

5

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI -5

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

✓ O.A./T.A/ NO. 136 2009
R.A./CP/NO. 2015
E.P./M.P./NO. 66 2009

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P.D. 07/07/15
SECTION OFFICER (JUDL.)

6.7.2015

CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH :

ORDERSHEET

136

1. Original Application No : 136/2009

2. Misc. Petition No : in O.A. No.-----

3. Contempt Petition No : in O.A. No.-----

4. Review Application No : in O.A. No.-----

5. Execution Petition No : in O.A. No.-----

Applicant (S) : *Shri Sonsai Korte & 109 others*Respondent (S) : *Union of India & Ors.*Advocate for the : *Hp. Adil Ahmed,*
{Applicant (S)}*Hp. N. Ahmed.*Advocate for the : *CGSC*
{Respondent (S)}

Notes of the Registry	Date	Order of the Tribunal
1. The application is in form is filed/C. F. for Rs. 50/- deposited vide J.P.C./BD No. 396408958 Dated 23.5.2009	24.07.2009	<p>Heard Mr.A.Ahmed, learned counsel for the Applicant and Ms.Usha Das, learned Addl. Standing counsel for the Govt. of India to whom a copy of this O.A. has already been supplied and perused the materials placed on record.</p> <p>Issue notice to the Respondents requiring them to file their written statement. Interim prayer made in this Original Application shall be taken up for consideration after filing of reply by the Respondents.</p> <p>Call this matter on 11.09.2009.</p> <p>Send copies of this order to the Respondents (along with notices) in the address given in the O.A. Free copies of this order to the learned counsel appearing for both the parties.</p>
2. 5 (Five) copies of Application with envelope received for issue notices to the Respondents No 1 to 5, copy served.		<p>(M.K.Chaturvedi) Member (A)</p> <p>(M.R.Mohanty) Vice-Chairman</p>

/bb/

Copies of notices along with order dated 24/7/09 sent to D/Sec. for issuing to respondent by regd. A/D post.

11.09.2009

Written statement is stated to have already been filed on behalf of the Respondents. Mr.A.Ahmed, learned counsel for the Applicant seeks time to file rejoinder.

Accordingly, call this matter on 22.10.2009 awaiting rejoinder from the Applicant.


(M.K.Chaturvedi)
Member (A)

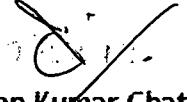

(M.R.Mohanty)
Vice-Chairman

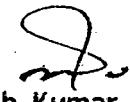
Free copies of this order also send to D/Sec. for issuing to L/counsel for both the parties.

for D/No - 9141 to 9145
3/8/09. Df. 4/8/09 9146 - 47 22.10.2009

Mr. A. Ahmed, learned counsel for the Applicant seeks further time to file rejoinder. Prayer allowed.

List on 02.12.2009.


(Madan Kumar Chaturvedi)
Member (A)


(Mukesh Kumar Gupta)
Member (J)

① Service report awaited.

23
10.9.09.

W/S filed by

Ms. Alsha Das,

Addl. CGSC Copy

Sealed on 28/8/09

02.12.2009

Rejoinder has been filed. Pleadings

are completed.

List the matter on 08.01.2010.


(Madan Kumar Chaturvedi)
Member (A)


(Mukesh Kumar Gupta)
Member (J)

No rejoinder filed.

1/1m/

21.10.09

No rejoinder

filed.

1.12.09

21.12.09

rejoinder has been filed in the Court by the Applicant.

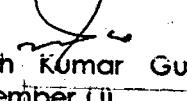
The case is ready.

1m

22.12.10

1m


(Madan Kumar Chaturvedi)
Member (A)


(Mukesh Kumar Gupta)
Member (J)

Pleadings are complete. Both sides pray for time. Admit.

Subject to legal acceptance, if any.

List the matter for hearing on 10.2.2010.

10.2.2010

List the matter on 17.2.2010.

Case is ready for hearing
Adjourned to 17.2.2010
or file from 18.2.2010 to 22.2.2010


(Madan Kumar Chaturvedi)
Member (A)

17.02.2010 On the request of learned counsel for parties, list on 23.02.2010.

The case is ready for hearing.

nkm


(Madan Kumar Chaturvedi)
Member (A)


(Mukesh Kumar Gupta)
Member (J)


22.2.2010

23.2.2010

Proxy counsel for applicant prays for adjournment which is not opposed by the counsel for the respondents.

List on 02.3.2010.

The case is ready for hearing.


17.3.2010


(Madan Kumar Chaturvedi)
Member (A)


(Mukesh Kumar Gupta)
Member (J)

/pg/

02.03.2010

Adjourned to 18.03.2010.


(Madan Kumar Chaturvedi)
Member (A)


(Mukesh Kumar Gupta)
Member (J)

/bb/

The case is ready for hearing.


18.3.2010

18.03.2010 Proxy counsel for Mr. A. Ahmed, learned counsel for Applicant prays for adjournment which request has not been objected by Ms. U. Das, learned Addl. CGSC for Respondents.

List for hearing on 05.04.2010.


(Madan Kumar Chaturvedi)
Member (A)

/pb/

O.A.136-09

05.04.2010

Mr.A.Ahmed, learned counsel for

applicant and Ms.U.Das, learned Addl.
C.G.S.C. for respondents are present.

Learned counsel for applicant seeks
liberty to withdraw present application to take
appropriate steps in accordance with rules
and law. Ordered accordingly.

(Madan Kumar Chaturvedi) (Mukesh Kumar Gupta)
Member (A) Member (J)

/bb/

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH, GUWAHATI

ORIGINAL APPLICATION NO. 136 OF 2009.

Shri Sonsai Kuki & Others

... Applicants

-Versus-

The Union of India & Others

... Respondents

केन्द्रीय प्रशासनिक अधिकारण
Central Administrative Tribunal

23 JUL 2009

गुवाहाटी न्यायघरीठ
Guwahati Bench

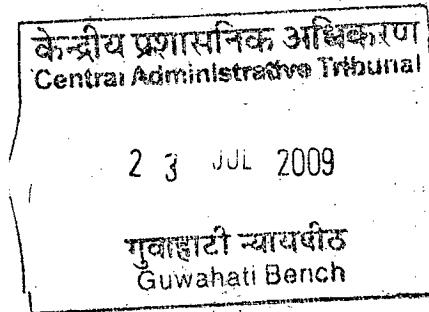
S Y N O P S I S

The Applicants were engaged as Supervisor/Conservancy staff in the office of the Station Commander, Leimakhong, Pin-900269, C/O/ 99 APO i.e. Respondent No.5 on different dates since 01.03.1986 to 02.06.2004 respectively. Since their respective date of engagement they were working under the Respondent No.5 continuously without any break. Some of the Applicants submitted representation on 09.04.2000 before the Brigade Commander, 59 Mountain Division, Leimakhong requesting him to make them permanent in their respective posts and also to increase their pay scale as per Central Government Service scale. Thereafter they submitted another representation before the Respondent No.5 on 03.07.2001 requesting him to regularize their services and also increase their pay scale. The Army Headquarters on 22.05.2002 issued some specific guidelines for employment of casual labours in Army Establishment. On 02.06.2003 the Board Officers of Station Head Quarters, Leimakhong made some recommendations regarding continuation of engagement of Conservancy staffs and the same was approved by the Brigade Station Commander, Station HQ, Leimakhong on 30.06.2003. The Respondent No.5 stopped the monthly salary of the Applicants from October 2004. The Applicants submitted representation on 19.01.2005 before the competent authority for non payment of wages/salary to them but unexpectedly the Respondents discontinued the engagements of the Applicants and thrown out their job without giving any prior termination notice. Being aggrieved by the aforesaid action of the Respondents the Applicants had filed two Original Application Nos. O.A. No. 259 of 2005 and 260 of 2005 respectively before this Hon'ble Tribunal. The Applicants had withdrawn the O.A. No. 259 of 2005 after getting their arrear salary. This Hon'ble Tribunal vide its order dated 21.05.2007 passed in O.A. No. 260 of 2005 directed the Respondents to engage the Applicants on casual laborer job under them in preference to their new comers/juniors in the next available vacancy. The Respondents No.5 vide letter dated 20.07.2007 informed the Applicant No.1 to apply for the said job through Employment Exchange and also informed him that as and when vacancy is available, the Department will consider his case in the light of the order dated 21.07.2007 passed in O.A. No.260 of 2005 by this Hon'ble Tribunal. Accordingly, all the

Gourinda Prasad

Applicants registered their name in local Employment Exchange Office for getting job under the Respondents. But the Respondents have engaged new comers/junior persons as casual labours since November 2006 to till date as per the information available under the RTI Act. Till date the Respondents has engaged only 10 to 15 Applicants as casual labours out of 113 Applicants of the O.A. No.260 of 2005. Being aggrieved by this the Applicants has compelled to approach this Hon'ble Tribunal again for seeking justice in this matter.

Hence, this Original Application is filed for seeking justice into this matter.



Gourinda Prasad

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH, GUWAHATI

ORIGINAL APPLICATION NO. 136 OF 2009.

Shri Sonsai Kuki & Others

... Applicants

-Versus-

The Union of India & Others

... Respondents

केन्द्रीय प्रशासनिक अधिकार
Central Administrative Tribunal

23 JUL 2009

गुवाहाटी न्यायालय
Guwahati Bench

LIST OF DATES

01.03.1986 to Applicants were engaged as Supervisor/Conservancy casual staff in the office of the Station Commander, Station Headquarters, Leimakhong, Pin-900269, C/O 99 APO on different dates in between 01.03.1986 to 02.06.2004.

09.04.2000 Some of the Applicants submitted representation before the Brigade Commander, 59 Mountain Division, Leimakhong requesting him to make them permanent in their respective post and also to increase their pay scale as per Central Government Service Scale.

Para 4.2
Annexure-1

03.07.2001 Some of the Applicants submitted another representation before the Station Commander, Station Headquarters, Leimakhong requesting him to regularize their services and also increase their pay scale.

Para 4.6
Annexure-2

22.05.2002 Army Head Quarters had issued some specific guidelines for employment of Casual Labours in the Army Establishment.

Para 4.7
Annexure-3

02.06.2003 Board of officers of Station Headquarters, Leimakhong has made a proposal for continuation of engagement of Conservancy/Casual Staffs.

Para 4.8
Annexure-4

30.06.2003 The proposal/recommendation of the Board of officers of Station Headquarters, Leimakhong was approved by the Brig. Station Commander, Station Headquarters, Leimakhong.

Para 4.8

19.01.2005 Applicants submitted representation before the Authority concern regarding non payment of their wages and also inquired from the Respondents whether they should continue in their worked without payment.

Para 4.10
Annexure-5

08.03.2005 The office of the Respondent No.6 communicated a letter to the Respondent No.5 asking some information about their Board proceeding for employment of 130 daily wages conservancy staffs.

Para 4.11
Annexure-6

21.05.2007 This Hon'ble Tribunal passed an order in O.A. No. 260 of 2005 by directing the Respondents to engage the instant Applicants on casual labours jobs in preference to new comers/juniors.

Para 4.14
Annexure-7

20.07.2007 The Respondent No.5 informed the instant Applicant No.1 that through Employment Exchange he has to apply for the said job and whenever any vacancy is available his case will be considered in the light of order dated 21.05.2007 passed in O.A. No.260 of 2005.

Para 4.15
Annexure-8

Grounda Prasad

26.09.2007 The office of the Respondent No.5 furnished the detail information under the RTI Act about the engagement of casual conservancy staff/casual labours (civilian) from the period of November 2006 to July 2007 in the office of the Station Headquarters, Leimakhong.

Para 4.16
Annexure-9

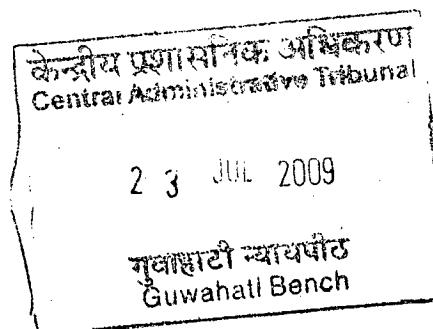
29.11.2008 The office of the Respondent No.5 furnished the detail information under the RTI Act about the engagement of casual conservancy staff/casual labours (civilian) from the period of July 2007 to October 2008 in the office of the Station Headquarters, Leimakhong.

Para 4.18
Annexure-10

Date- 22.07.2009

Filed by

Nuruddin Ahmed
Advocate



Gourinda Prahad

23 July 2009

Guwahati Bench

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH, GUWAHATIORIGINAL APPLICATION NO. 136 OF 2009.

Shri Sonsai Kuki & Others

... Applicants

-Vs-

The Union of India & Others

... Respondents

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13-
14
W/J
Rejoinder
Date- 22.07.2009

Filed by

Naruddin Ahmed
Advocate

Govinda Prasad

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH, GUWAHATI

(An Application Under Section 19 of The Administrative
Tribunals Act 1985)

ORIGINAL APPLICATION NO. 136 OF 2009.

FILED BY 30

Govinda Basu
Advocate No. 22
through
Advocate

BETWEEN

1. Shri Sonsai Kuki
Son of Late Jamsho Kuki
Permanent resident of Leimakhong Bazar,
Post Office-Mantripukhuri, Police Station-Sapormaina,
District-Senapati, State-Manipur.
2. Shri Kharga Bahadur
Son of Late Abikesor
Permanent resident of P. Moulding,
Post Office-Mantripukhuri, Police Station-Sapormaina,
District-Senapati, State-Manipur.
3. Shri Raj Kumar
Son of Shri Tej Bahadur
Permanent resident of Dwarika Village,
Post Office-Mantripukhuri, Police Station-Sapormaina,
District-Senapati, State-Manipur.
4. Shri Athang Kuki
Son of Late Jamsho Kuki
Permanent resident of P. Moulding,
Post Office-Mantripukhuri, Police Station-Sapormaina,
District-Senapati, State-Manipur.
5. Shri Seipao Kuki
Son of Late Thangkam Kuki
Permanent resident of Ch. Ebenezer Leimakhong,
Post Office-Mantripukhuri, Police Station-Sapormaina,
District-Senapati, State-Manipur.
6. Shri Lamkholun
Son of Shri Jamlun
Permanent resident of Ch. Ebenezer Leimakhong,
Post Office-Mantripukhuri, Police Station-Sapormaina,
District-Senapati, State-Manipur.
7. Shri Deepak Kumar
Son of Late Om Kumar
Permanent resident of Dwarika Village,
Post Office-Mantripukhuri, Police Station-Sapormaina,
District-Senapati, State-Manipur.
8. Smt. PL. Mary Kuki alias PL. Mary
Daughter of Ngulthong
Permanent resident of Leimakhong Bazar,

Govinda Basu

Post Office-Mantripukhuri, Police Station-Sapormaina,
District-Senapati, State-Manipur.

9. Shri Sankar Sarma
Son of Shri Yadhunath
Permanent resident of Upper Khunkho Nepali,
Post Office-Mantripukhuri, Police Station-Sapormaina,
District-Senapati, State-Manipur.
10. Shri Puran Lama
Son of Shri Man Bahadur
Permanent resident of Dwarika Village,
Post Office-Mantripukhuri, Police Station-Sapormaina,
District-Senapati, State-Manipur.
11. Shri Ram Kumar
Son of Shri Tulshi Prasad
Permanent resident of Dwarika Village,
Post Office-Mantripukhuri, Police Station-Sapormaina,
District-Senapati, State-Manipur.
12. Shri Mohan Kumar
Son of Late Om Kumar
Permanent resident of Dwarika Village,
Post Office-Mantripukhuri, Police Station-Sapormaina,
District-Senapati, State-Manipur.
13. Shri Deepak Prasad
Son of Late Jhalak Prasad
Permanent resident of Upper Khunkho Nepali,
Post Office-Mantripukhuri, Police Station-Sapormaina,
District-Senapati, State-Manipur.
14. Shri Thangkoulun Hanghal
Son of Shri Konjam Hanghal
Permanent resident of Leimakhong Bazar,
Post Office-Mantripukhuri, Police Station-Sapormaina,
District-Senapati, State-Manipur.
15. Shri Sonmang
Son of Shri Seithang
Permanent resident of P. Moulding Village,
Post Office-Mantripukhuri, Police Station-Sapormaina,
District-Senapati, State-Manipur.
16. Shri Ginlen Khongsai
Son of Shri Pakon
Permanent resident of P. Moulding Village,
Post Office-Mantripukhuri, Police Station-Sapormaina,
District-Senapati, State-Manipur.
17. Shri Lamlun
Son of Shri Lamminthang
Permanent resident of P. Moulding Village,
Post Office-Mantripukhuri, Police Station-Sapormaina,

केन्द्रीय प्रशासनिक अधिकाराण
Central Administrative Tribunal

23 . . . 2009

गुवाहाटी न्यायालय
Guwahati Bench

Gourinda Prasad

32

District-Senapati, State-Manipur.

18. Shri Dilip Kumar Ghimire
Son of Shri Ganesh Kumar Ghimire
Permanent resident of Leimakhong Bazar,
Post Office-Mantripukhuri, Police Station-Sapormaina,
District-Senapati, State-Manipur.
19. Shri Hencha
Son of Shri Lenkothang
Permanent resident of Leimakhong Bazar,
Post Office-Mantripukhuri, Police Station-Sapormaina,
District-Senapati, State-Manipur.
20. Shri Lammang Chongloi
Son of Shri Haoson Chongloi
Permanent resident of P. Moulding Village,
Post Office-Mantripukhuri, Police Station-Sapormaina,
District-Senapati, State-Manipur.
21. Shri Thankai Kuki
Son of Late Nehsei
Permanent resident of P. Moulding Village,
Post Office-Mantripukhuri, Police Station-Sapormaina,
District-Senapati, State-Manipur.
22. Shri Govinda Prasad
Son of Late Jhalak Prasad
Permanent resident of Upper Khunkho Nepali,
Post Office-Mantripukhuri, Police Station-Sapormaina,
District-Senapati, State-Manipur.
23. Shri Mahender Kumar
Son of Shri Janarayan Kumar
Permanent resident of Dwarika Village,
Post Office-Mantripukhuri, Police Station-Sapormaina,
District-Senapati, State-Manipur.
24. Shri Uday Kumar
Son of Shri Markus
Permanent resident of Chingmang Leimakhong,
Post Office-Mantripukhuri, Police Station-Sapormaina,
District-Senapati, State-Manipur.
25. Shri Lungin Kuki alias Lungin Kipgen
Son of Shri Otkhohao
Permanent resident of Leimakhong Bazar,
Post Office-Mantripukhuri, Police Station-Sapormaina,
District-Senapati, State-Manipur.
26. Shri Nidhi Nath
Son of Shri Yadhunath Sharma
Permanent resident of P. Moulding Village,
Post Office-Mantripukhuri, Police Station-Sapormaina,
District-Senapati, State-Manipur.

केन्द्रीय प्रशासनिक अधिकाराण
Central Administrative Tribunal

23 III 2009

गुवाहाटी आयोड
Guwahati Bench

Gouinda Prasad

27. **Miss Chin Ruthi**
 Daughter of Shri Liankhohao
 Permanent resident of L. Khanan Village,
 Post Office-Singhat, Police Station-Singhat,
 District-Churachandpur, State-Manipur.

28. **Shri Prem Kumar**
 Son of Late Dileram
 Permanent resident of P. Moulding Village,
 Post Office-Mantripukhuri, Police Station-Sapormaina,
 District-Senapati, State-Manipur.

29. **Shri Gopal Sharma**
 Son of Late Abikeshor
 Permanent resident of P. Moulding Village,
 Post Office-Mantripukhuri, Police Station-Sapormaina,
 District-Senapati, State-Manipur.

30. **Shri Manga Veiphei**
 Son of Shri Leipu Veiphei
 Permanent resident of P. Moulding Village,
 Post Office-Mantripukhuri, Police Station-Sapormaina,
 District-Senapati, State-Manipur.

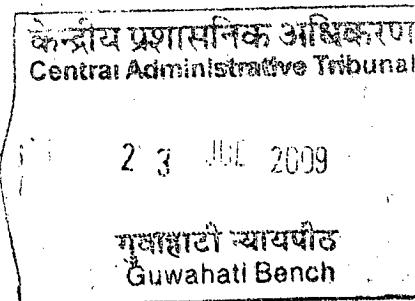
31. **Smt. Tara Devi**
 Wife of Late Kamal
 Permanent resident of P. Moulding Village,
 Post Office-Mantripukhuri, Police Station-Sapormaina,
 District-Senapati, State-Manipur.

32. **Shri Til Kumar Koirala**
 Son of Shri Sasidhar Koirala
 Permanent resident of P. Moulding Village,
 Post Office-Mantripukhuri, Police Station-Sapormaina,
 District-Senapati, State-Manipur.

33. **Shri Ngulal Chongloi**
 Son of Shri Lamkam
 Permanent resident of L. Pheikot Village,
 Post Office-Mantripukhuri, Police Station-Sapormaina,
 District-Senapati, State-Manipur.

34. **Shri W. Mangijao Singh**
 Son of Shri W. Mangolgao
 Permanent resident of Chingmang Leimakhong,
 Post Office-Mantripukhuri, Police Station-Sekmai,
 District-Imphal West, State-Manipur.

35. **Shri Tanka Prasad**
 Son of late Dharmando
 Permanent resident of K. Manedara Village,
 Post Office-Kalapahar, Police Station-Kangpokpi,
 District-Senapati, State-Manipur.



Govinda Prasad

36. Shri Govind Arjel
 Son of Shri Taranidhi Arjel
 Permanent resident of P. Moulding Village,
 Post Office-Mantripukhuri, Police Station-Sapormaina,
 District-Senapati, State-Manipur.

37. Shri Loknath
 Son of Late Umakanta
 Permanent resident of P. Moulding Village,
 Post Office-Mantripukhuri, Police Station-Sapormaina,
 District-Senapati, State-Manipur.

38. Shri Chongloi Kamboi
 Son of Shri Lunkhopao
 Permanent resident of Ch. Evenezer Leimakhong,
 Post Office-Mantripukhuri, Police Station-Sapormaina,
 District-Senapati, State-Manipur.

39. Shri Janglam
 Son of Shri L. Paokholun
 Permanent resident of L. Pheikot,
 Post Office-Mantripukhuri, Police Station-Sapormaina,
 District-Senapati, State-Manipur.

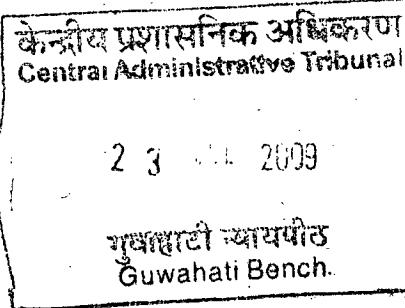
40. Shri P. Santi Kumar
 Son of Shri P. Munal Singh
 Permanent resident of Chingmang Leimakhong,
 Post Office-Mantripukhuri, Police Station-Sekmai,
 District-Imphal West, State-Manipur.

41. Shri Maggin Vaiphei
 Son of Paotinhao
 Permanent resident of Leimakhong Bazar,
 Post Office-Mantripukhuri, Police Station-Sapormaina,
 District-Senapati, State-Manipur.

42. Shri Jiten Chokroborty
 Son of Late None Chokroborty
 Permanent resident of Leimakhong Bazar,
 Post Office-Mantripukhuri, Police Station-Sapormaina,
 District-Senapati, State-Manipur.

43. Smt. Rita Lama
 Wife of Late Rangine Lama
 Permanent resident of Leimakhong Bazar,
 Post Office-Mantripukhuri, Police Station-Sapormaina,
 District-Senapati, State-Manipur.

44. Shri Narayan Sharma
 Son of Late Madav Sharma
 Permanent resident of Leimakhong Bazar,
 Post Office-Mantripukhuri, Police Station-Sapormaina,
 District-Senapati, State-Manipur.



Govinda Prasad

45. Shri Dilliram
 Son of Dadiram
 Permanent resident of P. Moulding Village,
 Post Office-Mantripukhuri, Police Station-Sapormaina,
 District-Senapati, State-Manipur.

46. Shri Tankanath Baral
 Son of Jaganath Baral
 Permanent resident of Upper Khunkho Nepali,
 Post Office-Mantripukhuri, Police Station-Sapormaina,
 District-Senapati, State-Manipur.

47. Shri Lungthang Chongloi
 Son of Late Paojahao
 Permanent resident of Ch. Ebenezer Leimakhong,
 Post Office-Mantripukhuri, Police Station-Sapormaina,
 District-Senapati, State-Manipur.

48. Shri G. Mohan Kumar
 Son of Shri Garjaman
 Permanent resident of Kolpejang Village,
 Post Office-Kalapahar, Police Station-Kangpokpi,
 District-Senapati, State-Manipur.

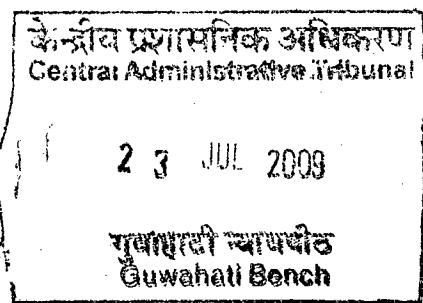
49. Shri Rajen Sharma
 Son of Late Maniram
 Permanent resident of P. Moulding Village,
 Post Office-Mantripukhuri, Police Station-Sapormaina,
 District-Senapati, State-Manipur.

50. Shri Th. Mighty
 Son of Shri Th. Phenliang
 Permanent resident of Makhan Naga,
 Post Office-Mantripukhuri, Police Station-Sekmai,
 District-Senapati, State-Manipur.

51. Shri Thangminlal
 Son of Shri Lammang
 Permanent resident of Lhungjai Village,
 Post Office-Mantripukhuri, Police Station-Sekmai,
 District-Senapati, State-Manipur.

52. Shri Prem Narayan
 Son of Late Kedarnath
 Permanent resident of Khunkho Nepali,
 Post Office-Mantripukhuri, Police Station-Sapormaina,
 District-Senapati, State-Manipur.

53. Shri P. Kesho Singh
 Son of Shri Kaomacha
 Permanent resident of Chingmang Leimakhong,
 Post Office-Mantripukhuri, Police Station-Sekmai,
 District-Imphal West, State-Manipur.



Gouinda Prasad

केन्द्रीय प्रशासनिक अधिकार
Central Administrative Tribunal

23 JUL 2009

गुवाहाटी न्यायपीठ
Guwahati Bench

54. Shri S. Jayanta
Son of Shri S. Koba
Permanent resident of Chingmang Leimakhong,
Post Office-Mantripukhuri, Police Station-Sekmai,
District-Imphal West, State-Manipur.

55. Shri Henminlen
Son of Shri Jamkholet
Permanent resident of Ch. Ebenezer Leimakhong,
Post Office-Mantripukhuri, Police Station-Sapormaina,
District-Senapati, State-Manipur.

56. Shri Ibungo
Son of Shri Tombi Singh
Permanent resident of Chingmang Leimakhong,
Post Office-Mantripukhuri, Police Station-Sekmai,
District-Imphal West, State-Manipur.

57. Shri Budhi Singh
Son of Shri Raja Mani
Permanent resident of Chingmang Leimakhong,
Post Office-Mantripukhuri, Police Station-Sekmai,
District-Imphal West, State-Manipur.

58. Shri Henkholen Neisheal
Son of Shri Thangkhokam
Permanent resident of P. Moulding Village,
Post Office-Mantripukhuri, Police Station-Sapormaina,
District-Senapati, State-Manipur.

59. Shri Ngullam Khongsai
Son of Shri Paokhosat
Permanent resident of P. Moulding Village,
Post Office-Mantripukhuri, Police Station-Sapormaina,
District-Senapati, State-Manipur.

60. Shri Gopi Kumar
Son of Shri Kajiman Bahadur
Permanent resident of Leimakhong Village,
Post Office-Mantripukhuri, Police Station-Sapormaina,
District-Senapati, State-Manipur.

61. Shri Sujanda
Son of Shri Sher Singh
Permanent resident of Khunkho Nepali,
Post Office-Mantripukhuri, Police Station-Sekmai,
District-Imphal West, State-Manipur.

62. Shri Arjun Bhattarai
Son of Shri Kamal Bhattarai
Permanent resident of P. Moulding Village,
Post Office-Mantripukhuri, Police Station-Sapormaina,
District-Senapati, State-Manipur.

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63. Shri Gigin Khongsai
 Son of Shri Jamnoh
 Permanent resident of P. Moulding Village,
 Post Office-Mantripukhuri, Police Station-Sapormaina,
 District-Senapati, State-Manipur.

64. Shri Thangkeng Chongloi
 Son of Shri Sailam Chongloi
 Permanent resident of Khunkho Kuki Village,
 Post Office-Mantripukhuri, Police Station-Sapormaina,
 District-Senapati, State-Manipur.

65. Shri Raju Lama
 Son of Late Subajit Lama
 Permanent resident of Leimakhong Bazar,
 Post Office-Mantripukhuri, Police Station-Sapormaina,
 District-Senapati, State-Manipur.

66. Shri Lenna
 Son of Shri Helun
 Permanent resident of P. Moulding Village,
 Post Office-Mantripukhuri, Police Station-Sapormaina,
 District-Senapati, State-Manipur.

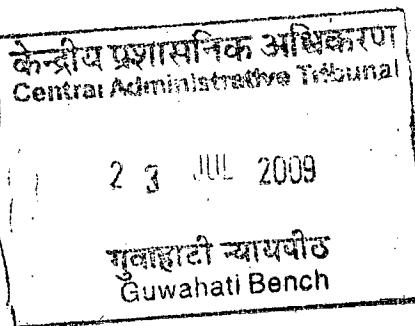
67. Shri Kenang Naga
 Son of Late Kouthoupengbou
 Permanent resident of Khunkho Naga Village,
 Post Office-Mantripukhuri, Police Station-Sapormaina,
 District-Senapati, State-Manipur.

68. Shri K. Janglun
 Son of Lalminthang
 Permanent resident of P. Moulding Village,
 Post Office-Mantripukhuri, Police Station-Sapormaina,
 District-Senapati, State-Manipur.

69. Shri Pumkhomang
 Son of Shri Khupson
 Permanent resident of P. Moulding Village,
 Post Office-Mantripukhuri, Police Station-Sapormaina,
 District-Senapati, State-Manipur.

70. Shri Thangboi
 Son of Shri Lainkhaos
 Permanent resident of L. Kannan Village,
 Post Office-Singhat, Police Station-Singhat,
 District-Churachandpur, State-Manipur.

71. Shri Keridin Abonmai
 Son of Late Chahothalang
 Permanent resident of Khunkho Naga Village,
 Post Office-Mantripukhuri, Police Station-Sapormaina,
 District-Senapati, State-Manipur.



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72. Shri Kh. Tomba Singh
 Son of late Chandra Singh
 Permanent resident of Khurkhul Sebok Leikai,
 Post Office-Mantripukhuri, Police Station-Sekmai,
 District-Imphal West, State-Manipur.

73. Shri Jairam Sharma
 Son of Shri Abhikeshor
 Permanent resident of Dwarika Village,
 Post Office-Mantripukhuri, Police Station-Sapormaina,
 District-Senapati, State-Manipur.

74. Shri L. Tomba Singh
 Son of Shri L. Leira Singh
 Permanent resident of Chingmang Leimakhong,
 Post Office-Mantripukhuri, Police Station-Sekmai,
 District-Imphal West, State-Manipur.

75. Shri Songa Gangte
 Son of late T. Gangte
 Permanent resident of Khunkho Kuki Village,
 Post Office-Mantripukhuri, Police Station-Sapormaina,
 District-Senapati, State-Manipur.

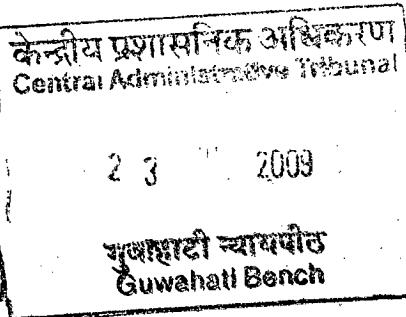
76. Shri Ginmang Khongsai
 Son of Shri Tongtinkhai
 Permanent resident of Leimakhong Bazar,
 Post Office-Mantripukhuri, Police Station-Sapormaina,
 District-Senapati, State-Manipur.

77. Shri Kamal Gurung
 Son of Khadga Bahadur
 Permanent resident of Khunkho Nepali Village,
 Post Office-Mantripukhuri, Police Station-Sapormaina,
 District-Senapati, State-Manipur.

78. Shri Kamboi Haokip
 Son of Shri Letpao Haokip
 Permanent resident of P. Moulding Village,
 Post Office-Mantripukhuri, Police Station-Sapormaina,
 District-Senapati, State-Manipur.

79. Miss Mikoi Devi
 Daughter of Late Ngangbah
 Permanent resident of Leimakhong Bazar,
 Post Office-Mantripukhuri, Police Station-Sapormaina,
 District-Senapati, State-Manipur.

80. Miss Chingboi
 Daughter of Shri Liankhohao
 Permanent resident of L. Kannan Village,
 Post Office-Singhat, Police Station-Singhat,
 District-Churachandpur, State-Manipur.



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81. Shri Paocha Neisial
 Son of Shri Thongkhokai
 Permanent resident of Leimakhong Bazar,
 Post Office-Mantripukhuri, Police Station-Sapormaina,
 District-Senapati, State-Manipur.

82. Shri Paoneihao
 Son of Shri Chungkam
 Permanent resident of P. Moulding Village,
 Post Office-Mantripukhuri, Police Station-Sapormaina,
 District-Senapati, State-Manipur.

83. Shri Ab Joshep
 Son of Shri Namthiubul
 Permanent resident of Khunkho Naga Village,
 Post Office-Mantripukhuri, Police Station-Sekmai,
 District-Senapati, State-Manipur.

84. Shri Chonlam Singsit
 Son of Late Kimpao
 Permanent resident of P. Moulding Village,
 Post Office-Mantripukhuri, Police Station-Sapormaina,
 District-Senapati, State-Manipur.

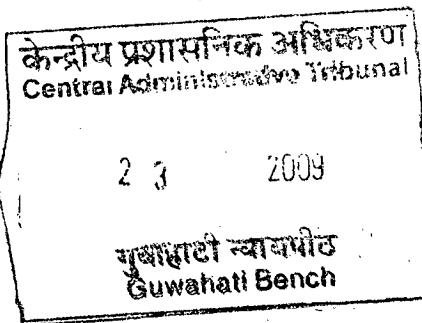
85. Shri Krishna Bahadur
 Son of Shri Sing Bahadur
 Permanent resident of Khunkho Nepali,
 Post Office-Mantripukhuri, Police Station-Sapormaina,
 District Senapati, State Manipur.

86. Shri Vumthang Simte
 Son of Seilal Simte
 Permanent resident of P. Moulding Village,
 Post Office-Mantripukhuri, Police Station-Sapormaina,
 District-Senapati, State-Manipur.

87. Shri Ab. Weraibou
 Son of Shri Ab. Apon
 Permanent resident of Khunkho Naga Village,
 Post Office-Mantripukhuri, Police Station-Sapormaina,
 District-Senapati, State-Manipur.

88. Shri Santa Tamang
 Son of Late Suk Bahadur
 Permanent resident of Leimakhong Bazar,
 Post Office-Mantripukhuri, Police Station-Sapormaina,
 District-Senapati, State-Manipur.

89. Shri Palum Simte
 Son of Shri Lalkohen
 Permanent resident of P. Moulding Village,
 Post Office-Mantripukhuri, Police Station-Sapormaina,
 District-Senapati, State-Manipur.



Gouinda Prajad

90. Shri Henkhosem Khongsai
 Son of Shri Khupkhola
 Permanent resident of Leimakhong Bazar,
 Post Office-Mantripukhuri, Police Station-Sapormaina,
 District-Senapati, State-Manipur.

91. Shri M. Somen Singh
 Son of Shri M. Kumar Singh
 Permanent resident of Chingmang Leimakhong,
 Post Office-Mantripukhuri, Police Station-Sekmai,
 District-Imphal West, State-Manipur.

92. Shri Pajang
 Son of Late Jamseh
 Permanent resident of P. Moulding Village,
 Post Office-Mantripukhuri, Police Station-Sapormaina,
 District-Senapati, State-Manipur.

93. Shri Ab Mathiuhebo
 Son of Shri Chahat Kablang
 Permanent resident of Khunkho Naga,
 Post Office-Mantripukhuri, Police Station-Sapormaina,
 District-Senapati, State-Manipur.

94. Shri Ng. Ajay Singh
 Son of Shri Ng. Dhananjai
 Permanent resident of Khurkhul Sebok Leikai,
 Post Office-Mantripukhuri, Police Station-Sekmai,
 District-Imphal West, State-Manipur.

95. Shri Kh. Kumar Singh
 Son of Late Gopal
 Permanent resident of Leimakhong Chingmang,
 Post Office-Mantripukhuri, Police Station-Sapormaina,
 District-Senapati, State-Manipur.

96. Shri Ph. Herojit Singh
 Son of Shri Leibakchao
 Permanent resident of Khurkhui,
 Post Office-Mantripukhuri, Police Station-Sekmai,
 District-Imphal West, State-Manipur.

97. Shri Seipu Haokip
 Son of Shri Thangholun
 Permanent resident of Leimakhong Bazar,
 Post Office-Mantripukhuri, Police Station-Sapormaina,
 District-Senapati, State-Manipur.

98. Shri Ng. Loken
 Son of Shri Ng. Pala
 Permanent resident of Chingmang Leimakhong,
 Post Office-Mantripukhuri, Police Station-Sekmai,
 District-Imphal West, State-Manipur.

केन्द्रीय प्रशासनीय अधिकारी
 Central Administerive Officer
 गुवाहाटी न्यायालय
 Guwahati Bench

23 2008

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99. Shri Ram Sunder
 Son of Shri Shyam Sunder
 Permanent resident of Khunkho Kuki Village,
 Post Office-Mantripukhuri, Police Station-Sapormaina,
 District-Senapati, State-Manipur.

100. Shri Ch. Haoleannang Naga
 Son of Late Dailiang
 Permanent resident of Khunkho Naga Village,
 Post Office-Mantripukhuri, Police Station-Sapormaina,
 District-Senapati, State-Manipur.

101. Shri Ab. Kawilibou
 Son of Shri Wirnngbo
 Permanent resident of Khunkho Kuki Village,
 Post Office-Mantripukhuri, Police Station-Sapormaina,
 District-Senapati, State-Manipur.

102. Shri Ab. Kinsongwei
 Son of Shri Wirangdou
 Permanent resident of Khunkho Kuki Village,
 Post Office-Mantripukhuri, Police Station-Sapormaina,
 District-Senapati, State-Manipur.

103. Shri Ch. Dilakthinang
 Son of Shri Ch. Majithue
 Permanent resident of Makhan Naga,
 Post Office-Mantripukhuri, Police Station-Sekmai,
 District-Senapati, State-Manipur.

104. Shri Letsie Kuki
 Son of Lhunkhochon
 Permanent resident of Molhoi Village,
 Post Office-Mantripukhuri, Police Station-Sapormaina,
 District-Senapati, State-Manipur.

105. Shri Ph. Bijoy Singh
 Son of Late Gaurari Singh
 Permanent resident of Khurkhul,
 Post Office-Mantripukhuri, Police Station-Sekmai,
 District-Imphal West, State-Manipur.

106. Shri Sh Silash
 Son of Late Sonkhothang
 Permanent resident of Chingmang Leimakhong,
 Post Office-Mantripukhuri, Police Station-Sekmai,
 District-Imphal West, State-Manipur.

107. Shri Sangmoi Veiphie
 Son of Shri Shama Veiphei
 Permanent resident of Leimakhong Bazar,
 Post Office-Mantripukhuri, Police Station-Sapormaina,
 District-Senapati, State-Manipur.

Govinda Prasad

108. Shri Kumar Prasad
 Son of Shri Nandalal Prasad
 Permanent resident of Upper Khunkho Village,
 Post Office-Mantripukhuri, Police Station-Sapormaina,
 District-Senapati, State-Manipur.

109. Shri Thangpi Khongsai
 Son of Late Hensei Khongsai
 Permanent resident of Holbung Village,
 Post Office-Motbung, Police Station-Sekmai,
 District-Senapati, State-Manipur.

110. Shri Mamgboi Veihpei
 Son of Shri Ginna
 Permanent resident of Leimakhong,
 Post Office-Mantripukhuri, Police Station-Sapormaina,
 District-Senapati, State-Manipur.

Applicants

-AND-

1. The Union of India, represented by the Secretary to the Government of India, Ministry of Defence, South Block-101, New Delhi, Pin-110011.
2. The Addl. Dte. Gen of Staff Duties, SD-7 (Adm Civs), General Staff Branch, Army Headquarters, DHQ PO, New Delhi, Pin-110011.
3. The Deputy Chief of Army Staff (T & C), Army Headquarters, DHQ PO, New Delhi, Pin-110011.
4. The General Officer Commanding, Headquarters-57, Mtn Div., C/o 99 APO.
5. The Station Commander, Station Headquarters, Leimakhong, Pin-900269, C/o 99 APO.

... Respondents

The humble Petition of the above named Applicants.

DETAILS OF THE APPLICATION

1. DETAILS OF THE ORDER AGAINST WHICH THE APPLICATION IS MADE

This Original Application is made against the engagement of new set of ad hoc Casual Labours by the Respondent No.5 as per the information available vide letter No.WP 260/2005 dated 29.11.2008 under R.T.I. Act. The said action of the Respondent No.5 is in total violation of order dated 21.05.2007 passed in O.A. No.260/2005 by this Hon'ble Tribunal and also against the Respondent No.5 legal opinion on legal notice and court order dated 21.05.2007 in case O.A. No.260/2005 communicated to the instant Applicant No.1 vide letter No.260/OA/CC/Stn dated 20.07.2007.

Gourinda Prasad

23-9-2009

गुवाहाटी आयपीठ
Guwahati Bench

2. JURISDICTION OF THE TRIBUNAL

The Applicants declare that the subject matter of the instant application is within the jurisdiction of this Hon'ble Tribunal.

3. LIMITATION

The Applicants further declare that the subject matter of the instant application is within the limitation period prescribed under Section 21 of the Administrative Tribunals Act 1985.

4. FACTS OF THE CASE

The facts of the case in brief are as follows:

4.1] That your Applicants are citizens of India and as such, they are entitled to all the rights, protections and privileges guaranteed under the Constitution of India and the laws framed thereunder from time to time.

4.2] That your Applicants beg to state that they were engage as Conservancy Staff/Casual labour under the Respondent No.5 i.e. Station Commander Leimakhong, Pin-900269, C/O 99 APO at different dates since 1986 to March 2005. All of them had worked for more than 240 days in a year since their respective date of engagement. Some of them had worked for more than 19 (Nineteen) years continuously under the Respondent No.5. The details date of joining of the each Applicants are given below for kind perusal of this Hon'ble Tribunal:-

The Applicant No.1 has joined as Supervisor/Conservancy staff on 01.03.1986, the Applicant No.2 has joined as Sweeper/Conservancy staff on 01.01.1987, the Applicant No.3 has joined as Conservancy Staff on 18.04.1987, Applicant No.4 has joined as Sweeper/Conservancy Staff on 12.04.1989, Applicant No.5 has joined as Sweeper/Conservancy Staff on 03.08.1990, Applicant No.6 has joined as Sweeper/Conservancy Staff on 01.06.1993, Applicant No.7 has joined As Garden Mali/Conservancy Staff on 19.02.1994 and Applicant No.8 has joined as Family Attendant/Conservancy Staff on 18.09.1995. The aforesaid Applicants have worked continuously for 10 (Ten) years to 19 (Nineteen) years under the Respondent No.5.

The Applicant No.9 has joined as Clerk/Conservancy Staff on 01.01.1996, Applicant No.10 has joined as Garden Mali/Conservancy Staff on 01.02.1996, Applicant

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23/11/2009

गुवाहाटी न्यायपाल
Guwahati Bench

No.11 has joined as Garden Mali/Conservancy Staff on 01.09.1996, Applicant No.12 has joined as Office Staff/Conservancy Staff on 16.09.1996, Applicant No.13 has joined as Garden Mali/Conservancy Staff on 10.10.1996, Applicant No.14 has joined as Sweeper/Conservancy Staff on 01.02.1997, Applicant No.15 & 16 has joined as Sweeper/Conservancy Staff & Garden Mali/Conservancy Staff on 01.07.1997 respectively, Applicant No.17 has joined as Sweeper/Conservancy Staff on 01.06.1998, Applicant No.18 has joined as Garden Mali/Conservancy Staff on 07.07.1998, Applicant No.19 has joined as Sweeper/Conservancy Staff on 07.08.1998, Applicant No.20 & 21 has joined as Sweeper/Conservancy Staff & Garden Mali/Conservancy Staff on 01.10.1998 respectively, Applicant No.22 has joined as Clerk/Conservancy staff on 01.11.1998, Applicant No.23 has joined as Garden Mali/Conservancy Staff on 16.11.1998, Applicant No.24 & 25 has joined as Dispatcher/Conservancy Staff & Cement Mistri/Conservancy Staff on 01.01.1999 respectively, Applicant No.26 & 27 has joined as Sweeper/Conservancy Staffs on 19.02.1999 respectively, Applicant No.28 has joined as Garden Mali/Conservancy Staff on 01.04.1999, Applicant No.29 has joined as Sweeper/Conservancy Staff on 01.08.1999, Applicant No.30 & 31 has joined as Sweeper/Conservancy Staff & Dental Staff/Conservancy Staff on 01.01.2000 respectively, Applicant No.32 has joined as Garden Mali/Conservancy Staff on 02.01.2000, Applicant No.33 & 34 has joined as Conservancy Staffs on 01.02.2000 respectively, Applicant No.35 has joined as Garden Mali/Conservancy Staff on 03.02.2000, Applicant No.36 has joined as Garden Mali/Conservancy Staff on 04.02.2000, Applicant No.37 has joined as Conservancy Staff on 05.04.2000, Applicant No.38 has joined as Conservancy Staff on 07.04.2000, Applicant No.39 & 40 has joined as Sweeper/Conservancy Staffs on 05.05.2000 respectively, Applicant No. 41 & 42 has joined as Sweeper/Conservancy Staffs on 11.06.2000, Applicant No.43 has joined as Sweeper/Conservancy Staff on 01.07.2000, Applicant No.44 has joined as Conservancy Staff on 01.08.2000, Applicant No.45 has joined as Conservancy Staff on 01.09.2000, Applicant No.46 has joined as Conservancy Staff on 02.10.2000, Applicant No.47 has joined as Conservancy Staff on 03.11.2000, Applicant No.48 has joined as Conservancy Staff on 23.12.2000, Applicant No.49 has joined as Conservancy Staff on 24.12.2000, Applicant No.50 has joined as Conservancy Staff on 25.12.2000, Applicant No.51 has joined as Conservancy Staff on 25.01.2001, Applicant No.52 has joined as Conservancy Staff on 01.02.2001, Applicant No.53 has joined as Conservancy Staff on 02.02.2001, Applicant No.54 has joined as Cement Mistri/Conservancy Staff on 03.02.2001, Applicant No.55 has joined as Conservancy Staff on 05.02.2001, Applicant No.56 & 57 has joined as Sweeper/Conservancy Staffs on 01.03.2001 respectively, Applicant No.58 has joined as Conservancy Staff on 04.03.2001, Applicant No.59 has joined as Conservancy Staff on

Gourinda Prasad

05.03.2001, Applicant No.60 has joined as Conservancy Staff on 10.03.2001, Applicant No.61 has joined as Conservancy Staff on 01.05.2001, Applicant No.62 has joined as Conservancy Staff on 18.06.2001, Applicant No.63 has joined as Conservancy Staff on 01.07.2001, Applicant No.64 has joined as Conservancy Staff on 06.08.2001, Applicant No.65 has joined as Conservancy Staff on 01.10.2001, Applicant No.66, 67, 68, 69, 70 & 71 has joined as Conservancy Staffs on 01.12.2001 respectively, Applicant No.72 has joined as Storekeeper/Conservancy Staff on 01.01.2002, Applicant No.73 has joined as Conservancy Staff on 01.02.2002, Applicant No.74 has joined as Cement Mistri/Conservancy Staff on 05.02.2002, Applicant No.75 has joined as Conservancy Staff on 10.03.2002, Applicant No.76 & 77 has joined as Conservancy Staffs on 01.07.2002 respectively, Applicant No.78, 79 & 80 has joined as Conservancy Staffs on 01.08.2002 respectively, Applicant No.81 has joined as Conservancy Staff on 06.11.2002, Applicant No.82 has joined as Conservancy Staff on 01.01.2003, Applicant No.83 has joined as Conservancy Staff on 06.01.2003, Applicant No.84, 85, 86, 87, 88, 89, 90, 91, 92 & 93 has joined as Conservancy Staffs/Garden Mali/Sweeper on 01.02.2003 respectively, Applicant No.94 & 95 has joined as Sweeper/Conservancy Staff & Chowkidar/Conservancy Staff on 05.02.2003 respectively, Applicant No.96 & 97 has joined as Conservancy Staffs on 01.03.2003 respectively, Applicant No.98 has joined as Conservancy Staff on 05.03.2003, Applicant No.99 has joined as Conservancy Staff on 01.05.2003, Applicant No.100 has joined as Conservancy Staff on 02.05.2003, Applicant No.101 & 102 has joined as Conservancy Staffs on 13.08.2003 respectively, Applicant No.103 has joined as Conservancy Staff on 14.08.2003, Applicant No.104 & 105 has joined as Sweeper/Conservancy Staffs on 15.08.2003 respectively, Applicant No.106 has joined as Conservancy Staff on 16.08.2003, Applicant No.107 has joined as Sweeper/Conservancy Staff on 10.01.2004, Applicant No.108 has joined as Sweeper/Conservancy Staff on 01.03.2004, Applicant No.109 has joined as Conservancy Staff on 01.05.2004 and Applicant No.110 has joined as Conservancy Staff on 02.06.2004 in the office of the Station Commander, Station Headquarters, Leimakhong, PIN-900269, C/O 99 APO. The aforementioned Applicants have worked continuously for 2 (Two) years to 9 (Nine) years under the Respondent No.5.

4.3] That your Applicants beg to state that as the grievances and relief prayed in this instant Original Application are common, therefore, they pray for grant of permission under Rule 4 (5) (a) of the Central Administrative Tribunal (Procedure) Rules, 1987 to move this application jointly.

4.4] That your Applicants beg to state that the Station Headquarters, Leimakhong Military

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Station was under 61 Inf Brigade. The Conservancy staffs were engaged for various purposes, such as for keeping sanitary in the station cell, sweeping, disposing the garbage, plantation of trees and flowers for beautification work etc. In due course of time the 61 Inf Brigade was converted to Head Quarter of 57 Mountain Division. Thereafter, the Head Quarter of 57 Mountain Division engaged more than 150 workers as Conservancy staff/Casual labour for various duties. The General duty hours of those Conservancy staff/Casual labours are from 7 AM to till 5 PM.

4.5] That your Applicants beg to state that the Station Headquarters, Leimakhong Military Station is located on the slopes of Hills and a valley. It is divided into two distant pockets i.e. Upper and Lower Leimakhong. The entire construction of the married and other than married (OTM) accommodation are spread over the complete area in different pockets. In between these pockets, there is dense vegetation consisting of various types of trees, bushes and shrubs. In Upper Leimakhong, most of the constructions have come up on the slopes of the hills surrounded by dense vegetation. The new construction is confined mainly to base of the valley (Lower Leimakhong). The Leimakhong Military Station has the following:-

(a)	Total land holding	...	876.745 acres
(b)	Hill Sector	...	497.05 acres
(c)	Plain Leimakhong	...	378.696 acres
(d)	TAC HQ, Imphal	...	0.999 acres
(e)	Married Area Offrs		
(i)	Offrs	...	30
(ii)	JCO Qtrs	...	28
(iii)	Hav Qtrs	...	55
(iv)	ORs Qtrs	...	88
(f)	Length of roads	...	48 kms approx

The Leimakhong Military Station is prone to disease like malaria and allergic manifestation due to the dense vegetation and wild growth of congress grass. The drains need to be cleaned on a daily basis to prevent water logging and formation of cesspools which are ideal breeding ground for mosquitoes. The Conservancy staffs are required for the following purpose in the Leimakhong Military Station:-

- (a) Collection and removal of filth and rubbish from the convenient places of the station.

Gourinda Prasad

- (b) Collection and removal of sullage water.
- (c) Making arrangements for disposal of filth, rubbish and sullage water. Cleaning of undergrowths to prevent diseases.
- (d) Maintenance of open spaces, playing fields, training areas, and ranges located outside unit lines.
- (e) Conservancy duties in respect of Offrs, JCOs and OR family quarters.
- (f) Maintenance of roads and drains alongside the roads.
- (g) Maintenance of hygiene and sanitation of the Garrison.

4.6] That your Applicants beg to state that on 9th April 2000 some of them submitted a representation before the Brigade Commander, 59 Mountain Division requesting him to make them permanent in their respective posts and also to increase their pay scale as per Central Government Service Scale. However, the Brigade commander did not take any positive steps for their grievances. Being aggrieved by this they submitted another representation on 3rd July 2001 before the Station Commander, Station Head Quarter, Leimakhong requesting him to regularize their services and also to increase their pay scale. In the said representation they had also highlighted some of the problems & difficulties face by them.

Copy of representation dated 9th April 2000 submitted by the Applicants before the Brigade Commander, 59 Mountain Brigade, Leimakhong is annexed herewith and marked as Annexure-1.

Copy of representation dated 3rd July 2001 submitted by the Applicants before the Station Commander, Station Head Quarter, Leimakhong is annexed herewith and marked as Annexure-2.

4.7] It is to be stated that the Army Head Quarter has issued some specific guidelines for Employment of Casual Labours in Army Establishment. The aforesaid guideline was circulated to the Stations Head Quarters, Leimakhong through HQ, CI Force (NE) C/O 99 APO dated 22nd May 2002. The important guidelines are quoted below for kind perusal of this Hon'ble Tribunal.

- (i) Person on daily wage should not be recruited for work of regular nature.
- (ii) Employment of the same casual labour beyond 200 days in a year is no permitted.

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12/3/2009

गुवाहाटी ब्राञ्च
Guwahati Branch

(iii) The work being performed by conservancy staff paid out of CGDA Code head 560/01 is of regular nature. The causal workers are not to be recruited by Units/formations out of the allotments made under CGDA Code Head 560/01.

Copy of letter dated 22nd May 2002 issued by the HQ CI Force (NE) is annexed herewith and marked as Annexure-3.

4.8] That your Applicants beg to state that on 02.06.2003 Board of officers of Station Head Quarter, Leimakhong held a meeting on the subject for continuation of engagement of Conservancy/Casual Staffs. After the said meeting the following proposal was made for continuation of engagement of Conservancy/Casual staffs:-

- (a) Employment of 134 Conservancy on Casual basis from 01 Jun 2003 to 31 Mar 2004.
- (b) The pay and allowances of the Conservancy staffs are to be paid out from Major Head 2076, Minor Head 800A (a) Conservancy grant, CGDA Code No.560/01.
- (c) 134 (One hundred thirty four only) Conservancy labour be paid Rs.69/- (Rupees Sixty nine only) per day as unskilled labour as per Govt. of Manipur Office of the Labour Commissioner letter No.Lab/89/82(CLIN)Vcl-VI dt 18 Feb 2003 which is amended from time to time.
- (d) The authorization of conservancy staff as given in Para 9 above should be made applicable to Station Head Quarter Leimakhong (Manipur) from 01 Jun 2003 to 31 Mar 2004.

The aforesaid recommendation of the Board of Officers was approved by the Brig V.K. Btura Station Commander, Leimakhong on 30th June 2003. After the approval the instant Applicants salary was paid under the Head of CGDA code No.560/01. The regular nature of job performed by the Conservancy Staffs under the Army Establishment the salary is paid under the Head of CGDA Code No.560/01. Therefore, it was well establish that the worked done by the instant Applicants were in permanent nature as the same has been admitted by the Army HQ Circular (at Annexure-3 of the instant Original Application).

Copy of the recommendation of the Board of Officers regarding requirement of Conservancy staff, which was

Gourinda Prasad

approved by the Brig. Stn Commander, Station HQ, Leimakhong is annexed herewith and marked as Annexure-4.

4.9] That your Applicants beg to state that they were initially paid Rs.1,300/- as salary per month by the Respondents and subsequently it was increased to Rs.1,600/-, Rs.1,800/- and lastly Rs.2,000/-. The monthly salary was regularly paid to them by the Respondents without any interruption since their respective date of joining. But from April 2004 to September 2004 the same was not paid in time and subsequently it was paid in the month of October 2004.

4.10] That your Applicants beg to state that their monthly salary was stopped by the Respondents from October 2004. They submitted a representation on 19.01.2005 before the Authority Concern about the non-payment of their wages and also inquired from the Respondents whether they should continue in their worked without payment but the Respondents without giving any positive reply engaged the Applicants till March 2005. Thereafter, the Respondents have discontinued the engagement of the Applicants and thrown out from their engagements without giving any termination notice. It is worth to mentioned here that the Applicants were working continuously without any break under the Respondents since their respective date of joining and also without any intervention from any court of law.

Copy of the representation dated 19.01.2005 is annexed herewith and marked as Annexure-5.

4.11] That your Applicants beg to state that the Respondent No.6, i.e. the Office of the Controller of Defence Accounts vide their letter No.PAY/33/XVIII dated 08.03.2005 addressed to the Respondent No.5, i.e. the Station Headquarter, Leimakhong asked some information about their broad proceeding for employment of 130 daily wages conservancy staffs. The paragraphs III and IV of the Controller of Defence Account letter are quoted below for kind perusal of this Hon'ble Tribunal:-

"It is observed that your HQr has employed the same casual workers continuously for the last several years in contravention of the provision of the above letter. Please submit the authority under which your HQr. has been authorized to employ 130 no. of daily wages labourers in violation of the provision of above mentioned Govt. letter. Please intimate the MOD letter regarding post creation for 130 Casual labourers and the authority for the appointment.

In case the regular staff is insufficient additional regular posts should be created but we have observed that your unit has not make any effort to approach your higher authorities and the MOD for the purpose. As per AHQrs. Letter no. 63161/Q3(B) dated 07.05.02 your unit has not submitted

Gourinda prasad

the above information as called for vide our letters mentioned above but you have approached your higher authorities which is not at all appreciated. It is for your information that CDA cannot accord financial concurrence if the same is not done as per the relevant provisions of rules/orders of G.O.I."

Copy of the letter No.PAY/33/XVIII dated 08.03.2005 is annexed herewith and marked as Annexure-6.

4.12] That your Applicants beg to state that being aggrieved by non-payment of salary since October 2004 to March 2005 and also discontinuation of their service, the instant Applicants filed two Original Applications numbering 259 of 2005 and 260 of 2005 respectively before this Hon'ble Tribunal. In O.A. No.259 of 2005 the Applicants prayed for payment of Arrear Salary and in O.A. No.260 of 2005 they prayed for regularization of their service.

4.13] That your Applicants beg to state that the Respondents have paid the Arrear Salary to the Applicants of Original Application No.259 of 2005 on 27.03.2006 during the pendency of the said Original Application. The Applicants after getting their Arrear salary payment had withdrawn the Original Application No.259 of 2005 on 04.04.2006.

4.14] That your Applicants beg to state that in the Original Application No.260 of 2005, the Respondents filed their written statement. The Applicants also filed their rejoinder and written argument in Original Application No.260 of 2005. The Original Application No.260 of 2005 was finally heard by this Hon'ble Tribunal. The Hon'ble Tribunal was pleased to passed an order on 21.05.2007 by directing the Respondents to engage the Applicants on casual labours jobs in preference to their juniors and new comers if any casual labours job under the Respondents in the unit is available or in the next available vacancy. In other words, Applicants will get priority for such jobs. Respondents shall pass appropriate orders and communicate the same to the first Applicant taking the spirit of the above decisions/observations made by the Hon'ble Supreme Court and this court. The Original Application is disposed of with the above directions.

Copy of the order dated 21.05.2007 in Original Application No.260 of 2005 passed by this Hon'ble Tribunal is annexed herewith and marked as Annexure-7.

4.15] That your Applicants beg to state that the Respondents No.5 vide their legal opinion on legal notice and court order dated 21.05.2007 in case O.A. No.260/05 communicated through letter No.260/OA/CC/Stn dated 20.07.2007 to the instant Applicant No.1 stated that "as per direction given by the Central Administrative Tribunal, Guwahati Bench in the

Gourinda Prasad

above referred case, it is informed to you that you have to apply for the said job through the Employment Exchange. As and when any vacancy is available, the Department will consider your case in the light of order dated 21 May 2007 passed by the Hon'ble Central Administrative Tribunal, Guwahati Bench in the above referred case".

Copy of the letter No.260/OA/CC/Stn dated 20.07.2007 is annexed herewith and marked as Annexure-8.

4.16] That your Applicants beg to state that as per the direction of the Respondents in their aforesaid letter dated 20.07.2007 all of the Applicants of O.A. No.260 of 2005 registered their names in local Employment Exchange for getting employment under the Respondents. However, the Respondents without engaging the instant Applicants in the Conservancy Staff engaged another new set of persons on casual basis in Station Headquarters, Leimakhong. The learned Advocate of the O.A. No.260 of 2005 filed an application under R.T.I. Act before the Public Information Officer of the Station Headquarters, Leimakhong, Pin-900269, C/O 99 APO for seeking information about engagement of casual labour since November 2006 to July 2007. The office of the Respondent No.5 vide their letter O.A. No.259/2005/ dated 26.09.2007 furnished the required information about details engagement of casual Conservancy Staff/casual labours (Civilian) in the office of the Station Headquarters, Leimakhong, Pin-900269, C/O 99 APO (under the ministry of Defence, Government of India). The Respondents have furnished the engagement of casual labours for the month of November 2006, December 2006, January 2007, February 2007, March 2007, April 2007, May 2007, June 2007 and July 2007. In the aforesaid list the Respondents had engaged only the instant Applicant No.84 and 34 as casual labour out of total engaged casual labour No.32 from 21.11.2006 to 30.11.2006, in the month of December 2006 the instant Applicant No.84, 34, 87, 50 and 71 were engaged as casual labour by the Respondents out of total engaged casual labour No.42, in the month of January 2007 the instant Applicant No.84, 34, 87, 50 and 71 were engaged as casual labour by the Respondents out of total engaged casual labour No.42, in the month of February 2007 the instant Applicant No.34 and 3 were engaged as casual labour by the Respondents out of total engaged casual labour No.42, in the month of March 2007 the instant Applicant No.3, 21 and 84 were engaged as casual labour by the Respondents out of total engaged casual labour No.31, in the month of April 2007 the instant Applicant No.3, 21, 84, 34 and 25 were engaged as casual labour by the Respondents out of total engaged casual labour No.45, in the month of May 2007 the instant Applicant No.3, 21, 84, 34 and 16 were engaged as casual labour by the Respondents out of total engaged casual labour No.51, in the month of June 2007 the

Govinda Prasad

केन्द्रीय प्रशासनिक अधिकारी
Central Administrative Civil Services

23.09.2009

गुवाहाटी न्यायालयीठ

instant Applicant No.3, 21, 84 and 34 were engaged as casual labour by the Respondents out of total engaged casual labour No.50 and in the month of July 2007 the instant Applicant No.89, 21, 84, 8 and 31 were engaged as casual labours by the Respondents out of total engaged casual labour No.53.

Copy of the letter O.A. No.259/2005/ dated 26.09.2007 is annexed herewith and marked as Annexure-9.

4.17] That your Applicants beg to state that after getting the information about engagement of new set of casual labours by the Respondent No.5, they immediately approached the Respondent No.5 to engage all of them as per earlier direction of this Hon'ble Tribunal. But the Respondent No.5 without giving any opportunity to earlier casual labours continued to engagement of another set of new casual labours with few earlier casual labours.

4.18] That the learned Advocate of the O.A. No.260 of 2005 filed another application under R.T.I. Act before the Public Information Officer of the Station Headquarters, Leimakhong, Pin-900269, C/O 99 APO for seeking information about engagement of casual labours since July 2007 to October 2008. The office of the Respondent No.5 vide their letter WP 260/2005 dated 29.11.2008 furnished the required information about details engagement of casual Conservancy Staff/casual labours (Civilian) in the office of the Station Headquarters, Leimakhong, Pin-900269, C/O 99 APO (under the ministry of Defence, Government of India). During the aforesaid mentioned period the Respondents have engaged only the instant Applicant No.16, 89, 21, 11, 3, 8, 31, 87, 40, 86, 71, 85 90 and 25 as casual labours out of total engaged casual labours No.87 since July 2007 to November 2008.

Copy of the letter No.WP 260/2005 dated 29.11.2008 is annexed herewith and marked as Annexure-10.

4.19] It is to be stated that the Respondents have engaged only 10 to 15 Applicants of O.A. No.260 of 2005 out of 113 Applicants as casual labour since November 2006 to November 2008 inspite of the direction issued by this Hon'ble Tribunal that the Applicants of O.A. No.260 of 2005 will get preference to their juniors and new comers if any casual labours job under the Respondents in the unit is available or in the next available vacancy. In other words Applicants of O.A. No.260 of 2005 will get priority for such job. However, the Respondents have now engaged new comers and junior persons as casual labours by violating the orders passed by this Hon'ble Tribunal in O.A. No.260 of 2005. Being

Gourinda Prasad

aggrieved by this the instant Applicants is compelled to approached this Hon'ble Tribunal again for seeking justice in this matter.

4.20] That your Applicants beg to state that they have served continuously for more than 2 (Two) years to 19 (Nineteen) years under the Respondents now all of them are over aged for other Government, Semi Government and Private job. The Applicants have also acquired a legal right for temporary status as well as regularization in their respective posts. They have been deprived from their legitimate rights by the Respondents in engaging new comers and juniors as casual labours.

4.21] That your Applicants submit that the action of the Respondents is illegal, arbitrary and mala-fide with a motive behind only to deprive the instant Applicants.

4.22] That your Applicants submit that the Respondents have violated the fundamental rights of the Applicants and also violated the principles of natural justice.

4.23] That your Applicants submit that the Respondents have exploit the manpower of the Applicants for many years. Hence the action of the Respondents is illegal, arbitrary and also not sustainable in the eye of law. The Central Government being a model employer cannot deprive the Applicants in not regularizing their services in spite of their long continues services.

4.24] That your Applicants submit that they are very poor persons and they were working under the Respondents very sincerely without blemish in their service for a long decade. The Respondents have acted in an arbitrary manner by depriving the Applicants.

4.25] That your Applicants submit that they are running from pillar to post for getting justice in this matter. But the Respondents have deprived the Applicants by engaging new set of persons as casual labours under them.

4.26] That your Applicants submit that the action of the Respondents is whimsical, unreasonable, with a motive behind and also colourable exercise of powers.

4.27] That your Applicants submit that the family of the applicants are in verge of starvation due to termination of their services.

4.28] That this application is filed bonafide and for the interest of justice.

5. GROUNDS FOR RELIEF WITH LEGAL PROVISION:

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केन्द्रीय प्रशासनिक अधिकारी
Central Administrative Tribunal

23 2009

गुवाहाटी न्यायालयी
Guwahati Bench

In view of the above facts and circumstances narrated above the engagement of ad hoc new casual labours by the instant Respondents is arbitrary, mala-fide, discriminatory and illegal on the following amongst other grounds.

5.1] For that, the engagement of new set of casual employee by the Respondents is total violation of Hon'ble Tribunal orders dated 21.05.2007 passed in Original Application No.260 of 2005. Hence, the engagement of new set of casual labours under the Respondents is liable to be terminated and Respondents should take initiative for engagement of the instant Applicants and their service should be regularize in the light of various decision rendered by the Hon'ble Supreme Court of India.

5.2] For that, the Hon'ble Supreme Court in their judgment passed in Dr. A.K. Jain and others versus the Union of India and others (1987 Supp.SCC 497) held that and adhoc employees should not be terminated from service to appoint another ad-hoc employee. Therefore, the engagement of new set of casual employees by the Respondents is illegal, mala-fide, arbitrary and without jurisdiction.

5.3] For that, the Hon'ble Supreme Court in their judgment passed in Workmen of Bhurkunda colliery of Central Coal Fields Ltd. -Vs- Bhurkunda Colliery of Central Coal Fields Ltd. (2006 3 SCC 297) observed that Temporary or ad-hoc appointment continued for long, following the Piara Singh case, (1992 4 SCC 118) the court presumes that there is regular need for service on a regular post and accordingly considers regularization.

5.4] For that, the some of the instant Applicants was engaged continuously by the Respondents for more than 15 (Fifteen) years without any intervention of the Hon'ble Court or Tribunal. The Hon'ble Supreme Court in the Judgment passed in Secretary, State of Karnataka -Vs- Uma Devi (3) (2006 4 SCC 1) held that the employee who had continued to work for 10 (Ten) years or more but without the intervention of orders of the Courts or Tribunals. The question of regularization of service of such employees may have to be considered on merit.

5.5] For that, the Hon'ble Supreme Court in the judgment passed in Mineral Exploration Corpn. Employees Union -Vs- Mineral Exploration Corpn. Ltd. in civil Appeal Nos.2027-28 of 2000, (2006 6 SCC 310) has observed that regularization "irregularly" appointed employees as against "illegally" appointed employees as explain in paras 15-17 and permitted as a one-time measure in para 53 of Uma Devi (3) case, (2006 4 SCC 1) Scope of such regularization-Ample material on record showing that temporary/casual/contingent employees of Respondents Corporation were doing work of permanent nature and work

Gorunda Prasad

which used to be done by skilled employees, but were continued as temporary/contingent found to be permanent in nature and to have had sufficient regular work and to have been in a satisfactory financial condition in the past. It also appeared that work of Corporation would not come to an end-Usual practice of Corporation had been to keep contingent workmen for long duration of time and to offer regular appointment periodically. Hence, held, it shall be proper to regularize services of such workmen who had worked for several years.

5.6] For that, the Hon'ble Supreme Court in their judgment passed in U.P State Electricity Board -Vs- Pooran Chandra Pandey and others (2007 11 SCC 92) held that when there are long period of service about 22 (Twenty two) years by ad hoc/temporary employee the ratio of Uma Devi (3) case (2006 4 SCC 1) had no application in the present case. Regularization justified on the basis of Article 14 and 16 of the Constitution of India.

5.7] For that, the Respondents have utilized the service of the instant Applicants for 2 (Two) years to 19 (Nineteen) years continuously and thereafter the Respondents have engaged new set of ad hoc/casual labours under them by disengaging the instant Applicants. Therefore, it can be safely be assumed that the service rendered by the Applicants are permanent nature. The Respondents have sufficient and regular work and the same would not come to and end. Therefore, on the light of aforementioned the Hon'ble Supreme Court various judgments, the Respondents should take immediate steps for re-engagement of the instant Applicants and to regularized their service in accordance to the judgments passed by the Hon'ble Supreme Court.

5.8] For that, the Central Government being a model employer cannot be allowed to adopt a different treatment as regards to regularization of the service of the instant Applicants.

5.9] For that, the Respondents have violated the Articles 14, 16 and 21 of the Constitution of India.

5.10] For that, in any view of the matter the action of the Respondents are not sustainable in the eye of law as well as fact of the case.

The Applicants crave leave of this Hon'ble Tribunal to advance further grounds at the time of hearing of this instant application.

6. DETAILS OF REMEDIES EXHAUSTED:

Gorinda prasad

That there is no other alternative and efficacious and remedy available to the Applicants except the invoking the jurisdiction of this Hon'ble Tribunal under Section 19 of the Administrative Tribunals Act, 1985.

7. MATTERS NOT PREVIOUSLY FILED OR PENDING IN ANY OTHER COURT:

That the Applicants further declare that they have not filed any application, Writ Petition or suit in respect of the subject matter of the instant application before any other Court, Authority nor any such application, Writ Petition or suit is pending before any of them.

8. RELIEF SOUGHT FOR:

Under the facts and circumstances stated above the Applicants most respectfully prayed that Your Lordships may be pleased to admit this application, call for the records of the case, issue notices to the Respondents to show cause as to why the relief (s) sought for by the Applicants may not be granted and after hearing the parties the Hon'ble Tribunal may be pleased to direct the Respondents to give the following relief(s): -

8.1] That the Respondents may be directed to reengaged the Applicants in their respective jobs in place of new comers and junior ad hoc casual labours.

8.2] That the Respondents may be directed to confer Temporary status to the Applicants and thereafter their services may be regularized in accordance to seniority.

8.3] To pass any other relief (s) to which the Applicants may be entitled and as may be deem fit and proper by the Hon'ble Tribunal.

8.4] To pay the cost of the application.

9. INTERIM ORDER PRAYED FOR :

The Applicants most respectfully prayed before your lordships for an interim order from this Hon'ble Tribunal.

Gourinda prasad

9.1] That the Respondents may be directed to reengaged the Applicants in their respective job till final disposal of the instant Original Application.

10. Application is filed through Advocate.

11. Particulars of I.P.O.:

I.P.O. No. : 396 408958

Date of Issue: 23. 05. 2009

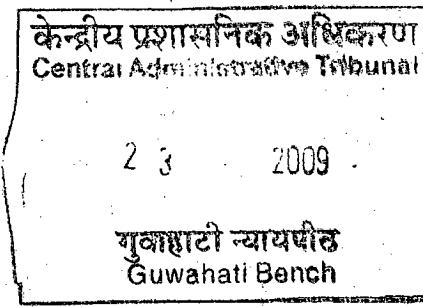
Issued from : Guwahati GPO

Payable at : Guwahati

12. LIST OF ENCLOSURES:

As stated above.

Verification



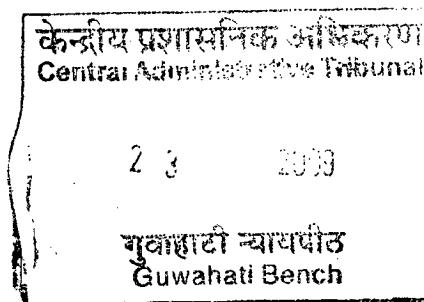
Govinda Prasad

VERIFICATION

I, Shri Govinda Prasad, Son of Late Jhalak Prasad, Permanent resident of Upper Khunkho Nepali Post Office.—Mantripukhuri, Police Station.—Sapormaina, District—Senapati, State of Manipur, the Applicant No.22 in the instant application. I am duly authorized by the other Applicants to sign this verification on their behalf and do hereby solemnly verify that the statements made in paragraph Nos. 4.1. to 4.6, 4.9, 4.10, 4.12, 4.13, 4.16 (Partly), 4.17, 4.18 (Partly) ^{4.19, 4.20} are true to my knowledge, those made in paragraph Nos. 4.7, 4.8, 4.11, 4.14, 4.15, 4.16 (Partly), 4.18 (Partly) ...are being matters of records are true to my information derived there from which I believe to be true and those made in paragraph 5 are true to my legal advice and rests are my humble submissions before this Hon'ble Tribunal. I have not suppressed any material facts.

And I sign this Verification on this the 22nd day of July.....2009 at Guwahati.

Govinda Prasad
DECLARANT



-TYPED COPY-

To

The Brigade Commander
 59 Mtn. Brigade,
 Leimakhong, Manipur.

Sub.: To convert staff of Conservancy into permanent post/service.

Sir,

With due respect we beg to lay down a few lines for your kind consideration and action, that the staff of Conservancy under the 59 Mtn., Brigade have suffered a long time back since, but still we are yet to avail the opportunity of permanent post or increase in our pay scale/salaries. As the Govt. of India has increase the price of every essential commodities, now it is very difficult to maintain our families at the existing salaries, so please enquire about our problem given below: -

(i) If our salaries is according to the state Govt. service R.R. than the pay scale will be Rs. 1670/- Bonus, Arrear and other allowances, but we get only Rs.1670/- only per month barring our arrear, Bonus and other allowances.

(ii) Or. If it is according to the Centre Govt. service R.R. than we are to get Rs. 2200/- + Arrear + Bonus and other allowances.

So, please we are in deep doubt that we do not know whether our pay scale is State Govt. or Centre Govt. pay scale Uptill now we get out salaries of Rs. 1670/- only. So please it is our humble request to you that please enquire about these for the sake of the Conservancy staff.

Lastly, it is our humble request to you that please avail us all our necessary allowances which we are in position to get.

For this act of kindness we shall ever remain thankful to you always

Thanking you,

Dt. Leimakhong
 9th April 2000

Yours faithfully,
 Staff of Conservancy

केन्द्रीय प्रशासनिक अधिकारपाल Central Administrative Service Tribunal	
23.4.2009	
गुवाहाटी आवायीठ Guwahati Bench	

ATTESTED

(M)
 ADVOCATE

To

The Brigade Commander
59 Mtn. Brigade
Leimakhong, Manipur.

Sub: - To convert staff of Conservancy into permanent post/service.

Sir,

With due respect we beg to lay down a few lines for your kind consideration and action, that the staff of Conservancy under the 59 Mtn. Brigade have suffer a longtime back since, but still we are yet to avail the opportunity of permanent post or increase in our pay scale/salaries. As the Govt. of India has increase the price of every essential comodities, now it is very difficult to maintain our families at the existing salaries, so please enquire about our problem given below :-

(i) If our salaries is according to the state Govt. service R.R. then the pay scale will be Rs.1670/- + Bonus + Arrear and other allowances, but we get only Re.1670/- only per month barring our Arrear, Bonus and other allowances.

(ii) Or. If it is according to the Centre Govt. Service R.R. than we are to get Rs.2200/- + Arrear + Bonus + other allowances.

So, please we are in deep doubt that we do not know whether our pay scale is State Govt. or Centre Govt. pay scale. Uptill now we get our salaries of Rs.1670/- only. So please it is our humble request to you that please enquire about these for the sake of the Conservancy staff.

Lastly, it is our humble request to you that please avail us all our necessary allowances which we are in position to get.

For this act of kindness we shall ever remain thankful to you always.

Thanking you.

Dt. Leimakhong
9th April 2000.

Yours faithfully,
Staffs of Conservancy.

केन्द्रीय प्रशासनिक विभाग
Central Administrative Bureau

23-4-2000

गुवाहाटी न्यायघीठ
Guwahati Bench

ATTESTED
9
ADVOCATE

To,

The Station Commander
STN HQ Leimakhong
24, Mtn Bde.

केन्द्रीय प्रशासनिक अधिकारा
Central Administrative Tribunal

23.06.2009

गुवाहाटी न्यायपाठी
Guwahati Bench

Subject:- Prayer for help and consideration of the complicated conditions of workers of 24, Mtn. Bde, STN HQ.

Sir,

we, the workers of STN HQ have the honour to lay few lines for your sympathetic consideration.

Sir, we are all 113 workers at present, out of these around 80 workers have been working since last 3 years to 18 years. But, unfortunately no one is regularized so far.

And our salaries, for one person- Rs.1700/- (One thousand and seven hundred) is not sufficient for maintaining the family, so we are facing a big problem. Besides our salaries are very less we do not get it monthly also. We used to get it only after 3 and 4 month. There are 12 months in a year, to get 12 times in a year we get our salaries 4 to 5 times in a year. We are much suffering for our livelihood.

And we, all the workers of this Leimakhong STN HQ are working faithfully and sincerely inside the STN HQ area. Once we found one bullet in our works and we submitted it to SSO, and secondly, we found again one bullet case(cartridge) and we submitted that too to the sentry. We are so far working very hard in order to keep the compound or area clean and beautiful, and our request is please do help us in our difficulties so that we may also do better job in our service.

Our problems and difficulties:-

- (1) Do make our service permanent/regular.
- (2) Let us draw our salaries monthly.
- (3) Increase the amount of our emolument.
- (4) Do not cancel holiday on Sunday.
- (5) Help us in our sufferings.

Regarding you as our own parents, we do make these request for your kind consideration and favourable order.

Even when necessary, we used to work on Sunday holiday nights also, we will keep working whenever necessary. Thanks!

Dated Leimakhong
the 3rd July, 2001.

ATTESTED

(A)
ADVOCATE

We, Yours faithfully,
STN HQ Workers, Leimakhong.

HQ CI Force (NE)
C/099 APO

17581/R/Q3B

22 May 2002

Stn HQ Dimapur
 Stn HQ M asimpur
 Stn HQ Chakabaria, C/O Stn HQ Zakhama
 Stn HQ Aizawl
 Stn HQ Agartala
 Stn HQ Leimakhong
 Stn HQ Zakhama

केन्द्रीय प्रशासनिक अधिकाराम
 Central Administrative Tribunal

23 2002

गुवाहाटी न्यायालय
 Guwahati Bench

EMPLOYMENT OF CASUAL LABOUR

1. A copy of army HQ , ADG LWE letter No 63161/Q3(B) dt 07 May 2002 recd vide HQ Eastin Command letter No 305310/Audit/Q3(B) dt 16 May 2002 is fwd herewith for Strict implementation
2. Confirmation on the subject may be fwd to this HQ by 28 May 2002.

(Sajesh PG)
 Maj
 DAQM G (Wks)
 for Brig Adm

Copy of Army HQ Letter quoted above:

AS ABOVE

1. It has come to the notice of this HQ that Stn HQ, Gurdaspur has recruited conservancy safaiwala on daily basis out of the conservancy grant allotted under Code Head 560/01 despite a complete ban on recruitment of persons on daily wages for work of regular nature.

2. The instructions issued vide GI Deptt of Per and Trg QM No 49014/2/86-Estt(C) dated 07-06-1988 reproduced in Swamy's Manual on Estt & Administration provide:

- (i) Person on daily wages should not be recruited for work of regular nature.
- (ii) Recruitment on daily wages may be made only for work which is of casual or seasonal or intermittent nature or for work which is not of full time nature, for which regular posts cannot be created.

1/1

ATTESTED
 (M)
 ADVOCATE

- (iii) Employment of the same casual labour beyond 200 days in a year is not permitted.
- (iv) Work being done by casual workers is to be given to existing regular staff. In case regular staff being insufficient additional regular posts to be created.
- (v) Staffing norms be reviewed.

3. The work being performed by conservancy staff paid out of CGDA Code head 560/01 is of regular nature. Please ensure that casual workers are not recruited by Units/ formations out of the allotments made under CGDA Code Head 560/01.

4. For HQ Western Command only. The case for grant of ex-post sanction for appointment of 30 conservancy staff be processed with AG's Branch at this HQ.

5. Please acknowledge receipt.

Sd/- x x x x x
(RS Sehrawat)
Jt Dir/Q3(B)

केन्द्रीय प्रशासनिक अधिकारी
Central Administrative Tribunal

23 JUL 2009

गुवाहाटी न्यायपीठ
Guwahati Bench

ATTESTED
A
ADVOCATE

In lieu of IAFD-931

- 35 -

Proceeding of : Board of Officers.

Assembled at : Station Headquarters Leimakhong (Manipur)

On : 02 Jun 2003 and subsequent days.

By the Order of : Station Commander, Leimakhong Military Station vide Station HQ Leimakhong convening order No 2605/44/IL/Stn dt 05 Jun 2003.

For the purpose of : Reviewing/ fixing the number of conservancy Staff (Casual labour) required for conservancy duties at Leimakhong Military Station from 01 Jun 2003 to 31 Mar 2004.

Presiding Officer : IC-40935H Lt Col RK Ravi
HQ 59 Mtn Bde

Members

- 1. : IC-57975A Capt S K Dubey
302 Coy ASC Sup
- 2. : IC-60177Y Capt Virinder Sindhu
19 RAJPUT

2. The board having assembled, pursuant to Orders, proceeds to review/fix the number of conservancy staff required for conservancy duties in Leimakhong Military Station. The board has perused the following letters/ documents as its terms of references.

- (a) Govt. of India, MOD letter No 2(1)/93-D (Appts) dated 02 Feb 2000.
- (b) Para-2 (IV) and (V) of Army HQ letter No 63161/Q3 (B) dated 07 May 2002.
- (c) Regulations for Army Para's 1204, 1205 and 1206.

3. Purpose for which required: - Leimakhong is a non- cantonment Military station and hence all conservancy arrangements for military personnel will have to be made by the local Military authority. The casual conservancy staff will therefore be required for the following purpose in Leimakhong Military station:

- (a) Collection and removal of filth and rubbish from the convenient places of the station.
- (b) Collection and removal of sullage water.
- (c) Making arrangements for disposal of filth, rubbish and sullage water
Cleaning of undergrowths to prevent diseases.
- (d) Maintenance of open spaces, playing fields, training areas and ranges located outside unit lines.
- (e) Conservancy duties in respect of Offrs, JCOs and OR family quarters.
- (f) Maintenance of roads and drains alongside the roads.
- (g) Maintenance of hygiene and sanitation of the Garrison

4. Terrain and Layout of Leimakhong Military Station: - Leimakhong Military Station is located on the slopes of hills and a valley. It is divided into two distinct pockets i.e. Upper and Lower Leimakhong. The general area and terrain is hilly, undulating and interspersed with mullahis. Keeping the terrain in view the entire construction of the married and other than married (OTM) accommodation is spread over the complete area in different pockets. In between these pockets, there is dense vegetation consisting of various type of trees, bushes and shrubs. In Upper Leimakhong, most of the constructions has come up on the slopes of the hills surrounded by dense vegetation. However, the new construction is confined mainly to base of the valley (Lower Leimakhong).

केन्द्रीय प्रशासनिक आयोग
Central Administrative Tribunal

23 JUL 2009

गुवाहाटी न्यायाधीश
Guwahati Bench

ATTESTED
V
ADVOCATE

As on date Leimakhong Military Station has the following :-

- (a) Total land holding 876.745 acres
- (b) Hill Sector 497.05 acres
- (c) Plain Leimakhong 378.696 acres
- (d) TAC HQ, Imphal 0.999 acres
- (e) Married Area offrs
 - (i) Offrs 30
 - (ii) JCO Qtrs 28
 - (iii) Hav Qtrs 55
 - (iv) ORs Qtrs 88
- (f) Length of roads 48 Kms approx

6. The Station is prone to disease like malaria and allergic manifestations due the dense vegetation and wild growth of congress grass. The drains need to be cleaned on a daily basis to prevent water logging and formation of cesspools which are ideal breeding ground for mosquitoes.

7. Yard Sticks Considering the guide line given in Army HQ letter No 63161/Q3(B) date 03 Nov 72 along with the terrain and layout the Board of officer fix the following Yard sticks to arrive at the requirement of the conservancy duties for the year 2003-2004 i.e from 01 June 2003 to 31 Mar 2004.

- (a) For Offrs, JCOs/ OR Quarters - 01 per 25 family quarters since spread over a scattered area.
- (b) For drains maintenance of roads & - 01 per KM (both sides of Road and drains).
- (c) For maintenance of open Space and playing fields outside Unit lines. - 01 per 02 acres of land
- (d) For disposal of rubbish and filth - 04 per rubbish lorry/ Tractor.
- (e) Sanitary Mate - 01 per 25 conservancy safaiwalas or part thereof.
- (f) Land Supervisor - 01 per Military Station with 100 acres of more of class 'A' land
- (g) Conservancy store Keeper - 01 Per Military Station.
- (h) General Supervisor - 01 per 75 to 100 consy safaiwalas or part thereof.
- (i) Accounts clerk - 01 per 50 to 100 conservancy safaiwalas or part thereof.

केन्द्रीय प्रशासनिक आयोग
Central Administrative Tribunal

123 JUL 2009

गुवाहाटी न्यायराष्ट्र
Guwahati Bench

ATTESTED
W
ADVOCATE

8. **Requirement of conservancy staff:-** Keeping the details given in para's 3,4,5,6, & 7 above the requirement of conservancy staff for Leimakhong Military Station works out to be as under :-

	REQUIRED FOR	YARD STICK	REQUIRED NUMBER
(a) For JCO/OR family	201	01 per 25 qtr	08
(b) For maintenance of road & drains	48 KMs	01 per kms	48
(c) For maintenance of open Space & playing fields outside Unit lines.	550 acres approx	01 per 9 acres	61
(d) For rubbish & filth lorries	02 lorries	04 per lorry	08
Total Conservancy safaiwalas			125
(e) Sanitary mate	125 S/Walas	01 Per 25	05
(f) Land supervisor	876.745 acres	01 per Mil,Stn	01
(g) Conservancy store keeper	Military station	01 per Mil, Stn	01
(h) Accounts clerks	Consy Staff	01 per 50 to 100	01
(i) General supervisor	139 Consy S/Walas	01 per 75 to 100	01
Total Conservancy staff			134

9. **Recommendations of the board :-** In view of all above, the board recommends employment of the following conservancy staff for conservancy duties in Leimakhong Military Station to maintain the hygiene and sanitation of the garrison.

(a) Conservancy safaiwalas	-	125
(b) Sanitary Mate	-	05
(c) Land Supervisor	-	01
(d) Conservancy store keeper	-	01
(e) General Supervisor	-	01
(f) Accounts Clerks	-	01
Total Conservancy staff		134

10. The No of conservancies employed during the last three years are as under :-

Month	Year 2000-2001	Year 2001-2002	Year 2002-2003	Remarks
April	64	52	132	
May	57	76	113	
June	63	79	116	
July	62	79	123	
August	52	112	119	
September	50	150	118	
October	51	148	117	
November	51	168	126	
December	51	208	57	
January	73	220	57	
February	78	272	132	
March	78	270	131	
Total	730	1,834	1,341	

During 2000-01 the formation moved out to OP VIJAY and less conservancies were employed. From Apr to Jul 2001 the formation moved to "OP PARAKARAM" and the employment conservancies were less.

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(A)
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केन्द्रीय प्रशासनिक अधिकार
Central Administrative Tribunal

23 July 2009

गुवाहाटी आदाधार
Guwahati Bench

11. Considering the requirement of Stn IIQ, Leimakhong as mentioned in Para 8 to Para 10 the board further recommends the following:-

- (a) Employment of 134 Conservancy on Casual basis from 01 Jun 2003 to 31 Mar 2004.
- (b) The pay and allowances of the conservancy staff are to be paid out from Major Head 2076, Minor Head 800A (a) Conservancy grant, CGDA Code No 560/01.
- (c) 134 (One hundred thirty four only) Conservancies labour be paid Rs 69/- (Rupees sixty nine only) per day as unskilled labour as per Govt of Manipur Office of the Labour Commissioner letter No Lab/89/82(CLIN)Vol -VI dt 18 Feb 2003 which is amended from time to time.
- (d) The authorization of conservancy staff as given in Para 9 above should be made applicable to Station Headquarters Leimakhong (Manipur) from 01 Jun 2003 to 31 Mar 2004.

Presiding Officer

(IC-40935H Lt Col RK Ravi
HQ 59 Mtn Bde)

Members 1.

(IC-57975A Capt SK Dubey
(02 Coy ASC Sup)

2.

(IC-60477Y Capt Virinder Sindhu
(9 RAJPUT))

केन्द्रीय प्रशासनिक अधिकारी
Central Administrative Tribunal

23.04.2009

गुवाहाटी न्यायालय
Guwahati Bench

ATTESTED

(A)

ADVOCATE

39

RECOMMENDATION OF STATION COMMANDER, LEIMAKHONG MILITARY STATION ON THE BOARD PROCEEDINGS OF CONSERVANCY STAFF (CASUAL LABOURS) REQUIRED FOR CONSERVANCY DUTIES AT LEIMAKHONG MILITARY STATION

1. I agree with the recommendation of board of officers.
2. I recommend that the following conservancy staff (Casual Labours) be employed by Station Headquarters Leimakhong (Manipur) for conservancy duties at Leimakhong Military Station :-

(a) Conservancy Safaiwala	-	125 (One hundred twenty five)
(b) Sanitary Mate	-	05 (Five)
(c) Land Supervisor	-	01 (One)
(d) Conservancy Store Keeper	-	01 (One)
(e) General Supervisor	-	01 (One)
(f) Account Clerk	-	01 (One)
		Total 134

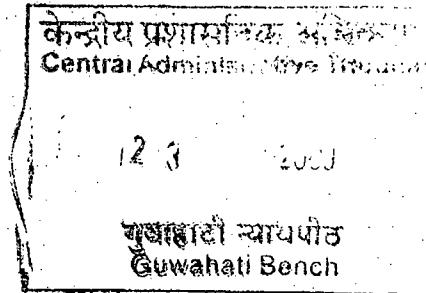
3. I further recommend that:-

- (a) The pay and allowances of the conservancy staff be paid out from Major Head 2076, Minor Head 800A (a) Conservancy grant, CGDA Code No. 560/01.
- (b) 134 (One hundred thirty four only) Conservancies labour be paid Rs 69/- (Rupees sixty nine only) per day as unskilled labour as per Govt of Manipur Office of the Labour Commissioner letter No Lab/89/82(CLIN) Vol -VI dt 18 Feb 2003 which is amended from time to time.
- (c) The authorization of conservancy staff as given in Para 2 above should be made applicable to Station Headquarters Leimakhong (Manipur) from 01 Jun 2003 to 31 Mar 2004.

Station : Leimakhong

Dated : 20 Jun 2003

Batra
(VK Batra)
Brig
Stn.Cdr



ATTESTED
A
ADVOCATE

- 40 -

-TYPED COPY-

To

General Officer Commanding
HQ 57 Mtn Div.
C/O 99 APO.

केन्द्रीय प्रशासनिक आयोगराम
Central Administrative Tribunal

23.11.2009

गुवाहाटी न्यायालय
Guwahati Bench

R.K. Sharma
Brig.
HQ 59 Mtn. Bde.

Sub.: **NON PAYMENTS OF WAGES CIVIL CASUAL LABOURS OF STN HQ LEIMAKHONG.**

Sir,

With due respect we the Civil causal labours of Stn HQ Leimakhong submit the following for your kind consideration and favourable action.

We have not been paid our wages by the Stn. HQ Leimakhong since Oct 2004. We are very poor people and find it very difficult to look after our family without payment. Last time also, we could not get our salary in time. Six months wages (from April 2004 to Sep 2004) were paid in Oct. 2004. It has been intimated by the SSO STn. HQ Leimakhong, that he will not be able to pay our wages (Oct 2004 to Dec. 2004) as the CDA Guwahati has not concurred that board proceeding.

In view of the above you are requested to kindly take necessary action for payment of our outstanding wages (From Oct 2004 to Dec 2004). Further you are requested to kindly inform us that whether we should be coming for duty without payment. We will like to come for duty if our wages are going to be paid soon.

We will remain grateful for your kind action.

Yours faithfully,

All Civil Staff of
Stn HQ Leimakhong

Dated 19 Jan 2005

Copy to :-

SSO
Stn. HQ Leimakhong

ATTESTED

(W)

ADVOCATE

To:

General Officer Commanding
HQ 57 Mtn Div
C/O 99 APO

R K Sharma
Brig
HQ 59 Mtn Bde

सेंट्रल अधिकारी अधिकारी न्यायिक आयोग
Central Administrative Tribunal

23.1.2005

गुवाहाटी न्यायिक
Guwahati Bench

Subject: **NON PAYMENTS OF WAGES CIVIL CASUAL
LABOURS OF STN HQ LEIMAKHONG**

Sir,

With due respect, we the Civil casual labours of Stn HQ Leimakhong submit the following for your kind consideration and favorable action.

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We will remain grateful for your kind action.

Yours faithfully

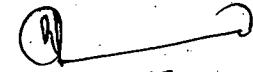
All Civil Staff of
Stn HQ Leimakhong

Dated 19 Jan 2005

Copy to :-

SSO
Stn HQ Leimakhong

ATTESTED



ADVOCATE

-TYPED COPY-

Registered
No. PAY/33/XVIII
Office of the CDA Guwahati
Udayan Vihar, Narengi
Guwahati 781171
Dated 8/03/2005

To

Station HQrs Leimakhong
C/O 99 APO

Subject- Board Proceedings for employment of 130 Conservancy workers for 89

Reference-Your letter No. 2605/13/Stn dated 01/02/2005 and 03.02.05

Kindly refer to your office letters cited above through which the Board proceedings for employment of 130 daily wages workers for Consy services have been submitted to this office. In this connection please refer to this office following letters (1) Pay/33/XVIII dated 18.01.05 and (2) fax letter of even No. dated 01.02.05.

We have asked your unit to furnish the required information as under for consideration of the case:-

I. Status of your HQrs. indicating whether your station is a permanent or Adhoc or temporary showing the PET/WET.

II. Casual Consy. Workers are not at all permitted to be employed for more than 200 days in a year as per provision contained in Govt. of India deptt. of Personnel and Trag. QM No. 49014/2/86-Estt (C) dated 07.06.1988 as circulated under Army HQrs. letter No. 63161/Q3 (B) dated 7th May, 2002 copy sent to you HQrs. CI Force (NE) letter No. 17581/R/Q3B dated 2nd May, 2002 (Copy enclosed). Please furnish the authority for employment of casual labourers continuously for more than 89 days at a time and beyond 200 days in a year.

III. It is observed that your HQrs has employed the same casual workers continuously for last several years in contravention of the provision of the above letter. Please submit the authority under which your HQrs has been authorized to employ 130 no. of daily wage labourer in violation of the provision of above mentioned Govt. letter. Please intimate the MOD letter regarding post creation for 130 Casual labourers and the authority for the appointment.

IV. In case the regular staff is sufficient additional regular posts should be created but we have observed that your unit has not make any effort to approach your higher authorities and the MOD for the purpose. As per AHQrs. Letter No. 63161/Q3(B) dated 07.05.02 your unit has not submitted the above information as called for vide our letters mentioned above but you have approached your higher authorities which is not at all appreciated. It is for your information that CDA cannot accord financial concurrence if the same is not done as per the relevant provisions of rules/orders of G.O.I.

ATTESTED

(H)

ADVOCATE

केन्द्रीय प्रशासनिक अदायक
Central Administrative Tribunal

23 2009

गुवाहाटी न्यायालय
Guwahati Bench

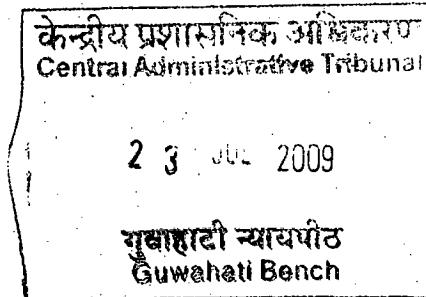
However, in view of the unprecedented and abnormal situation in the state, financial concurrence is accorded as a very special case and subject to the clarifications of the observations mentioned above for employment of 130 civilians casual labourers for a period of not exceeding 89 days at a spell w.e.f. 02.10.04 to 29.12.04 and w.e.f. 01.10.2005 to 29.03.2005 and further concurrence will not be possible unless and until required clarifications are furnished.

Sd/
(C. ZOTHANKHUMA)
Jt. CONTROLLER

Copy to:-
The O-i/c
M Sec. (Local)

For information please

Sd/
Illegible
(R.N. BORA)
ACCOUNTS OFFICER (PAY)



ATTESTED

(R)
ADVOCATE

Registered

No. PAY/33/XVIII

Office of the CDA Guwahati,
Udayan Vilas, Nirmungi,
Guwahati-781 017.

Dated: 07/03/2005.

To,

Station HQrs Lehmkhong,
C/O 99 AFO.

Subject: Board Proceedings for employment of 130 Conservancy workers
for 89

Reference: Your letter No. 2605/13/Stn dated 01/02/2005 and 03.02.05.

—xx—

Kindly refer to your office letters cited above through which the Board proceedings for employments of 130 daily wages workers for Consy. services have been submitted to this office. In this connection please refer to this office following letters. (1) Pay/33/XVIII dated 18.01.05 and (2) Fax letter of even no. dated 01.02.05.

We have asked your unit to furnish the required information as under for consideration of the case:-

- I. Status of your HQrs. indicating whether your station is a permanent or Adhoc or temporary showing the PIET/WET.
- II. Casual Consy. workers are not at all permitted to be employed for more than 200 days in a year as per provision contained in Govt. of India, deptt. of Personnel and Trag. QM No. 42014/2/86-Estt (C) dated 07.06.1988 as circulated under Army HQrs. Letter no. 63161/Q3 (B) dated 7th May, 2002 copy sent to you by HQrs. CI Force (NE) letter no. 17581/R/Q3B dated 22nd May, 2002 (Copy enclosed). Please furnish the authority for employment of casual labourers continuously for more than 89 days at a time and beyond 200 days in a year.
- III. It is observed that your HQr. has employed the same casual workers continuously for the last several years in contravention of the provision of the above letter. Please submit the authority under which your HQr. has been authorized to employ 130 no. of daily wages labourers in violation of the provision of above mentioned Govt. letter. Please intimate the MOD letter regarding post creation for 130 Casual labourers and the authority for the appointment.
- IV. In case the regular staff is insufficient additional regular posts should be created but we have observed that your unit has not make any effort to approach your higher authorities and the MOD for the purpose. As per AIIQrs. Letter no. 63161/Q3(B) dated 07.05.02 your unit has not submitted the above information as called for vide our letters mentioned above but you have approached your higher authorities which is not at all appreciated. It is for your information that CDA cannot accord financial concurrence if the same is not done as per the relevant provisions of rules/orders of G.O.I.

(Contd on page-2)

केन्द्रीय प्रशासनिक अधिकारण
Central Administrative Tribunal

23.03.2009

गुवाहाटी न्यायालय
Guwahati Bench

ATTESTED
M
ADVOCATE

(Page-02)

However, in view of the unprecedented and abnormal situation in the state, financial concurrence is accorded as a very special case and subject to the clarifications of the observations mentioned above for employment of 130 civilians casual labourers for a period of not exceeding 89 days at a spell w.e.f. 02.10.04 to 29.12.04 and w.e.f. 01.01.2005 to 29.03.2005, and further concurrence will not be possible unless and until required clarifications are furnished.

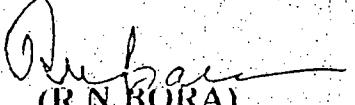
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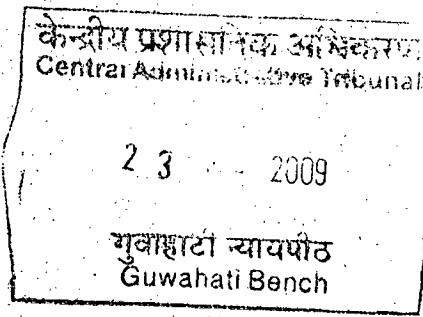
(C. ZOTHANKHUMA)
Jt. CONTROLLER

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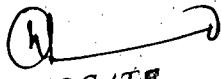
The O-i/c,
M Sec. (Local)

For information please.


(R.N.BORA)
ACCOUNTS OFFICER (PAY)



ATTESTED


ADVOCATE

**CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH**

Original Application No. 260 of 2005.

Date of Order: This, the 21st day of May, 2007.

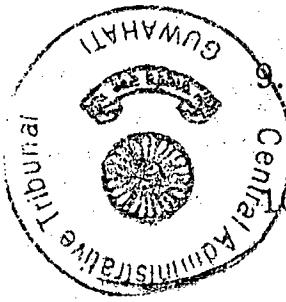
THE HON'BLE MR. K.V.SACHIDANANDAN, VICE CHAIRMAN

1. Shri Sonsei Kuki
Supervisor/Conservancy Staff
2. Shri Athang Kuki
Sweeper/ Conservancy Staff
3. Shri Seipao Kuki
Sweeper/ Conservancy Staff
4. Shri Lamkholun
Sweeper/ Conservancy Staff
5. Shri Deepak Kumar
Garden Mali/Conservancy Staff
6. Pl. Meri Kuki
Family Attendant/Conservancy Staff
7. Shri Sankar Sarma
Clerk/Conservancy Staff
8. Sri Purna Lama
Sweeper/Conservancy Staff
9. Shri Ram Kumar
Garden Mali/Conservancy Staff
10. Shri Mohan Kumar
Office Staff/ Conservancy Staff
11. Shri Deepak Prasad
Garden Mali/Conservancy Staff
12. Shri Thangkholum Kuki
Sweeper/Conservancy Staff
13. Shri Son Mang Kuki
Sweeper/Conservancy Staff
14. Shri Ginlen Kuki
Garden Mali/Conservancy Staff

केन्द्रीय प्रशासनिक बोर्ड
Central Administrative Board

23.5.2009

गुवाहाटी न्यायालय
Guwahati Bench



ATTESTED
①
ADVOCATE

47

15. Shri Lamlun Kuki
Sweeper/ Conservancy staff.

16. Shri Dilip Kumar
Garden Mali/ Conservancy staff.

17. Shri Hanchia Kuki
Sweeper/ Conservancy staff.

18. Shri Thangkai Kuki
Garden Mali/ Conservancy staff.

19. Shri Mahender Kumar
Garden Mali/ Conservancy staff.

20. Shri Govinda Prashad
Clerk/ Conservancy staff.

21. Shri Uday Kumar
Despacher/ Conservancy staff.

22. Shri Sun gin Kuki
Cement Mistri/ Conservancy staff.

23. Smt. Cin Ruhি Kuki
Family Ladies Attendance/
Conservancy staff.

24. Shri Nidinath
Sweeper/ Conservancy staff

25. Shri Prem Kumar
Garden Mali/ Conservancy staff

26. Shri Gopal Sharma
Sweeper/ Conservancy staff.

27. Shri Menga Vaiphei
Sweeper/ Conservancy staff.

28. Smt. Tara Devi
Dental Staff/ Conservancy staff.

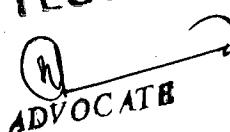
29. Shri Govin Argil
Garden Mali/ Conservancy staff.

30. Shri Rajen Sharma
Sweeper/ Conservancy staff.

31. Shri Thang minlal Kuki
Sweeper/ Conservancy staff.

32. Shri Ngul lal Kuki
Sweeper/ Conservancy staff.



ATTESTED

 ADVOCATE

33. Shri Songa Gargte
Garden Mali/ Conservancy staff.

34. Shri Hen kholen Kuki
Sweeper/ Conservancy staff.

35. Shri Ngul lam Kuki
Sweeper/ Conservancy staff.

36. Shri Kaholimbu
Garden Mali/ Conservancy staff.

37. Shri Vum thang Kuki
Sweeper/ Conservancy staff.

38. Shri Gigin Kuki
Sweeper/ Conservancy staff.

39. Shri Til Kumar
Garden Mali/ Conservancy staff.

40. Shri Tengka Prashad
Garden Mali/ Conservancy staff.

41. Shri Loknath
Garden Mali/ Conservancy staff.

42. Shri C. Kambai Kuki
Sweeper/ Conservancy staff.

43. Shri Jang Lam
Garden Mali/ Conservancy staff.

44. Shri Mang gin, Vaiphei
Sweeper/ Conservancy staff.

45. Smt. Rita Sarma
School Mother/ Conservancy staff.

46. Shri Gopi Sarma
Sweeper/ Conservancy staff.

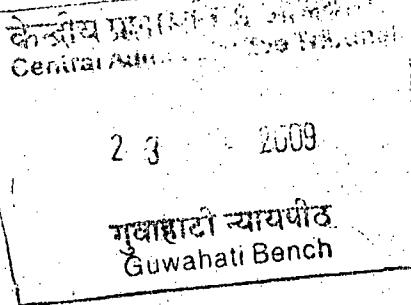
47. Shri Lal thang Kuki
Sweeper/ Conservancy staff.

48. Shri Thang Keng Kuki
Sweeper/ Conservancy staff.

49. Shri Arjim Bhatrai
Sweeper/ Conservancy staff.

50. Shri Senna Kuki
Carpenter/ Conservancy staff.

51. Sri Kenaup Naga
Sweeper/ Conservancy staff.



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52. Pum khomang Kuki
Sweeper/ Conservancy staff.

53. Sri K. Janglum Kuki
Sweeper/ Conservancy staff.

54. Sri Thangbai
Sweeper/ Conservancy staff.

55. Keridin Abonmei
Sweeper/ Conservancy staff.

56. Gin Namg Kuki
Sweeper/ Conservancy staff.

57. Sri Kambai Kuki
Sweeper/ Conservancy staff.

58. Sri Chingbai
Sweeper/ Conservancy staff.

59. Sri Mikoi Devi
School Mother/ Conservancy staff.

60. Sri Pascha Veiphei
Sweeper/ Conservancy staff.

61. Sri Pasneihas Kuki
Sweeper/ Conservancy staff.

62. Sri Palum Kuki
Sweeper/ Conservancy staff.

63. Sri Henkho Sun Kuki
Sweeper/ Conservancy staff.

64. Kh. Kumar Singh
Chowkidar/ Conservancy staff.

65. Ng. Ajay
Sweeper/ Conservancy staff.

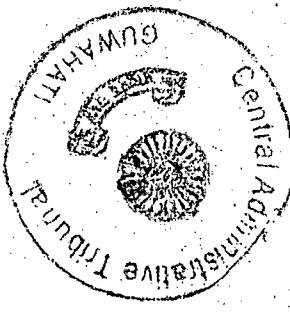
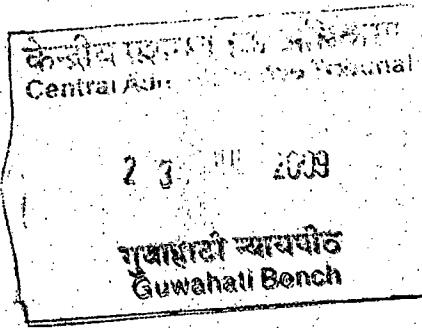
66. Ph. Hirojit
Sweeper/ Conservancy staff.

67. Seipu Kuki
Sweeper/ Conservancy staff.

68. Ng. Loken
Painter/ Conservancy staff.

69. Th. Minghy
Sweeper/ Conservancy staff.

70. Ch. Delakthinag
Sweeper/ Conservancy staff.



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71. Ph. Tomba Singh
Storekeeper/ Conservancy staff.

72. Ph. Bijoy
Sweeper/ Conservancy staff.

73. Let Sei Kuki
Sweeper/ Conservancy staff.

74. Sh. Doulam Kuki
Carpenter/ Conservancy staff.

75. Sri Ibocha Singh
Sweeper/ Conservancy staff.

76. Sri Sangmoi Vaiphei
Sweeper/ Conservancy staff.

77. Sri Kumar Prasad
Sweeper/ Conservancy staff.

78. Sri Thangpi Kuki
Sweeper/ Conservancy staff.

79. Mangbai Veiphei
Sweeper/ Conservancy staff.

80. Sri Hen Min Len Kuki
Sweeper/ Conservancy staff.

81. Sri Jay Ram Sharma
Sweeper/ Conservancy staff.

82. Sri Kesho
Sweeper/ Conservancy staff.

83. Sri Ibungo
Sweeper/ Conservancy staff.

84. Sri Ram Sunder
Cement Mistri/ Conservancy staff.

85. L. Tomba Singh
Cement Mistri/ Conservancy staff.

86. P. Santi Kumar
Sweeper/ Conservancy staff.

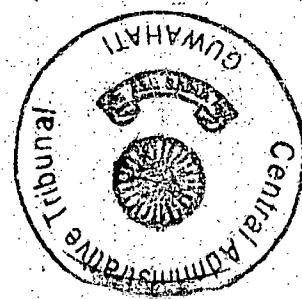
87. Sri Budhi Singh
Painter/ Conservancy staff.

88. S. Yajanta
Cement Mistri/ Conservancy staff.

কেন্দ্ৰীয় প্ৰশাসন
Central Admin. (N.E. Region)

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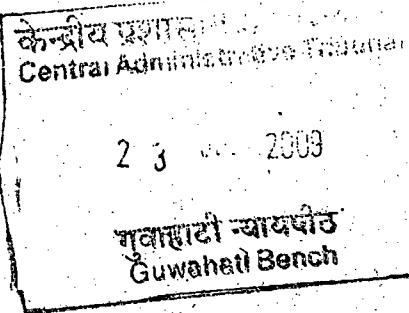
গুৱাহাটী ন্যায়পীঠ
Guwahati Bench



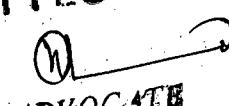
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89. Sri Chan lam Kuki
Sweeper/ Conservancy staff.
90. Sri Haslen Nang
Sweeper/ Conservancy staff.
91. Sri Ab Weiraibo
Sweeper/ Conservancy staff.
92. Sri Santa Kumar
Sweeper/ Conservancy staff.
93. Sri Deliram
Garden Mali/ Conservancy staff.
94. Sri Kharga Bahadur
Sweeper/ Conservancy staff.
95. Sri Lamang
Sweeper/ Conservancy staff.
96. Sri M. Somen Shingh
Conservancy staff
97. Sri Raju Lama
Conservancy staff
98. Sri Pajang
Conservancy staff
99. Sri Kamal Gurung
Conservancy staff
100. G. Mohon Kumar
Conservancy staff
101. Sri Tanka Nath
Conservancy staff
102. Sri Sujanda
Conservancy staff
103. Sri Lalkhohou
Conservancy staff
104. Ab. Joskap
Conservancy staff
105. Sri Pream Narayan
Conservancy staff
106. Sri Narayan Sharina
Conservancy staff
107. Sri Jiten Charkraborty
Conservancy staff



23.09.2009

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108. Sri Monjay
Conservancy Staff

109. Sri Santa Tamang
Conservancy Staff

110. Sri A.B.Methahobo
Conservancy Staff

111. Sri A.B.Kinsongwei
Conservancy Staff

112. Sri A.B.Kawilimbo
Conservancy Staff

113. Sri Raj Kumar Thapa
Conservancy Staff

केन्द्रीय प्रशासनिक आयोगराम
Central Administrative Tribunal

23 JU 2009

गुवाहाटी न्यायपीठ
Guwahati Bench

...Applicants.

(All the Applicants are Conservancy Staff (Casual Labours) under the Station Commander, Station Headquarters, Leimakhong, C/O 99 APO.)

By Advocate Mr.A.Ahmed.

- Versus -



The Union of India
Represented by the Secretary
to the Government of India
Ministry of Defence
South Block, 101
New Delhi-11,

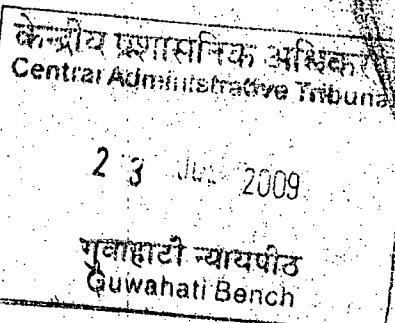
2. The Addl. Dte. Gen of Staff Duties
SD-7 (Adm Civs)
General Staff Branch
Army Headquarters, DHQ PO
New Delhi - 110 011.
3. The Deputy Chief of Army Staff (T&C)
Army Headquarters, DHQ PO
New Delhi - 110 011.
4. The General Officer Commanding
Headquarters 57 Mtn Div.
C/o 99 APO.

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5. The Station Commander
Station Headquarters
Leimakhong
C/o 99 APO.

6. The Controller of Defence Accounts (CDA)
Udayan Vihar, Satgaon, Narengi
Guwahati.



... Respondents.

By Ms. Usha Das, Addl. C.G.S.C.

ORDER

SACHIDANANDAN. K.V. (V.C.)

The Applicants, 113 in numbers, were engaged as Conservancy Staff (casual labours) under the Station Commander, Station Headquarters, Leimakhong, C/o 99 APO.

Their case is that they were engaged as such under the Respondent No.5 i.e., Station Commander, Station Headquarter,

Leimakhong, C/o 99 APO on different dates since 1985 to 2000

till March 2005. All of them had worked for more than 240 days

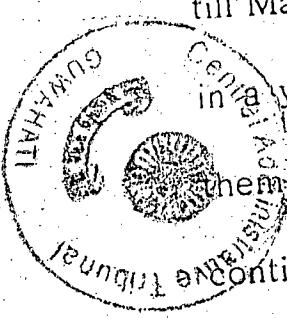
in a year since their respective dates of engagement. Some of

them had worked for more than nineteen (19) years

continuously under the Respondents. These Conservancy Staff were engaged for various purposes such as sanitizing station

cell, sweeping, disposing the garbage, plantation of trees and

flowers for beautification work etc. Their general duty hours of



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these Conservancy Staff are from 7 A.M. till 5 P.M. They were also issued Photo Identity card (Annexure-A & A1) on yearly basis. According to the Applicants, the Leimakhong (Military Station covering total land 876.745 acres is prone to disease like malaria and allergic manifestations due to dense vegetation and wild growth of congress grass. The casual Conservancy Staff are required for the following purpose in the Leimakhong Military Station:-

- (a) Collection and removal of filth and rubbish from the convenient places of the station,
- (b) Collection and removal of sullage water
- (c) Making arrangements for disposal of filth, rubbish and sullage water
- (d) Maintenance of open spaces, playing fields, training areas, and ranges located outside unit lines.
- (e) Conservancy duties in respect of Offrs, JCOs and OR family quarters.
- (f) Maintenance of roads and drains alongside the roads
- (g) Maintenance of hygiene and sanitation of the Garrison.

The Applicants submitted several representations (Annexures-C, E, F & H) for their regularisation in service. On 19.01.2005

(Annexure-I) Applicants filed another representation for

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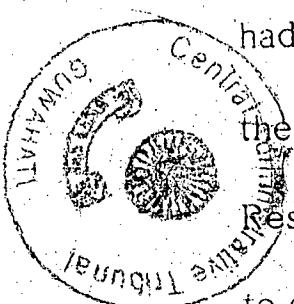
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payment of their salaries. But without considering their case the Respondents had disengaged the services of the present Applicants in the month of March, 2005. Aggrieved by the said action of the Respondents the Applicants have filed this joint O.A. under Section 4(5)(a) of the CAT (Procedure) Rules, 1987 seeking the following reliefs:

“8.1 That the Respondents may be directed by the Hon’ble Tribunal to confer temporary status to the applicants and also regularize the service of the applicants from the respective date of engagements.”

2. The Respondents have filed a detailed reply statement denying and disputing the claim of the Applicants. The casual labourers were employed on daily wages basis for maintenance of Leimakhong Military Station and none of them had completed 240 days of continuous work in a year. Some of the Applicants were engaged only in 2000-2001. The Respondent No.5 i.e., the Station Commander is not competent to convert the casual labours into permanent post and he cannot increase the wages of the Applicants. The wages of civil labourers/casual labourers are being paid at the rate fixed by the Labour Commissioner of Manipur for the unskilled labourers. Since there was a ban on recruitment some casual



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labourers were engaged for maintenance for Station Headquarter, Leimakhong since 1986 till March, 2005 and payment was made from the fund allotted under Code Head 560/01 till September, 2004 but the Respondent No.6, i.e., the Controller of Defence Accounts, Guwahati refused to pay the wages of casual labour under the said code since October, 2004. Since they have not completed 240 days of continuous work in the department as casual labourer they cannot be granted temporary status and subsequent regularisation. Respondents strongly denied the claim of the Applicants that some of them had worked for more than 19 years in the department.

3. The Applicants have also filed a rejoinder to the reply statement reiterating the contentions made in the O.A. They submitted that it is admitted fact that the requirement of permanent conservancy staff is necessary to look after the Leimakhong Military Station. The Applicants further submitted that at paragraph 10 of the written statement Respondents have admitted that some casual labourers were engaged for maintenance of Station Headquarter since 1986 till March, 2005.

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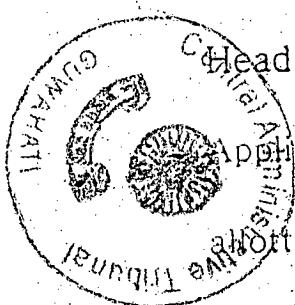
23.11.2009

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4. I have heard Mr.A.Ahmed, learned counsel for the Applicants and Ms. Usha Das, learned Addl. C.G.S.C. for the Respondents. Learned counsel for the parties have brought my attention to the various pleadings, materials and evidence placed on record. Learned counsel for the Applicants would argue that having utilized the services of the Applicants for such a long time (in case of some Applicants it is more than 19 years, for others it is more than 6-10 years), the Respondents cannot deny the relief as claimed by them. He argued that all the Applicants had completed 240 days of continuous work in a calendar year for conferment of temporary status. Learned counsel argued that the Respondents themselves vide Annexure-D letter dated 22.05.2002 admitted that works performed by the Conservancy Staff paid out of CGDA Code Head 560/01 is of regular nature. As such, the instant Applicants were paid under the Code Head 560/01 as the fund allotted under this Head is for regular nature. Since there are sufficient work of continuous nature under the Respondents there cannot be any difficulty for the Respondents to engage the Applicants on permanent basis. Ms. Usha Das, learned Addl. C.G.S.C. on the other hand, persuasively argued that Applicants are not entitled for grant of temporary status since they had not



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completed 240 days of continuous work in any calendar year.

Further, she denied that some of the Applicants worked for more than 19 years. By paying wages under code Head 560/01 a casual labourer cannot be made a permanent post.

5. I have given due considerations to the arguments, pleadings, materials and evidence placed on record. Now, the question for adjudication is as to whether the Applicants are entitled for conferment of temporary status and subsequent regularisation in terms of the Casual Labourers (Grant of Temporary Status and Regularization) Scheme, 1993.

Admittedly, the Applicants were engaged as Conservancy Staff under the Respondents. The claim of the Applicants is that since there are permanent posts under the Respondents there is a scope for permanent employment for them. Learned counsel has brought my attention to the Annexure-D letter dated 22.05.2002 wherein the Office of the Headquarter CI Force (NE), C/o 99 APO stated, "The work being performed by conservancy staff paid out CGDA Code head 560/01 is of regular nature." The recommendation made by the Board of Officers on 2nd June, 2003 and subsequent dates was also approved by the 5th Respondent. The contention of the

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Respondents is that aforesaid Board proceeding had not been concurred by the CDA, Guwahati, i.e., the 6th Respondent. The Casual Labourers (Grant of Temporary Status and Regularization) Scheme, 1993 was introduced by the Govt. of India with effect from 01.09.1993. The Hon'ble Supreme Court in the case of Mohan Paul vs. Union of India, reported in 2002(4) SCC 573 held the said scheme is a one time measure and not an ongoing process to include all the casual labourers for all the times to come. The aforesaid scheme has been formulated to take care of the case of the casual labourers who had been in engagement at the time of introduction of the scheme and completed 240 days of work in a year prior to the stipulated date of notification i.e., 10.09.1993. Though the Applicants claimed that all of them had completed 240 days of work continuously in a year and some of them had worked for more than 20 years, they have not been able to produce and proper documents to substantiate their claims. Photocopies of some of the Identity cards/Employment Cards were produced by the Applicants, but the same do not indicate their date of their engagements. Therefore, it can be said that the Applicants were engaged on various spells of time.

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6. Learned counsel for the Applicants, in support of his contention, relied on the following decisions:-

- (a) Workmen of Bhurkunda Colliery of Central Coal Field Ltd. -vs- Bhukunda Colliery of Central Coal Fields Ltd, reported in 2006 (3) SCC 297;
- (b) State of Karnataka -vs- Umadevi (3) reported in 2006 (4) SCC 1; and
- (c) Mineral Exploration Corporation Employees' Union -vs- Mineral Exploration Corporation Ltd., and Another, reported in (2006) 6 SCC 310.

In support of her contentions, learned Addl. C.G.S.C.

also relied on the following decisions:-

- (a) State of Karnataka -vs- Umadevi (3) reported in 2006 (4) SCC 1; and
- (b) Judgment dated 18.07.2006 passed in O.A. No.1873/2004 with O.A. No.672/2005 in case of Vijay Kumar & Others -vs- Union of India & Others.

I have gone through the aforesaid decisions and in respectful agreement with the dictums laid down in the cited cases by the Hon'ble Court/Tribunal.

Much water has flown through the river and when repeated directions of various Courts have finally been settled by the Hon'ble Court with a direction to the Central Govt. to

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formulate a policy for regularization of the casual labourer the DOPT has formulated the Casual Labourers (Grant of Temporary Status and Regularization) Scheme, 1993 that has been discussed above. The Hon'ble Supreme Court has now settled the law in the case of Umadevi (3) (supra) that service of casual labourer, work charge employee, ad hoc employee cannot be permanently regularized dehors the rules, such persons would only be considered as per the Recruitment Rules on fulfilling the required criteria.

7. Now, it will be befit of things to evaluate the case of the Applicants with the above legal position. The Hon'ble Supreme Court in its latest decision in this regard rendered in the case reported in (2006) 6 SCC 310 (supra) observed that ample material on record showed that temporary/casual/contingent employees of respondent Corporation were doing work of permanent nature and work which used to be done by skilled employees, but were continued as temporary/contingent workmen for long duration of time and held that it shall be proper to regularize the services of such workmen who had worked for several years, however, the workmen in order to succeed will have to substantiate their claims as per

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Guwahati Bench

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established principles of law. The matter was remitted back to the Tribunal by the Apex Court with detailed directions to decide the case of the employees therein strictly in accordance with and in compliance with all the directions given in the case of Umadevi (3) (supra), more particularly the paragraphs 12 & 53 thereof and without being influenced by any of the observations made in the Judgment. For better elucidation paragraphs 12 & 53 of the said judgment is reproduced below:-

"12. In spite of this scheme, there may be occasions when the sovereign State or its instrumentalities will have to employ persons, in posts which are temporary, on daily wages, as additional hands or taking them in without following the required procedure, to discharge the duties in respect of the posts that are sanctioned and that are required to be filled in terms of the relevant procedure established by the Constitution or for work in temporary posts or projects that are not needed permanently. This right of the Union or of the State Government which prohibits such engaging of persons temporarily or on daily wages, to meet the needs of the situation. But the fact that such engagements are resorted to, cannot be used to defeat the very scheme of public employment. Nor can a court say that the Union or the State Governments do not have the right to engage persons in various capacities for a duration or until the work in a particular project is completed. Once this right of the Government is recognized and the mandate of the constitutional requirement for public



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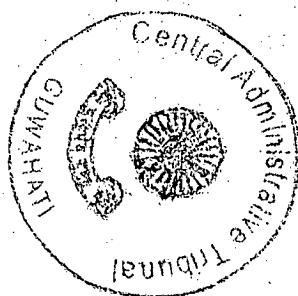
employment is respected, there cannot be much difficulty in coming to the conclusion that it is ordinarily not proper for the Courts whether acting under Article 226 of the Constitution or under Article 32 of the Constitution, to direct absorption in permanent employment of those who have been engaged without following a due process of selection as envisaged by the constitutional scheme.

53. One aspect needs to be clarified. There may be cases where irregular appointments (not illegal appointments) as explained in *S.V.Narayanappa*, *R.N.Nanjundappa* and *B.N.Nagarajan* and referred to in para 15 above, of duly qualified persons in duly sanctioned vacant posts might have been made and the employees have continued to work for ten years or more but without the intervention of orders of the courts or of tribunals. The question of regularisation of the services of such employees may have to be considered on merits in the light of the principles settled by this Court in the cases above referred to and in the light of this judgment. In that context, the Union of India, the State Governments and their instrumentalities should take steps to regularize as a one-time measure, the services of such *irregularly appointed*, who have worked for ten years or more in duly sanctioned posts but not under cover of orders of the courts or of tribunals and should further ensure that regular recruitments are undertaken to fill those vacant sanctioned posts that require to be filled up, in cases where temporary employees or daily wagers are being now employed. The process must be set in motion within six months from this date. We also clarify that regularisation, if any already made, but not *sub judice*, need not be reopened based on this judgment, but there should be no further bypassing of the constitutional requirement and regularising or

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making permanent, those not duly appointed as per the constitutional scheme."

This decision, being the latest and Full Bench Judgment of the Hon'ble Supreme Court wherein many earlier judgments are discussed, governs the field and binding on all others under Article 141 of the Constitution of India. The Supreme Court in the said judgment has declared that that it is erroneous for the Supreme Court to merely consider equity for the handful of people who have approached the court with a claim whilst ignoring equity for the teeming millions seeking employment and a fair opportunity for competing for employment - Further, courts must be careful in ensuring that they do not interfere unduly with the economic/financial arrangement of the affairs of

the State or its instrumentalists and recognized the sovereignty of the State in engaging casual labourers on daily wages in public employment as it may require.

8. The specific case of the Applicants is that Respondents are engaging other persons in other works of the casual nature. If that is true, it should be looked into as per the accepted legal dictum - "*an ad hoc employee should not be replaced by another ad hoc employee*" is equally applicable in

केन्द्रीय प्रशासनिक अदायकाराम
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23.09.2009

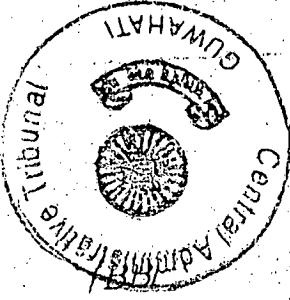
गुवाहाटी न्यायालय
Guwahati Bench

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casual labourer employment as well, though the Applicants may not be eligible for regularisation and conferment of temporary status.

9. Considering the entire gamut and facts of the case I direct the Respondents to engage the Applicants on casual labourer jobs in preference to their juniors and new comers if any casual labourer job under the Respondents in the unit is available or in the next available vacancy. In other words, Applicants will get priority for such jobs. Respondents shall pass appropriate orders and communicate the same to the first Applicant taking the spirit of the above decisions/observations made by the Hon'ble Supreme Court and this Court.

10. The Original Application is disposed of with the above directions. In the circumstances, there will be no order as to costs.



S/VICE CHAIRMAN

TRUE COPY
प्रतिलिपि

अनुभाग अधिकारी
Section Officer
Central Administrative Tribunal
गुवाहाटी बैच
GUWAHATI BENCH
गुवाहाटी, Guwahati-5

केन्द्रीय प्रशासनिक अधिकारण
Central Administrative Tribunal

23.11.2009

गुवाहाटी न्यायसभा
Guwahati Bench

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-TYPED COPY-

Station Headquarters
 Leimakhong
 PIN 900269
 C/O 99 APO

(Seal)

260/OA/CC/Stn

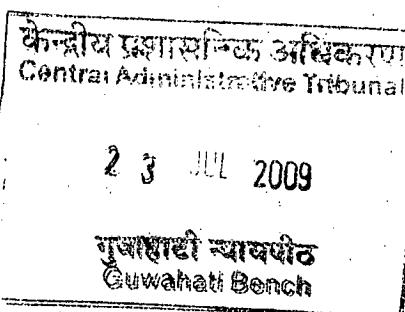
20 Jul 2007

Shri Sonsai Kuki (Applicant No.1)
 S/O Late Jamsho Kuki
 P.O-Mantri Pukhri
 P.S-Gam phayel
 Dist- Senapati
 PIN-795001 (Manipur)

LEGAL OPINION ON LEGAL NOTICE AND COURT ORDER
DATED 21 MAY 07 IN CASE NO O.A. 260/05

Dear Sir,

As per direction given by the Central Administrative Tribunal, Guwahati Bench in the above referred case, it is informed to you that you have to apply for the said job through the Employment Exchange. As and when any vacancy is available, the Department will consider your case in the light of order dated 21 May 2007 passed by the Honorable Central Administrative Tribunal, Guwahati Bench in the above referred case.



Yours sincerely

Sd/

(Prashanta Kumar)

Colonel

Station Staff Officer

For Station Commander

Copy to-

HQ 57 Mtn Div (Q)
 C/O 99 APO

HQ 59 Mtn Bde (A)
 C/O 99 APO

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 (h)
 ADVOCATE

Station Headquarters
Leimakhong
PIN - 900269
C/O 99 APO

20 Jul 2007

260/OA/CC/SM



✓ Shri Sonsai Kuki (Applicant No. 1)
S/o Late Jamsho KUKI
PO - Mantri Pukur
PS - Gam Phay
Dist - Senapati
PIN - 795001 (Manipur)

LEGAL OPINION ON LEGAL NOTICE AND COURT ORDER
DATE 21 MAY 07 IN CASE NO OA 260/05

Dear Sir,

As per direction given by the Central Administrative Tribunal Guwahati Bench in the aforesaid case, I am informed to you that you have to apply for the said job through the departmental exchange. As and when any vacancy is available, the Department will consider your case in the light of order dated 21 May 2007 passed by the Honorable Central Administrative Tribunal, Guwahati Bench in the aforesaid case.

Yours sincerely,

(Prashant Kumar)
Colonel
Station Staff Officer
For Station Commander

Copy to :-

HQ 57 Mtn Div (A)
C/O 99 APO

HQ 59 Mtn Bde (A)
C/O 99 APO

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OA No 259/2005/

केन्द्रीय प्राधानिक अधिकारी
Central Admin. Officer, Yojana Bhawan

23.09.2009

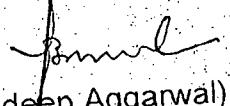
गुवाहाटी न्यायालय
Guwahati Bench

✓ Shri Adil Ahmed, Advocate
Milanpur tiniali Chandmari
House No-28
Post Office – Mamunimaidam
Guwahati-21
PIN-781021
ASSAM

RTI APPLICATION : SEEKING INFORMATION ON DETAILS WITH DATE OF
ENGAGEMENT OF CASUAL CONSERVANCY STAFF/CASUAL LABOURERS
(CIVILIAN) IN THE OFFICE OF THE STATION HEADQUARTERS LEIMAKHONG,
PIN-900269, C/O 99 APO (UNDER THE MINISTRY OF DEFENCE,
GOVERNMENT OF INDIA).

Sir,

1. Please reference your RTI application dated 05 Jul 2007 and Central Information Commission, New Delhi, D. No 33899/07 dated 18 Jul 2007.
2. The required information is attached herewith as per Appendix to this letter.
3. Please acknowledge receipt.


(Pradeep Aggarwal)
Colonel
Station Staff Officer
For Station Commander

Enclosure : As above

Copy to :-

Office of the Central Information Officer,
Central Information Commission
Old JNU Campus
Block – IV, 6th Floor
New Delhi-110067

Addl Dte Gen of Public Info
B-30, South Block
Integrated HQ of MoD (Army)
DHQ PO New Delhi – 110011

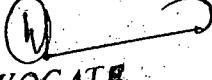
HQ Eastern Comd (DV)
Fort William
Kolkata-21

HQ 3 Corps (DV)
PIN-908503
C/O 99 APO

HQ 57 Mtn Div (Q)

For your information please.

ATTESTED


ADVOCATE

ENGAGEMENT OF CASUAL LABOUR : 21 NOV TO 30 NOV 2006

Ser No	Name	
01	Chonlaim Singsit	
02	Nara Prasad Dhimal	
03	Om Bahadur Thapa	
04	Helkholun Simte	
05	Jeevan Kumar Dhimal	
06	Indra Kumar Acharya	
07	Deepak Bahadur Chhetry	
08	Bhumi Sangloura	
09	Toynath Sharma	
10	Ganesh Rimal	
11	Gangaram Chouhan	
12	Arjun Baral	
13	Santiram Pradhan	
14	Letminthang Kipgen	
15	Satminthang Kipgen	
16	Bishnu Gurung	
17	Krishna Bahadur Thapa	
18	Madap Kumar	
19	W. Mangijao Singh	
20	Satkholen Kipgen	
21	Lalmoniens Gangte	
22	Haokhoothang Lenthang	
23	Nar Bahadur Chhetry	
24	Ramesh Kumar Gegmi	
25	Dili Ghimireh	
26	Gangsg Regmi	
27	Henkhomang Chongloi	
28	Damar Bhadur Magar	
29	L. Bon Bon Mangan	
30	Luntinsat Kipgen	
31	Haopu Chongloi	
32	L. Simte	
		Employed/Hired for six days in a week and Sunday as holidays

केन्द्रीय राजगालनिक अदिक्षका
Central Administrative Tribunal

123 2009

गुवाहाटी न्यायपोठ
Guwahati Bench

ATTESTED
1
ADVOCATE

— 70 —

ENGAGEMENT OF CASUAL LABOUR : DEC 2006

Ser No	Name	
01	Chonlam Singsit	
02	Nara Prasad Dhimal	
03	Om Bahadur Thapa	
04	Helkholum Simte	
05	Jeevan Kumar Dhimal	
06	Indira Kumar Acharya	
07	Deepak Bahadur Chhetry	
08	Bhumi Sangloura	
09	Toynath Sharma	
10	Ganesh Rimal	
11	Gangaram Chouhan	
12	Arjun Baral	
13	Santiram Pradhasn	
14	Letminthang Kipgen	
15	Satminthang Kipgen	
16	Bishnu Gurung	
17	Krishna Bahadur Thapa	
18	Madap Kumar	
19	W. Mangijao Singh	
20	Satkholen Kipgen	
21	Lalmonniens Gangte	
22	Haokhothang Lenthang	
23	Nar Bahadur Chhetry	
24	Ramesh Kumar Gegmi	
25	Dilip Ghimirc	
26	Ganesh Regmi	
27	Henkhomang Chongloi	
28	Damar Bhadur Magar	
29	L. Bon Bon Mangan	
30	Luntinsat Kipgen	
31	Haopu Chongloi	
32	Sanasam Dimocha Singh	
33	K. Suranjoi Singh	
34	Scithang Lenthang	
35	Doukholal Khongsai	
36	Mangcha Chongloi	
37	Chonglin Hangsing	
38	A.B Wareibo	
39	Th Mighty	
40	Kajridin Abomai	
41	L. Simte	
42	Mohon Kumar Dhimal	

Employed/Hired for
six days in a week
and Sunday as
holidays

केन्द्रीय युद्धास्थिक अधिकारी
Central Administrative Tribunal

23.12.2009

गुवाहाटी न्यायपीठ
Guwahati Bench

ATTESTED

1
ADVOCATE

ENGAGEMENT OF CASUAL LABOUR : JAN 2007

Ser No	Name	
01	Chonlam Singsit	
02	Nara Prasad Dhimal	
03	Om Bhadur Thapa	
04	Helkholun Simte	
05	Jeevan Kumar Dhimal	
06	Indra Kumar Acharya	
07	Deepak Bahadur Chhetry	
08	Bhumi Sangloura	
09	Toynath Sharma	
10	Ganesh Rimal	
11	Gangaram Chouhan	
12	Arjun Baral	
13	Santiram Pradhan	
14	Letminthang Kipgen	
15	Satminthang Kipgen	
16	Bishnu Gurung	
17	Krishna Bahadur Thapa	
18	Madap Kumar	
19	W. Mangijao Singh	
20	Satkholen Kipgen	
21	Lalmonniens Gangte	
22	Haokhorthang Lenthang	
23	Nar Bahadur Chhetry	
24	Ramesh Kumar Gegmi	
25	Dilip Ghimireh	
26	Ganesh Regmi	
27	Henkhomang Chongloi	
28	Damar Bhadur Magar	
29	L.Bon Bon Mangan	
30	Luntinsat Kipgen	
31	Haopu Chongloi	
32	Sanasam Dimocha Singh	
33	K. Suranjoi Singh	
34	Scithang Lenthang	
35	Doukhola Khongsai	
36	Mangcha Chongloi	
37	Chonglin Hangsing	
38	AB Wareibo	
39	Th Mighty	
40	Kajridin Abomai	
41	L. Simte	
42	Mohon Kumar Dhimal	

Employed/Hired for six
days in a week and
Sunday as holidays

केन्द्रीय प्रशासनिक अधिकारी
Central Administrative Officer

23 2009

गुवाहाटी न्यायालय
Guwahati Bench

ATTESTED
H
ADVOCATE

72

ENGAGEMENT OF CASUAL LABOUR : FEB 2007

6

Ser No	Name	
01	Nara Prasad Dhimal	
02	Om Bhadur Thapa	
03	Helkholun Simte	
04	Jeevan Kumar Dhimal	
05	Indra Kumar Acharya	
06	Deepak Bahadur Chhetry	
07	Bhumi Sangloura	
08	Toynath Sharma	
09	Ganesh Rimal	
10	Gangaram Chouhan	
11	Arjun Baral	
12	Santiram Pradhan	
13	Letminthang Kipgen	
14	Satminthang Kipgen	
15	Bishnu Gurung	
16	Krishna Bahadur Thapa	
17	Madap Kumar	
18	W. Mangijao Singh	
19	Satkholen Kipgen	
20	Lalmonniens Gangte	
21	Haokhothang Lenthang	
22	Nar Bahadur Chhetry	
23	Ramesh Kumar Gegmi	
24	Dilip Ghimireh	
25	Ganesh Regmi	
26	Henkhomang Chongloi	
27	Damar Bhadur Magar	
28	L.Bon Bon Mangan	
29	Luntinsat Kipgen	
30	Haopu Chongloi	
31	Sanasam Dimocha Singh	
32	K. Suranjoi Singh	
33	Seithang Lenthang	
34	Doukhola Khongsai	
35	Mangcha Chongloi	
36	Chonglun Hangsing	
37	Kajridin Abomai	
38	L.Simte	
39	Raj Kumar	
40	Kamminlun	
41	Sathao Singsit	
42	Seikhojang Hmar	

Employed/Hired for six days
in a week and Sunday as
holidays

केन्द्रीय प्रशासनिक अधिकार
Central Administrative Tribunal

23 2009

गुवाहाटी आधारित
Guwahati Bench

ATTESTED

ADVOGATE

ENGAGEMENT OF CASUAL LABOUR : MAR 2007

Ser No	Name	
01	Nar Prasad Dhimal	
02	Hekholun Simte	
03	L.Simte	
04	Jeevan kumar Dhimal	
05	Sathao Singsit	
06	Raj Kumar	
07	Thangkai	
08	Chonlam Singsit	
09	Seithang	
10	Seilet	
11	Seikai	
12	Seikhjang	
13	Nar Bahadur	
14	Ngullam	
15	Thangkeng	
16	Madap Kumar	
17	Kaminlun	
18	Mangcha	
19	Ghane Shyam	
20	Doukholal	
21	Haokhothang	
22	Chunglun	
23	Hemang	
24	Gangaram	
25	Arjun	
26	Deepak	
27	Ganesh	
28	Premlal	
29	Chandra Shekhar	
30	Damar	
31	Paoneihao	

Employed/Hired for
six days in a week
and Sunday as
holidays

केन्द्रीय प्रशासनिक अदिक्षिण
Central Administrative Tribunal

23 मा 2009

गुवाहाटी न्यायालय
Guwahati Bench

ATTESTED
M
ADVOCATE

76
ENGAGEMENT OF CASUAL LABOUR : APR 2007

Ser No.	Name	
01	Nar Prasad Dhimal	
02	Helkholun Simte	
03	Lalkhohao Simte	
04	Raj Kumar	
05	Sathao Singsit	
06	Jeevan Kumar Dhimal	
07	Thangkai	
08	Chonlam Singsit	
09	Sseithang Lenthang	
10	Kamminlun	
11	Doukhola Khongsai	
12	Nar Bahadur	
13	Haokhothang Lenthang	
14	Henkhomang Chongloi	
15	Mangcha Chongloi	
16	Chunglun Hangsing	
17	Arjun Baral	
18	Deepak Bahadur Chhetry	
19	Damar Bahadur Magar	
20	Ramesh Kumar Gegmi	
21	Seikhojang Hmar	
22	Ghane Shyam	
23	Seilet Vaiphei	
24	Haolet Khongsai	
25	Helkhojang Simte	
26	Helkhodong Haokip	
27	Mangsat Haokip	
28	Sehhen Vaiphei	
29	W. Mangijao Singh	
30	K. Suranjoi Singh	
31	Haopu Khongsai	
32	Lunminlen	
33	Lungin Kipgen	
34	Ganesh Regmi	
35	L. Bon Bob Mangan	
36	Chandra Shekhar	
37	Dilip Ghimireh	
38	Om Bahadur Thapa	
39	KH Robin Vaiphei	
40	Bhumi Sangloura	
41	Satkholen Kipgen	
42	Lalthang	
43	Lalchungnung	
44	Smt Priya Devi	
45	Simon Thapa	

Employed/Hired for
six days in a week
and Sunday as
holidays

केन्द्रीय प्रशासनिक अधिकारी
Central Administrative Tribunal

23 Jul 2009

गुवाहाटी न्यायालय
Guwahati Bench

ATTESTED
M
ADVOCATE

25

ENGAGEMENT OF CASUAL LABOUR : MAY 2007

Ser No	Name	
01	Nar Prasad	
02	Helkholun	
03	Lalkhohao	
04	Raj Kumar	
05	Sathao Singsit	
06	Thangkai	
07	Chonlam Singsit	
08	Seithang Lenthang	
09	Kamminlun	
10	Doukholal	
11	Haokhothang	
12	Henkhomang	
13	Mangcha Chongloi	
14	Chunglun Hangsing	
15	Arjun Baral	
16	Deepak Bahadur	
17	Damar Bahadur	
18	Ramesh Kumar	
19	Seikhjang Hmar	
20	W. Mangijao Singh	
21	K. Suranjoi Singh	
22	Ganesh Regmi	
23	L.Bon Bon Msangan	
24	Om Bahadur	
25	Bhumi Sangloura	
26	Ghane Shyam	
27	Seilet Vaiphei	
28	Haolet Khongsai	
29	Helkhojang Simte	
30	Helkhodong	
31	Mangsat	
32	Sehhen Vaiphei	
33	Chandra Shekhar	
34	Simon Thapa	
35	Smt Prija Devi	
36	Haokhokam Vaiphei	
37	Laikhothang	
38	Lalchungnung	
39	Kh Robin Vaiphei	
40	Vumkholal	
41	Papao	
42	Lunminlen	
43	Dilip Ghimireh	
44	Haopu Khongsai	
45	Jeevan Kumar Dhimal	
46	Jangginthang	
47	Thangjahao	
48	Gangaram	
49	Ginlen Khongsai	
50	SL. Seithang	

Employed/Hired for
six days in a week
and Sunday as
holidays

केन्द्रीय प्रशासनिक अधिकार
Central Administrative Tribunal

23 JUL 2009

गुवाहाटी न्यायालय
Guwahati Bench

ATTESTED

(1)
ADVOCATE

26

ENGAGEMENT OF CASUAL LABOUR : JUN 2007

Ser No	Name	
01	Nar Prasad	
02	Helkholun	
03	Lalkhohao	
04	Raj Kumar	
05	Sathao Singsit	
06	Thangkai	
07	Chonlam Singsit	
08	Seithang Lenthang	
09	Kamminlun	
10	Doukholal	
11	Haokhoothang	
12	Henkhomang	
13	Mangcha Chongloi	
14	Chunglun Hangsing	
15	Arjun Baral	
16	Deepak Bahadur	
17	Damar Bahadur	
18	Ramesh Kumar	
19	Seikhojang Hmar	
20	W. Mangijao Singh	
21	K. Suranjoi Singh	
22	Ganesh Regmi	
23	L.Bon Bon Msangan	
24	Om Bahadur	
25	Bhumi Sangloura	
26	Ghanc Shyam	
27	Seilet Vaiphei	
28	Haolet Khongsai	
29	Helkhojang Simte	
30	Helkhodong	
31	Mangsat	
32	Schhen Vaiphei	
33	Chandra Shekhar	
34	Simon Thapa	
35	Smt Priya Devi	
36	Haokhokain Vaiphei	
37	Lalkhoothang	
38	Lalchungnung	
39	Kh Robin Vaiphei	
40	Vumkholal	
41	Papao	
42	Lunminlun	
43	Dilip Ghimireh	
44	Haopu Khongsai	
45	Jeevan Kumar Dhimal	
46	Jangginthang	
47	Thangjahao	
48	Gangaram	
49	Ginlen Khongsai	
50	SL. Seithang	

Employed/Hired for
six days in a week
and Sunday as
holidays

केन्द्रीय प्रशासनिक अदायक
Central Administrative Tribunal

23.06.2009

गुवाहाटी न्यायपीठ
Guwahati Bench

ATTESTED
M
ADVOCATE

— 77 —
106
ENGAGEMENT OF CASUAL LABOUR : JUL 2007

Ser No	Name
01	Thangjahao
02	Gangaram
03	Ginlen Khongsai
04	Si, Seithang
05	Lunminlen
06	Thangkhopao
07	Vumkholal
08	Lalkhotaang
09	Lalchung
10	Nelson Chongloi
11	Haopu Khongsai
12	Om Nath Thapa
13	Deepu Chhetry
14	W. Joichandra Singh
15	Mangneo Chongloi
16	Doukho Khongsai
17	Thangboi Lenthang
18	Lalneo Simte
19	Helkhodong
20	Mangsat
21	Mohon Kumar Dhimal
22	Palum Simte
23	Thangkai Khongsai
24	Chonlam Singsit
25	Ram Kumar
26	Dil Kumar
27	Ganeshwar
28	Ashok Sangloura
29	Kamminlun
30	Ilclkhojang
31	Thangkhao Vaiphei
32	Chandra Shekhar
33	Thangchon Vaiphei
34	Lunpu Hangsing
35	K. Sanjoi singh
36	Schhen Vaiphei
37	Ghane Sham
38	Sathao Singsit
39	Jangkho Hmar
40	Ilari Prasad Dhimal
41	Seilal Vaiphei
42	Thangsei Lenthang
43	Mangkho Chongloi
44	Seilet Vaiphei
45	Haolet Khongsai
46	Krishna Baral
47	Raj Thapa

Employed/Hired for
six days in a week
and Sunday as
holidays

केन्द्रीय प्रशासनिक अदायक
Central Administrative Tribunal

23 2009

गुवाहाटी न्यायपीठ
Guwahati Bench

ATTESTED

h
ADVOCATE

48	Vinod Thapa	Employed/Hired for six days in a week and Sunday as holidays
49	Lenkhosei	
50	Sonilen Baite	
51	Priya Devi	
52	PL, Mary	
53	Tara Devi	

केन्द्रीय प्रशासनिक उच्च न्यायालय
Central Administrative Tribunal

23 JUL 2009

गुवाहाटी न्यायालय
Guwahati Bench

ATTESTED

1
ADVOCATE

29 -

108

Station Headquarters
Leimakhong
PIN-900269
c/o 99 APO

WP 260/2005

29 Nov 2008

Shri Adil Ahmed,
Advocate
Milanpur Tiniali
Chandmari
House No. 28
Post Office- Bamunimaidam
Guwahati-21
Pin -781021

APPLICATION FOR OBTAINING INFORMATION

1. Ref our letter No WP 260/2005 dt 21 Nov 2008.
2. The details of labourers and their date of engagement for the period from Jul 2007 to Oct 2008 are fwd herewith as appx to this letter please.

PL
(Prashant Kumar)
Col
Adm Comdt
For Stn Cdr

Encl: As above.

केन्द्रीय प्रशासनिक अदायक
Central Administrative Tribunal

12 3 2009

गुवाहाटी न्यायपीठ
Guwahati Bench

ATTESTED
(Signature)
ADVOCATE

80

DETAILS OF LABOUR

S/No	Name	Date of Joining	Remarks
1	Ginlen Khothou	15 May 07	
2	S L Seithang	16 May 07	
3	Leuminlen	02 Apr 07	
4	Lainholen	24 Nov 06	
5	Helkhodong	02 Apr 07	
6	Mongsat	02 Apr 07	
7	Palum Simte	21 Nov 06	
8	Thangkai	02 Jul 07	
9	Lampai Singset	21 Nov 06	
10	Ram Kumar	27 Nov 06	
11	Ganeswar	27 Nov 06	
12	Thangchon	02 Jul 07	
13	K Burangri	02 Apr 07	
14	Sehheñ Nalpuri	02 Apr 06	
15	Gheni Lama	02 Jul 07	
16	Janykho Hamar	23 Mar 07	
17	Lalpu Valphri	02 Apr 07	
18	Thangsai	04 Dec 06	
19	Thangkhung	04 Dec 06	
20	Faestal Valphal	23 Mar 07	
21	Rajkumar	14 Dec 06	
22	Bindu Thapa	02 Jul 07	
23	Lensai	02 Jul 07	
24	Sontea Batel	02 Jul 07	
25	P L Mary	01 Jun 07	
26	Tara Beni	01 Jun 07	
27	Vunkhotal	01 Jun 07	
28	Lakhothong	02 Apr 07	
29	Lalsary	02 Apr 07	
30	Satkhobel	02 Apr 07	
31	Thanghei Pao	01 Sep 07	
32	Puskar Prasad	01 Sep 07	
33	A B Wareibo	05 Sep 07	
34	P Shanti Kumar	05 Sep 07	
35	S Jainta	05 Sep 07	
36	Nanao	05 Sep 07	
37	Mocha	05 Sep 07	
38	Blgla	05 Sep 07	
39	Sukai	23 Mar 07	
40	ThangKuananay	05 Sep 07	
41	Llatuskha	05 Sep 07	
42	Vumtheng	05 Sep 07	
43	Letgai	05 Sep 07	
44	K Abomel	05 Sep 07	
45	Hekai	05 Sep 07	

केन्द्रीय प्रशासनिक अधिकारी
Central Administrative Officer

23.09.2009

गुवाहाटी न्यायपाल
Guwahati Bench

A TESTED
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ADVOCATE

S/No	Name	Date of Joining	Remarks
44	K Abomcl	05 Sep 07	
45	Hekai	05 Sep 07	
46	Dilip	05 Sep 07	
47	Surja	27 Nov 06	
48	Nilamani	01 Nov 07	
49	Lamkhokhu	03 Mar 08	
50	Meghty	02 Jun 08	
51	Kamania They	21 Jun 08	
52	SanaTomba	02 Jun 08	
53	KH Muhandro	21 Jul 08	
54	Krishana	21 Jul 08	
55	Lanog	21 Jul 08	
56	Thangmeipao	21 Jul 08	
57	Manya Valphel	21 Jul 08	
58	Prakash	21 Jul 08	
59	Jangkhokhu	22 Jul 08	
60	Janghi	22 Jul 08	
61	Jamus	22 Jul 08	
62	Paogia	23 Jul 08	
63	Paokam	23 Jul 08	
64	Haomong	01 Aug 08	
65	Henkhosem	21 Jul 08	
66	Paokhoju	01 Aug 08	
67	Ghandhi	22 Jul 08	
68	M Sagar Singh	01 Sep 08	
69	Thangkhokhu	01 Aug 08	
70	Narprasad	21 Nov 06	
71	Letmluten	01 Sep 08	
72	Paolen	01 Sep 08	
73	Paokhomu	01 Sep 08	
74	Selmaang	01 Sep 08	
75	Narar Sharma	01 Sep 08	
76	Mithombao	01 Sep 08	
77	Ch Metheonang	01 Sep 08	
78	Som Bahadur	23 Jul 08	
79	Hungkhong	01 Sep 08	
80	Lenkhal	01 Nov 08	
81	Sangmol	19 Nov 08	
82	Peter	01 Oct 08	
83	Chensongwari	01 Sep 08	
84	Horojlt	05 Sep 08	
85	Bharot Singh	16 Sep 08	
86	Lehmang	01 Aug 08	
87	Lunglin Kipgin	01 Nov 08	

केन्द्रीय प्रशासनिक अधिकारी
Central Administrative Officer

23 2009

गुवाहाटी न्यायालय
Guwahati Bench

ATTESTED
⑨
ADVOCATE

Central Administrative Tribunal
गणराज्य प्रशासनिक न्यायालय
Guwahati Bench
619 - 8 SEP 2009
BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH GUWAHATI

111
W. G. Singh
Col. Wm. Gomot
Filed by the Respondents Through
Usha Deric
28/8/2009.

OA NO. 136/2009

SHRI SONSAI KUKI & ORS

.....APPLICANTS

-VERSUS-

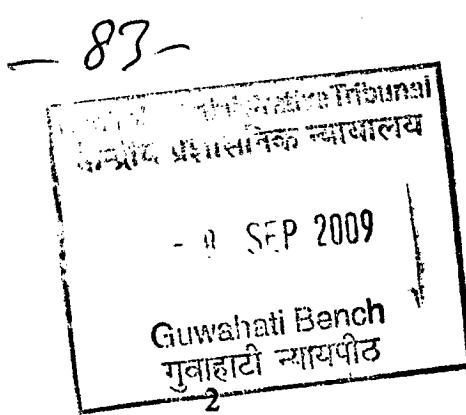
UNION FO INDIA & ORS

.....RESPONDENTS

WRITTEN STATEMENT FILED BY THE RESPONDENTS

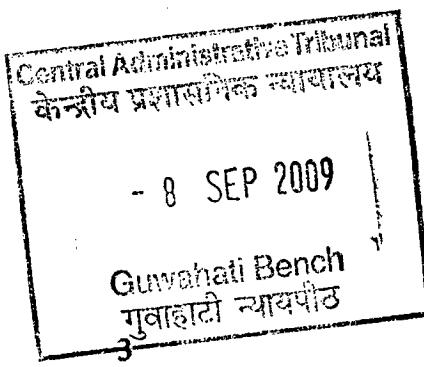
- 1) That the respondents have received copy of the OA and have gone through the same. Save and except, the statements, which are specifically admitted herein below, rest may be treated as total denial. The statements, which are not borne on records, are also denied and the applicant is put to the strictest proof thereof.
- 2) That with regard to the statement made in paragraph 1 of the OA, the answering respondents beg to offer no comment on it.
- 3) That with regard to the statement made in paragraphs 2 & 3 of the OA, the answering respondents beg to offer no comment.
- 4) That with regard to the statement made in paragraph 4.1 of the OA, the answering respondents beg to offer no comment.
- 5) That with regard to the statement made in paragraph 4.2 of the OA, the answering respondents while denying the contentions made therein beg to state that the cases of the applicants cannot be considered under Ministry of Defence. The casual labourers were employed as daily wages basis for maintenance of Laimakhong Military Station. None of them have completed

Rein
H. D. D. 10/8/09



for 240 days in a year in the department and the applicants are put to the strictest proof thereof.

- 6) That with regard to the statement made in paragraph 4.3 of the OA, the answering respondents beg to offer no comment on it.
- 7) That with regard to the statement made in paragraph 4.4 of the OA, the answering respondents while denying the contentions made therein beg to state that some casual labors were engaged during the 2000-2001 on daily wages basis for maintenance of Leimakhong Military Station but none of them have completed 240 days of continuous service in a year in the department for grant of temporary status and subsequent regularization.
- 8) That with regard to the statement made in paragraph 4.5 of the OA, the answering respondents beg to state that this is taken by the applicants from the proceedings of a board of officers which was detailed for working out the requirement of conservancy staff at Laimakhong Station.
- 9) That with regard to the statement made in paragraph 4.6 of the OA, the answering respondents while denying the contentions made therein beg to state that Stn Cdr is not competent to convert the casual labours into permanent post and he cannot increase the wages of the labours. The wages of civil labours/casual labours are being paid at the rate fixed by the labour commissioner pf Manipur for the unskilled labours.
- 10) That with regard to the statement made in paragraph 4.7 of the OA, the answering respondents beg to state that since there was ban on recruitment some casual laborers were engaged for maintenance of Stn HQ Lemakhong since 1986 till March, 2005. Payment of the casusal labourers were made from the fund allotted under code Head 560/01 till Sep 2004.



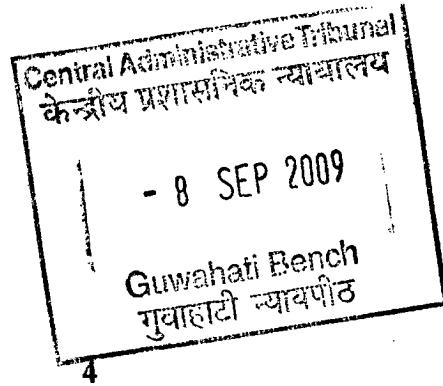
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CDA Guwahati refused to pay the wages of casual labour under code Head 560/01 since Oct 2004.

11) That with regard to the statement made in paragraph 4.8 of the OA, the answering respondents beg to state that this is a copy of Board proceeding for reviewing/ fixing number of conservancy staff required maintenance of station for 01 Jun 2003 to 31 Mar 2004. This Board proceedings has not been concurred by CDA Guwahati. Stn HQ Leimakhong was allotted fund under code Head 560/01 and accordingly Board has recommended for payment to casual labour from the same fund. The respondents were employing casual labour for maintenance of station and they were paid from fund available under code Head 560/01. By paying wages under code Head 560/01 a casual labour cannot be made a permanent post. They have not fulfilled the minimum requirement of 240 days of continuous service in the department as casual labour for grant of temporary status and subsequent regularization.

That after receipt of the applicant of conservancy staff addressed to Stn Cdr Leimakhong, the conservancy staff have been told by the SSO that Stn HQ Leimakhong will take up a case for sanction of permanent conservancy staff at Stn HQ Leimakhong. They have been told that their job at present cannot be converted into permanent without the sanction of the Government.

12) That with regard to the statement made in paragraph 4.9 of the OA, the answering respondents beg to state that GOC 57 Mtn Div cannot regularize the services of the casual labours on the basis of their service as casual labour in the Stn HQ Leimakhong. More over none of the applicants have completed 240 days of Continuous service in a year in the department for regularization of their services.



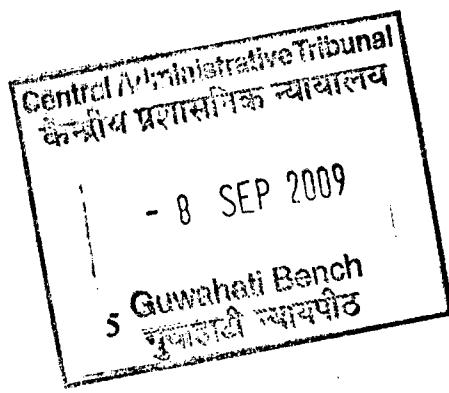
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13) That with regard to the statement made in paragraph 4.10 of the OA, the answering respondents beg to state that the casual labours were paid on the basis of rate fixed by Labour Commissioner of Manipur for unskilled labours i.e., Rs.73.45/- per day (including Rs. 3/- bill area rate). Stn HQ Leimakhong was paying the casual labour from the fund allotted under code Head 560/01 since their engagement. But CDA has intimated that the wages of civil labour (daily wages) from 01 Oct 2004 to March 2005 cannot be paid under code Head 560/01. In view of this the wages of civil labours could not be paid.

14) That with regard to the statement made in paragraphs 4.11 of the OA, the answering respondents beg to state that the Stn HQ Leimakhong has been convening a Board of officer for reviewing/fixing the requirement of casual labours for maintenance of Stn since many years (1986) CDA Guwahati has been concurring the board proceeding regularly earlier. But during the month of March 2005 CDA Guwahati raised the objection regarding the payment of casual labour under code Head 560/01.

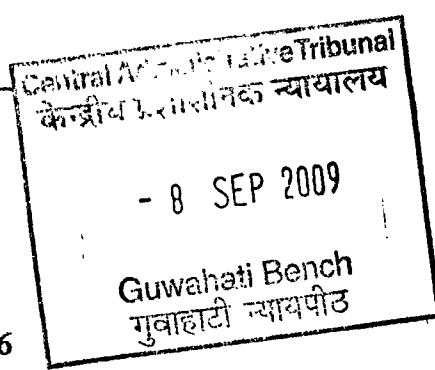
15) That with regard to the statement made in paragraphs 4.12, 4.13, 4.14 and 4.15 of the OA, the answering respondents beg to offer no comment.

16) That with regard to the statement made in paragraphs 4.16 and 4.17 of the OA, the answering respondents beg to state that the applicants No. 3, 8, 11, 14, 15, 16, 17, 20, 21, 25, 30, 31, 33, 40, 44, 50, 54, 83, 84, 86, 89, & 94 (total No. is 22) have been coming for casual engagement off and on hence the respondents have been engaging as and when they have come for casual engagement. The respondents have never refused to give engagement to any of the applicants whenever they have approached for casual engagement if sufficient works are available. They have been allotted jobs as per suitability and requirement basis.



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- 17) That with regard to the statement made in paragraph 4.18 of the OA, the answering respondents beg to state that casual labours have been engaged as requirement basis. The respondents are not duty bound to engage a fixed number of casual labours even if there is no necessity to engage.
- 18) That with regard to the statement made in paragraph 4.19 of the OA, the answering respondents beg to state that they are false and untrue statement and hence denied by the respondents. All the applicants have not come for engagement before the respondents. It is a fact that whoever have come for casual engagement they have been given casual engagement along with others.
- 19) That with regard to the statement made in paragraph 4.20 of the OA, the answering respondents beg to state that none of the applicants have completed 240 days in a year for grant of temporary status. The respondents have never denied engagement who have come for casual engagement considering the requirement for the same.
- 20) That with regard to the statement made in paragraph 4.20 of the OA, the answering respondents beg to deny the correctness of the same. It is denied that casual labours worked for 19 years and it is further denied that any of them worked 240 days in a year for grant of temporary status and further regularization.
- 21) That with regard to the statement made in paragraphs 4.21 to 4.28 and of the OA, the answering respondents while denying the contentions made therein beg to state that the respondents have never violated any fundamental right of the applicants. There is no malafide in engagement of casual labourers. Casual engagements are given as per requirement basis. Since

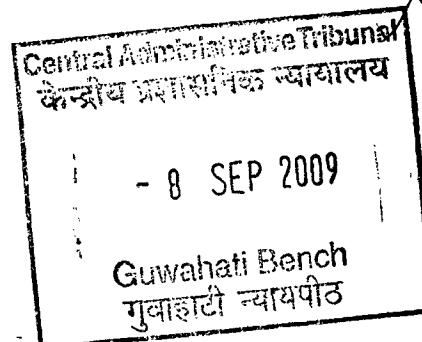


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applicants have been engaged as casual labour there is no question of termination of their services. They have been engaged as requirement and suitability basis.

- 22) That with regard to the statement made in paragraphs 5.1 to 5.10 of the OA, the answering respondents deny the contentions made therein and beg to submit that none of the applicants have worked for 19 years as casual labour. All of them have worked for some days a casual labour and left. It is also submitted that none of them have completed 240 days in a year.
- 23) That with regard to the statement made in paragraphs 6 and 7 of the OA, the answering respondents beg to offer no comment.
- 24) That with regard too the statement made in paragraphs 8 to 8.4 of the OA, the respondents submit that considering the factual aspect of the matter as narrated above the applicants are entitled to any of reliefs as sought for by them.
- 25) That with regard too the statement made in paragraphs 9 and 9.1 of the OA, the respondents submit that considering the facts and circumstances narrated above it is a fit case in which the Hon'ble Tribunal may not be pleased to grant interim order in favour of the applicant.
- 26) That in view of the statements made above the respondents beg to state that the grounds set fourth in the application are not good grounds for filing the instant application hence the same is liable to be dismissed.



VERIFICATION

I Col. H. G. Singh aged
about 52 years at present working as
Adm. Comdt., State Headquarter, Lamakhey, C/8
99, A.P.R., who is one of the respondents and taking steps in this case, being
duly authorized ^{by computer authority} and competent to sign this verification for all respondents,
do hereby solemnly affirm and state that the statement made in paragraph
1 to 15, 17 to 26 are true
to my knowledge and belief, those made in paragraph
16 being matter of records, are
true to my information derived there from and the rest are my humble
submission before this Humble Tribunal. I have not suppressed any material
fact.

And I sign this verification this 28th day of August 2009 at Gumakhat



DEPONENT

Mr. G. Singh
Cst. M. Comdt.

File in Court on 21/12/09

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH: GUWAHATI

FILER BY

Shri Dip Kumar Ghimire
Applicant No. 18
through Narindra Kumar Thami
Advocate/18

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय

AN - 2 DEC 2009
Guwahati Bench
गुवाहाटी न्यायपीठ

IN THE MATTER OF:

O.A. No. 136 of 2009

Sri Sonsai Kuki & Others

-Applicants

- Versus -

The Union of India & Ors.

-Respondents.

- AND -

IN THE MATTER OF:

Rejoinder filed by the Applicants to the written statement submitted by the Respondents.

The humble Applicants submit this Rejoinder as follows:

1. That with regard to the statements made in paragraph 1 to 4 of the written statement the Applicants have no comment to offer and beyond record nothing is admitted by the Applicant.
2. That with regard to the statement made in paragraph 5 of the written statement the Applicants beg to state that the statement are not true and misleading to this Hon'ble Tribunal. The Applicants were engaged as Conservancy staff/Casual labour under the Respondent No.5 at different dates since the year 1986 to March 2005. All of them had worked more than 240 days in a year since their respective date of engagement and some of them had worked more than 19 years continuously under the Respondents. It is to be stated that in Column II of the letter dated 08.03.2005 (Annexure-6 of the O.A.) it has admitted by the Respondents that the Applicants were engaged more than 200 days, therefore, it can be safely presume that they have worked more than 240 days.
3. That with regard to the statements made in paragraph 6 of the written statement the Applicants have no comment to

Dip Kumar Ghimire

offer and beyond record nothing is admitted by the Applicants.

4. That with regard to the statements made in paragraph 7 of the written statement the Applicants beg to state that the statement are not fully true and misleading to this Hon'ble Tribunal. It is to be stated that the conservancy staff were engaged for various purposes such as for keeping sanitary in the station cell, sweeping, disposing the garbage, plantation of trees etc at the Station Headquarters, Leimakhong Military Station . They have served more than 240 days of continuous service in a year under the concerned authority. The duty hours of them were also from 7 AM to 5 PM.

5. That with regard to the statement made in Paragraph 8 of the Written Statement the Applicant have no comment to offer and beyond record nothing is admitted by the Applicant.

6. That with regard to the statements made in paragraph 9 of the written statement the Applicants beg to state that the same are false and misleading to this Hon'ble Tribunal. The office of the Controller of Defence Accounts (CDA in short), Guwahati (At Annexure 6 of the instant O.A.) vide their letter dated 08.03.2005 addressed to the Respondent No.5 has categorically stated in paragraph IV of the said letter that 'in case the regular staff is insufficient additional regular posts should be created but we have observed that your unit has not make any effort to approach your higher authorities and the MOD for purpose. As per AHQrs. Letter No. 63161/Q3(B) dated 07.05.02 your unit has not submitted the above information as called for vide our letters mentioned above but you have approached your higher authorities which is not at all appreciated. It is for your information that CDA cannot accord financial concurrence if the same is not done as per the relevant provisions of rules/orders of G.O.I.'

However, till date the Respondents particularly Respondent No.5 has violated the Government of India

Subijit Kumar Ghimire

orders/rules as well as Hon'ble Supreme Court of India various judgments. From the year 2007 till date the Respondent No.5 has been engaging new sets of casual labour by removing the earlier sets of casual labour who has worked for last 19 years under the Respondent No.5. The aforesaid act of the Respondent No.5 is in contrary to the Hon'ble Supreme Court Judgment passed in Dr. A.K. Jain & Others versus Union of India & Others (1987 Supp SCC 497).

7. That with regard to the statements made in paragraph 10 of the written statement the Applicants beg to state that the same are misleading to this Hon'ble Tribunal. In the paragraph 7 of the written statement the Respondents have stated that some casual labours were engaged during 2000-2001 on daily wages basis for maintenance of Leimakhong Military Station. However, in paragraph 10 of the written statement the Respondents have admitted that some casual labours were engaged for maintenance of Station Headquarters, Leimakhong since the year 1986 till March 2005 and payment of those casual labours were made from the fund allotted under Code Head 560/01 till September 2004.

The Headquarters CI Force (NE) C/O 99 APO vide their letter dated 22.05.2002 (At Annexure 3 of the instant O.A.) and the Army Headquarters letter 07.05.2002 in paragraph 3 it has been mentioned that 'the work being performed by conservancy staff paid out of CGDA Code head 560/01 is of regular nature. Please ensure that casual workers are not recruited by Units/formations out of the allotments made under CGDA Code head 560/01.' Hence, the work performed by the instant Applicants are in regular nature as is admitted by the Respondents.

8. That with regard to the statements made in paragraph 11 to 15 of the written statement the Applicants re-iterates and reaffirm the statement made in the instant rejoinder paragraph No.6 and 7.

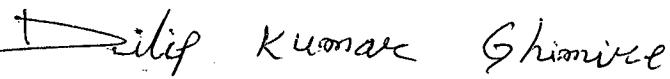
Dilip Kumar Ghimire

Guwahati Bench
গুৱাহাটী স্বায়পীঠ

9. That with regard to the statement made in Paragraph 16 of the Written Statement the Applicants begs to state that the statement are misleading to this Hon'ble Tribunal. It is to be stated that this Hon'ble Tribunal vide its order dated 21.05.2007 passed in O.A. No. 260 of 2005 directed the Respondents to engage the Applicants on casual labourer in preference to their juniors and new comers if any casual labourer job is available or any vacancy occurred under the Respondents. But the Respondents by violating the aforesaid order of this Hon'ble Tribunal engaged a new set of casual labourer Tribunal instead of engaging the Applicants (except some of the Applicants of the O.A. No. 260 of 2005 as mentioned in the O.A. No. 136 of 2009). After getting the information about engagement of new set of casual labourer, the Applicants approached before the Respondents with a prayer to engage them as per the aforesaid order of this Hon'ble Tribunal but the Respondents refused to engage them and they engage some of the instant Applicant on the basis of pick and choose.

10. That with regard to the statements made in paragraph 17 to 26 of the written statement the Applicants begs to state that the same totally false and misleading to this Hon'ble Tribunal. As stated earlier in this instant rejoinder the Respondents have themselves admitted that the work of Leimakhong Military Station is regular and permanent nature of works. Since the year 1986 to till date the Respondents have continuously engaging casual workers for the aforesaid jobs but since 2007 the Respondents have engaged new and junior persons as casual labour by removing/disengaging the earlier casual labour.

Therefore, the written statement filed by the Respondents is wholly bereft of substance and no credence ought to be given to it. Thus, in view of the abject failure of the Respondents to refute the contentions, averments, questions of law and grounds made by the Applicants in the Original Application filed by the Applicants deserved to be allowed by this Hon'ble Tribunal.

 Dilip Kumar Ghaniwala

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायालय

-2 DEC 2009

Guwahati Bench
गुवाहाटी न्यायपीठ

VERIFICATION

I, Shri Dilip Kumar Ghimire, aged about 23 years, Son of Shri Ganesh Kumar Ghimire, permanent resident of Leimakhong Bazar, Post Office- Mantripukhuri, P.S- Sapormaina Dist. Senapati in the State of Manipur, do hereby solemnly verify and state as follows-

1. That I am the Applicant No. 18 of the instant Original Application and I am authorized by the other Applicants to sign this verification on their behalf.

2. That the statements made in paragraphs. *1 to 10.*
are true to my knowledge and those made in paragraphs . . .
. . . *X*. . . are being matters of records are true to my
information derived therefrom which I believe to be true and
rests are my humble submissions before this Hon'ble
Tribunal.

And I sign this Verification on this the 2nd day of
December . 2009.

Jitendra Kumar Ghosh

D E C L A R A N T