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CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH : : : GUWAHATI - 5.

ORIGINAL APPLICATION NO. 212/94

MISC PETITION NO. _____ (IN O.A. _____)

REVIEW APPL. NO. _____ (IN O.A. _____)

CONT. PETITION NO. _____ (IN O.A. _____)

Smt N. Das APPLICANT(S)

VRS.

NOT FOR RESPONDENT(S)

Mr. M. K. Choudhury ADVOCATE FOR APPLICANT.

Mr. B. K. Baishya

Mr. S. Ali, Sr. C. G. S. C. ADVOCATE(S) FOR
RESPONDENTS.

OFFICE NOTE	DATE	COURT'S ORDER
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This application is in
form and within time.
C. F. of Rs. 50/-
deposited vide

IPO/BD No. 864/92
Dated 22.10.94

Ministry
9/11

Dr. Baishya
9/11

11.11.94

Mr B.K.Baishya for the applicant.
Mr S.Ali, Sr.C.G.S.C for the respondents.
The application is admitted. Mr Ali
receives notice for the respondents. He
shall file the memo of appearance. By
consent the application is taken up for
final hearing.

The applicant was appointed as
Casual Khalasi on 14.10.1986 on consolida-
ted pay at the rate of Rs.450/- for the
duration specified in that order. He was
thereafter engaged as ordinary labourer
on daily wage from time to time. From the
table Annexure-4 it is clear that he has
worked for more than 240 days in each
year namely, 1987, 1988, 1989, 1990, 1991
and 1992. In the year 1993 he had worked
for 62 days upto 31.8.1993.

The orders at Annexures 1 and 2
shows that the applicant was appointed
as a casual worker. From the application
it appears that on 14.5.92 he was appointed
as work charged Khalasi in the scale

huc

contd...

OFFICE NOTE

DATE

COURT ORDER

11.11.94 of Rs.750-940/- on adhoc basis. That order has not been produced. From the particulars given at Annexure-4 it appears that there was a gap in service from 16.10.92 till 1.7.93. We do not know whether on 1.7.93 he was appointed again as a casual worker or as work charged Seasonal Khalasi in the work charge establishment in a pay scale with usual allowances on adhoc basis against a post even purely temporary basis. The applicant has simply averred that his appointment was sometimes described as work charged Khalasi and on some occasions as work charged labourer. According to him he was never ^{treated} better than ~~as~~ a casual labourer.

It appears to us that the applicant can be extended the benefit of the "Casual Labourers (Grant of Temporary Status and Regularisation) Scheme" of Government of India which came into effect from 1.9.1993. The material date being 1.9.1993, the order dated 9.5.94 whereunder the applicant was again appointed as Work Charged Seasonal Khalasi may not necessarily come in the way of the applicant for being considered under the scheme if he was working as casual labourer on 1.9.93. Even if on 1.7.93 he was appointed as Work Charged Seasonal Khalasi on adhoc basis that would not in substance ^{being} make much of difference for his not looked upon as a casual labourer for the purpose of the scheme. The concerned authority of the respondents however, will examine the position and ascertain as to what was the nature of work of applicant on 1.9.93; if he was casual labourer he shall be entitled to be given the benefit of the scheme. If he was appointed

will contd....

11.11.94 -ted as work charged seasonal khalasi then the authority will consider sympathetically as to whether from the nature of duty he was required to perform he could still be regarded as casual labourer and extended the benefit of the scheme. Subject to the ascertainment of the fact as directed above about the nature of employment on 1.9.93, the respondents are directed to extend the benefit of the scheme including conferment of temporary status upon the applicant forthwith if he is found eligible notwithstanding the order dated 9.5.94. The authority concerned will bear in mind that the label under which a worker may be appointed may not be necessarily determine ^{alive} of his eligibility for being covered by ^{the} this scheme and workers like applicant should not ordinarily be deprived of the benefit of the scheme. The authority concerned will keep an open mind and take appropriate steps. In the light of observations made above the application is disposed of in above terms.

No order as to costs.

hca
Vice-Chairman

hca
Member

24.11.94
Copy of order dtd.
11.11.94 issued to all
concerned by Regd.
Post no. 4834
to 4838 dtd. 28.11.94.