
District Cachar, Assam

....Applicant

By Advocate Mr M. Das.

Versus –

1. Union of India,  
represented by the Secretary to the Govt. of India,  
Ministry of Water Resources, New Delhi.
2. The Chairman,  
Central Water Commission,  
New Delhi.
3. The Chief Engineer, NEIC, CWC,  
Rehak Villa near Bank Point,  
Temple Road, Lower Lachemiere,  
Shillong-793001.
4. The Executive Engineer,  
North Eastern Investigation Division No.1,  
CWC, Rongpur Part-1,  
Silchar-788009. ....Respondents

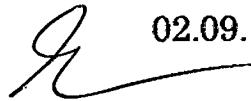
By Advocate Shri G. Baishya, Sr.C.G.S.C.

ORDER

KHUSHIRAM (MEMBER-A)

The applicant was engaged as a Casual labourer on

02.09.1996 in Central Water Commission and was conferred with



temporary status on 17.11.2001. Temporary status granted to the Applicant was subsequently withdrawn vide order dated 12.03.2003. The applicant has assailed this order by filing this Original Application seeking the following reliefs.

- (a) A declaration to the Respondents, particularly Respondent No.4 to rescind his impugned order NEID-1/PF/ESTT-39/2003/1964-66 dated 12.03.2003.
- (b) An order setting aside the impugned wrong and redundant order dated 12.03.2003.
- (c) An order confirming and vindicating the correct order NEID-1/ESTT.39/2001/6809-14 dated 17.11.2001, declaring that the applicant be deemed to be in service with Temporary Status from 17.11.2001.
- (d) A direction for conferment of Temporary Status to the Applicant from the date of the original order dated 17.11.2001 with all concomitant benefits.
- (e) A direction to the Respondents to deal with the service matters with more promptitudes.

From the records it has been contended that the Applicant was engaged 02.09.1996 to 12.04.1997 in different spells under the scheme dated 10.06.1997 which was made applicable to CWC vide order dated 29.10.1998 (Annexure A4 to the O.A) which interalia clarified that "purpose of grant of temporary status and regularization of such casual labourers and adhoc Khalasis in the workcharged establishment and Central Water Commission will be governed by the Deptt. of Personnel & Training Scheme issued vide their OM No.31016/2/90-Estt(C) dated 10<sup>th</sup> September, 1993. The order dated 12.03.2003 states that (i) those who are in employment on the work-charged establishment of CWC on the date of commencement of the Scheme i.e. 1.6.1997 and renders a minimum of 120 days of continuous service or (ii) those who were engaged any time during the preceding one year and have rendered a minimum of 120 days of continuous service in that year. This scheme is



made applicable to casual labourers mutatis mutandis as per MoWR letter No.23/1/98-Estt.1 dated 29.10.1998,

2. The Respondents have filed written statement disclosing that Applicant was engaged as a casual labourer under EE, NEID-1, CWC, Silchar in different spells during 02.09.1996 to 12.04.1997. The applicant had not served continuously during 02.09.1996 to 12.04.1997. The certificate issued in favour of the Applicant by Assistant Engineer, HQ, CWC, Silchar dated 21.06.1997 certifying that the Applicant worked in the Division as casual labourer during 02.09.1996 to 12.04.1997 was issued in good faith. It has also been stated that the scheme was applicable to those who are in service on 01.06.1997, the applicant had not served beyond 12.04.1997, therefore, he was not eligible for conferment of temporary status under the scheme. The Respondents have also clarified that the officer who issued the order of conferment of temporary status on the Applicant on 17.11.2001, the same officer Mr M. Lal himself initiated the process of review and withdrawal/modification of the order before his transfer. His successor Shri K.K.Jangid carried forward the review of the matter after getting clear cut instruction from Under Secretary, Estt.XII, CWC vide No.A-11019/2002-Estt.XII/1024 dated 19.8.2002 through SE, NEIC vide letter dated 13.9.2002. The Respondents followed proper procedure and issued show cause notice dated 10.01.2003 to the Applicant in consultation with senior officers and after filing the reply of the Applicant unconvincing, the temporary status was withdrawn vide order dated 12.03.2003. This action of the Respondents is not based on

jealousy or any other consideration. The error earlier committed has now since been rectified.

3. We have heard Mr M.Das, learned counsel appearing for the Applicant and Mr G.Baishya, learned Sr. Standing counsel appearing for the Respondent Department. The learned counsel for the Applicant has drawn attention to the different communications and the fact that the breaks shown by the Respondents (with a view to deprive the Applicant of the temporary status granted) were artificial; because no one was/is expected to work continuously for a period ranging 29 to 59 days and that, therefore, the Applicant is entitled to temporary status as was conferred earlier. Mr G.Baishya, learned Sr. Standing counsel appearing for the Respondents argued that since the Applicant has not fulfilled the conditions laid down in the scheme dated 01.06.1997 i.e. rendering a minimum 120 days of continuous service, the Applicant is not entitled to any relief and withdrawal of his temporary status is absolutely justified.

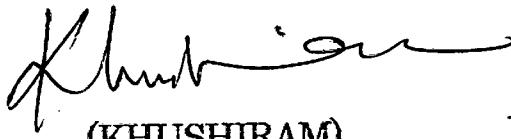
4. We have perused the materials placed on record and have considered the arguments advanced on behalf of the rival parties. We are of the view that technically the Applicant does not appear to have fulfilled the condition laid down in the scheme dated 01.06.1997 i.e. rendering a minimum 120 days of continuous service but it is not practical to accept that a person can work without any break for 120 days ? The record of the Respondents also states that Applicant was engaged as under :

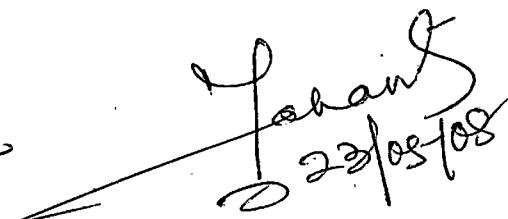
1.	02-09-1996 to 30-09-1996	29 days
2.	03-10-1996 to 30-11-1996	59 days

3.	02-12-1996 to 29-01-1997	59 days
4.	31-01-1997 to 01-03-1997	30 days
5.	01-04-1997 to 12-04-1997	12 days

The first break between 30.09.1996 to 3.10.1996 is said to be a Sunday and 2<sup>nd</sup> October a National holiday. Similarly breaks thereafter between 30.11.1996 to 02.12.1996 is only one day and between 29.01.1997 to 31.01.1997 is one day only and any casual labourer engaged at the work site is not expected to move out to avail of this break. Therefore, the breaks appear to be artificial and can not be utilized by Respondents to justify the order passed by them on 12.03.2003 withdrawing the Temporary Status of the Applicant.

5. In view of the foregoing discussions, we remit the matter back to the Respondents with direction to examine the matter in the light of the aforesaid observations and review the order passed on 12.03.2003 for restoring temporary status on the Applicant. This case is accordingly disposed of.

  
 (KHUSHIRAM)  
 ADMINISTRATIVE MEMBER

  
 (MANORANJAN MOHANTY)  
 VICE CHAIRMAN  
 23/05/08

20/12/06  
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
GUWAHATI BENCH, GUWAHATI, ASSAM.

Original Application No. 308 of 2006.

Sri Pikul Das...Applicant -Vs- U.O.I & Others...Respondents.

**INDEX**

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2	Vakalatnama	-----	12	1
3	Copy of impugned order dated 12.3.2003.	A-1	13-14	2
4	Copy of reply to pleader's notice dated 7.10.2006.	A-2	15-25	11
5	Copy of certificate of service to applicant by Sri D.R.Rao Asstt. Engineer, Dtd. 21.6.1997	A-3	26	1
6	Copy of letter from MOWR regarding Temporary Status Dtd.29.10.98	A-4	27-28	2
7	Copy of office order, from E.E, CWC, dated 17.11.2001	A-5	29	1
8	Copy of Pleader's Notice dated 28.3.2006	A-6	30-36	7
	Total		— 36 —	

Filed by  
*Monoranjan Das*

Advocate

*Pikul Das*  
Applicant

Date of filing :-

Registration No:-

Signature of Registrar

Pikul Das

Filed by  
MM  
 Monoranjan Das  
 Advocate

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
 GUWAHATI BENCH,  
 GUWAHATI, ASSAM.

Original Application No. 308 of 2006.

Application under section 19 of the Central Administrative  
 Tribunal Act 1985.

BETWEEN

Shri Pikul Das,  
 S/O Shri Amulya Das,  
 Village Bahadurpur,  
 PO-Larsingpar, PS- Silchar Sadar,  
 District- Cachar, Assam.....

.....Applicant.

AND

1. The Union of India,  
 Represented by the Secretary to the Govt. of India,  
 Ministry of Water Resources, New Delhi.
2. The Chairman, Central Water commission,  
 New Delhi.
3. The Chief Engineer, NEIC, CWC, Rehak Villa near  
 Bank Point, Temple Road, Lower Lachemiere,  
 Shillong-793001.
4. The Executive Engineer, North Eastern Investigation  
 Divn. No.1, CWC, Rongpur Part-1, Silchar-788009.

.....Respondents.

Pikul Das

17  
Filed by  
Monoranjan Das  
Advocate

## PARTICULARS OF APPLICATIONS

### 1. Particulars of the applicant :-

- i) Name: - - - - - Shri Pikul Das,
- ii) Father's name: - - - - - Shri Amulya Das,
- iii) Designation: - - - - - Casual Labour under Respondent No. 4 above.
- iv) Office address: - - - - O/O The Executive Engineer, NEID, Division-1, CWC, Rongpur, Silchar-9.
- v) Residential address: - - Village - Bahadurpur, PO-Larsingpar, PS-Silchar, Cachar PIN-788002.
- iv) Address for communication:—Shri Pikul Das, S/O Shri Amulya Das, Village-Bahadurpur, PO-Larsingpar, PIN-788002, Cachar, Assam.

### 2. Particulars of Respondents:-

- i) Name and/or designate:—(1) Secretary to the Govt. of India, Ministry of Water Resources, New Delhi.
- (2) Chairman, Central Water Commission, New Delhi.
- (3) The Chief Engineer, NEIC, CWC, Lower Lachamiere, Shillong.
- (4) The Executive Engineer, CWC, NEID, Division-1, Rongpur, Silchar-9
- ii) Office of the Respondents: As above.
- iii) Address for service of notice: As above.

*Ritual Das*

File by  
*MD*  
 Monoranjan Das  
 Advocate

**3. Particulars of the order against which the application has been made.**

The application is made against the following order:-

(i) NO.NEID-1/PF-ESTT-39/2003/1964-66 dated 12.03.2003 of the Executive Engineer, NEID Division-1, CWC, Rongpur, Silchar-9 (Annexure A-1).

(ii) Reply to legal Notice sent to the Applicant's Lawyer on 7.10.06, vide letter No. NEID-1/ESTT-39/Vol-III/2006/3009-12, Dated 07.10.2006 of the Executive Engineer, NEID, CWC, Silchar-9 (Annexure A-2)

(iii) **SUBJECT IN BRIEF** - Malafide cancellation/withdrawal of the benefit of Temporary Status conferred on the applicant as casual/seasonal labour in CWC, NEID-1 Silchar, in an illegal and arbitrary manner by the same authority and not by any higher authority on the plea of administrative error.

**4. LIMITATION**

The applicant declares that the present application has been filed within the prescribed period of limitation under Section 21(3) of the Central Administrative Tribunal Act, 1985. For satisfaction of the Hon'ble Tribunal a separate application for condonation of delay is submitted along with this application.

**5. JURISDICTION**

The applicant further declares that the subject-matter of this case is within the jurisdiction of this Hon'ble Administrative Tribunal.

**6. FACTS OF THE CASE**

- i) The Applicant is a citizen of India belonging to scheduled caste community and he rendered diligent and faithful yeoman's service during the period of his engagement as casual labour in the office of the Respondent No. 4.
- ii) The applicant is a casual labour/Seasonal Khalasi under the Executive Engineer NEID-1, CWC, Silchar-9, continuously engaged for the period from 02.09.1996 to 12.04.1997 as certified by the learned Asstt. Engineer (HQ), NEID No-1, CWC, Silchar in his certificate dated 21.06.1997. (Copy submitted as Annexure A-3).

*P. K. Das*

Filed by  
M/ /  
Monoraj Das  
Advocate  
19

iii) The above certificate is based on the Attendance Register daily signed in and out by the applicant and other similarly placed workers which register is countersigned by the Asstt. Engineer, immediate supervisory authority over the Junior Engineer who simply maintains the Register. The wage-bills are prepared as per actual work and daily attendance. An abstract Register in this regard is also maintained in Cash Branch at the Headquarters office with appropriate columns about actual work, wages admissible, wage paid with date of payment etc. The applicant is a young man of tender age and he never remained absent in any day even on Sunday during the period of his engagement from 02.9.1996 to 12.4.1997 and for his continuous attendance without any break during the period the Asstt. Engineer (Hq) granted the certificate of continuous attendance without any reservation of any sort.

iv) The fate of the Casual labour/Seasonal Khalasis was wrecking the brain of the Central Water Commission vis-à-vis the Ministry of Water Resources and for achieving uniformity and rationality in the matter of employment and upliftment of such casual type of employees the matter had to be carried to the doors of the Hon'ble Principal Bench of the Central Administrative Tribunal as will be evident from para 2 of the Ministry's letter No. 23/01/98-ESTT. Dated 29.10.1998. (Copy submitted as Annexure-A-4) This letter talks about OA. NO. 223/92, in the matter of Shri Vinod Kumar & Others Vs. Union of India and also mentioned some other related O.As. No. 884/92; 1601/92; 2246/92 and 2418/92. The applicant being an illiterate worker under CWC, NEID-1, Silchar, he is unable to obtain and consult the aversions and order of those O.As. of the principal Bench of the CAT. It also transpires that Hon'ble Tribunal of Guwahati Bench was also seized of the same matter in OA. 214/95 and in its order Dated 15.10.1996, the Guwahati Bench in consonance with the liberal attitude of the Principal Bench directed the Respondents to protect the interest of the applicants in the interest of justice by taking sympathetic view as because the disengagement/termination would harshly affect the victim workers.

v) In the present case the Applicant rendered more than seven months continuous service without any break whatsoever from 02.9.1996 to 12.4.1997 and so he justified the stipulated conditions for entitlement to **Temporary Status** as enjoined in the original scheme and as repeated in this Ministry's letter dated 29.10.1998 (Annexure A-4). On the basis of the indisputable position, the Learned Executive Engineer, Mr. M. Lal, Central Water Commission, NEID-1, Silchar, in his kind office order NO. NEID-1/ESTT-39/2001/6809-14. Dated 17.11.2001 conferred the **Temporary Status** to the Applicant by

*Rekha Das*

20  
F/ea by  
*MD*  
Monoranjan Das  
Advocate

referring to the Ministry's letter Dated. 29.10.1998 ( Copy of the order is submitted as Annexure-5). This order was also a belated one counted from 1998 to 2001. This Engineer, Mr. M. Lal, must have read, examined and scrutinized all pros and cons about eligibility of Temporary Status to the Applicant before issuing the office order of conferment of Temporary Status. Under Government Servants Conduct Rules as well as under All India Service Officers Conduct Rules all incumbents are bound to maintain integrity and to apply introspection in their official work and Mr. M. Lal, Executive Engineer, must have exercised the required acumen and proficiency before conferring the benefit of Temporary Status on the Applicant who has acquired it not as a bounty or a gift but as a legally valid award. The upliftment to Temporary Status provided substantial enhancement of the emoluments of the applicant by entitling him to the time-scale of pay of Rs. 2550-3200. But before being able to provide the time-scale of pay after observing the modalities, Mr. M. Lal was transferred from Silchar to the peril of the Applicant and all his hope of drawing high salary within a few days from the date of office order Dated 17.11.2001 was shattered. Since it is an inevitable payment, the Applicant had little worry about the matter. But unfortunately for the Applicant things moved in a different vein. One Mr. K. K. Jangid was posted to Silchar as a successor to Mr. M. Lal. The new Executive Engineer was a person built of different metal to whom speed was not a creed but a fancy. So when the Applicant approached him for quick disbursement of the time scale of pay, he not only frowned but preferred to scold him for the reminder. So the Applicant had no other alternative but to continue penniless with a beggar's bowl. Since the employment of Casual/Seasonal workers was banned after introduction of the scheme w.e.f. 01.6.1997, there was no scope even for engagement in any capacity even with nominal wage.

vi) The disinclination of implementing the order Dated 17.11.2001 by Mr. K.K Jangid, the successor Executive Engineer about conferment of Temporary Status to the Applicant with benefit of higher salary is rather ominous. Since in the order Dated 17.11.2001 Mr. Lal, the predecessor, Executive Engineer quoted the authority of the Ministry's letter Dated 29.10.1998, there was no room for re-examination denovo of it by the successor Engineer, Mr. Jangid. He was expected to implement the order forthwith on his assumption of office. But instead of doing so he embarked himself may be at the behest of some lobby inimical to the Applicant, in a stratagem to deny the benefit by manipulation /tampering of office records like Attendance Register, Abstract Register, certificate of Asstt. Engineer (Hqr) etc. As per clean certificate of the Asstt. Engineer

*Rakesh Das*

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Filing by  
*M*  
Monoraj Das  
Advocate

Certificate (Annexure A-3), certifying the continuous engagement/employment of the Applicant during the period from 02.9.1996 to 12.4.1997, spread over 224 days, the new Executive Engineer Mr. Jangid was estopped from preparing another fake sheet of engagement cleverly showing breaks in continuity so as to bring down the period of engagement below 120 days as required under the scheme for grant of Temporary Status as will be evident from the impugned order Dated 12.3.2003(Annexure A-1) the tenability of which is now challenged. For getting the benefit the Applicant agitated the matter at first orally and thereafter through a legal notice Dated 28.3.2006 (Annexure A-6). A reply to the legal notice was addressed to the Applicant's Lawyer vide letter Dated 07.10.2006 (Annexure A-2). This ill-intentioned order was manufactured so as to suit the convenience of the new Executive Engineer to deny the benefit of the Temporary Status granted to the Applicant by the predecessor Executive Engineer, Mr. M. Lal. In the cancellation /withdrawal order Dated 12.3.2003, the computation of engagement was shown as below:-

- (1) From 02.9.1996 to 30.9.1996 -- 29 days
- (2) From 03.10.1996 to 30.11.1996 - 59 days
- (3) From 02.12.1996 to 29.01.1997 - 59 days
- (4) From 31.01.1997 to 01.3.1997 - 30 days
- (5) From 01.04.1997 to 12.4.1997 - 12 days

But in the 1st para of the reply to the legal notice sent in the letter No. NEID-1/ESTT-39/Vol-III/2006/3009-12 Dated 07.10.2006 (Annexure-2). The computation was shown as under:

Sl.No.	Engagement order No.	Period	Duration
1	NEID-1/ESTT-39/96/5260-62 Dated 3.9.96	From 2.9.96 to 30.9.96	29 Days
2	NEID-1/ESTT-39/96/6095-97 Dated 8.10.96	From 3.10.96 to 30.11.96	59 Days
3	NEID-1/ ESTT-39/96/7300-03 Dated 5.12.96	From 2.12.96 to 29.1.97	59 Days
4.	NEID-1/ ESTT-39/97/ 1463-65 Dated 20.2.97.	From 31.1.97 to 1.3.97	30 Days
5.	NEID-1/ ESTT-39/97/3360-63 Dated 25.4.97	From 1.4.97 to 12.4.97	12 Days

Ritwick Das

Filed by  
M. Monoranjan Das  
Advocate

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It is interesting to note that both in the cancellation order and the reply to the legal notice same period of engagement by the authority has been mentioned. But, while the order Dated 12.3.03 simply mentioned the period of engagement (though wrongly) reply to the legal notice gives additional information quoting No and date of engagement orders which is rather ominous. Obviously, the No. and date of engagement order have been invented after some after-thought to strengthen Respondent's stand. Had this been really the engagement order contents, the copies of the same thereof, ought to have been communicated to the Applicant from time to time. As the listed engagement orders numbering 5(five) did not seen the light of the day and the quoting of these in the reply to legal notice is nothing but an empty exercise to hoodwink the Tribunal. Since the Applicant worked as Casual Labour continuously from 02.9.1996 to 12.4.1997 for 224 days without any break as per the Attendance Register, countersigned by the Asstt. Engineer (Hqr) of the Division, he fully fulfil the condition prescribed in the scheme for conferment of Temporary Status and as such the impugned order Dated 12.3.2003 canceling/withdrawing benefit of Temporary Status does not stand in the eye of law for which it need be set aside and for the same reason the order Dated 17.11.2001 need be brought into force by extending all concomitant benefits to the Applicant to meet the ends of justice.

vii) The impugned order Dated 12.3.03 was issued after sixteen months of the order Dated 17.11.01. It is stated that as the earlier order of Mr. Lal was issued conferring Temporary Status to the Applicant inadvertently it called for a review of the erroneous order by the successor Executive Engineer Mr. Jangid, As per law such review by the same Administrative Authority is not permissible. According to Rule 1, Order 47 of the Civil Procedure Code, 1908, this power is vested only on the Court or Tribunal. Even the higher authority cannot direct Review by a subordinate authority. So the parade about review is illegal bereft of jurisdiction of Mr. Jangid, Executive Engineer, for which fault or defect, the order Dated 12.3.2003 canceling/withdrawing the order Dated 17.11.2001 is rendered *ultra vires*, liable to be set aside.

viii) As mentioned in para 6(v) above all administrative authorities are bound to work with optimum integrity enjoined in the Conduct Rules and before signing / issuing any beneficiary order all pros and cons necessitating issuance such order must be examined with acumen and proficiency so that no future objection whatsoever may be raised. This wholesome maxim applies equally to Mr. Lal & Mr. Jangid the previous Executive

Ritwick Das

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Filed by  
M/s  
Monoranjan Das  
Advocate

Engineer. Hence well considered order issued after proper introspection by the former officer cannot be cancelled/withdrawal by the latter incumbent in the fake name of review or examination *de novo* which is nothing but whimsical. Such wrong action was declared illegal by the Hon'ble CAT, New Delhi in Shambu Dayal Gupta Vs Union of India, Ref:2000 (3) SLJ 57, opining that the plea of administrative error was not acceptable. In another case the Hon'ble Guwahati High Court also in B.M. Pal Vs State of Assam-AIR 1968 Assam 18, ruled that the erroneous administrative order is *ultra vires* and without jurisdiction which will be contrary to all recognized principles of Government employment. These two instances are sufficient to prove that the order dated 12.3.03 was without jurisdiction and *ultra vires* of all principles of employments and hence liable to be set aside.

ix) The Applicant is a poor and almost illiterate Casual labour/Seasonal Khalasi under C.W.C. Even then he had to roam from door to door to seek how to escape from the catastrophe befallen him. In this process he could lay his hands not on all but on some of the orders of the Ministry on C.W.C. The Applicant was pained to discover that all the authorities were rather slow in issuing, communicating and implementing the various orders to the concerned workers. The very scheme of granting Temporary Status with benefit of time scale pay etc. had to be formulated at the behest of the Hon'ble CAT. The ministry of Personnel and Training OM No. 51016/2/90 Estt.(c) Dated 10.9.1993 was kept in cold storage till 1998. In issuing even the positive order dated 17.11.2001 by the Executive Engineer, Mr. Lal, referring to the Ministry's letter Dated 29.10.1998 more than three years time was taken. And last but not the least even the negative order Dated 12.3.2003 of the Executive Engineer, Mr. Jangid withdrawing the conferred benefit could be issued after long sixteen months. The legal notice Dated 28.3.2006 was replied to after six months as against the statutory period of two months. This kind of delay and inaction will certainly convince the Hon'ble Tribunal that the house of the CWC was not in order for which all these irregularities could happen. The Hon'ble Tribunal may like to pass an order cautioning the Department to rise to the occasion and mete out justice in an expeditious manner in appropriate time.

7. The Applicant reserves the right to produce more evidence, both on fact and/or on law at the time of hearing before this Hon'ble Tribunal.

24

*Ritwick Das*  
Filed by  
*(M)*  
Monoranjan Das  
Advocate

**8. Relief sought**

In view of the facts mentioned in para 6 above, the Applicant prays for the following reliefs:-

- (a) A declaration to the Respondents, particularly, Respondent No. 4 to rescind his impugned order NEID-1/PF/ESTT-39/2003/1964-66. Dated 12.3.2003;
- (b) An order setting aside the impugned wrong and redundant order Dated 12.3.2003;
- (c) An order confirming and vindicating the correct order NEID-1/ESTT-39/2001/6809-14. Dated 17.11.2001, declaring that the applicant be deemed to be in service with Temporary Status from 17.11.2001;
- (d) A direction for conferment of Temporary Status to the Applicant from the date of the original order Dated 17.11.2001 with all concomitant benefits;
- (e) A direction to the Respondents to deal with the service matter s with more promptitudes;
- And
- (f) Any other relief/reliefs as deemed fit and proper by the Hon'ble Tribunal.

**9. INTERIM ORDER**

Pending final direction of the application the Applicant seeks issuance of the following interim order:

To stay operation /implementation of the order Dated 12.3.2003 of the Executive Engineer, NEID-1, Silchar and to direct exhuming the buried earlier order Dated 17.11.2001.

*Prabal Das*

*MD*  
F. Regd. No.  
Monoraj Das  
Advocate

**10. Details of remedies exhausted:-**

(a) The Applicant declares that he was constantly knocking at the doors of the Divisional Office Silchar when he was assured of positive action. But when no fruitful result was available he served a legal notice to the Respondents on 28.3.2006 which was replied to as lately as on 7.10.2006 after six months although a notice under S-80 C.P.C has to be responded within 60 days.

(b) The Applicants further declares that the matter regarding which this application has been made is not pending in any Court of law or any other authority or other Bench of the Tribunal.

**11. Particulars of IPOs in respect of the application fees:-**

- (i) Number :- 20 G 141829
- (ii) Issuing PO:- *Kaligarh*
- (iii) Date of issue:- 16.12.06.
- (iv) Payable at Guwahati.

**12. Details of index:-**

An index in duplicate containing the details of documents to be relied upon is given on the front page.

**13. List of enclosures:-**

As furnished to the index on the front page.

Pikul Das

2  
Filed by  
My  
Monorjun Das  
Advocate

***Verification***

I, Shri Pikul Das, aged 29 years, S/O Shri Amulya Das of Village Bahadurpur, PO Larsingpar, P.S. Silchar, District Cachar, Assam, do hereby verify that the contents from page 1 to 13 above are true to my personal knowledge and belief and I have not suppressed any material fact.

Place : Silchar

Date: 11/12/2006

Pikul Das  
(Pikul Das)

Annexure - A-1  
S. No 41 (1)

P-13

BY REGISTERED A/D

PHONE :: 03842-223939

FAX :: 03842-223937

Government of India  
Central Water Commission,  
North Eastern Inv. Division No. I,  
Jalbikashpur, Silchar - 9

No. NEID-II/PF-Estt-39/2003/

1764-66

Dated: 12-03-03

OFFICE ORDER

WHEREAS the Ministry of Water Resources, New Delhi has formulated a Scheme for grant of Temporary Status to facilitate the Seasonal Khalasis of Central Water Commission. The application of the 'Scheme for grant of Temporary status and regularisation of Seasonal Khalasis formulated vide Ministry of Water Resources letter No. 8/3/95-Estt.(Vol.II) dated 20-6-1997 are governed by two conditions. The Scheme will be applicable to (1) those who are in employment on the work-charged establishment of CWC on the date of commencement of the Scheme i.e. 1-6-1997 and renders a minimum of 120 days of continuous service or (2) those who were engaged any time during the preceding one year and have rendered a minimum of 120 days of continuous service in that year. The Scheme is made applicable to Casual Labourers, *mutatis mutandis* as per MoWR letter No. 23/1/98-Estt.I dated 29-10-1998.

WHEREAS this office vide Office Order No. NEID-II/Estt-39/2001/6809-14 dated 17-11-2001 conferred temporary status on Shri Pikul Das, S/o Shri Amul Das, Ex-Casual Labourer was inadvertently issued overlooking the provisions of the Scheme. As a matter of fact Shri Pikul Das is not eligible for conferment of Temporary Status.

Vide Office Memorandum No. NEID-II/Estt-39/2003/291 dated 10-01-03 Shri Pikul Das, Ex-Casual Labourer was afforded an opportunity to show cause as to why the erroneous order No. NEID-II/Estt-39/2001/6809-14 dated 17-11-2001 conferring temporary status on him should not be withdrawn.

The explanations tendered by Shri Pikul Das has been considered. Shri Pikul Das has contended that he has completed 120 days continuous service for the period from 2-9-96 to 12-4-97. In this connection, the periods of engagement of Shri Pikul Das as Casual Labourer has been examined de-novo and found to be as recorded below.

1.	02-09-1996 to 30-09-1996	29 days ✓
2.	03-10-1996 to 30-11-1996	59 days ✓
3.	02-12-1996 to 29-01-1997	59 days ✓
4.	31-01-1997 to 01-03-1997	30 days ✓
5.	01-04-1997 to 12-04-1997	12 days ✓

He was not engaged as Casual Labourer after 12-04-1997 and hence he does not satisfy the 1<sup>st</sup> condition of the Scheme. It is evident from the periods mentioned above that the 2<sup>nd</sup> condition of 120 days of continuous employment any time during the preceding year is also not fulfilled. As such Shri Pikul Das does not fulfil any of the two conditions envisaged in the Ministry of Water Resources letter No. 8/3/95-Estt.(Vol.II) dated

Contd....2

Certified by  
Monoranjan Das  
Advocate

h/12/23  
120 days

-2-

f-14  
296

20-6-1997 No. 23/1/98-Estt.I dated 29-10-1998 to qualify for Temporary Status. Thus the order No. NEID-I/Estt-39/2001/6809-14 dated 17-11-2001 conferring Temporary Status on Shri Pikul Das, S/o Shri Amulya Das was erroneous, and therefore, now hereby withdrawn.

[K.K. Jangid]  
Executive Engineer

12/3

To

Shri Pikul Das, S/o Shri Amulya Das,  
Ex Casual Labourer,  
Vill. Badhurpur,  
P.O. Larsinghpur,  
Silchar, Dist. Cachar 788 005

Copy to the following in continuation to this office letter No. NEID-I/Estt-39/2003/06-07 dated 10-01-03 for information alongwith a copy of the explanation tendered by Shri Pikul Das, S/o Shri Amulya Das, Ex Casual Labourer.

1. The Superintending Engineer, NEIC, CWC, Shillong.
2. The Under Secretary, Estt.XII, CWC, New Delhi.

Received copy.

Letter No.

14-3-03

Certified by

Monoranjan B.  
Advocate

An enclosure = A-2

REGD. POST

P-15

No. NEID-I/Estdt-39/Vol-III/2006/ 3009-12/99  
Government of India  
Central Water Commission,  
North Eastern Inv. Division No.1,  
Jalbikashpur, Rongpur Part-I,  
Silchar-9, the October 7, 2006

Reply w/  
To,

Shri M.K. Bhattacharjee, Advocate,  
District Bar Association,  
P.O. : Silchar-788001,  
Dist. : Cachar (ASSAM).

Sub: Parawise Reply to the Notice U/S 80 C.P.C. demanding employment with continuation of temporary status to Casual labour, Shri Piklu Das of NEID-I, CWC, Silchar beyond 12-04-1997.

Sir,

Please refer to your legal notice dated 28-03-06 on the subject mentioned above. In this regard, it is brought to your notice that the name of your client as written in the notice is not as per records of this office. The Casual Labour of similar name i.e. Sh. Piklu Das is of course in the record of this office. Accordingly the parawise reply to the said notice is as under:

After careful consideration of the averments submitted by Sh. Piklu Das through his learned counsel, Sh. M.K. Bhattacharjee and in pursuance thereof upon close perusal of office records germane to the case, the parawise reply is submitted as under :

1. That with regard to the statement made in Para No.1 of the said notice, it is submitted that the claim of Sh. Piklu Das about the service from 02-09-96 to 12-04-97 as continuous without break is not at all correct. As per FCR & wages bill preferred and paid by the JE, the immediate supervisory authority of Sh. Piklu Das during the said period his engagement were in five spells which are produced as hereunder :

Sl. No.	Engagement Order	Period of engagement	Duration of continuous engagement
1	No.NEID-I/Estdt-39/96/5260-62 dt.3-9-96	2-9-96 to 30-9-96	29 days
2.	No.NEID-I/Estdt-39/96/6095-97 dt.8-10-96	3-10-96 to 30-11-96	59 days
3.	No.NEID-I/Estdt-39/96/7300-03 dt.5-12-96	2-12-96 to 29-1-97	59 days
4.	No.NEID-I/Estdt-39/97/1463-65 dt.20-2-97	31-1-97 to 1-3-97	30 days
5.	No.NEID-I/Estdt-39/97/3360-63 dt.25-4-97	1-4-97 to 12-4-97	12 days

It is also to state here that a JE is the immediate supervisory authority for a Casual Labour, who prepares the wages bills for casual labours according to their actual working days.

61 cb2

Certified by  
Monoranjan Das  
Advocate

7/10

2. That for Para No.2, in so far as the conferment of Temporary status is concerned, Para 5 (i) of the Scheme 1997 reads as follows:

“Temporary status will be conferred on all those seasonal khalasis engaged on work-charged establishment of Central Water Commission on the date of commencement of the scheme or any time during the preceding one year and have rendered a minimum of 120 days of continuous service preceding such date”.

It may be seen that Sh. Pikul Das does not fulfil the conditions enumerated in the Scheme for grant of Temporary Status.

3. That in reply to Para No.3, it is submitted that the presumption of Sh. Pikul Das regarding the process of collection of the details periodical employment, report, certificate from AE and thereupon granting of Temp. status from Division Office is not correct. Infact FCR (Fixed charges register) maintained in Divisional Office is the authentic record for calculation of continuous service of Casual labours/Seasonal Khalasis.

4& 5. That in reply to Para Nos. 4 & 5 it is submitted that the allegation regarding conspiracy, manipulation/tempering office records are baseless. In fact, the matter of granting temporary status to Sh. Pikul Das was reviewed on the instruction of Central Water Commission, New Delhi issued vide Lr. No.A-11019/1/2002-Estt-XII/74-76 dated 22-01-02 (Annexure-A). On receipt of the above instructions, Executive Engineer, NEID-I requested SE, NEIC, CWC, Shillong vide this office Lr. No.NEID-I/Estt-39/Vol-VII/93-95 dt. 20-09-02 (Annexure-B) to review the case of granting temporary status to Sh. Pikul Das. The SE, NEIC, placed a note before CWC (HQ), New Delhi vide their Lr. No.NEIC/2053/Vol-II/97/3119-21 dt.30-07-2002 (Annexure-C) seeking guidelines required to rectify the irregularities committed in granting temporary status to Sh. Pikul Das. CWC (HQ), New Delhi advised vide their Lr. No. A-11019/1/2002-Estt-12/1024 dated 19-08-2002 (Annexure-D) that the rectification is required to be done by the appointing authority. On the basis of the above guidelines; NEID-I was further directed by the SE, NEIC, CWC, Shillong vide Lr. No.NEIC/2053/Vol-II/97/3899-3900 dt.13-09-2002 (Annexure-E) to regularize the case accordingly. Consequent upon review, it was noticed that the Order dated 17-11-2001 was erroneous as it does not fulfill the eligibility criteria of minimum 120 days continuous service during the period from 01-06-96 to 31-05-97 and hence an “Office Memorandum” No.NEID-I/PF-/Estt-39/2003/291 dt.10-01-03 (Annexure-F) was issued to Sh. Pikul Das asking him to show cause as to why the erroneous order No. NEID-I/Estt-39/2001/6809-14 dt. 17-11-2001 conferring temporary status to him should not be withdrawn. In the reply submitted by Sh. Pikul Das (Annexure-G) he has contended that he has completed 120 days continuous service for the period from 02-09-96 to 12-04-97. However as mentioned under Para No.1 the service rendered by Sh. Pikul Das during the above stated period is not continuous. It may also be stated that the Scheme for grant of Temporary Status and Regularization of seasonal Khalasis in Work-Charged establishment of Central Water Commission on the date of commencement of the Scheme or any time during the preceding one

P- 17

year and have rendered a minimum of 120 days of continuous service preceding such date. This condition is not fulfilled in the case of Sh. Pikul Das. In view of the above the Office Order No. NEID-I/PF-Estt-39/ 2003/1764-66 dt.12-03-03 (Annexure-H) withdrawing the Temporary Status (conferred vide NEID-I Order dated 17-11-2001) was issued by the Executive Engineer, being appointing authority giving copies to SE, NEIC, Shillong & CWC (HQ), New Delhi. Hence the allegation of withdrawing the temporary status in ruthless and stealthy manner is not correct.

6. That in reply to Para No.6, it is to state that no discrimination was committed in case of Sh.Pikul Das as elucidated above.
7. That in regard to Para No.7, it is submitted that Casual Labours are engaged as per works requirement.
8. That in regard to Para No.8, it is submitted that the matter was reviewed strictly as per the provision of the "Scheme for grant of Temporary Status and regularization of seasonal Khalasis in the Work Charged Establishment of Central Water Commission" formulated by MoWR and communicated vide Lr. No.8/3/95-Estt (Vol-II) dated 20-06-1997.

Yours faithfully,

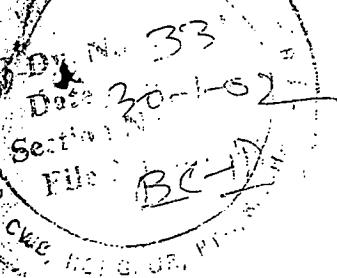
Encl: As above.

*V.D. Roy* 7/10  
[V.D. Roy]  
Executive Engineer

Copy for information to:

1. The Chief Engineer, B&BB, CWC, Shillong.
2. The Secretary, Central Water Commission, Sewa Bhawan, R.K.Puram, New Delhi-66 with reference to Under Secretary, E.XII Letter No.A-11019/01/2002-E.XII/394 dated 17-08-2006.
3. The Superintending Engineer, North Eastern Inv. Circle, CWC, "Rebeka Ville", Near Barik Point, Temple Road, Lower Lachumere, Shillong w.r.t. L/No.NEIC/2053/Vol-III/2005/1756 dated 27-09-06.

*M. Monoranjan Das*  
Certified by  
Monoranjan Das  
Advocate



Room No. 312, Sewa, Bhawan,  
R. K. Puram, New Delhi-110 066.

Dated the 22 January, 2002.

To : The Chief Engineer,  
Brahmaputra Barak Basin,  
Central Water Commission,  
Maranatha Pohkesh, P.O.-Umpling,  
SHILLONG - 793 006.

Sub: Grant of Temporary status to Shri Pikul Das, S/o  
Shri Amula Das, Casual Labourer.

Sir,

I am to refer to the O.O. No. NEID/1/Estt-39/2001/6809-14 dated 17.11.2001 issued by the Executive Engineer, NEID No. 1, CWC, Silchar conferring temporary status on Shri Pikul Das, S/o Shri Amula Das, Casual Labourer, a copy of which has been endorsed, among others, to your office.

In the above context, it is observed that the complete nomenclature of the scheme has not been brought out while issuing the said Office Order and the effective date from which temporary status has been granted has also not been indicated. Moreover, in the terms and conditions, a mention has been made that "his services will be governed as per DOPT Scheme issued vide their O.M. No. 5/016/2/90-Estt.(C) dated 10.9.93 as amended from time to time" which is not correct.

The MoWR vide their letter No. 8/3/95-Estt. I (Vol. II) dated 29th October 1998 had in consultation with DOPT, extended the Scheme for grant of Temporary status and regularisation of Seasonal Khalasi in the Work-charged Estt. of CWC 1997 scheme to the casual Labourers and ad-hoc Khalasis engaged in the Work-charged Estt. of CWC retrospectively w.e.f. 1.6.97, mutatis mutandis. The aforesaid letter of MoWR which was issued in supersession of their letters No. 8/3/95-Estt. I (Vol. II) dated 3.7.97 and 17.10.97, was circulated to the field formations of CWC vide commission's letter No. A-11019/1/95-Estt.XII (Vol. III) dated 6.9.2000. The MoWR's aforesaid decision to extend the scheme of 1997 to the casual Labourer and ad-hoc Khalasis implies that the scheme issued by DOPT issued in 1993 is not applicable to them.

You are, therefore, requested to have the matter reviewed at the earliest and withdraw/modify the office order under reference issued by the then Executive Engineer, NEID No. 1, Silchar and issue revised order strictly in accordance with the provisions of the scheme under intimation to all concerned. Separately, you may

Contd. P/2..

Pikul Das

Mr. Ranjan Das  
Advocate

9302788

also like to advise the officers concerned to follow invariably the relevant rules/instructions while issuing such important orders.

An early action in the matter will be appreciated.

Yours faithfully,

*Prem Nath*  
(PREM NATH)  
UNDER SECRETARY

Copy for immediate necessary action to :

1. Supdt. Engineer, NEIC, CWC, Shillong.
2. Executive Engineer, NEIC, CWC, Silchar.

ANJ 1/12

*M*  
Certified by  
Monoranjan Das  
Advocate

04788

CONFIDENTIAL

GRAM: NORTHEAST:SILCHAR

PHONE: 23937-23939  
FAX :: 03842-23937

Government of India,  
 Central Water Commission,  
 North Eastern Inv. Divn. No. I,  
 Jalbikashpur : Silchar : Cachar : Assam : 788009

NO.NEID-I/Estd.39/Vol.VII/ 93-95

Dated: 20. 9. 2002

To

The Superintending Engineer,  
 North Eastern Inv. Circle,  
 Central Water Commission,  
 Shillong - 14 (Meghalaya).

Sub: Grant of Temporary Status to Shri Pikul Das, s/o Shri Amula Das, Ex- Casual Labourer.

Ref: Your letter No. NEIC/2053/Vol.II/97/3899-3900 dated 13-9-2002

Sir,

Kindly refer to your letter cited wherein this office has been directed to rectify the irregularity in the conferment of Temporary Status on Shri Pikul Das, S/o Shri Amula Das in the capacity of the appointing authority. In this connection your kind attention is invited to this office letter No. NEID-I/Estd.39/Vol.VII/63-65 dated 10-7-02 wherein the proposal for reviewing the case at your end was put forth as it would not be appropriate for this office to review the same.

In letter dated A-11019/I/2002-Estt.XII/1024 dated 19-8-2002, CWC, New Delhi has also directed to rectify the error at your level. Under the circumstances, it would be befitting that the show cause notice addressed to Shri Pikul Das, sent earlier with this office letter dated 10-7-02 is issued from your end and this office advised suitably.

Yours faithfully,

(K.K. Jangid)  
Executive Engineer

Copy submitted to the following for information.

1. The Chief Engineer, B&BB, Central Water Commission, Shillong .
2. The Under Secretary, Central Water Commission, Sewa Bhavan, R.K. Puram, New Delhi – 110 066 .

Certified by  
My  
Monoranjan Das  
Advocate

(K.K. Jangid)  
Executive Engineer

GOVERNMENT OF INDIA  
CENTRAL WATER COMMISSION  
NORTH EASTERN INV. CIRCLE  
JAMIR MANSION, NONGSHILLIANG  
SHILLONG - 14

ANNEXURE C

No. NEIC/2053/Vol. II/97/3119-21

Dated, 30/7/2002

TQ,

D. No 2968  
Date 07-07-2002  
Section 3(2)(a)  
File No. 12/565BC  
Sub :-The Under Secretary (Estt.XII)  
Central Water Commission  
Sewa Bhawan, R. K. Puram,  
New Delhi - 66.Grant of temporary status to Shri Pukul Das,  
S/O. Shri Amula Das, Casual Labour.

Sir,

Reference is invited to your letter No. A-11019/  
1/2002/Estt.12/565 dated 07-06-2002 on the subject mentioned  
above.

B.C.T

In this connection it is to inform you that, the matter has been examined by the Executive Engineer, North Eastern Inv. Divn. No. I, CWC, Silchar and has confirmed the temporary status granted to Shri Pukul Das, S/O. Shri Amula Das, Ex. Casual labour vide office order No. NEID-I/Estt.39/2001/6809-14 dated 17-11-2001 was over looking the provisions of the scheme. It has been confirmed by Executive Engineer that Shri Pukul Das is not eligible for conferment of Temporary Status as he does not fulfil the norms mentioned in the scheme.

4/8  
2/8

The Executive Engineer, NEID-I, CWC, Silchar has desired to withdraw the office order No. NEID-I/Estt.39/2001/6809-14 dated 17-11-2001 to avoid future administrative complications viz-a-viz the proper implementation of the scheme by issuing show cause notice to Shri Pukul Das who was granted the temporary status. This is also to meet the principles of natural justice as otherwise it tantamount to withdrawal of a benefit conferred without giving the affected person an opportunity of being heard.

✓✓✓

In view of the above fact, the necessary approval may please be communicate to this office for further guidance to Executive Engineer, NEID-I, CWC, Silchar.

Yours faithfully,

( C. L. Wadhawan )  
Superintending Engineer

Copy to :-

1.

The Chief Engineer, B&amp;BB, CWC, Shillong for kind information.

2.

The Executive Engineer, NEID-I, CWC, Silchar with reference to his letter No. NEID-I/Estt-39/Vol. III/63-65 dated 10-07-2002.

Certified by  
Monoranjan Das  
Advocate( C. L. Wadhawan )  
Superintending Engineer

सरोवा - P-11019/11/2002 - १५/०१२/१०२४

मारुति सरोवा  
कान्दीय जल आयोग

ANNEXURE - D

कक्ष सं. 312, सेवा अवृ, आर. के पुरा, नई दिल्ली-६८  
दिनांक - 19 अगस्त 2002

सेवा में

अधिकारी ओग्यता,  
अतरु एवं अन्वेषण, परिवर्तन,  
कान्दीय जल आयोग  
जमीर मंडी, बोगा शिलंग,  
शिलंग - 14.

विषय - श्री पिंकल दास, पुत्र श्री अमूला दास, वार्यमीरत देवका नगर  
को अस्थाई स्तर पुराने करने के संबंध में।

मध्यदर्थ

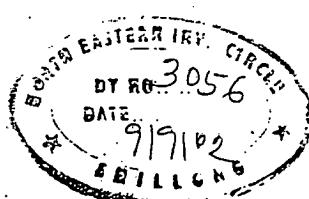
उपर्युक्त विषयक आपके पर संरूपा-एड आई सी/2053/पृष्ठ  
97/3119-21 दिनांक 30.7.2002 के संदर्भ में युक्त यह कहा गया है कि  
की कीचित् ओग्यता का सुधार नियमित प्रभिकारी द्वारा किया जाना  
अपर्याप्त है। अतः इस संबंध में नियमानुसार अपने स्तर पर ही  
वाली का खुपार करने हेतु आवश्यक कार्रवाई करें। साथ ही  
यह भी सुनिश्चित करें कि गोविय में ऐसी ओग्यता की

पुनरावृत्त न हो।

Coff  
9/9

P-11

9/9/02



अवदीप,

कुमारी

(पंड नाम)

अवर साम्बव

प्रतिक्रिया - मुरुमे ओग्यता, ब्रह्मपुत्र स्थि बराक बीसन, कौज़ा ओ, शिलंग।

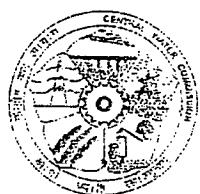
Certified by  
Modaranjan Das  
Advocate

28

Gram: SENECH SHILLONG

Phone : (0364) 521049

Fax : (0364) 521330



No. NEIC/2053/Vol-II/97/ 3899-3900

Government of India  
 Central water Commission  
 North Eastern Inv. Circle  
 "Jamir Mansion" Nongshilliang,  
 Shillong- 793014.

Dated 13/9/2002

To,

✓ The Executive Engineer  
 North Eastern Inv. Division-I  
 Central Water Commission  
 Silchar

Sub:- Grant of Temporary status to Shri Pikul Das, S/O Shri Amula Das, Casual Labour.

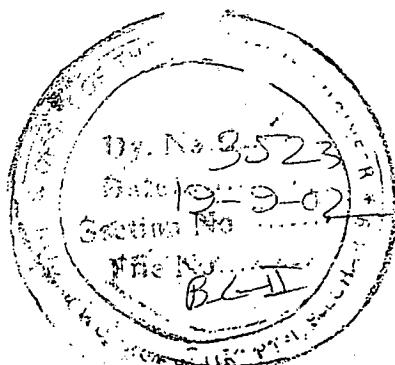
This office has received a letter from Under Secretary, CWC, New Delhi bearing No. A-11019/1/2002-Estt-XII/1024 dated 19.08.2002 (copy enclosed) intimating that the irregularity committed in granting temporary status to Shri Pikul Das S/O Shri Amula Das, Casual Labour, is to be rectified/regularized by the appointing authority. It has also been stated that it may be ensured that such irregularities do not happen in future.

The matter, therefore may please be regularized accordingly as Executive Engineer is the appointing authority.

*C.L. Wadhawan*  
 (C.L. Wadhawan)  
 Superintending Engineer

Copy to the Chief Engineer, B&BB, CWC, Shillong for his kind information.

(C.L. Wadhawan)  
 Superintending Engineer



Certified by  
 CM  
 Monoranjan Das  
 Advocate

BY REGISTERED A/D

PHONE :: 03842-223939

FAX :: 03842-223937

Government of India  
Central Water Commission,  
North Eastern Inv. Division No. I,  
Jalbikashpur, Silchar - 9

No. NEID-I/PF-Estt-39/2003/

29

Dated : 16-11-03

OFFICE MEMORANDUM

WHEREAS the Ministry of Water Resources, New Delhi has formulated a Scheme for grant of Temporary Status to facilitate the Seasonal Khalasis and Casual and Casual Labourers of Central Water Commission. The application of the 'Scheme for grant of Temporary status and regularisation of Seasonal Khalasis formulated vide Ministry of Water Resources letter No. 8/3/95-Estt.(Vol.II) dated 20-6-1997 are governed by 2 conditions. The Scheme will be applicable to (1) those who are in employment in the work-charged establishment of CWC on the date of commencement of the Scheme i.e. 1-6-1997 and renders a minimum of 120 days of continuous service or (2) those who were employed any time during the preceding one year and have rendered a minimum of 120 days of continuous service preceding such date. The Scheme is made applicable to Casual Labourers, *mutatis mutandis* as per MoWR letter No. 23/1/98-Estt.I dated 29-10-1998.

WHEREAS this office vide Office Order No. NEID-I/Estt-39/2001/6809-14 dated 17-11-2001 conferred temporary status on Shri Pikul Das, S/o Shri Amula Das, Ex-Casual Labourer. It has subsequently come to attention that the order dated 17-11-2001 was inadvertently issued overlooking the provisions of the Scheme. As a matter of fact Shri Pikul Das is not eligible for conferment of Temporary Status.

AND THEREFORE, Shri Pikul Das, Ex-Casual Labourer is hereby required to show cause as to why the erroneous order No. NEID-I/Estt-39/2001/6809-14 dated 17-11-2001 conferring temporary status on him should not be withdrawn. The explanations of Shri Pikul Das should reach this office within one month of the issue of this Office Memorandum failing which it would be construed that he has no explanations to offer and the matter will be dealt with accordingly.

18  
D [ K.K. Jangid ]  
Executive Engineer  
10/11.

To  
Shri Pikul Das, S/O Shri Amula Das,  
Ex-Casual Labourer,  
Rongpur Part-I,  
Silchar - 788 009.

Received a copy  
Pikul Das  
25.11.2003

Certified by  
Monoranjan Das  
Advocate

the Executive Engineer,  
 Central Water Commission  
 North Eastern Investigation Division No. I  
 Jalbikashpur, Silchar - 9  
 Cachar Assam

Ref:- Office Memorandum No. NEID - 17/PIF-Estt - 39/2003/231 dated 10-1-03  
 for showing cause why the erroneous letter no. NEID/1/Estt-39/2001/6809-14 dated 17-11-2001 is withdrawn.

Respected Sir,

With reference to the above letter I have the honour to submit my replies as under for favour of your kind perusal and sympathetic orders.

That Sir, the ministry of water Resources, New-Delhi vide its circular No. 8/3/95 Estt. (Vol II) dated 20-6-97 has formulated a scheme to grant temporary status to facilitate the seasonal Kalasis and casual and casual Labourers of the central water commission and the said scheme would be applicable only on two conditions as stated in the office memorandum dated 10-1-03 issued by you. The conditions are self speaking.

That, the applicant, had first appointed as casual labour during 2-9-96 and had served till 12-4-97 is appropriately applicable on the applicant as the second condition clearly stated that "those who were employed anytime during the preceding one year and have rendered a minimum of 120 days of continuous service proceeding such date which clearly attracts the claim of the applicant to be awarded with the temporary status to the casual labour like the applicant.

That the applicant is appointed one year before the scheme is formulated and also rendered a continuous service of more than 120 days from 2-9-96 to 12-4-97 and thus, the temporary status as conferred under office order No. NEID - 1/Estt - 39/2001/6809-14 dated 17-11-2001. is appropriate, right and accurate.

That, the aforesaid order was not issued inadvertently overriding/overlooking the provision/condition No. II of the scheme dated 1-6-76. The applicant is eligible for conferment of the status as said in the scheme. The temporary status as granted is not erroneous and the same is right, correct and as per condition No 2 of the temporary status in the scheme dated 1-6-97 and the same cannot be either cancelled or withdrawn.

Under the circumstances, the petitioner prays that the benign authority be pleased to accept this reply and to construed and appreciated the explanation given above are correct, accurate and right and to pass necessary orders allowing the applicant to continue with the temporary status as conferred to the applicant under office memorandum No NEID-1/Estt-39/2001/6809-14 dated 17-11-2001 be taken as correct, justified, and accurate and the same be continued.

And for this the applicant shall ever pray.

Certified by  
 CMY  
 Monoranjan Das  
 Advocate

Yours faithfully,

Sri Pikul Das  
 (PIKUL DAS)

Government of India  
Central Water Commission  
North Eastern Inv.Divn.I  
Rongpur Part-I, Silchar-9.

To Whom it May Concern

This is to certify that Sri Pikul Das,  
Son of Amulya Das, Rongpur-I, Silchar has worked in this Division  
as a Casual labour during the period from 2-9-96 to 12-4-97.  
I found him as an industrious worker with utmost sincerity. He is  
fairly acquainted with carpentry work. He bears good conduct and  
character.

I wish him sucess.

Certified by  
M  
Monoranjan Das  
Advocate

U. R. RAO 24/6(9)  
ASSISTANT ENGINEER (HQ)  
NEID NO. I, CWC, SILCHAR.

Assistant Engineer (HQ)  
N. E. I. Division No. I.  
C.W.C., Silchar-9.

New Delhi, the 29th Oct., 1998

To

The Chairman,  
Central Water Commission,  
Sewa Bhawan, R.K. Puram,  
New Delhi - 110 066.

Sub : Grant of temporary status and regularisation of casual labourers and adhoc Khalasis engaged in the Workcharged establishment of Central Water Commission - regarding.

Sir,

Vide this Ministry's letter number 8/3/95-Estt. I(Vol. II) dated 20.6.97 a scheme for grant of temporary status and regularisation of Seasonal Khalasis (numbering 2234) in the workcharged establishment of Central Water Commission was introduced with effect from 1.6.1997. The casual labourers (numbering 88) and adhoc Khalasis (numbering 43) engaged by the various divisions of Central Water Commission in its workcharged establishment were kept outside this scheme. Instead, through this Ministry's letter number 8/3/95-Estt. I(Vol. II) dated 3rd July, 1997 and dated 17th October, 1997, it was clarified that for the purpose of grant of temporary status and regularisation of such casual labourers and adhoc Khalasis in the workcharged establishment of Central Water Commission will be governed by the Deptt. of Personnel & Training Scheme issued vide their OM NO. 31016/2/90-Estt(C) dated 10th September, 1993.

The matter has been reviewed in the light of the order dated 10.2.1994 passed by the Central Administrative Tribunal (Principal Bench), New Delhi in O.A. No.223/92 in the matter of Shri Vinod Kumar & Ors. Vs Union of India & Ors. and other related O.A. NO. 884/92, 1601/92, 2246/92 and 2418/92 and in consultation with the Deptt. of Personnel & Training and ~~it has been~~ decided to extend the Scheme for grant of temporary status and regularisation of Seasonal Khalasis in the workcharged establishment of Central Water Commission to the casual labourers and adhoc Khalasis engaged in the workcharged establishment of Central Water Commission retrospectively with effect from 1.6.1997, ~~mutatis mutandis~~.

For the purpose of the said scheme the casual labourer and adhoc Khalasis will be the ones as defined below :

Certified by  
Monoranjan Das  
Advocate

116197  
120 days Prior

1. Casual Labourer : Casual labourers are generally unskilled persons engaged in the non-monsoon period for providing additional assistance in surveys, drilling works etc. for investigation of projects. They are paid the minimum wages as prescribed by the Ministry of Labour. A total of 88 persons are employed under this category in the workcharged establishment of the CWC.

2. Adhoc Khalasi : Adhoc Khalasis are generally skilled/semi-skilled persons employed in the workcharged establishment for specific periods depending upon the exigency of the work and for specific works only. They are paid at the minimum of the scale of 'pny' in the lowest grade in the workcharged establishment. A total of 43 persons are employed under category in the workcharged establishment of the CWC.

This supersedes this Ministry's letters NO 8/3/95-Estt. I (Vol. II) dated 3.7.37 and 17.10.1937.

Central Water Commission are requested to ensure that the strength of casual labourers and adhoc Khalasis is frozen at the present strength as mentioned above and no fresh recruitment shall be made of any casual/adhoc or seasonal employees on requisition of any casual labour, adhoc Khalasi and seasonal Khalasi with temporary status. It is reiterated that there shall be complete ban on appointment of fresh casual labourers, adhoc Khalasis and Seasonal Khalasis. Any violation of these instructions will be viewed very seriously. Further CWC may also ensure that engagement of adhoc Khalasis and casual employees inspite of grant of temporary status may be resorted to only for the period essentially required for completion of specific work.

It is requested that above provisions regarding extending the benefits of the scheme to casual labourers and adhoc Khalasis working in the workcharged establishment of Central Water Commission may please be brought to the notice of all appointing authorities under Central Water Commission and ensure immediate action for implementation by all concerned may also please be ensured.

Yours faithfully,

(A.K. BARUA)  
Under Secretary to the  
Government of India  
Tel: 3716923

1. Casual Labourer : Casual labourers are generally unskilled persons engaged in the non-monsoon period for providing additional assistance in surveys, drilling works etc. for investigation of projects. They are paid the minimum wages as prescribed by the Ministry of Labour. A total of 88 persons are employed under this category in the workcharged establishment of the CWC.

2. Adhoc Khalasi : Adhoc Khalasis are generally skilled/semi-skilled persons employed in the workcharged establishment for specific periods depending upon the exigency of the work and for specific works only. They are paid at the minimum of the scale of pay in the lowest grade in the workcharged establishment. A total of 43 persons are employed under category in the workcharged establishment of the CWC.

This supersedes this Ministry's letters NO. 8/3/95-Estt. I (Vol. II) dated 3.7.37 and 17.10.1937.

Central Water Commission are requested to ensure that the strength of casual labourers and adhoc Khalasis is frozen at the present strength as mentioned above and no fresh recruitment shall be made of any casual/adhoc or seasonal employees on requisitioning of any casual labour, adhoc Khalasi and seasonal Khalasi with temporary status. It is reiterated that there shall be complete ban on appointment of fresh casual labourers, adhoc Khalasis and Seasonal Khalasis. Any violation of these instructions will be viewed very seriously. Further CWC may also ensure that engagement of adhoc Khalasis and casual employees inspite of grant of temporary status may be resorted to only for the period essentially required for completion of specific work.

It is requested that above provisions regarding extending the benefits of the scheme to casual labourers and adhoc Khalasis working in the workcharged establishment of Central Water Commission may please be brought to the notice of all appointing authorities under Central Water Commission and ensure immediate action for implementation by all concerned may also please be ensured.

Yours faithfully,

(Sd) -  
(A.K. BARUA)  
Under Secretary to the  
Government of India  
Tel: 3716923

Certified by  
Monoranjan Das  
Advocate

Government of India,  
 Central Water Commission,  
 North Eastern Inv. Divn. No.1,  
 Rongpur Part-I : Silchar : Cachar : Assam : 788009

NO.NEID-I/Estt-39/2001/ 6809-14

Dated : 15-11-01

OFFICE ORDER

In pursuance of Ministry of Water Resources, New Delhi's letter No.23/1/98-Estt-I dated 29-10-1998 and Central Water Commission , New Delhi's endorsement No.A-11019/1/95-E XII (Vol III) dated 03-09-2000, Temporary Status is hereby conferred on Shri Pilul Das, S/O Shri Amula Das, Casual Labourer under the Scheme called Grant of Temporary Status and Regularisation of Casual Labourers and Adhoc Khalasis engaged in the Work Charged establishment of CWC, in the pay scale of Rs.2550-55-2600-60-3200.

## Terms &amp; Condition:

His service will be governed as per Deptt. Of Personnel & Training's Scheme issued vide their O.M. No.51016/2/90-Estt(c) dated 10-09-1993 and as amended from time to time.

  
 ( M. LAL )  
 Executive Engineer

## Copy to:

1. The Chief Engineer, B&BB, CWC, Shillong for favour of kind information please.
2. The Superintending Engineer, NEIC, CWC, Shillong for favour of kind information please.
3. The Under Secretary (Estt-XII), CWC, Room No.312, Sewa Bhawan, R.K.Puram, New Delhi for information
4. The Accounts Branch, NEID-I, CWC, Silchar for information.

Person concerned

O.O.File Estt 20

  
 Certified by  
 Monoranjan Lal  
 Advocate

17/11/01

115  
Registered with A/D.

Pleader's Legal Notice

From :- Shri M.K. Bhattacharjee,  
Advocate,  
District Bar Association,  
Silchar-788001.

To

- 1) The Secy. to the Govt. of India,  
Ministry of Water Resources  
Shram Shakti Bhawan,  
New Delhi-110001.
- 2) The Chief Engineer, NEIC  
C.W.C. Rehak Villa, Near Bank point  
Temple Road, Lower Lachmire,  
Shillong-793001.
- 3) The Superintending Engineer, NEIC, C.W.C.  
Temple Road, Lower Lachmire,  
Shillong-793001.
- 4) The Executive Engineer,  
North Eastern Inv. Division No. 1,  
Central Water Commission,  
Rongpur Part-I,  
Silchar-788009 (788009).

..... Notice Receivers

- Versus -

Shri Piklu Das  
S/O. Amulya Das,  
Vill. Bahadurpur,  
P.O. Larsingpar,  
Silchar-788002.

..... Notice Giver

Sub :- Notice U/S. 80 C.P.C. demanding employment  
with continuation of temporary status  
to C/Labour Shri Piklu Das of N.E.I.  
Div. No. 1, C.W.C., Silchar beyond  
12-4-1997.

Contd.....P/2.

*M*  
Certified by  
Monoranjan Das  
Advocate

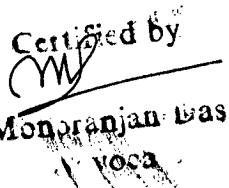
Dear Gentlemen,

I am instructed and authorised by my client the above named Notice Giver to demand of <sup>you</sup> issue of immediate order for conferring temporary status to him beyond 12-04-1997 which was wrongfully withdrawn by Notice Receiver No. 4 in an arbitrary and illegal manner as outlined below. The demanded order need emanate from the Notice Receivers within 60 days from the date of receipt of this legal notice as otherwise he will sue against the Notice Receivers.

1. That my client Shri Pilklu Das was initially taken to service under the esteemed Central Water Commission, Division No. 1 at Silchar on 2-9-1996 and as per report of the Asstt. Engineer (H.O.), NEID No. 1, C.W.C., Silchar he worked as casual labour in the said division continuously from 2-9-96 to 12-4-1997 without any break. The Asstt. Engineer was the immediate direct authority under whom my client as well as other casual labourers were required to work. As immediate direct boss the said Asstt. Engineer was supposed to maintain attendance records of the casual labours working under him. As such the veracity of continuous employment of my client from 2-9-96 to 12-4-97 cannot be called in question at any point of time by any authority, high or low.

2. That the system of employing seasonal/casual labour in the C.W.C. was a routine one according to work needs in the rural and hazardous areas which process is still in existence. Such stop-gap and hap hazard system did not find favour ultimately with the deptt. itself and

Contd....P/3.

Certified by  
  
Monoranjan Das  
Voca

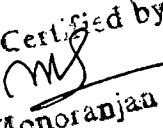
U.K

the matter went upto the Court for a scientific solution aiming at the improvement of the socio economic condition of the victims belonging to the lowest rung in the society. Accordingly at the instance of the Govt. of India in the Deptt. of Personnel and Training, the Ministry of Water Resources formulated a scheme for grant of temporary status to facilitate the seasonal Khalasis/casual labours vide letter No 1 8/3/95-Estt/(Vol-II) dated 20-6-1997 by fixing the commencement of the scheme on 1-6-1996 providing that thecoveted Temporary status would be available to those rendering a minimum of 120 days of continuous service.

3. That on receipt of the liberal scheme of grant of Temporary Status to the seasonal work charged works, all divisions of C.W.C. started regularisation of the service of the casually employed seasonal labours in right earnest including the Silchar C.W.C., NEID No. 1. In this process the details of periodical employment were collected from the concerned Asstt. Engineers on the spot and on the basis of their reports/certificates the orders of granting Temporary Status were coming out from the Divisional offices to implement the wholesome scheme adopted by the Govt. of India.

4. That it is gratifying to state that my client Shri Pukhu Das was confegged the Temporary Status on the strength of the employment certificate above 120 days vide office order No. FIELD.1/Estt-39/2001/ 6809-14 dated 17-11-2001 issued by the learned

Contd... P/4.

Certified by  
  
Monoranjan Das  
Advocate

10

Executive Engineer (Mr. M. Lal) of the NEID No. 1. After getting the temporary status as per the said office order my client was allowed to draw salary in the Scale of Rs. 2550-3200/- and he was very happy at the elevated status. But as ill luck would have it, a lobby in the Divisional office at Silchar became jealous of the improved position of my client and they were in search of a stratagem by which they could cause harm to him and the moment Mr. M. Lal, Executive Engineer left Silchar on transfer they prevailed upon the successor incumbent Mr. K.K. Jangid to secure their conspiracy of hounding out Shri Pilklu Das, my client. As any immediate action might arouse agitation, the perpetrators of evil design chose the process of slow poisoning and with the clandestine help of some miscreant office staff they were out to manipulate/temper office ~~records~~ like attendance <sup>sheet</sup> engagement certificates of Asstt. Engineer and the like. The temporary status was given to my client in O.O. dated 17-11-2001 and after meddling with fake records for about 16 months the Executive Engineer Mr. K.K. Jangid could be purchased to issue his revised office order No. FIELD.1/PF-Ett/39/2003/1764-66 dated 12-03-03 whereby the earlier O.O. was cancelled and the temporary status granted to my client was withdrawn in a ruthless manner. A copy of the said order dated 12-03-03 was stealthily endorsed to higher authorities of C.W.C. although in such important service matter prior approval/concurrence of ~~that~~ at least of the Chief Engineer was called for in the fair name of discipline and justice.

Contd....P/5.

Certified by  
My  
Monoranjan Das  
Advocate

- 5 -

5. That the drafting of the fateful office order dated 12-3-03 was done in a slip shod manner. The temporary status was granted by one Ex. Engineer in O.O. dated 17-11-01 and the withdrawal O.O. was signed by another Ex. Engineer of the same rank of the same division. It is alleged that the former order was issued inadvertently. Any appointing authority before issuing any appointment must check all papers, records etc. with a scrutinising eye leaving no room for any mistake and the Executive Engineer M. Lal must have done so and once an appointment order is out it cannot be cancelled by the issuing officer of the same rank of establishment from the point of *signature* also, such a step is highly objectionable. As stated earlier the Asstt. Engineer certified continuous employment exceeding 120 days of Shri Pikklu Das, my client and accordingly he was granted temporary status. So the next officer Mr. K.K. Jangid was estopped from examining this point de novo as stated by him. So the whole thing was the outcome of a conspiracy hatched up by a lobby inimical to my client and as such the O.O. dated 12-3-03 loses all force in the eye of law and it must be scrapped and ignored.

6. That the scheme of granting temporary status not *Universally* applicable to all *Statutory* of C.W.C. and not the ~~max~~ mere NEID No. 1 at Silchar. While the sword fell on the shoulders of Shri Pikklu Das at Silchar, some of the casual worker of the same

Certified by  
M. Monjanan Das  
Advocate

Contd....P/6.

Division attached to Shillong and Agartala offices equally placed are still reaping the benefit of temporary status. It is surprising how such discrimination was committed in case of my client <sup>(H)</sup> was innocent in all respects, both in attendance for more than 120 days and also on his work.

7. That the C.W.C. is an expanding deptt & there can be no question of depletion of staff for want of work/vacancies.. If for argument's sake my client could not be employed as per wrong calculation of 120 days upto 12-4-97, he could easily be taken to service for indefinite period after that date allowing him to earn the benefit of continuous 120 days. The main point is jealousy towards my client and not meting out justice.

8. That it is crystal clear from the above that the Executive Engineer, NEID No. 1 at Silchar is guilty of taking out the bread of a poor labour, my client, for which the authorities at the top must impose heavy penalty on the guilty Executive Engineer for his misconduct and lack of integrity and to rectify the wrong doing by providing immediate employment to him with grant of temporary status to which he is legally entitled.

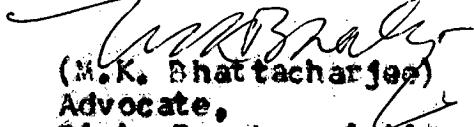
Please therefore take notice that unless you the Notice Receiver Nos. 1-3 (the Ministry and the Head Deptt.) fail to appreciate the statements made above by calling explanation of the officer at fault for causing harm to my client within the statutory

*certified by  
(M)  
Monjanjan Das  
Advocate*

period of 60 days from the date of receipt of this legal notice and take back my client to service with temporary status, then my client shall be compelled to bring a suit against you in a Court of competent jurisdiction in which event you will not only be liable to take back my client to service with grant of temporary status but also to pay cost of the suit with compensation which please note.

Please acknowledge receipt.

Yours faithfully,

  
(M.K. Bhattacharjee)  
Advocate,  
Dist. Bar Association,  
P.O. Silchar-783001,  
Dist. Cachar (Assam).

Dated, Silchar  
The 28th March 2006.

Certified by  
W.S.  
Monogram  
vocalic

- 2 AUG 2007

गुवाहाटी न्यायालय  
Guwahati Bench

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH AT GUWAHATI

O.A. No.308 of 2006

Sri Pikul Das

.....Applicant

-Versus-

Union of India & Ors.

.....Respondents

The written statements on behalf of

The Respondents above named-

WRITTEN STATEMENT FILED ON BEHALF OF THE RESPONDENTS NO 1 to 4

MOST RESPECTFULLY SHEWETH:

1. That with regard to the statement made in paragraphs 1 and 2 of the instant application the Respondents have no comment.
2. That with regard to the statement made in paragraph 3 of the instant application the Respondents beg to state that these are matter of record and the respondents do not admit any thing which are not borne out of record.
3. That with regard to the statement made in paragraphs 4,5 and 6.i of the instant application the answering Respondents have no comment.
4. That with regard to the statement made in paragraph 6.ii of the instant application the Respondents beg to state that the applicant was a casual labour under EE, NEID-I, CWC, Silchar in different spells during 02-09-1996 to 12-04-1997 based on engagement office orders and pay bills. The wages/payment have been duly received by the applicant without objection on time. There was no continuity in the service and accordingly that has not been specified in the certificate of AE(HQ) which is of general nature and it was issued in good faith. As claimed, he had not served continuously during 02-09-96 to 12-04-97. It has come as a shock to the department that Shri Pikul Das has preferred to resort

Contd. P/

52  
The respondents  
Through Advocate Bir Singh  
01.08.07  
S. No. 1000

to taking unfair advantage of the AE's certificate by misinterpreting the technicalities of continuously of service.

The copies of the office orders and pay bills are annexed herewith as **Annexure – A & B.**

5. That with regard to the statement made in paragraph 6.iii of the instant application the answering Respondents beg to state that the certificates issued by AE (HQ) simply states that Shri Pikul Das worked as casual labour during 2-9-96 to 12-4-97. It hardly speaks proves that he worked continuously without any break during the said period as repeatedly quoted. Idea/Purpose of the certificate was to help the applicant should be in need in future. The certificate issued by AE (HQ) bears no official despatch number and the language used therein indicates that this might have been issued without considering its relevance with the office order conferring temporary status. Thus a specific engagement office order and pay bills are more authentic than a mere certificate without purpose and official despatch number by AE (HQ) who is not his immediate supervisory officer. Infact and as a matter of rule JE (HQ) is the immediate supervisory authority in this case because the office orders have been marked to JE (HQ) and not to AE (HQ). Moreover, JE (HQ) prepared bills & paid to the said casual labour.

Contrary to continuous service as claimed, the applicant has received wages for the period of engagement in spells which proves his claim of continuous service is false and baseless. The claim does not deserves merit and liable to be rejected.

6. That with regard to the statement made in paragraph 6.iv of the instant application the Respondents beg to state that the relevant MoWR's letter No.23/01/98-Estt.I dated 29-10-1998 circulated by the Commission vide No.A-11019/1/95-Estt (Vol.III) dtd. 06-09-2000 was in line with the order of CAT (Principal bench) and therefore the same was to be implemented with due importance and correct interpretation of provisions therein. The second para of the letter declares eligible to only those who were in service on 01-06-1997

Contd. P/

under the scheme. But the applicant had not served beyond 12-04-1997 during 1997 and hence not eligible under the scheme. Secondly was required he had not served continuously for 120 days preceding 01-06-1997 in one year, and therefore he is not eligible for conferment of temporary status according to original provisions of the scheme.

The penultimate paragraph of the letter reads like "Further CWC may also ensure that engagement of adhoc Khalasis and Casual employees inspite of grant of temporary status may be resorted to only for the period essentially required for completion of a specific work." The applicant was specifically engaged for "Greater Shillong Water Supply Scheme, Shillong" as evident from the engagement orders. The scheme was completed during 2003 and therefore casual labour engaged therein whether declared Temporary status or not are otherwise also not eligible for continuance in the service because they are not essentially required after completion of the scheme.

The copy of the letter is annexed herewith as **Annexure – C.**

7. That with regard to the statement made in paragraph 6.v of the instant application the Respondents beg to state that the applicant never rendered more than 59 days continuous service in one spell during 2-9-96 to 12-4-97 as obvious from Annexure A and B. Temporary status conferred by Shri M.Lal, the then EE to Shri Pikul Das was observed as irregular/erroneous by Under Secretary, Estt-XII of CWC, New Delhi vide his letter No.A-11019/1/2002-Estt.XII/74-76 dtd. 22-1-02 and the Executive Engineer was advised to review & withdraw/modify the order. This advise was conveyed well before Shri M. Lal was transferred from NEID-I. In fact Shri M.Lal himself initiated the process of reviewing & withdrawal/modification of the order before his transfer. On his joining, Shri K.K.Jangid duty fully carried forward the review of the matter after getting clear cut instruction from Under Secretary, Estt.XII, CWC vide No.A-11019/2002-Estt.XII/1024 dt. 19-8-2002 through SE, NEIC vide letter No.NEIC/2053/Vol-II/97/3899-3900 dtd. 13-9-2002 for rectification of irregularities by appointing authority himself. For casual labour, EE is the appointing authority and therefore K.K.Jangid followed proper procedure and issued show cause notice vide OM No.NEID-I/PF-Estt-39/2003/291 dtd. 10-1-2003 to the

Contd. P/

applicant in consultation with senior officers. Having found the reply of Shri Pikul Das to the show cause notice as unconvincing Shri K.K.Jangid withdraw the temporary status vide office order No.NEID-I/PF-Estt-39/2003/764-66 dtd. 12-3-2003.

The copies of the letters are annexed herewith as **Annexures – D,E,F,G, H and I** respectively.

8. That with regard to the statement made in paragraph 6.vi of the instant application the answering Respondents beg to state that as explained under para v above, the order was observed as irregular/erroneous by CWC HQ before joining of Shri K.K. Jangid and thus he had no option but to continue and complete the process of review instead of allowing Shri Pikul Das to illegally draw scale in Temporary status. Action of Shri K.K.Jangid was based on correct interpretation of provisions of scheme vis-à-vis the most authentic document (Annexure – A & B) providing his in-eligibility. The action was not at all based on jealousy or lobby inimical to the applicant. The certificate by AE (HQ) and its authenticity has to be read in conjunction with the engagement order and pay bills duly passed/paid by the department and accepted by the applicant claiming engagement order signed by the Executive Engineer and properly recorded as invented after some after – thought is not correct at all. This is nothing but rejection of relevant and correct document at the cost of vague certificate without official record (despatch number).

Supplying additional supporting genuine information from record should not be considered as ominous. As claimed, the AE (HQ) has not referred any attendance register in his certificate, the withdrawal of temporary status is based on genuine & relevant documents and not on fake & vague documents, cancellation of the same doe not arise.

9. That with regard to the statement made in paragraph 6.vii of the instant application the Respondents beg to state that the time taken in issuing the impugned order was due to getting guidelines form higher officers and to follow up administrative procedure to avoid another mistake. The impugned order was product of exhaustive review of prevailing/guidelines and can not be rendered ultra vires liable to be set aside.

Contd. P/

10. That with regard to the statement made in paragraph 6.viii of the instant application the Respondents beg to state that the review was not whimsical. This was nothing but rectification of errors committed.

11. That with regard to the statement made in paragraph 6.ix of the instant application the Respondents beg to state that the order conferring temporary status was not positive because, the applicant did not fulfill the eligibility criteria as explained in previous paras. The allegation of delay is also not correct because the same was not intentional.

12. That with regard to the statement made in paragraph 7 and 8 of the instant application the Respondents have no comment.

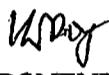
13. That with regard to the statement made in paragraph 9 of the instant application the Respondents beg to state that the claim of the applicant is illegal and ill founded and the applicant is not entitled to get any interim relief.

14. That the respondents submit that the instant application has no merit and as such the same is liable to be dismissed with cost.

VERIFICATION

I, V. D. Roy S/o Sh. Kailash Roy aged about 40 years at present working as Executive Engineer, North Eastern Investigation Division-I, Central Water Commission, Jalbikaspur, Rongpur-I, Silchar-9 (ASSAM) and competent officer of the answering respondents, do hereby verify that the statement made in paras 1 to 14 are true to my knowledge and those made in paras being matters of record are true to my information derived there from which I believe to be true and the rests are my humble submission before this Hon'ble Tribunal.

And I sign this verification on this 29<sup>th</sup> day of June, 2007 at Guwahati.

  
DEPONENT

Contd. P/

Gram :: Northeast

7. Annexure A-47-  
Encl-3  
Annex-A 415

Phone :: 21187

46

Govt. of India  
Central Water Commission  
North Eastern Inv. Divn. No. I

Rongpur part-I  
Silchar-788009

No. NEID-I/lett. 39/96/ S 260-62

Dt. 3/9/96

OFFICE ORDER

Sh. P. K. Das, son of Sh. Amila Das, is hereby engaged as Casual labour (unskilled) for a period of 29 days w.e.f 2-9-96 to 30-9-96 at the rate of consolidated pay of Rs. 959/- (Rupees nine hundred fifty nine) only per month.

This is subject to actual joining and attendance. After expiry of the above period, his services will automatically stand terminated.

His pay will be chargeable to Greater Shillong Water Supply Scheme, Shillong.

Sdy  
(P. S. Mandal)  
Executive Engineer

Copy to

1. The Junior Engineer (Hgr) Divn. Office (in dup).
2. The Accounts Branch, Divn. Office.
3. O.O. File.

*ZM*  
(P. S. Mandal)  
Executive Engineer

To  
BWSR  
D  
30

True copy  
Roshan  
Haw

Gram :: Northeast

Phone :: 21187

Govt. of India  
Central Water Commission  
North Eastern Inv. Divn. No. I

Rongpur part-1  
Silchar-783009

No. NEID-I/Estdt. 39/96/ 6095-97

08/01/1996  
Dated :-

OFFICE ORDER

Sh. Pukul Das, son of Sh. Amula Das, is hereby engaged as Casual Labour (unskilled) for a period of 39 days w.e.f 3-10-96 to 30-11-96 at the rate of consolidated pay of Rs. 959/- (Rupees nine hundred fifty nine) only per month.

This is subject to actual joining and attendance, after expiry of the above period, his services will automatically stand terminated.

His pay will be chargeable to Greater Shillong Water Supply Scheme, Shillong.

Sh. S. Roy

8  
9/pt

Copy to

1. The Junior Engineer (hgr) Divn. Office (in dup).
2. The Accounts Branch, Divn. office.
3. O.O. File, Estdt. 20.

ZSM  
(P.S. Mandal)  
Executive Engineer

Jme 6pt  
Rosi AEW

Gram :: Northeast

Phone :: 21187 60

Govt. of India  
Central Water Commission  
North Eastern Inv. Divn. No. I

Rongpur part-1  
Silchar-786009

No. NEID-I/Recd. 39/96/ F 300-61

Dated 0-5-1996 1996

OFFICE ORDER

Sh. Pukul Das, son of Sh. Amula Das, is hereby engaged as Casual Labour (un-skilled) for a period of 59 days w.e.f 21-12-96 to 21-1-97 at the rate of consolidated pay of Rs. 959/- (Rupees Nine hundred fifty nine) only per month.

This is subject to actual joining and attendance, after expiry of the above period, his services will automatically stand terminated.

His pay will be chargeable to Greater Shillong Water Supply Scheme, Shillong.

SD/-

(P.S. Mandal)  
Executive Engineer

Sh. S. Roy

8

6/12  
Copy to

1. The Junior Engineer (Hgr) Divn. Office (in dup).

2. The Accounts Branch, Divn. Office.

3. O.O. File. E-26

  
(P.S. Mandal)  
Executive Engineer

True copy  
for  
A.W.

Govt. of India  
Central Water Commission  
North Eastern Inv. Divn. No. I

Kongpur part-1  
Silchar-788009

NO. NEID-1/Estdt. 39/97/ 14 (3-65) Dated :- 26/2/97

OFFICE ORDER

Shri Bikul Das, S/O Sh. Amula Das, is hereby engaged as casual labour (un-skilled) for a period of 30 days w.e.f 31-1-97 to 1-3-97 @ consolidated pay of Rs. **Rs. 959/-** (Rupees nine hundred fifty nine) only per month.

This is subject to actual joining and attendance, after expiry of the above period his services will automatically stand terminated.

His pay will be chargeable to Greater Shillong Water supply scheme, Shillong.

Sdy -  
(P. S. Mandal)  
Executive Engineer

Copy to

1. The Jr. Engineer(hgr) NEID-I (indup).  
2. Accounts Branch,Divn.office.  
3. O.O.File.

(P.S. Mandal)  
Executive Engineer

143

62

Northeast

Phone :: 21187

Govt. of India  
Central Water Commission  
North Eastern Inv. Divn. No. I

Rongpur part-1  
Silchar-788009

No. N.E.I.D-I/Estdt. 39/97/ 3360-63 Dt. 29/3/97

OFFICE ORDER

The following persons are hereby engaged as Casual Labour (Un-skilled) for a period of 12 days wef 1-4-97 to 12-4-97 @ consolidated pay of Rs. 959/- (Rupees Nine hundred fifty nine) only per month and pay will be met out of I-works/ Geo-Inv. of G.S.W.S. Scheme, Shillong.

Sl. No. Name

S/SM

1. Pikul Das.
2. Ranjan Paul.
3. Chittaranjan Paul.
4. Mahesh Dutta.

This is subject to actual joining and attendance after expiry of the above period their services will automatically stand terminated.

Say/  
(P.S. Mandal)  
Executive Engineer

Copy to

1. The JE(HQ)Divr ffice (in dup).
2. Accounts Branch, Inv. office.
3. O.O. File. E. 20.

*J. Mandal*  
(P.S. Mandal)  
Executive Engineer

क.ला. 29/CPWA-29

B.C. - 12.5

Annex - B 1/8

Pay/Ex/4/6/1635

dt - 27/9/96

(केंद्रोंनि० लेखा सहिता के पैरा १०-२-२६ से १०-२-३२ तक)  
(Paragraphs 10-2-26 to 10-2-32 CPWA, Code)

उप-मंडल वाटवर संख्या ।

Sub-Division Voucher No..... Division Voucher No.....

मास Month of Sept 1996

मंडल/Division... N.E.I.D.-J.

दिव संख्या/Bill No.....

तिथि/Date... 27/9/96

मास का वेतन बिल की निर्माण कार्य प्रभारित

PAY BILL OF E.E. N.E.I.D.-J. C.W.C.  
for the month of Sept 1996.

Work charged establishment  
chargeable to work the

31

### आदेश/Instructions

१. प्रत्येक निर्माण कार्य से सम्बन्धित कर्मचारियों के सम्पूर्ण में जब अन्तिम प्रविष्टि हो जाये तो उसके बाद पन्ने के आर पार लाल स्थाही से रेक्षा सीधे ही से छाँटके नीचे सभी खानों के जोड़ लाल स्थाही से लगा दें।  
A red line should be drawn across the sheet after the last entry in respect of the staff relating to each work and totals of all columns struck there under in red ink.

२. जब कभी मिल जाने वाले वेतन दर में कार्य वृद्धि हो तो वृद्धि की तारीखों को सूचित करने वाला ज्ञापन बिल के पास जोड़ना चाहिए।

The name showing the dates from which increments have been drawn should accompany the bill whenever there is any increase in the date of pay drawn.

३. निर्माण कार्य प्रभारित प्रत्येक श्रेणी के कर्मचारी अर्थात् भायी अस्थायी तथा देसितक या अस्थायी के लिए अलग अलग बिल तैयार करना चाहिए।

Separate bills should be prepared for each category of work charged staff viz Permanent Semi-Permanent and Casual or Temporary.

Passed for Rs. 3,828.00 Rupees Three thousand Eight hundred Twenty Eight only रु० अदा करें।

Pay Rs. 3,828.00 (Rupees Three thousand Eight hundred Twenty Eight only) उप-मंडल अधिकारी Sub-Divisional Officer

जांचा गया और के जो नि० ले, ५८ पृष्ठ पर और ६४ पृष्ठ पर दर्ज कर लिया गया।

Chkd and entered at page ..... of CPWA 58  
Mandat lekhne ki page ..... of CPWA 95

Divisional Officer  
Accountant

उ.म.ध./अधिकारी अभियन्ता  
S.D.O./Executive Engineer

3,828.00

Rs. 3,828.00

### एलोकेशन/Allocation

#### निर्माण कार्य का हेदिट/D/ to Work

#### वसूलियां/Recoveries

1. स. न.।	GPF Rs. ....
2. भ०न० कटोती।	GPFA Rs. ....
3. भ०न०।	CPF Rs. ....
4. भ०न० कटोती।	CPFA Rs. ....
5. म०क०।	House Rent Rs. ....
6. अ. ग्रोव प का बद्द।	FT & WC Rs. ....
7. क०त्वा०यो०।	CGHS Rs. ....
8. म० का०।	Cycle Advance Rs. ....
9. अ. बीमा०यो०।	CGIS Rs. ....
अ०न०शाशि।	Net Paid Rs. ....
जोड़।	Total Rs. ....
1. मेरे हारा की गई/Paid by me on	Rs. ....
2. मध्य।	Unpaid Rs. ....

True copy  
Roshan Ali





१. प्रमाणित किया जाता है कि सभी व्यक्ति जिनका वेतन तथा अन्य भत्ते इस बिल द्वारा आहरण विए गए हैं खाना ३ और लगा लगा दिखाई गई अवधि में छूटी पर थे। प्रत्येक व्यक्ति उसी निर्माण कार्य सौर छूटी में लिए उनकी निष्ठुकित की स्वीकृति हुई थी।  
son to whom pay and other allowances have been drawn in the bill were on duty, own against their names in column 4 each man being employed on the work and on c... appointment was sanctioned

२. प्रमाणित किया जाता है कि प्रत्येक व्यक्ति को जो वास्तविक रूप से इस महीने में नियुक्त था, देव राशियों की मांग इस बिल में कोई नहीं है।  
Certified that the dues of every person actually employed during the month have been claimed in this bill.

३. प्रमाणित किया जाता है कि प्रार्थी के सेवावृत्त तथा छूटी लेखे को देखे बिना कोई भी छूटी स्वीकृति नहीं की गई है। मैंने लक्ष्य को सत्यापित कर लिया था कि छूटी स्वीकार्य थी। छूटी की मन्त्रालय पर प्रवासन करने तथा छूटी में वापसी निलंबन की अवधियों और अन्य छूटीयों को सेवावृत्तों और छूटी लेखों में दर्ज कर दिया गया है और उसपर मैंने अपने अज्ञात कर दिये हैं।  
Certified that no leave has been granted without reference to applicants Service Rolls and leave account had satisfied myself that it was admissible that all grants of leave and departure and return from leave and all period of suspension and other duty have been recorded in the Service Rolls and leave Accounts under my initials.

४. प्रमाणित किया जाता है कि इस महीने में उन व्यक्तियों के सिवा जिनको छूटी देतन उस बिल में आहरण किया गया है अन्य कोई भी व्यक्ति अनुपस्थित नहीं था या किसी अन्य छूटी पर नहीं था या निलंबन नहीं था (छूटी या बिना छूटी के आकस्मिक छूटी को छोड़कर) अनुपस्थित नहीं था।  
Certified that with the exception person for whom salary has been drawn in the bill no other person has been absedt no other duty or suspension or without leave (except on casual leave) during the month of 19

५. प्रमाणित किया जाता है कि इस बिल में किसी भत्ते से व्यक्ति का मकान किराया भत्ता आहरण किया जाता है जो इस अवधि में जिसके लिए मकान किराया लिया गया है किसाये से मुक्ति सरकारी क्वार्टर में रह रहा है।  
Certified that all person for whom house rent allowance has drawn in the bill has been in occupation of rent free Govt. quarters during the period of which the allowance has been drawn.

६. प्रमाणित किया जाता है कि किसी सभी व्यक्ति जिसके लिए सवारी/साइकिल भत्ता आहरण किया जाता है उन नियमों के अनुसार जो उसपर लागू होते हैं, उस भत्ते के अधिकारी हैं।  
Certified that all person for whom conveyance/cycle Allowance has been drawn are eligible for the grant of such allowance under the rule applicable for them.

७. प्रमाणित किया जाता है कि अदत्त राशि अदत्त मजदूरी रजिस्टर में पेज संख्या पर दर्ज करदी गई।  
Certified that for unpaid amounts entries have been made in unpaid wages register at page ...

८. प्रमाणित किया जाता है कि इससे पहले कोई राशि नहीं मांगी गई है।  
Certified that claim has not been preferred before.

उप-महाल अधिकारी  
Sub-Divisional Officer  
N.E.P. C.W.  
60000/-

महालेखाकार के कार्यालय में प्रयोगार्थ  
For use in A.G's Office

लेखा परीक्षण की गई।  
Audited

समीक्षा दी गई  
Reviewed

लेखा परीक्षण  
Auditor

अधीक्षक  
Supdt.

राजपत्रित अधिक  
Gazetted Officer





प्रमाणित किया जाता है कि सभी व्यक्ति अनुपस्थित नहीं था या किसी अन्य छूटों पर नहीं था ।

उपर्युक्त नामों के सामने दिखाई गई अवधियाँ दो छूटों पर थीं । प्रत्येक व्यक्ति उसी नियमित कार्य और डाक्टी के लिए उनको नियुक्ति की स्वीकृति हुई थी ।

Certified that all persons to whom pay and other allowances have been drawn in the bill were on duty during the period shown against their names in column 4 each man being employed on the work and on duty for which appointment was sanctioned.

प्रमाणित किया जाता है कि प्रत्येक व्यक्ति को जो वास्तविक रूप से इस महीने में नियुक्त था, देव राशियों के साथ इस दिल में को पढ़ि है ।

Certified that the dues of every person actually employed during the month have been claimed in this bill.

प्रमाणित किया जाता है कि प्रार्थी के सेवावृत्त तथा छूटों लेखे को देखे बिना कोई भी छूटी स्वीकृति नहीं की गई है मैंने स्वर्य को सन्तुष्ट कर दिया था कि छूटी स्वीकार्य थी । छूटों की मन्त्रूरी पर प्रश्नान् करने तथा छूटों का वापरी निलंबन की अवधियों और अन्य डूब्लियों को सेवावृत्तों और छूटों लेखों में दर्ज कर दिया गया है और

उपर्युक्त नामों के अन्याक्षर कर दिये हैं ।

Certified that no leave has been granted without reference to applicants Service Rolls and leave account had satisfied myself that it was admissible that all grants of leave and departure and return from leave and all period of suspension and other duty have been recorded in the Service Rolls and leave Account under my initials.

प्रमाणित किया जाता है कि इस महीने में उन व्यक्तियों के सिवा जिनको छूटों वेतन रुकिल में आहरण किया गया है अन्य कोई भी व्यक्ति अनुपस्थित नहीं था या किसी अन्य छूटों पर नहीं था निलंबन नहीं था (छूटों या बिना छूटों के आकस्मिक छूटों को छोड़कर) अनुपस्थित नहीं था ।

Certified that with the exception person for whom salary has been drawn in the bill no other person has been absedt no other duty or suspension or without leave (except on casual leave) during month of 19

प्रमाणित किया जाता है कि इस दिल में किसी भत्ते से व्यक्ति का सकान किराया भत्ता आहरण किया जाता है जो इस अवधि में जिसके लिए सकान किराया लिया गया है किवाये से मुक्ति सरकारी क्वार्टर में रह रहा है

Certified that all person for whom house rent allowance has drawn in the bill has been in occupation of rent free Govt. quarters during the period of which the allowance has been drawn.

प्रमाणित किया जाता है कि वे सभी व्यक्ति जिसके लिए सवारी/साईकिल भत्ता आहरण किया जाता है नियमों के अनुसार जो उसपर लागू होते हैं, उस भत्ते के अधिकारी हैं ।

Certified that all person for whom conveyance/cycle Allowance has been drawn are eligible for grant of such allowance under the rule applicable for them.

प्रमाणित किया जाता है कि अदत्त राशि अदत्त मजदूरी रजिस्टर में पेज संख्या पर दर्ज करदा

Certified that for unpaid amounts entries have been made in unpaid wages register at page ...

प्रमाणित किया जाता है कि इससे पहले कोई राशि नहीं मांगी गई है ।

Certified that claim has not been preferred before.

उप-मंडल  
Sub-Divisional  
Board

महालेखाकार के कार्यालय में प्रयोगार्थ  
For use In A.G's Office

नेत्रिका परीक्षा की गई ।  
Audited

नेत्रिका परीक्षण  
Auditor

अधीक्षक  
Supdt.

राजपत्रिका  
Gazet

No. 23/1/98-Estt.I  
Government of India  
Ministry of Water Resources

New Delhi, the 29th Oct., 1998

To

The Chairman,  
Central Water Commission,  
Sewa Bhawan, R.K. Puram,  
New Delhi - 110 066.

Sub : Grant of temporary status and regularisation of casual labourers and adhoc Khalasis engaged in the Workcharged establishment of Central Water Commission - regarding.

Sir,

Vide this Ministry's letter number 8/3/95-Estt.I(Vol.II) dated 20.6.97 a scheme for grant of temporary status and regularisation of Seasonal Khalasis (numbering 2234) in the workcharged establishment of Central Water Commission was introduced with effect from 1.6.1997. The casual labourers, (numbering 88) and adhoc Khalasis (numbering 43) engaged by the various divisions of Central Water Commission in its workcharged establishment were kept outside this scheme. Instead, through this Ministry's letter number 8/3/95-Estt.I(Vol.II) dated 3rd July, 1997 and dated 17th October, 1997, it was clarified that for the purpose of grant of temporary status and regularisation of such casual labourers and adhoc Khalasis in the workcharged establishment of Central Water Commission will be governed by the Deptt. of Personnel & Training Scheme issued vide their OM NO. 51016/2/90-Estt(C) dated 10th September, 1993.

The matter has been reviewed in the light of the order dated 10.2.1994 passed by the Central Administrative Tribunal (Principal Bench), New Delhi in O.A. No.223/92 in the matter of Shri Vinod Kumar & Ors. Vs Union of India & Ors. and other related O.A. NO. 884/92, 1601/92, 2246/92 and 2418/92 and in consultation with the Deptt. of Personnel & Training and it has been decided to extend the Scheme for grant of temporary status and regularisation of Seasonal Khalasis in the workcharged establishment and Central Water Commission "to the casual labourers and adhoc Khalasis engaged in the workcharged establishment of Central Water Commission retrospectively with effect from 1.6.1997, mutatis mutandis.

For the purpose of the said scheme the casual labourer and adhoc Khalasis will be the ones as defined below :

Some of  
BOK  
P.M.

1. Casual Labourer : Casual labourers generally unskilled persons engaged in the non-mechanized period for providing additional assistance in surveying, drilling, works etc. for investigation of projects. They are paid the minimum wages as prescribed by the Ministry of Labour. A total of 88 persons are employed under this category in the workcharged establishment under the CWC.

2. Adhoc Khalasi : Adhoc Khalasis are generally skilled/semi-skilled persons employed in the workcharged establishment for specific periods depending upon the exigency of the work and for specific works only. The are paid at the minimum of the scale of pay in the lowest grade in the workcharged establishment. A total of 43 persons are employed under category in the workcharged establishment of the CWC.

This supersedes this Ministry's letters NO. 8/3/95-Estt. I (Vol. II) dated 3.7.97 and 17.10.1997.

Central Water Commission are requested to ensure that the strength of casual labourers and adhoc Khalasis is (frozen) at the present strength as mentioned above and no fresh recruitment shall be made of any casual/adhoc or seasonal employees on regularisation of any casual labour, adhoc Khalasi and seasonal Khalasis with temporary status. It is reiterated that there shall be complete ban on appointment of fresh casual labourers, adhoc Khalasis and Seasonal Khalasis. Any violation of these instructions will be viewed very seriously. Further CWC may also ensure that engagement of adhoc Khalasis and casual employees inspite of grant of temporary status may be resorted to only for the period essentially required for completion of specific work.

It is requested that above provisions regarding extending the benefits of the scheme to casual labourers and adhoc Khalasis working in the workcharged establishment of Central Water Commission may please be brought to the notice of all appointing authorities under Central Water Commission and ensure immediate action for implementation by all concerned may also please be ensured.

Yours faithfully,

(Sd) -  
(A.K. BARUA)  
Under Secretary to the  
Government of India  
Tel. 3716928

Room No. 312, Sewa, Bhawan,  
R.K. Puram, New Delhi-110 066.

Dated the 23 January, 2002.

TO : The Chief Engineer,  
Brahmaputra Barak Basin,  
Central Water Commission,  
Maranatha Pohkesh, P.O.-Umpiling,  
SHILLONG - 793 006.

Sub: Grant of Temporary status to Shri Pikul Das, S/o  
Shri Amula Das, Casual Labourer.

Sir,

I am to refer to the O.O.No. NEID/1/Ett-39/2001/6809-14 dated 17.11.2001 issued by the Executive Engineer, NEID No. 1, CWC, Silchar conferring temporary status on Shri Pikul Das, S/o Shri Amula Das, Casual Labourer, a copy of which has been endorsed, among others, to your office.

In the above context, it is observed that the complete nomenclature of the scheme has not been brought out while issuing the said Office Order and the effective date from which temporary status has been granted has also not been indicated. Moreover, in the terms and conditions, a mention has been made that "his services will be governed as per DOPT Scheme issued vide their O.M. No. 5/016/2/90-Ett.(C) dated 10.9.93 as amended from time to time" which is not correct.

The MoWR vide their letter No. 8/3/95-Ett.I(Vol.II) dated 29th October 1998 had in consultation with DOPT extended the Scheme for grant of temporary status and regularisation of Seasonal Khalasi in the Work-charged Estt. of CWC 1997 scheme to the casual labourers and ad-hoc Khalasis engaged in the work-charged Estt. of CWC retrospectively w.e.f 1.6.97, mutatis mutandis. The aforesaid letter of MoWR which was issued in supersession of their letters No. 8/3/95-Ett.I(Vol.II) dated 3.7.97 and 17.10.97, was circulated to the field formations of CWC vide commission's letter No. A-11019/1/95-Ett.XII(Vol.III) dated 6.9.2000. The MoWR's aforesaid decision to extend the scheme of 1997 to the casual Labourer and ad-hoc Khalasis implies that the scheme issued by DOPT issued in 1993 is not applicable to them.

You are, therefore, requested to have the matter reviewed at the earliest and withdraw/modify the office order under reference issued by the then Executive Engineer, NEID No. 1, Silchar and issue revised order strictly in accordance with the provisions of the scheme under intimation to all concerned. Separately, you may

Contd.. P/2..

*Pikul Das*

*Done by  
Pikul Das*

201780

also like to advice the officers concerned to follow invariably the relevant rules/instructions while issuing such important orders.

An early action in the matter will be appreciated.

Yours faithfully,

*Prem Nath*  
(PREM NATH)  
UNDER SECRETARY

Copy for immediate necessary action to :

1. Supdt. Engineer, NEIC, CWC, Shillong.
2. Executive Engineer, NEIC, CWC, Silchar.

ANJ 1/12

सरोवर - E - 11019/1/2002 - १२/१०/२/१०२४

मारुति सरोवर  
बाबूदीय जल आवाहन

ANNEXURE - 2

कक्ष सं. 312, स्वामी अब्दुल  
आर. के पुस्तक, नई दिल्ली - 66  
दिनांक - 19 अगस्त 2002

स्वामी

अधीक्षण ओग्यता

उत्तर एवं अवधारणा परिवर्तन

बाबूदीय जल आवाहन

भगवान् शंकर, दोगांशुलिंग

शिलोंग - 14.

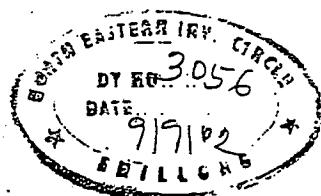
विषय - श्री पिंकल दास पुराश्री अमृला दास, बाबूदीय दिल्ली का जनक  
को अस्थाई स्तर पुराण करने का संबंध में।

मध्यदर्श

उपर्युक्त विषयक आपके पर सरूपा-एड आई सी/2053/१९  
97/3119-21 दिनांक 30.7.2002 के संदर्भ में मुझे यह कहा गया है,  
कि कीदूत ओग्यता का सुधार नियमित प्रसिद्धि करा जाना  
अपेक्षित है। अतः इस संबंध में नियमानुसार उपर्युक्त स्तर पर ही  
वाहनों का सुधार करने हेतु अवधारणा बोर्ड वाहनों का संबंध  
यह भी सुनिश्चित करें कि भविष्य में ऐसी ओग्यता की  
पुनरावृत्त न हो।सदी  
9/9

E-11

9/9/02


 बाबूदीय,  
प्रभाग  
(प्रभ नाम)  
अवधारणा

कृतिलिपि - मुरूम्य ओग्यता, ब्रह्मपुर स्वं बराक बीसन, कैंजॉडा, भैलाला।

 Annexure  
Copy  
Raja

49 -

Annexure F

Annex P

ANNEXURE-E

100

Gram: SENECHILLONG

Phone : (0364) 521049  
Fax : (0364) 521330



No. NEIC/2053/Vol-II/97/ 3899-3900

Government of India  
Central water Commission  
North Eastern Inv. Circle  
"Jamir Mansion" Nongshilliang,  
Shillong- 793014.

Dated 13/9/2002

To,

✓ The Executive Engineer  
North Eastern Inv. Division-I  
Central Water Commission  
Silchar

Sub:-

Grant of Temporary status to Shri Pikul Das, S/O Shri Amula Das, Casual Labour.

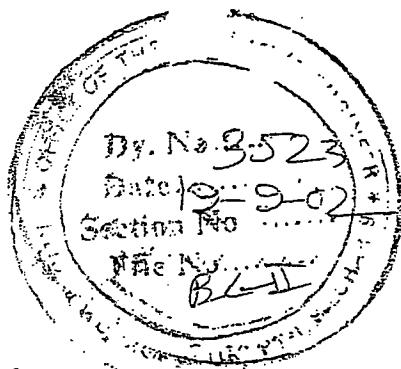
This office has received a letter from Under Secretary, CWC, New Delhi bearing No. A-11019/1/2002-Estt-XII/1024 dated 19.08.2002 (copy enclosed) intimating that the irregularity committed in granting temporary status to Shri Pikul Das S/O Shri Amula Das, Casual Labour, is to be rectified/regularized by the appointing authority. It has also been stated that it may be ensured that such irregularities do not happen in future.

The matter, therefore may please be regularized accordingly as Executive Engineer is the appointing authority.

*C.L. Wadhawan*  
(C.L. Wadhawan)  
Superintending Engineer

Copy to the Chief Engineer, B&BB, CWC, Shillong for his kind information.

*( C.L. Wadhawan )*  
Superintending Engineer



*True copy  
Roshni P.D.W.*

✓  
NSD

50

Annex - G  
101  
14/11/2003

BY REGISTERED A/D

PHONE : 03842-223939  
FAX : 03842-223937

Government of India  
Central Water Commission,  
North Eastern Inv. Division No. I,  
Jalbikashpur, Silchar - 9

No. NEID-I/PF-Estt-39/2003/

29/11/2003

Dated : 16-01-03

OFFICE MEMORANDUM

WHEREAS the Ministry of Water Resources, New Delhi has formulated a Scheme for grant of Temporary Status to facilitate the Seasonal Khalasis and Casual and of Temporary status and regularisation of Seasonal Khalasis formulated vide Ministry of Water Resources letter No. 8/3/95-Estt.(Vol.II) dated 20-6-1997 are governed by 2 conditions. The Scheme will be applicable to (1) those who are in employment in the work- and renders a minimum of 120 days of continuous service or (2) those who were employed any time during the preceding one year and have rendered a minimum of 120 days of continuous service preceding such date. The Scheme is made applicable to Casual Labourers, *mutatis mutandis* as per MoWR letter No. 23/1/98-Estt.I dated 29-10-1998.

WHEREAS this office vide Office Order No. NEID-I/Estt-39/2001/6809-14 dated 17-11-2001 conferred temporary status on Shri Pikul Das, S/o Shri Amula Das, Ex-Casual Labourer. It has subsequently come to attention that the order dated 17-11-2001 was inadvertently issued overlooking the provisions of the Scheme. As a matter of fact Shri Pikul Das is not eligible for conferment of Temporary Status.

AND THEREFORE, Shri Pikul Das, Ex-Casual Labourer is hereby required to show cause as to why the erroneous order No. NEID-I/Estt-39/2001/6809-14 dated 17-11-2001 conferring temporary status on him should not be withdrawn. The explanations of Shri Pikul Das should reach this office within one month of the issue of this Office Memorandum failing which it would be construed that he has no explanations to offer and the matter will be dealt with accordingly.

[ K.K. Jangid ]  
Executive Engineer

10/1.

To

Shri Pikul Das, S/O Shri Amula Das,  
Ex-Casual Labourer,  
Rongpur Part-I,  
Silchar - 788 009.

Received copy  
P.K. Das  
25.1.2003

Done by  
P.K. Das  
Adv.

The Executive Engineer,  
Central Water Commission  
North Eastern Investigation Division No. I  
Jalbukashpur, Silchar - 9  
Cachar Assam

Ref:- Office Memorandum No. NEID - 17/PE-Estt - 39/2003/231 dated 10-1-03  
for showing cause why the erroneous letter no. NEID/1/Estt-39/2001/  
6809-14 dated 17-11-2001 is withdrawn.

Respected Sir,

With reference to the above letter I have the honour to submit my replies as under for favour of your kind perusal and sympathetic orders.

That Sir, the ministry of water Resources, New-Delhi vide its circular No. 8/3/95 Estt. (Vol II) dated 20-6-97 has formulated a scheme to grant temporary status to facilitate the seasonal Kalasis and casual and casual Labourers of the central water commission and the said scheme would be applicable only on two conditions as stated in the office memorandum dated 10-1-03 issued by you. The conditions are self speaking.

That, the applicant, had first appointed as casual labour during 2-9-96 and had served till 12-4-97 is appropriately applicable on the applicant as the second condition clearly stated that "those who were employed anytime during the preceding one year and have rendered a minimum of 120 days of continuous service proceeding such date which clearly attracts the claim of the applicant to be awarded with the temporary status to the casual labour like the applicant.

That, the applicant is appointed one year before the scheme is formulated and also rendered a continuous service of more than 120 days from 2-9-96 to 12-4-97 and thus, the temporary status as conferred under office order No. NEID - 1/Estt - 39/2001/6809-14 dated 17-11-2001. is appropriate, right and accurate.

That, the aforesaid order was not issued inadvertently overriding/overlooking the provision/condition No. II of the scheme dated 1-6-76. The applicant is eligible for conferment of the status as said in the scheme. The temporary status as granted is not erroneous and the same is right, correct and as per condition No 2 of the temporary status in the scheme dated 1-6-97 and the same cannot be either cancelled or withdrawn.

Under the circumstances, the petitioner prays that the benign authority be pleased to accept this reply and to construed and appreciated the explanation given above are correct, accurate and right and to pass necessary orders allowing the applicant to continue with the temporary status as conferred to the applicant under office memorandum No NEID-1/Estt-39/2001/6809-14 dated 17-11-2001 be taken as correct, justified, and accurate and the same be continued.

And for this the applicant shall ever pray.

Yours faithfully,

Sri P. K. Das  
(PIKUL DAS)

True copy  
S. K. Das  
102

S. No 41 (1)

Annex - I

BY REGISTERED A/D

PHONE :: 03842-223939

FAX :: 03842-223937

Government of India  
Central Water Commission,  
North Eastern Inv. Division No.1,  
Jalbikashpur, Silchar - 9

No. NEID-I/PF-Estt-39/2003/

1764-66

Dated: 12-03-03

OFFICE ORDER

WHEREAS the Ministry of Water Resources, New Delhi has formulated a Scheme for grant of Temporary Status to facilitate the Seasonal Khalasis of Central Water Commission. The application of the 'Scheme for grant of Temporary status and regularisation of Seasonal Khalasis formulated vide Ministry of Water Resources letter No. 8/3/95-Estt.(Vol.II) dated 20-6-1997 are governed by two conditions. The Scheme will be applicable to (1) those who are in employment on the work-charged establishment of CWC on the date of commencement of the Scheme i.e. 1-6-1997 and renders a minimum of 120 days of continuous service or (2) those who were engaged any time during the preceding one year and have rendered a minimum of 120 days of continuous service in that year. The Scheme is made applicable to Casual Labourers, *mutatis mutandis* as per MoWR letter No. 23/1/98-Estt.I dated 29-10-1998.

WHEREAS this office vide Office Order No. NEID-I/Estt-39/2001/6809-14 dated 17-11-2001 conferred temporary status on Shri Pukul Das, S/o Shri Amul Das, Ex-Casual Labourer was inadvertently issued overlooking the provisions of the Scheme. As a matter of fact Shri Pukul Das is not eligible for conferment of Temporary Status.

Vide Office Memorandum No. NEID-I/Estt-39/2003/291 dated 10-01-03 Shri Pukul Das, Ex-Casual Labourer was afforded an opportunity to show cause as to why the erroneous order No. NEID-I/Estt-39/2001/6809-14 dated 17-11-2001 conferring temporary status on him should not be withdrawn.

The explanations tendered by Shri Pukul Das has been considered. Shri Pukul Das has contended that he has completed 120 days continuous service for the period from 2-9-96 to 12-4-97. In this connection, the periods of engagement of Shri Pukul Das as Casual Labourer has been examined de-novo and found to be as recorded below.

1.	02-09-1996 to 30-09-1996	29 days
2.	03-10-1996 to 30-11-1996	59 days
3.	02-12-1996 to 29-01-1997	59 days
4.	31-01-1997 to 01-03-1997	30 days
5.	01-04-1997 to 12-04-1997	12 days

He was not engaged as Casual Labourer after 12-04-1997 and hence he does not satisfy the 1<sup>st</sup> condition of the Scheme. It is evident from the periods mentioned above that the 2<sup>nd</sup> condition of 120 days of continuous employment any time during the preceding year is also not fulfilled. As such Shri Pukul Das does not fulfil any of the two conditions envisaged in the Ministry of Water Resources letter No. 8/3/95-Estt.(Vol.II) dated

Contd....2

*Some loss  
Replies*

104

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20-53

-2-

20-6-1997 No. 23/1/98-Estt.I dated 29-10-1998 to qualify for Temporary Status. Thus the order No. NEID-I/Estt-39/2001/6809-14 dated 17-11-2001 conferring Temporary Status on Shri Pikul Das, S/o Shri Amulya Das was erroneous, and therefore, now hereby withdrawn.

*K*  
[ K.K. Jangid ]  
Executive Engineer  
*W*  
12/3

To

Shri Pikul Das, S/o Shri Amulya Das,  
Ex Casual Labourer,  
Vill. Badhurpur,  
P.O. Larsinghpur,  
Silchar, Dist. Cachar 788 005

Copy to the following in continuation to this office letter No. NEID-I/Estt-39/2003/06-07 dated 10-01-03 for information alongwith a copy of the explanation tendered by Shri Pikul Das, S/o Shri Amulya Das, Ex Casual Labourer.

1. The Superintending Engineer, NEIC, CWC, Shillong.
2. The Under Secretary, Estt.XII, CWC, New Delhi.

Received copy.

*Deb Deb*  
14.3.03



१. प्रमाणित किया जाता है कि सभी व्यक्ति जिनका वेतन तथा अन्य भत्ते इस क्रिन द्वारा आहरण किया जाता है जिनके नामों के सामने दिलाई गई अवधि में हप्टी पर थे। प्रत्येक व्यक्ति उसी तिथिरां काप और लगाया गया था जिनके लिए उनको नियुक्ति की स्वीकृति हुई थी।

Certified that all person to whom pay and other allowances have been drawn in the bill, were during the period shown against their names in column 4 each man being employed on the work on duty for which appointment was sanctioned.

२. प्रमाणित किया जाता है कि प्रत्येक व्यक्ति को जो वास्तविक रूप से इस महीने में नियुक्त था, वेतन राशि मात्र इस बिल में कोई गई है।

Certified that the dues of every person actually employed during the month have been claimed this will.

३. प्रमाणित किया जाता है कि प्राप्ति के सेवावृत्त तथा छुटी लेखे को देखे बिना कोई भी छुटी स्वीकृति नहीं की गई है। मैंने सभव को सत्यापित कर लिया था कि छुटी स्वीकृति थी। छुटी की मावृत्ती पर प्रभावान करने वाला उसी तिलवन की अवधियों और अस्य छुटीयों को सेवावृत्त और छुटी लेखों में दर्ज कर दिया गया है। उसपर मैंने अपने अद्वाक्षर कर दिये हैं।

Certified that no leave has been granted without reference to applicants Service Rolls and leave account had satisfied myself that it was admissible that all grants of leave and departure and return from leave and all period of suspension and other duty have been recorded in the Service Rolls and leave Account under my initials.

४. प्रमाणित किया जाता है कि इस महीने में उन व्यक्तियों के सिवा जिनका छुटा चला गया बिल में आहरण किया गया है अन्य कोई भी व्यक्ति अनुस्थित नहीं था या किसी अन्य दृष्टी पर नहीं था। तिलवन नहीं था (छुटी या बिना छुटी के अक्षमिक छुटी को छोड़कर) अनुस्थित नहीं था।

Certified that with the exception person for whom salary has been drawn in the bill no other person has been absent no other duty or suspension or without leave (except on casual leave) during the month of 19

५. प्रमाणित किया जाता है कि इच्छ बिल में किसी भत्ते से व्यक्ति का मकान किराया भत्ता आहरण किया जाता है। इस अवधि में जिसके लिए मकान किराया लिया गया है किराये से नुक्ति सरकारी बवाटर में रहा है।

Certified that all person for whom house rent allowance has drawn in the bill has been in occupation of rent free Govt. quarters during the period of which the allowance has been drawn.

६. प्रमाणित किया जाता है कि सभी व्यक्ति जिसके लिए सवारी/साईकिल भत्ता आहरण किया जाता है नियमों के प्रतिसार जो उसपर लागू होते हैं, उसे भत्ता के अधिकारी है।

Certified that all person for whom conveyance/cycle Allowance has been drawn are eligible to grant of such allowance under the rule applicable for them.

७. प्रमाणित किया जाता है कि मदत राशि बदल मजदूरी रजिस्टर में पेज स्लिप पर दर्ज करता है।

Certified that for unpaid amounts entries have been made in unpaid wages register at page

८. प्रमाणित किया जाता है कि इच्छ पहले कोई राशि नहीं मांगी गई है।

Certified that claim has not been preferred before.

महालेखाकार के कार्यालय में प्रयोग।  
For use in A.G.'s Office

## लेखा परीक्षा की Audited

लेखा प्रतीक्षण

अधीक्षक

True GPT  
Rossin  
Ad

(Paragraphs 10-2-26 to 10-2-32 CPWA, Code)		मात्र Division Voucher No.	मात्र Month of		
मंडल वाउचर संख्या		मंडल/Division			
Division Voucher No.		दिन संख्या/Bill No.			
Anvex 1996		तिथि/Date 26.11.96			
की निर्माण कार्य प्रभारित		Work charged establishment			
1996		chargeable to work the			
निर्देश/Instructions					
उन्नित कर्मचारियों के सम्बन्ध में जब अन्तिम प्रविष्टि हो जाये तो उसके बाद पर्याप्त के द्वारा लिंग दे और उसके नीचे सभी खानों के जोड़ लाल स्पाही से लगा दे।					
own across the sheet after the last entry in respect of the staff relating to each columns struck there under in red ink.					
तत दर में कार्य वृद्धि हो तो वृद्धि की तारीखों को सूचित करने वाला जापन बिल के					
dates from which increments have been drawn should accompany the bill					
पर्याप्त श्रेणी के कर्मचारी अर्थात् स्थायी अस्थायी तथा देमित्तक या अस्थायी के लिए अलग					
है।					
prepared for each category of work charged staff viz Permanent Semi-Perma- nentary.					
Rupees		..... <sup>(रु.)</sup> के लिए पारित			
रु. दरा करें।		..... <sup>(Rupees)</sup> रु. दरा करें।			
(Rupees Five Thousand Three hundred Eighty Eighty four) a.m.		(Rupees Five Thousand Three hundred Eighty four) a.m.			
पृष्ठ..... पर श्रीर.		पृष्ठ..... पर दर्ज कर लिया गया।			
of CPWA 58		Executive Engineer			
of CPWA 95		उप-मंडल अधिकारी Sub-Divisional Officer			
एकोकेषन/Allocation					
निर्माण कार्य को विभिन्न/D) to Work					
वसुलियाँ/Recoveries					
1. म० न०/		GPF Rs.			
2. म०न० कटोती/		GPFA Rs.			
3. म० न०/		CPF Rs.			
4. म० न० कटोती/		CPFA Rs.			
5. म०क०/		House Rent Rs.			
6. म० प्रोर प का छवं/		FT & WC Rs.			
7. क०स्ता०यो०/		CGHS Rs.			
8. म० का०/		Cycle Advance Rs.			
9. म०दोमा०यो०/		CGIS Rs.			
म०न०शायि/		Net Paid Rs.			
जोड़/		Total Rs.			
1. मेरे दाता ही पाई/Paid by me on	Rs.				
2. अद्यता/		Unpaid Rs.			
जोड़/Total					



३ में अपने नामों के सामने दिखाइ गई अवधि में छुट्टी पर थे। प्रत्येक व्यक्ति उसी निर्माण कार्य का लागाया गया था जिनके लिए उनको नियुक्ति की त्वार्कता हुई थी।

Certified that all persons to whom pay and other allowances have been drawn in the bill were during the period shown against their names in column 4, each man being employed on the duty for which appointment was sanctioned.

४. प्रमाणित किया जाता है कि प्रत्येक व्यक्ति को जो वास्तविक रूप से इस महीने से नियुक्त था, वे यह मात्र इस बिल में कोई गई है।

Certified that the dues of every person actually employed during the month have been drawn in this bill.

५. प्रमाणित किया जाता है कि प्रार्थी के सेवावात तथा छुट्टी लेखे को देखे बिना कोई भी छुट्टी स्वीकृति नहीं मिलती है। छुट्टी को सन्तुष्ट कर दिया था कि उसी त्वार्कता थी। छुट्टी को मन्त्री पर प्रस्तुत करने तथा वापसी नियन्त्रण की अवधियों और अन्य डिट्रियों को सेवावात और छुट्टी लेखों में दर्ज कर दिया गया उसपर मैंने अपने ग्राहकर कर दिये हैं।

Certified that no leave has been granted without reference to applicants' Service Rolls and leave had satisfied myself that it was admissible that all grants of leave and departure and return for all period of suspension and other duty have been recorded in the Service Rolls and leave under my initials.

६. प्रमाणित किया जाता है कि इस महीने में उन व्यक्तियों के सिवा जिनको छुट्टी बिल में आहरण किया गया है अन्य कोई भी व्यक्ति अनुपस्थित नहीं था या या किसी अन्य छुट्टी पर नहीं नियन्त्रण मिल नहीं था (छुट्टी या बिना छुट्टी के मानकिम्य छुट्टी को छोड़कर) अनुपस्थित नहीं था।

Certified that with the exception person for whom salary has been drawn in the bill, no other has been absent no other duty or suspension or without leave (except on casual leave) during month of December 1996.

७. प्रमाणित किया जाता है कि इस बिल में किसी भी से व्यक्ति का भकान किया गया भकान आहरण किया जो इस अवधि में जिसके भकान किया गया है कियाये से नियन्त्रण सरकारी बवाट्टर में रह रहा।

Certified that all person for whom house rent allowance has drawn in the bill has been in occupancy of rent free Govt. quarters during the period of which the allowance has been drawn.

८. प्रमाणित किया जाता है कि सभी व्यक्ति जिसके निए सवारी/साइकिल भकान आहरण किया जाता नियमों के अनुसार जो उसपर नाम दर्शाया गया है उस भकान का अधिकारी है।

Certified that all person for whom conveyance/cycle Allowance has been drawn are eligible grant of such allowance under the rule applicable for them.

९. प्रमाणित किया जाता है कि भद्रत राज अदत्त मजदुरी रजिस्टर में पेज संख्या पर दर्ज कर दिया गया है।

Certified that for unpaid amounts entries have been made in unpaid wages register at page

१०. प्रमाणित किया जाता है कि इससे पहले कोई राजि नहीं मांगी गई है।

Certified that claim has not been preferred before.

11. अधिकारी के नामों में समाविष्ट हैं।

12. अधिकारी के नामों में समाविष्ट हैं।

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92. अधिकारी के नामों में समाविष्ट हैं।

93. अधिकारी के नामों में समाविष्ट हैं।

94. अधिकारी के नामों में समाविष्ट हैं।

95. अधिकारी के नामों में समाविष्ट हैं।

96. अधिकारी के नामों में समाविष्ट हैं।

97. अधिकारी के नामों में समाविष्ट हैं।

98. अधिकारी के नामों में समाविष्ट हैं।

99. अधिकारी के नामों में समाविष्ट हैं।

100. अधिकारी के नामों में समाविष्ट हैं।

101. अधिकारी के नामों में समाविष्ट हैं।

102. अधिकारी के नामों में समाविष्ट हैं।

103. अधिकारी के नामों में समाविष्ट हैं।

104. अधिकारी के नामों में समाविष्ट हैं।

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107. अधिकारी के नामों में समाविष्ट हैं।

108. अधिकारी के नामों में समाविष्ट हैं।

109. अधिकारी के नामों में समाविष्ट हैं।

110. अधिकारी के नामों में समाविष्ट हैं।

111. अधिकारी के नामों में समाविष्ट हैं।

112. अधिकारी के नामों में समाविष्ट हैं।

113. अधिकारी के नामों में समाविष्ट हैं।

114. अधिकारी के नामों में समाविष्ट हैं।

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117. अधिकारी के नामों में समाविष्ट हैं।

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122. अधिकारी के नामों में समाविष्ट हैं।

123. अधिकारी के नामों में समाविष्ट हैं।

124. अधिकारी के नामों में समाविष्ट हैं।

125. अधिकारी के नामों में समाविष्ट हैं।

126. अधिकारी के नामों में समाविष्ट हैं।

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130. अधिकारी के नामों में समाविष्ट हैं।

131. अधिकारी के नामों में समाविष्ट हैं।

132. अधिकारी के नामों में समाविष्ट हैं।

133. अधिकारी के नामों में समाविष्ट हैं।

134. अधिकारी के नामों में समाविष्ट हैं।

135. अधिकारी के नामों में समाविष्ट हैं।

136. अधिकारी के नामों में समाविष्ट हैं।

137. अधिकारी के नामों में समाविष्ट हैं।

138. अधिकारी के नामों में समाविष्ट हैं।

&lt;p

Name of work

रोका नाम

पदाधिकारी का नाम और पद Name of Incumbent & Designation	अवधि Period	वेतन Pay	इट्टी वेतन Leave Salary	महंगाई भता D.A.	म. भता Interim Relief	माध्यम भता Addl. D.A.	नगद भता C.C.A.	मकान किराया H.R.A.	स. भ. Cy. A.	बोद्ध Total	ग. लि. कटोरी G.P.F.	स. लि. GPFA	स. लि. CPF	स. लि. CPFA	स. कि. का छवा House Rent	श्रीदप. का छवा WC & FT	स. क. स. क. Cycle Adv	के. स्वा, यो CGHS	ग. का. बोद्ध CGIS	क. का. बोद्ध Total Rec.	ग. नि. राशि Net Payable	प्रक. स. स. पावती Date ack. of payees	म.पा.स.स. हस्ताक्षर Dated Initials of Officer मा. — Paymen 27		
Topo Survey of G.S. S. Section																									
1. H. F. G. K. Dated F. M. 1475/- DKWAKZ. C/L 1/97																									
2. NED-1/E-39/96/																									
7514-16.07.1992-96																									
3. 1/51-02-96																									
4. 12-96 to 23-3-97																									
5. P.K.U. D.R.S																									
6. 55 C/L @ 952/- 25/04/93																									
7. NED-1/E-39/96/730003																									
8. 5/12 C.M. 953/- P.M.																									
9. 96/12-96																									
10. Sum-1-96/10- C/L (Rs 1475/- 39/04/93)																									
11. NED-1/E-39/96/7308/- 88																									
12. 30-11-96 C.M. 1925/- P.M.																									
13. 12-96/12-97 P.M.																									
Total R.S. → 3752/-																									
14. P.E. - 54.																									
(Rupees Three Thousand Six Hundred Fifty Two) only.																									
J. E. Patel (11) NED-1/C.W.C Ranipur-9																									

१. प्रा. ता है कि सभी व्यक्ति जिनका वेतन तथा धन्य भत्ते इस बिल द्वारा आहरण किए गए हैं। जाना।  
२. सभी व्यक्ति जिनके लिए उनको नियुक्ति की स्वीकृति हुई थी।  
Certified that all person to whom pay and other allowances have been drawn in the bill were on duty during the period shown against their names in column 4 each man being employed on the work and on duty for which appointment was sanctioned.

३. प्रमाणित किया जाता है कि प्रत्येक व्यक्ति को जो वास्तविक रूप से इस महीने में नियुक्त था, देय राशियों की मांग इस बिल में को गई है।  
Certified that the dues of every person actually employed during the month have been claimed in this bill.

४. प्रमाणित किया जाता है कि प्रार्थी के सेवावृत्त तथा छुट्टी लेखे को देखे जिनका गई भी छुट्टी स्वीकृति नहीं की गई है। मैंने स्वयं को सन्तुष्ट कर लिया था कि छुट्टी स्वीकृत थी। छुट्टी की मन्त्रूरी पर प्रथान करने तथा छुट्टी में वापसी निलंबन की अवधियों और अन्य डकूटियों के सेवावृत्तों और छुट्टी लेखों में दर्ज कर दिया गया है और उसपर मैंने अपने अदाकार कर दिये हैं।  
Certified that no leave has been granted without reference to applicants Service Rolls and leave account had satisfied myself that it was admissible that all grants of leave and departure and return from leave and all period of suspension and other duty have been recorded in the Service Rolls and leave Accounts under my initials.

५. प्रमाणित किया जाता है कि इस महीने में उन व्यक्तियों के सिवा जिनको छुट्टी वेतन उत्तर बिल में आहरण किया गया है धन्य कोई भी व्यक्ति अनुपस्थित नहीं या या किसी अन्य डकूटी पर नहीं या या निलंबन नहीं था (छुट्टी या जिनका छुट्टी के आक्रियिक छुट्टी को छोड़कर) अनुपस्थित नहीं था।  
Certified that with the exception person for whom salary has been drawn in the bill no other person has been absented no other duty or suspension or without leave (except on casual leave) during the month of ... 19

६. प्रमाणित किया जाता है कि इस बिल में किसी भत्ते से व्यक्ति का मकान किराया भत्ता आहरण किया जाता है जो इस अवधि में जिसके लिए मकान किराया लिया गया है किराये से नुकित सरकारी बवाटर में रह रहा है।  
Certified that all person for whom house rent allowance has drawn in the bill has been in occupation of rent free Govt. quarters during the period of which the allowance has been drawn.

७. प्रमाणित किया जाता है कि वे सभी व्यक्ति जिनके साथी/साइकिल भत्ता आहरण किया जाता है उन नियमों के अनुसार जो उसपर लागू होते हैं, उस भत्ते के अधिकारी है।  
Certified that all person for whom conveyance/cycle Allowance has been drawn are eligible for the grant of such allowance under the rule applicable for them.

८. प्रमाणित किया जाता है कि अदत्त राशि अदत्त मजबूरी रजिस्टर में पेज संख्या ..... पर दर्ज करदी गई।  
Certified that for unpaid amounts entries have been made in unpaid wages register at page ...

९. प्रमाणित किया जाता है कि इससे पहले कोई राशि नहीं मांगी गई है।  
Certified that claim has not been preferred before.

महालेकार के कार्यालय में प्रयोगाय  
For use in A.G's Office

लेखा परीक्षा की गई।  
Audited

लेखा परीक्षण  
Auditor

प्रधीक्षक  
Supdt.

समीक्षा दी गई  
Reviewed

राजपत्रित अधिकारी  
Gazetted Officer

उप-मंडल प्रधानकारी  
Sub-Divisional Officer  
N.G.O. G.W.B.  
Ranipur-9

के.लो.नि.ए-29/CPWA-29

(केंद्रोंनि.० लेखा संहिता के पंक्ति १०-२-२६ से १०-२-३२ तक)  
(Paragraphs 10-2-26 to 10-2-32 CPWA, Code)

उप-मंडल वाउचर संख्या ।

मंडल वाउचर संख्या Sub-Division Voucher No.....

मास

Month of Jan/19

मंडल/Division No. 12

बिल संख्या/Bill No. 2

तिथि/Date. 27-1-27

मास का वेतन बिल की निर्माण कार्य प्रभारित

PAY BILL OF E-E. N210-7

for the month of Jan/27

1997

Work charged establishment

chargeable to work the

संदर्भ/Instructions

१. प्रत्येक निर्माण कार्य से सम्बंधित कर्मचारियों के सम्बन्ध में जब अनित्य प्रविष्टी हो जाये तो उसके दाद पन्ने के प्रारंभ पार लाल स्पष्टी से रेला लैंच दें और उसके नीचे सभी खानों के जोड़ लाल स्पष्टी से लगा दें।  
A red line should be drawn across the sheet after the last entry in respect of the staff relating to each work and totals of all columns struck there under in red ink.

२. जब कभी विल जाने वाले वेतन दर में कार्य क्षेत्र हो तो वृद्धि की तारीखों को सूचित करने वाला शास्त्र बिल के पास जोड़ना चाहिए।  
The name showing the dates from which increments have been drawn should accompany the bill whenever there is any increase in the date of pay drawn.

३. निर्माण कार्य प्रभारित प्रत्येक श्रेष्ठों के कर्मचारी अवैत्यत भ्यायी अस्थायी तथा देमित्क या अस्थायी के सिए अलग अलग बिल तैयार करना चाहिए।  
Separate bills should be prepared for each category of work charged staff viz Permanent Semi-Permanent and Casual or Temporary.

..... (रु.) के लिए पारित  
Passed for Rs. 3752=00 Rupees Three Thousand Seven hundred  
..... (रु.) प्रदान करें। Sixty Two) only  
Pay Rs. 3752=00 (Rupees Three Thousand Seven hundred  
..... (रु.) प्रदान करें। Sixty Two) only  
उप-मंडल प्रधिकारी  
Sub-Divisional Officer

जांचा गया और के.लो.नि.ले, ५८ पैसे पृष्ठ ..... पर और  
६४ पैसे ..... पर दर्ज कर लिया गया।  
Checked and entered at page ... of CPWA 58  
..... (रु.) page ..... of CPWA 95

मंडल लेखाकारी  
Divisional Accountant  
..... (रु.)

उ.म.अ./प्रधानकारी प्रधिकारी  
S.D.O./Executive Engineer

एलोकेशन/Allocation

विभाग कार्य का विवर/D. to Work

वसुलिया/Recoveries

Rs. 3752.00

1. म.न.०/

2. म.न.० कटौती/

3. म.न.०/

4. म.न.० कटौती/

5. म.क.०/

6. म. पौद प का बच्चे/

7. के.स्वाम.यो.०/

8. म. का.०/

9. म. दोमा.यो.०/

म.न.० राशि/

बोड़ी/

10. मेरे दादा की गई/Paid by me on ... Rs.

11. अदत्त/

GPF Rs. ....

GPFA Rs. ....

CPF Rs. ....

CPFA Rs. ....

House Rent Rs. ....

FT & WC Rs. ....

CGHS Rs. ....

Cycle Advance Rs. ....

CGIS Rs. ....

Net Paid Rs. ....

Total Rs. ....

Unpaid Rs. ....

3. म.न.०/

4. म.न.० कटौती/

5. म.क.०/

6. म. पौद प का बच्चे/

7. के.स्वाम.यो.०/

8. म. का.०/

9. म. दोमा.यो.०/

म.न.० राशि/

बोड़ी/

10. मेरे दादा की गई/Paid by me on ... Rs.

11. अदत्त/

3. म.न.०/

4. म.न.० कटौती/

5. म.क.०/

6. म. पौद प का बच्चे/

7. के.स्वाम.यो.०/

8. म. का.०/

9. म. दोमा.यो.०/

म.न.० राशि/

बोड़ी/

10. मेरे दादा की गई/Paid by me on ... Rs.

11. अदत्त/

3. प्रमाणित किया जाता है कि व्यक्ति को जो वास्तविक रूप से इस भूमि में नियुक्त था, वह उसमें कोई गई है।  
Certified that all person to whom pay and other allowances have been drawn in the bill were during the period shown against their names in column 4 each man being employed on the duty for which appointment was sanctioned.

4. प्रमाणित किया जाता है कि प्रत्येक व्यक्ति को जो सेवावाल रूप से इस भूमि में नियुक्त था, वह उसमें कोई गई है।  
Certified that the dues of every person actually employed during the month have been drawn in this bill.

5. प्रमाणित किया जाता है कि आर्थिक सेवावाल तथा छट्टी लेहे को देखे विना कोई भी छट्टी स्वीकृति नहीं मैंने लेव को सन्तुष्ट कर लिया था कि छट्टी स्वीकृति थी। छट्टी की मत्तूरी पर प्रस्तुत करने तथा वापसी निलंबन की आवश्यकीय और अन्य इयूटियों को सेवावाल और छट्टी लेहों में दर्ज कर दिया गया उसपर मैंने अपने श्रद्धालु कर दिये हैं।  
Certified that no leave has been granted without reference to applicants Service Rolls and leave had satisfied myself that it was admissible that all grants of leave and departure and return from and all period of suspension and other duty have been recorded in the Service Rolls and leave Ad under my initials.

6. प्रमाणित किया जाता है कि इस भूमि में उन व्यक्तियों के सिवा जिनको लिया गया था आहरण किया गया है कि कोई भी व्यक्ति अनुपस्थित नहीं था या किसी भूमि छट्टी पर निलंबन नहीं था (छट्टी या बिना छट्टी के प्राकृतिक छट्टी को छाड़कर) अनुपस्थित नहीं था।  
Certified that with the exception person for whom salary has been drawn in the bill no other has been absedt no other duty or suspension or without leave (except on casual leave) during month of 19

7. प्रमाणित किया जाता है कि इस विल में किसी भूमि से व्यक्ति का कानान किया गया था कि जिसके लिए स्कान किया गया है किसमें सुनित सरकारी बाउटर में नहीं।  
Certified that all person for whom house rent allowance has drawn in the bill has been in receipt of rent free Govt. quarters during the period of which the allowance has been drawn.

8. प्रमाणित किया जाता है कि जो सभी व्यक्ति जिसके लिए स्कान किया गया है नियमों के अनुसार जो उसपर लागू होते हैं, उस भूमि के अधिकारी हैं।  
Certified that all person for whom conveyance/cycle Allowance has been drawn are eligible for grant of such allowance under the rule applicable for them.

9. प्रमाणित किया जाता है कि अदात राजि अदात भजद्वारी रजिस्टर में पेज संख्या पर दर्ज है।  
Certified that for unpaid amounts entries have been made in unpaid wages register at page

10. प्रमाणित किया जाता है कि इससे पहले कोई राजि नहीं मांगा गई है।  
Certified that claim has not been preferred before

महालेलाकार के कार्यालय में प्रयोगार्थ  
For use in A.G's Office

लेखा परीक्षा की गई।  
Audited

लेखा परीक्षा की गई।  
Auditor

प्रधीकार  
Supdt.

राजि  
Wages

35  
122

129 CPWA-29

(केन्द्रीय लेखा संहिता के पृष्ठ १०-२-२६ से १०-२-३२ तक)  
(Paragraphs 10-2-26 to 10-2-32 CPWA, Code)

मंडल वाउचर संख्या

Division Voucher No..... Month of Feb 1947

मंडल/Division..... NEID-1

विल संख्या/Bill No..... 4

तिथि/Date..... 21-2-32

Division Voucher No.....

8

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मात्रा संख्या	प्रत्येक वर्षीय मुद्रा	अवधि	वेतन	छुटी वेतन	महाराष्ट्र मंत्री	म. भत्ता मंत्री	प्रधिम मंत्री	नगर मंत्री	प्रकाश किराया
Item No.	Rs.	Period	Pay	Leave Salary	D.A.	Interim Relief	Addl. D.A.	C.C.A.	H.R.A.
1	2	3	4	5	6	7	8	9	10

Topo. ~~Eng~~ S. w. S. Schenme

10.00 ~~10.00~~ at E.M. 14755  
~~Locality~~ 2197  
 A. ~~10.00~~ 11/11  
 E.M. 39/ ~~10.00~~ 15  
 C.R. 10.00/ ~~10.00~~ 15  
 30-12-96 ~~10.00~~ 15 C.R. 15

2-5-19	10-1-20-CH	3-1-13-2	81.00	✓
@ 1-2-22	1 days	31	359.00	✓
		2197	990.00	

~~RS~~  $\rightarrow$  965 C

MEID-~~16365~~  
DT. 23-3  
8am 1-3-9

267

one thousand four hundred sixty five only

Jr. Engineer

1000



Name of wo  
मुख का नाम

कार्य का नाम		प्रबंधि	देतन	हृद्दी देतन	महंगाई मत्ता	प्र. मत्ता	प्राप्तम मत्ता	नगर मत्ता	प्रकाश किराया	स. म.
मद संभावा	पदाधिकारी का नाम पोर्ट पद Name of Incumbent & Designation	Period	Pay	Leave Salary	D.A.	Interim Relief	Addl. D.A.	C.C.A.	H.R.A.	Cy. A.
Item No. 1	2	3	4	5	6	7	8	9	10	11

(Anfänger und Eltern) ca. 1

