

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

O.A. NO. 249 of 1994.
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DATE OF DECISION 17-11-1995.

Md. Asraf Ali,

(PETITIONER(S))

Shri B.K.Sharma.

ADVOCATE FOR THE
PETITIONER (S)

VERSUS

Union of India & Ors.

RESPONDENT (s)

Shri 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 (ADMN.)

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

yes

No

M.G.Chaudhary
Judgment delivered by Hon'ble Vice-Chairman.

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No. 249 of 1994.

Date of Order : This the 17th Day of November, 1995.

Justice Shri M.G.Chaudhari, Vice-Chairman.

Shri G.L.Sanglyine, Member (Administrative)

Md. Asraf Ali,
Village- Septy,
P.O. Rangia, P.S. Rangiya,
Dist. Kamrup (Assam) Applicant

By Advocate Shri B.K.Sharma.

- Versus -

1. Union of India
represented by the Secretary,
Govt. of India, Ministry of Defence,
New Delhi.
2. Additional Director General of Staff,
Duties (SDGE), General Staff Branch,
Army Headquarters, DHQ
New Delhi-110 011.
3. Administrative Commandant,
Purv Kaman Mukhyalaya,
Headquarters, Eastern Command,
Fort William, Calcutta-700 021.
4. The Administrative Commandants,
Station Headquarters, Rangia,
C/O 99 APO. Respondents.

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

O R D E R

CHAUDHARI J.(V.C)

The applicant had been working as Safaiwala on casual basis from 1988 under the Administrative Commandant Rangia respondent No.4. He has been disengaged from 9.6.93. During this period his engagement was for specific durations and he was re-engaged after a break. He contends that he having continuously worked for more than 18 months he was entitled to be regularised as Safaiwala. He therefore prays that the respondents be directed to reinstate him and give him all consequential benefits including monetary benefits

hsl contd...2.

✓ after setting aside the verbal termination of 10.6.93. from

2. The respondents contend that the engagement of the applicant in each spell was on clear understanding that it could be terminated at the end of the period of engagement and did not confer any right to regularisation. Thus according to them their action is not arbitrary or illegal. It is also contended that the units of the establishment are located in field stations where no regular posts of Conservancy Safaiwala^s have been authorised and there is no permanent infrastructure creation and therefore it is not possible to regularise the services of the applicant who had been engaged on daily wage as there are no post against which he can be appointed. The respondents also stated that the services of the applicant was terminated as it was no longer required at the unit due to moving out of field units. It is also stated that Rangiya and other stations are not authorised with any regular posts of Conservancy Safaiwala^s being field stations. They therefore prayed that the application may be rejected.

3. Similar was the case of 3 applicants in O.A.No.248/94 decided on 10.11.95. Those applicants were also engaged as Safaiwala^s under Station Headquarter of the Administrative Commandant on daily wages. Their engagement was also on periodic basis and they were disengaged on similar grounds as in the instant case. Their contention was also that they had ^{been} put in more ^{than} 240 days of service and had become eligible for regularisation in Group D posts. Similar were the contentions raised on behalf of the respondents as are now urged.

✓ 4. In our order on the aforesaid O.A. we have also referred to orders in O.A.No.56/94 decided on 19.9.95 and O.A.No.264/93 decided on 5.9.95. The reasons indicated in that order we are inclined to pass similar order in the

present application also. In the result subject to the observations contained in the order on the O.A. 248/94 following order is passed :

(i) 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 temporary

✓ status on ^{him} them and thereafter regularisation against the

✓ posts as may be available subject to ^{his} their eligibility and availability of posts whenever available.

(ii) The respondents No.3 and 4 may, if necessary,

✓ seek sanction for the posts to enable consideration of regularisation of the applicants if he is otherwise found eligible for the same under the Scheme.

(iii) The circumstance of disengagement of the applicant may be considered in the light of the Scheme and guidelines respectively if applicable as stated above.

(iv) The respondents to examine the case of the applicant 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 applicant accordingly.

(v) The question of consequential benefits, if any,

✓ available to the applicants under the Scheme/guidelines in

✓ the event of ^{his} their being considered for regularisation may

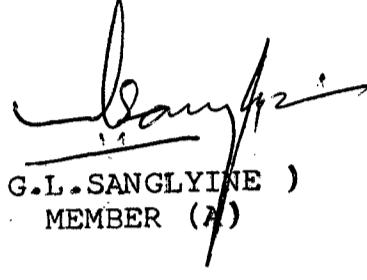
✓ be extended to ^{him} them.

(vi) The respondents may not confine their consideration in respect of the applicant for the aforesaid purpose only at Rangiya Field Station but may consider if he can be accommodated at any other place.

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(vii) It will be open to the respondents to offer casual engagement to the applicant whenever 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