

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH : GUWAHATI-5

O.A. No. 248/94

Date of decision 10.11.1995

Md. Syed Islam Ali (Ahmed) & 2 Ors.

PETITIONER(S)

Mr. B.K. Sharma

ADVOCATE FOR THE
PETITIONER(S)

VERSUS

Union of India & Ors.

RESPONDENT(S)

Mr. S. Ali, Sr. C.G.S.C.

ADVOCATE FOR THE
RESPONDENT(S)

THE HON'BLE JUSTICE SHRI M.G.CHAUDHARI, VICE-CHAIRMAN.

THE HON'BLE SHRI G.L.SANGLYINE, MEMBER (A).

1. Whether Reporters of local papers may be allowed to see the Judgement? *yes*
2. To be referred to the Reporter or not? *)*
3. Whether their Lordships wish to see the fair copy of the Judgement? *)*
4. Whether the Judgement is to be circulated to the other Benches?

M.G.Chaudhuri

Judgement delivered by Hon'ble Vice-Chairman

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CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No. 248 of 1994.

Date of decision : This the 10th day of November, 1995.

The Hon'ble Justice Shri M.G.Chaudhari, Vice-Chairman.

The Hon'ble Shri G.L.Sanglyine, Member (A).

1. Md. Syed Islam Ali (Ahmed)
S/o Syed Makib Ali
Village - Nakul No. 2
P.O. + P.S. Rangia
District-Kamrup
2. Syed Abdul Ali,
S/o Syed Azmad Ali
Village - Pub Kahan
P.O. + P.S. - Rangia
District-Kamrup
3. Md. Taher Ali
S/o Md. Momin Ali
Villate - Bongali Kuchi
P.O.+P.S. Rangia
District- Kamrup

..... Applicants

By Advocate Mr. B.K.Sharma.

-versus-

1. Union of India
Through the Secretary, Govt of India,
Ministry of Defence
New Delhi
2. Additional Director General of Staff
Duties (SDGE) General Staff Branch
Army Headquarters DHQ
P.O. New Delhi-110011.
3. Administrative Commandant
Purav Kaman Mukhalaya
Headquarters, Eastern Command,
Fort William
Calcutta-700021
4. Administrative Commandant
Station Headquarters,
Rangiya,
C/o 99 A.P.O.

....Respondents

By Advocate Mr. S.Ali, Sr. C.G.S.C.

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ORDER

CHAUDHARI J. (V.C.)

The 3 applicants have been engaged as Safaiwala/Mazdoors in the Para Brigade under Station Headquarter of the Administrative Commandant and at the time of filing of the application they were posted at R.T. Brigade, Rangiyah. They were employed through the Employment Exchange on daily wage basis at the rate of Rs. 30 per working day on No Work No Pay Basis. Their engagement was on periodic basis with artificial breaks. They were however disengaged finally from the respective dates mentioned in Para 6.vi of the application. Presently they are out of employment.

2. The applicants seek a direction to the respondents to reappoint them with all consequential benefits including monetary benefits from the respective dates of engagement and to pay them regular salary and allowances in the appropriate scale from the date of engagement. The applicants contend that they have worked for more than 240 days and they have therefore become eligible to be regularised in Group D posts.

3. The respondents contend that the service of the applicants was on casual basis and neither they are entitled to claim regularisation as a matter of right nor to claim regular pay scale. It is also their contention that there are no regular posts authorised in the field units and that is why the applicants were appointed on casual basis and cannot be regularised against any posts. The respondents therefore urge that the application may be dismissed. Mr. S. Ali, the learned Sr. C.G.S.C. for the respondents reiterated these submissions.

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4. Similar question arose for our consideration in O.A. 56/94 decided on 19.9.1995 and prior thereto in O.A. 264/93 decided on 5.9.1995. Since the case of the present applicants is similar to those applicants and as the contentions of the parties are also same as in those applications it is not necessary to repeat those reasons once again and it would be sufficient to pass an order similar in nature in the instant application also. Mr. B.K.Sharma submitted that according to his instructions there are posts lying vacant at places other than Rangiya and that there should be no difficulty for the respondents to regularise the applicants and that the applicants would not insist for posting at Rangiya but are willing to accept ~~to~~ appointment elsewhere where the vacancies are available. He also submitted that the benefit of the scheme for regularisation of casual labourers is also required to be considered.

5. Mr. Ali, Sr. C.G.S.C. submits that according to his instructions there are no posts presently available. We would only say in this connection that if there are any posts available not necessarily at Rangiya but at other places it would be open to the respondents to sympathetically consider whether the applicants may be regularised against those posts.

Subject to the above observations following order is passed :

1. The respondents are directed to consider extending the benefit of Casual Labourers (Grant of Temporary Status and Regularisation) Scheme 1993 of the Government of India and benefit of guidelines under O.M. dated 7.6.1988 to the applicants and the question of conferring

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temporary status on them and thereafter regularisation against the posts as may be available subject to their eligibility and availability of posts wherever available.

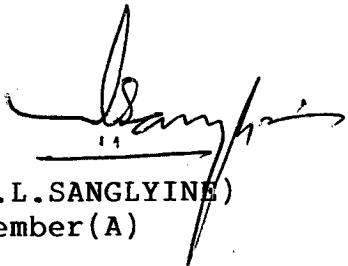
2. The respondents No. 3 & 4 may, if necessary, seek sanction for the posts to enable consideration of regularisation of the applicants if they are otherwise found eligible for the same under the Scheme.
3. The circumstance of disengagement of the applicants may be considered in the light of the Scheme and guidelines respectively if applicable as stated above.
4. The respondents to examine the cases of the applicants in the light of above directions as expeditiously as possible but in any case within a period of three months from the date of receipt of this order and intimate their decision to the applicants accordingly.
5. The question of consequential benefits, if any, available to the applicants under the Scheme/ Guidelines in the event of their being considered for regularisation may be extended to them.
6. The respondents may not confine their consideration in respect of the applicants for the aforesaid purpose only at Rangiyah Field Station but may consider if they can be accommodated at any other place.

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7. It will be open to the respondents to offer casual engagement to the applicants when possible.

The O.A. is disposed of in terms of the aforesaid directions. No order as to costs.


(G.L. SANGLYINE)

Member (A)


(M.G. CHAUDHARI)

Vice-Chairman

trd