

30/100
CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH

GUWAHATI-05

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Disposed Date 12/4/96

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(DESTRUCTION OF RECORD RULES, 1990)

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Disposed Date 12/4/96

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SECTION OFFICER (JUDI.)

CENTRAL ADMINISTRATIVE TRIBUNAL : GUWAHATI BENCH : GUWAHATI

ORIGINAL APPLN.NO. 214 OF 1995

TRANSFER APPLN.NO. OF 1995

CONT EMPT APPLN.NO. OF 1995 (IN NO.)

REVIEW APPLN.NO. OF 1995 (IN NO.)

MISC. PETITION NO. OF 1995 (IN NO.)

.....H. R. Nath. & Ors. APPLICANT(S)

-vs-

.....K. G. L. Hoss. RESPONDENT(S)

For the Applicant(s) Mr. B. K. Sharma

Mr. B. Mehta

Mr. S. Sarma

Mr.

For the Respondent(s) Mr. G. Sarma, Addl. C.A.

OFFICE NOTE	DATE	ORDER
<p>This application is in form and within time. C. F. of Rs. 50/- deposited vide IPO/BD No. 327462 Dated 20-9-95</p> <p><i>AB</i></p>	16.10.95	<p>Mr B.K. Sharma for the applicants. Mr G. Sarma, learned Addl. C.G.S.C., for the respondents.</p> <p>The respondents not to terminate the services of the applicants till 26.10.95.</p> <p>Adjourned to 26.10.95 without prejudice and with liberty.</p> <p><i>JK</i></p>

Vice-Chairman

JK
Member

OA/TA/CP/RA/MP No. of 19 O.A. No. 214/95

OFFICE NOTE

DATE

ORDER

26.10.95

Mr S.Sarma for the applicant.

Mr G.Sarma, Addl.C.G.S.C for the respondents.

At the request of Mr G.Sarma time to file show cause reply is extended upto 14.12.95 from today. Ad-interim order to continue until further orders.

Adjourned to 14.12.1995.

Member

Vice-Chairman

urgentIssue order
immediately.

26/10

pg

For 26/10

Order issued to all
claimed v. no.

14.12.95

Adjd. to 13.2.96.

Ad int order to continue.

V.C.

Member (A)

Requisits are
and 2 issued
v. no. 4285-87 d. 1/11/95

13.2.96

1/11/95

To be listed for hearing
on 2.4.96. Ad-interim
order to continue further
orders.

By order

BOS

14.12.95

Adjourned to further
hearing to 13.2.96

By order

BOS Date d: 14.12.95

CEN v. no. 5320 23/12/95

Brief notice send on

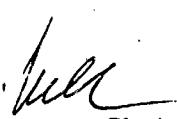
OFFICE NOTE	DATE	ORDER
	14.3.96	
W/S limited by in Repds. No. 1, 2, 23.		

OFFICE NOTE

DATE

ORDER

QA/XXXXXX/XXXXXX/XXXXXX No. 214 of 1995

OFFICE NOTE	DATE	ORDER
order d. 13.2.96 Enr. no 359-62 13.2.96 26/2	27.2.96	In view of the order on M.P.No.10/96 passed today, the O.A. is formally admitted. The respondents have already been served and have also filed written statement, hence no further service. O.A. to be listed for final hearing on 2.4.96 as directed earlier.
		The direction dated 13.2.1996 continuing the ad interim order until further orders shall stand substituted by the order on the Misc. Petition passed today.
		 Vice-Chairman
		 Member
	nkm	
	18.3.96	Wrongly listed. Application already admitted. List on 2.4.96 as directed earlier
		 Member
	pg	
	2.4.96	Learned Addl.C.G.S.C Mr G.Sarma is present. List for order on 8.4.96 alongwith M.P.37/96. Ad-interim order to continue till 8.4.96.
		 Member
	pg	

QA/TA/CP/RA/MP No. of 19

OFFICE NOTE

DATE

ORDER

O.A. 214/95

8.4.96.

Mr. G. Sarma Addl.C.G.S.C. is present for Mr. S. Sarma for respondent No.1. is present.

List on 10.4.96 alongwith M.P. 37/96.

60
Member

LM

10.4.96

Mr. S. Sarma for the applicant. Mr G. Sarma, Addl.C.G.S.C for the respondents.

List on 12.4.96 for order.

60
Member

pg

12.4.96

Mr. B.K. Sharma for the applica
Mr. G. Sharma Addl.C.G.S.C. for the
respondents.

List for hearing on 10-5-96.

60
Member

10.5.96

Mr. S. Sarma for the applicant. Mr G. Sarma, Addl.C.G.S.C for the respondents.

List for hearing on 20.6.96.

60
Member

pg

13.5.96

None for the applicant.
G. Sarma, Addl.C.G.S.C for the respondents.

List for hearing on 21.6.96.

60
Member

pg

21-6-96

Mr. G. Sarma Addl.C.G.S.C. is present.
None for the applicant. List for hearing
22-7-96.

lm

Member

22-7-96

Learned Sr.C.G.S.C. Mr.S.Ali is
present for the applicant. List for hearing
on 19-8-96.

lm

Member

19-8-96

Learned counsel Mr.S.Sarma for the
applicant. Learned Sr.C.G.S.C. Mr.S.Ali for
the respondents. List for hearing on 13-9-96

lm

M
19/8

18.9.96

Mr. G.Sarma, Addl. C.G.S.C. for the
respondents.

List for hearing on 17.10.1996.

Member

trd

17.10.96

Mr S.Ali, Sr.C.G.S.C for the respon-
dents.

List for hearing on 5.12.96.

Member

pg

M
17/10

11.12.96

Vide order dated today in M.P. 205/96 the interim order dated 15.10.96 in M.P. 157/96 has been modified.

Pl. consider.

or
19/12

6
Member

6-3-97

pg

10.3.97

Let the case be listed on 21.4.1997 for hearing.

6
Member

Vice-Chairman

1) copy of the order issued to the respondents vide NO. 3567 dated 18.10.96 (in M.P. 157/96).

2) written statement has been submitted with memo of appearance on behalf of the respondents.

3) no rejoinder has been filed.

21.4.97

Let the case be listed for hearing on 2.6.97.

W
6/3

6
Member

6
Vice-Chairman

pg

g
22/4

2-6-97

The respondents have filed an affidavit in Misc.Petition No.94/97 stating inter alia that the scheme has since been approved and it is likely to be notified. In view of the above Mr.B.K. Sharma, learned counsel appearing on behalf of the applicant submits unless the scheme is notified and we come to know about the scheme it will be difficult for us and for that purpose Mr. Sharma prays for time till the scheme is notified. Mr.M.K.Gupta, learned Addl. C.G.S.C. submits that the scheme will be notified very soon, may be within three weeks. Mr.S. li, learned Sr.C.G.S. and Mr.M.K.Gupta, learned Addl.CGSC

contd/-

214/95
O.A.No. 210/96

2.6.97

also agreed that the matter should be heard after the publication of the scheme.

Considering the submissions of the learned counsel for the parties we adjourn the case till 7-7-97.

60
Member

DB
Vice-Chairman

pg

ch
3/6

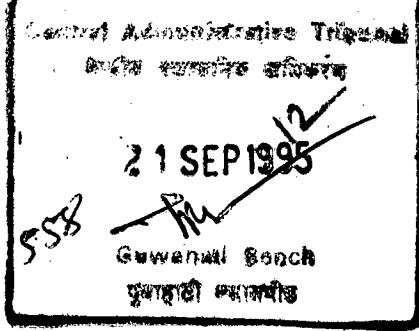
7.7.97

Heard both counsel of the parties. Hearing concluded. The application is disposed of on withdrawal with liberty to file fresh application if so advised. No order as to costs. Order is kept in separate sheets.

60
Member

DB
Vice-Chairman

trd



BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH.

(An application under Section 19 of the Administrative
Tribunals Act, 1985)

Title of the case : O.A. No. 214 of 1995.

Shri Hem Ram Nath & Ors. Applicants.

Vs.

Union of India & Others Respondents.

I N D E X.

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4.	Annexure 2/A to 2/I	16 to 26
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6.	Annexure 4	29 to 32

For use in Tribunal's Office:

Date of filing : 21-9-95
Registration : OA 214/95

Signature.

Registrar.

PS
Y

Copy
Recd by [unclear]
21.9.95

B
Plenary Session
Date 21.2.21

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL:: GUWAHATI BENCH.

O.A. NO. 214 of 1995

BETWEEN

1. Sri Hem Ram Nath.
2. Sri Joytish Kr. Das.
3. Sri Lakhi Neog,
4. Sri Shub Chandan Nath.
5. Sri Hem Chandra Das.
6. Sri Biren Choudhury.
7. Sri Chani Ram Baruah,
8. Sri Bijoy Kr. Shama.
9. Sri Dandi Ram Nath.

All are working under the Central Water Commissioner, Middle Brahmaputra Sub- Division, Guwahati-3 and their respective place of posting are as indicated in ANNEXURE 1 to the O.A.

..... APPLICANTS.

- AND -

1. Union of India, represented by the Secretary to the Government of India, Ministry of Water Resources, Shram Shakti Bhawan, New Delhi.
2. The Chairman Central Water Commission, Sewa Bhawan, R.K. Puram, New Delhi.
3. The Executive Engineer, Middle Brahmaputra Sub-Division, Central Water Commission, Guwahati-7.

..... RESPONDENTS.

DETAILS OF APPLICATION :

1. Particulars of the orders against which the application has been made :-

The instant application is not made against any particular order, but has been made seeking a relief towards regularisation of their services. Presently

they are under casual employment under the respondents and as per the scheme prevalent, they are entitled to be granted with temporary status with further regularisation of their services.

2. Jurisdiction of the Tribunal :

That the applicants declare that the subject matter of the application for which they want redressal is well within the jurisdiction of this Hon'ble Tribunal.

3. Limitation.

The applicants further declare that the application is within the limitation period prescribed under Sec. 21 of the Administrative Tribunals Act, 1985.

4. Facts of the case :

4.1 That the applicants are all citizens of India and as such, they are entitled to all the rights and privileges guaranteed by the Constitution of India and laws framed thereunder.

4.2 That the applicants have filed the instant application for redressal of their grievances towards non-regularisation of their services as Group 'D' employees. The grievances of the applicants and the cause of action for which the applicants have come before this Hon'ble Tribunal for redressal of the same are similar. They belong to the lower stratum of the society and are holders

of Group 'D' post on casual basis and accordingly, crave leave of the Hon'ble Tribunal to allow them to join together in this single application invoking the power under Rule 4(5)(a) of the Central Administrative Tribunal (Procedure) Rules, 1987.

4.3 That the applicants are all similarly situated. Their grievances are pertinent to their services under the respondents. All the applicants have been working under the respondents on casual basis for the last several years without any hope of regularisation of their services. They have not even been granted temporary status under the scheme formulated by the Govt. of India. The service particulars of the applicants are reflected in ANNEXURE '1' to the instant O.A. In the said Annexure, the applicants have given their service particulars in details and crave leave of the Hon'ble Tribunal to refer to the same in support of their contention made in this application instead of repeating the said contentions.

4.4 That the applicants state that as is reflected in Annexure '1' statement annexed to this OA, they have been working under the respondents since 1983, 1983, 1983, 1983, 1982, 1983, 1990, 1989 and 1989 respectively. They were so appointed in Group 'D' employment on casual basis after their names were sponsored through Employment Exchange and they were selected for the post of work-charged seasonal Khalasi. Their appointments are continued from year to year and each year they are issued with appointment letters under which they are to work in Group 'D' posts as work-charged seasonal Khalasi in the definite scale of pay.

Presently, they are given pay scale of Rs.750-940/- which is the prescribed pay scale of Group 'D' employee. However, their services are terminated and/or they are kept in employment for a definite period and there-after, they are no longer engaged for the rest of the period in the year.

Again in the next year, they appointed for a further period. Thus, this process is going on since the time of their appointments and in spite of the fact that the Government of India has formulated a policy decision for grant of temporary status to the casual employees with the consequences of regularisation in due process. The applicants are still deprived of the same benefit. Their services are rather being terminated from time to time.

4.5 That the applicants state that every year they are issued with the same kind of appointment letters and sometimes they are also required to work beyond the prescribed period in the appointment letter on casual basis.

Their such appointments are not in dispute and thus instead of annexing all/ the appointment letters pertaining to all the orders, the applicants beg to annexed one each of their such appointment letters and the same are marked as ANNEXURE 2/A to 2/I.

The applicants crave leave of the Hon'ble Tribunal to produce all the appointment letters pertaining to their employments in Group 'D' posts on casual basis right from the respective date of their appointment at the

time of hearing of the instant application. It is the bonafide belief of the applicants that their such employment will not be disputed by the respondents.

4.6 That the applicants state that even after rendering years of service as Group 'D' casual employee, their services have not been regularised and their services are being taken by the respondents in exploitative terms. As pointed out above, their services are utilised for a particular period in a year and after that their services are terminated and again in the next year they are appointed for another period. This process has been going on since the days of their respective employments. Further, sometime during the intervening period they are also given casual employment like that of any other Group 'D' casual employee. Thus, the case of the applicants stand thus - all of them are duly sponsored by the Employment Exchange selected by the respondents for being appointed as casual Group 'D' employees, their services are being utilised every year for a particular period as work-charged seasonal Khalasi, their services are yet to be regularised and till date, they have not been confer with the temporary status as is required to be conferred under the relevant scheme formulated by the Government of India.

The applicants crave leave of the Hon'ble Tribunal to produce copy of the relevant scheme at the time of hearing of the instant O.A.

4.7 That the applicants state that some of the Group 'D' employees of the Central Water Commission similarly situated with that of the applicants had ~~move~~ moved the Principal Bench of the Hon'ble CAT/New Delhi, by way of filing various O.As. wherein same kind of grievances have been raised in the instant application were raised. The Principal Bench of the Hon'ble CAT by its judgment dated 10.2.94, in O.A. No. 273/92, 804/92, 1601/92 and 2418/92 allowed the said O.As. with the following directions :

(i) the respondents shall prepare a scheme for retention and regularisation of the Casual labourers employed by them. This scheme should take into account the regular posts, that can be created, taking into account the fact that even if a particular scheme is completed, new schemes are launched every year. An assessment of the regular posts that can be created on this basis should be made. For regularisation all those, who have completed 240 days service in two consecutive years, should be given priority in accordance with their length of service ;

(ii) Those, who have completed 120 days of service should be given temporary status in accordance with the instructions issued by the department of personnel from time to time. After completion of the required period of service, they should be considered for regularisation.

(iii) Adhoc/temporary employees should not be replaced by other ~~and~~ ad/hoc/temporary employees and should be retained in reference to their juniors and outsiders.

(iv) Such a scheme shall be submitted by the respondents for scrutiny of this Tribunal within a period of three months from the date of communication of this order by the petitioner to them.

There shall be no order as to costs."

A copy of the said Judgment is annexed herewith and marked as ANNEXURE-3.

Contd...P/7.

4.8 That the applicants state that the said judgment was carried on review by the respondents therein but ~~xx~~ the same was dismissed by the Hon'ble Tribunal by its judgment and order dtd 9.5.94.

A copy of the said judgment dtd 9.5.94 is annexed herewith and marked as ANNEXURE '4'.

4.9 That pursuant to the aforesaid judgment, the applicants therein have been ~~temporarily~~ granted temporary status and to the knowledge of the applicants, all the applicants therein have been continuing in their services without any interruption and break and they enjoining the consequences of granting the temporary status. One of the applicants in the aforesaid OA ~~xx~~ has been transferred to Shillong and he has been continuing as a Group 'D' employee on conferment of temporary with all consequential benefit. After the aforesaid judgment, there has been no occasion to terminate the services of the applicants therein and they are enjoying the benefits of temporary status as per the scheme holding the Field. The Central Water Commission has formulated and adopted the scheme as was formulated by the Government of India, Ministry of Personnel & Public Grievance/ ~~and~~ slight modification here and their, more particularly, as regards number of working days. The respondents may be directed to produce a copy of the same formulated by them under which the applicants are entitled to be conferred with temporary status with all consequential benefit.

4.10 That the applicants state that the ~~xxx~~ respondents instead of being a model employer has envisages under the Constitution of India and the laws framed thereunder have been utilising the services of the applicants for the last several years in exploitative terms without giving them any ray of hope of future prospect. Thus, the applicants have attained a stage under which they can neither go for other employment nor they can abandon their present employment. All of them have become over-aged for any other Government job. Thus, with the meagre income they earn from their casual employment, they along with their families are in precarious predicament.

4.11 That the applicants state that in view of the aforesaid judgment of the Principal Bench, pertaining to the same deptt., there is no earthly reason as to why the benefit of the said judgment should not be extended to the present applicants. The respondents of their own ought to have extended the benefit of the said judgment to the applicants instead of making them to come under the protective hands of this Hon'ble Tribunal.

Fixation of pay

4.12 That the applicants state that in view of the facts and circumstances stated above, they are entitled to be conferred with temporary status and there-after regularisation of their services. The applicants further state that it is their reasonable apprehension that since they have come under the protective hands of this Hon'ble

Tribunal, their services may not be continued and thus, it is a fit case for an interim order directing the respondents not to terminate the services of the applicants till disposal of the instant O.A.

5. Grounds for reliefs with legal provision :

5.1 For that prima-facie the action/inaction on the part of the respondents are illegal and arbitrary.

5.2 For that the applicants have not been continued in the employment of the respondents for the last several years their services are required to be regularised with all consequential benefit.

5.3 For that there being a judgment holding the field pertaining to the same deptt., the respondents are duty bound to apply the principles laid down therein in case of the applicants also without requiring them to approach the Hon'ble Tribunal again.

5.4 For that the Constitutional mandates ~~mandates~~ demand that the services of the applicants be regularised and their services should not be utilised in exploitative terms as has been done by the respondents in the instant case.

③

5.5 For that the benefit of the scheme of regularisation and conferment of temporary status have not been extended to the other similarly situated employees, there

is no earthly reason as to why the same treatment should not be meted out to the applicants.

5.6 For that the applicants have been treated differentially and thus, there is violation of Article 14 and 16 of the Constitution of India.

5.7 For that the applicants ~~having~~ been continued under the respondents for the last several years and in the process having lost their chances of employment elsewhere and being over-aged, to be absorbed elsewhere, the Hon'ble Tribunal may direct the respondents to regularise the services of the applicants in the Group 'D' posts.

5.8 For that the respondents are duty bound to give weightage to the services rendered by the applicants towards regularisation of their services and they cannot be utilised in exploitative terms in violation of the provisions of the Constitutional rules and the laws framed thereunder.

5.9 For that in any view of the matter, the action/inaction on the part of the respondents are not sustainable.

6. Details of remedies exhausted :

That the applicants state that they have no other alternative or efficacious remedy except by way of approaching this Hon'ble Tribunal.

7. Matters not previously filed or pending before any other Court :

The applicants further declare that they have not previously filed any application, writ petition or suit regarding the matter in respect of which the application has been made before any Court of law, or any other authority and/or other Bench of the Tribunal and/or any such application, writ petition or suit is pending before any of them.

8. Relief(s) sought :

In view of the facts and circumstances stated above, it is most respectfully prayed that the instant application be admitted, records be called for and on perusal of the same and upon hearing the parties on the cause/causes that may be shown, be pleased to grant the following reliefs:-

1. To direct the respondents to regularise the services of the applicants with retrospective effect, i.e. the respective dates of their appointment with all consequential benefits including arrear salary and seniority.
2. To direct the respondents to extend the benefit of Annexure '3' judgment and order of the Principal Bench of the Hon'ble CAT/New Delhi;
3. To direct the respondents not to terminate the services of the applicants and to allow them to continue in their service throughout the year till such time ~~they~~ their services are regularised;
4. Cost of the application;

Any other relief or reliefs to which the Hon'ble Tribunal deem fit and proper.

9. Interim order prayed for :

Under the facts and circumstances stated above, the applicants prayed for an interim order directing the respondents not to terminate the services of the applicants with further direction to allow them to continue in their services without any interruption.

10. The application has been filed through Advocate.

11. Particulars of the I.P.Os :

- i. I.P.O. NO. : 8 09. 327462
- ii. Date : 20. 9. 95
- iii. Payable at : Guwahati.

12. List of enclosures

As stated in the Index.

VERIFICATION.

I, Shri Hem Ram Nath, son of late K.C. Nath, aged about 32 years, expressxx the applicant No. 1 in the instant O.A., do hereby solemnly affirm and verify that the statement s made in paragraphs 1 to 4 and 6 to 12 of the accompanying application are true to my knowledge and those made in paragraph 5 are true to my legal advise and I have not suppressed any material facts.

And I sign this Verification on this the 21st
th day of September, 1995.

Shri Hem Ram Nath
(Signature of the applicant)

ANNEXURE 1

Appli- ca- nt No.	Name	Age	Educational qualification	Present place of posting	Working as seasonal khaasai since
1	2	3	4	5	6
1.	Shri Hem Ram Nath Vill. Kamarchuburi P.O. Thelamara District Sonitpur	32	H. S. L. C.	Central Water Commission Bana Gauge site, P.O. Bana Via Seppa, Dist. East Kameng Arunachal Pradesh	1983
2.	Shri Jyotish Kr. Das Vill. Patalar Chuk P.O. Jamugurihat, Dist. Sonitpur	33	H. S. L. C.	Central Water Commission Gauge W.T site, Seppa P.O. Seppa (Type-II/B.22) Dist. East Kameng (A.P.)	1983
3.	Shri Lakhi Neog Vill. Kalita Gaon P.O. Bihaguri Dist. Sonitpur	32	H. S. L. C.	Central Water Commission Bana Gauge site, p.O. Bana, Via Septta, Dist. East Kameng Arunachal Pradesh.	1983
4.	Shri Shib Charan Nath Vill Gosain Chalk, P.O. Nandi Kishor Dist. Sonitpur	35	Class IX	Central Water Commission Jiabharali Gauge & W.T. Site, P.O. Towbhanga, Dist. Sonitpur.	1983
5.	Shri Hem Chandra Das Vill Dekargaon, P.O. Dekargaon, District Sonitpur.	34	Class IX	-do-	1982

Contd...P/2.

Attested.
Advocate.

6.	Shri Biren Choudhury Vill Kunduabari, P.O. Balipukhuri Tiniali	35 Class IX	Central Water Commission Gauge & W.T. Station, Type-IIK B-22, P.O. Seppa. Dist. East Kameng (A.P.)	1983
7.	Shri Chani Ram Baruah Vill-Chagalichuburi, P.O. Bihaguri, Dist. Sonitpur	33 Class IX	Central Water Commission, Bhumuraguri Gauge site, P.O. Bhujkhua Via Kaliabhomora, Dist. Sonitpur.	1990
8.	Shri Bijoy Kr. Sharma Deorigaon (Tezpur) Ketekibari, District Sonitpur.	27 Class IX	Central Water Commission, Opp. Station, Tezpur P.O. Hazarapara, Dist. Sonitpur.	1989
9.	Shri Dandi Ram Nath Vill. Barpalaha P.O. Barpalaha Dist. Kamrup (Assam)	36 H. S. L. C.	Central Water Commission Jagibhakatgaon.	1989

Attested.
F
Advocate.

GOVERNMENT OF INDIA
CENTRAL WATER COMMISSION
MIDDLE BRAHMAPUTRA DIVISION
RAJGARH ROAD :: GUWAHATI-781007

No. MBD/WC/ESTT-24(A)/90/2875-86 Dated, Guwanati 5/5/90.

MEMORANDUM

The undersigned hereby offers appointment to the following persons as 'W/C Seasonal Khelasi in the Work-charge establishment in the pay scale of Rs.750-T2-070-EB-14-940/- per month with usual allowances as admissible as per rules from time to time.

Sl. No.	Name & address of the candidate	Employment Exchange Regn. No.	Place of Posting.	Remarks
1.	Md. Abdul hakim Jogighopa Farighat Jogighope, Golpara	Golpara 1026/01/78	Golpura site	
2.	Md. Mezitur Rahman Vill & P.O. Pakhipur Golpara, Golpura.	-do- 4131/00	Pancharatra site	
3.	Sh. Lakhi Deog Vill Kalitagon P.O. Binojuri (Sonitpur)	-do- 511	Dibralli site	
4.	Sh. Biren Chouchury Vill Kandarbari P.O. Bebjia Tiniali Distt. Sonitpur	-do- 6121/0-	Tesher Bebjia site	
5.	Sh. Ram Nam Nath Vill. Kamor Chuburi P.O. The lumara Distt. Sonitpur.	-do- 4043/00	Bhomraguri site	
6.	Sh. Seni Ram Dora Vill. Sugoli Chuburi Bihoguri.	-do- 489/85	-do-	
7.	Sh. Bijoy Kr. Sarmah Vill. Deurigson P.O. Katekibari Distt. Sonitpur	-do- 1377/87	Tengut site	
8.	Sh. Ram Ln. Das Vill. Kaibortachuburi P.O. Dakerghat Distt. Sonitpur.	-do- 1655/79	Kiiji Power House	

P.T.O.

Attest.ed.

Advocate.

The appointment is on 'Ad-hoc' basis and is purely temporary and will not continue beyond 15.10.90 (A.N.) or completion of work whichever is earlier without further notice.

The person concerned are hereby directed to report his duties to the place of posting as mentioned above under the A.E. I/c, M.B. Sub-Divn., CWC, Guwahati

on 13.5.91 (F.N.) positively otherwise the offer will be treated as cancelled.

No T.A., C.A. etc. will be allowed for joining the above mentioned appointment.

(A. RAHMAN)

EXECUTIVE ENGINEER

Copy forwarded for information and necessary action to:-

- 1) The Asstt. Engineer, M.B. sub-divn., Guwahati/ P.P. sub-divn., Nalbari/Manas sub-divn., Barpeta Road/ Dibruri(S)-Koopili sub-divn., Nagaon/E.A.D. (Met)/ A.E. The joining report of the person in concerned may be sent to this office in writing.
- 2) The concerned person.
- 3) The Employment Officer, District Employment Exchange Guwahati/Jorhat.
- 4) The Accounts Branch, M.B. Divn., CWC, Guwahati-7.

Recd. 3/5/91

(A. RAHMAN)
EXECUTIVE ENGINEER

A. Rahman.

GOVERNMENT OF INDIA
CENTRAL WATER COMMISSION
W.R. & F.F. SUB DIVISION
GAUHATI-3

NO. CFF/GAU/GEN-21/84/ 142/3

Date :- 16/10/84

To,

Shri Prakash Kumar
Paritala
Paritala
Paritala
Paritala
Paritala

Sub:- Appointment of W/C Seasonal Khalasi for
the period from 16/5/84 to 15/10/84.

W/C Seasonal Khalasi for the period from 16/5/84 to
15/10/84 are going to be finalised shortly. If you are inter-
ested to get the appointment for the same, you are hereby
requested to appear before the undersigned at Central Water Commission
Office on 26/10/84 between 12 hours to
15 hours alongwith your application and experience cer-
tificate etc., if any for consideration, failing which your
case will not be considered.



(S.K. GHOSH)
ASSISTANT ENGINEER
W.R.&F.F. SUB DIVISION
CENTRAL WATER COMMISSION
GAUHATI-3

Copy to the Deputy Director, W.R.&F.F., Division No. I,
Central Water Commission, Gauhati for favour of his kind infor-
mation and necessary action please.

(S.K. GHOSH)
ASSISTANT ENGINEER

AKW/

Attested.


Advocate.

18 No.CFF/WC/Entl-24/ 1968-69
Government of India
Central Water Commission **ANNEXURE-2**
W.R. & Flood Forecasting Division No.I

Pub-Sarania, Rajgarh Road,
Gauhati-781003.
Dated, Gauhati the 2/8/83.

MEMORANDUM

Subject:- Appointment to temporary post of W/Charged
Seasonal Khalasi.

Shri..... Lakhji Deog..... S/D.....

Employment Exchange..... Tezpur..... Registration No. 102.....
is hereby informed that he has been selected for the post of Work-charged
Gauge data Khalasi in the scale of Rs.196-3-220-EB-3-232/- with usual
allowances at the rates admissible under rules and subject to the condi-
tions laid down in the rules and orders governing in grant of such allo-
wances in force from time to time.

The appointment is on adhoc basis and is purely tempo-
rary and will not continue beyond 15th October 1983 or completion of the
works which ever is earlier without further notice.

If the candidate accepts the offer of appointment on
the above terms, he should report himself for duty to Assistant Engineer,
C.F.F. Sub-Division, C.W.C., Nalbari, Assam, Station, C.J.C., Tezpur,
at the place of posting viz. at Cholukpong on 12-5-83..... (F.N)
positively. Otherwise this offer will be treated as cancelled.

No T.A. is admissible to join the new appointment.

DEPUTY DIRECTOR
W.R. & F.F. DIVISION-I, C.W.C.,
GAUHATI-3.

To

✓ Shri..... Lakhji Deog
Vill. Kalita, Barpeta.....
P.D. Bhaguri.....
D.L. Deorai.....

Copy forwarded for information and necessary action to the Assistant
Engineer(E); E.A.D(Met), W.R&FFD-I, CWC, Gauhati/Asstt. Engineer, C.F.F. Sub-
Division, CWC, Barpeta Road/Nalbari/Nowgong/Gauhati. Further posting
order may be issued from his end under intimation to the undersigned.
The joining report in original may be sent to this office. The pay of
the incumbent is chargeable to R&M pf

Copy to Accounts Branch, W.R. & F.F. Division-I, CWC, Gauhati.

Copy to the Employment Officer, District/Sub-Divisional Employment Ex-
change Gauhati/Barpeta/ Nalbari/Dhubri/Nowgong with reference to his letter
No..... Tezpur

Copy to the wireless operator, C.W.C.,
C.W.C., Tezpur.

DEPUTY DIRECTOR
W.R. & F.F. DIVISION-I, C.W.C.

195
28
GOVERNMENT OF INDIA
CENTRAL WATER COMMISSION
MIDDLE BRAHMAPUTRA DIVISION

NO:MBD/WC/ESTT-24(A)/94 ~~2552-63~~ Dated 9/5/1994.

MEMORANDUM

The undersigned hereby offers appointment to the following persons as "Workcharged Seasonal Khelasi" in the workcharged establishment in the pay scale of Rs.750-12-870-EB-14-940/- per month with usual allowances as admissible as per rules from time to time.

Sl. no.	Name & Address of the candidate	Employment Exchange Regd.No.	Place of posting	Remarks
1.	Sh. Siba Charan Nath Vill. Covanchak P.O. Mandikes Sonitpur.	Tezpur 1579/87	Jiabharali	
2.	Sh. Jyatish Kr. Das Vill. Patalarchak P.O. Jamugurighat Sonitpur.	Tezpur 7301/83	-do-	
3.	Sh. Lakshi Neog Vill. Kaliagao P.O. Bihuguri Sonitpur.	Tezpur 1020/82	Kimi Power House	
4.	Sh. Hem Ch. Das Vill. Kaiborta Chubri P.O. Dekargaon Dist. Sonitpur.	Tezpur 1655/87	-do-	
5.	Sh. Ray Biran Choudhury Vill. Kendrapara P.O. Babaja (Tini Ali) Sonitpur.	Tezpur 6121/82	-do-	
6.	Sh. Raj Sekhar Basumatary Vill. Chapaguri P.O. Chapaguri Dist. Sonitpur.	Tezpur 5081/91	Tezpur W.T. Station.	
7.	Sh. Bijoy Kumar Sarma Vill. Deurigaon P.O. Katakibari Dist. Sonitpur.	Tezpur 137/87	-do-	
8.	Sh. Hem Ram Nath Vill. Kumar Chubri P.O. Thelamara Dist. Sonitpur.	Tezpur 4043/80	-do-	
9.	Sh. Sanj Ram Bora Vill. Sugoli Chubri, Bihuguri Sonitpur.	Tezpur 489/85	Bhomeraguri	
10.	Sh. Khaqan Ch. Kumar C/O M. H. Kumar Bapuji School, Ulubari, Guwahati-7.	Guwahati 186/87	-do-	

Antosied.

Advocate.

The appointment is on "Ad-hoc" basis and is purely temporary and will not continue beyond 15.10.94(A.N.) or completion of work whichever is earlier without further notice.

The person concerned are hereby directed to report for his duties to the place of posting as mentioned above under the

Assistant Engineer, R.B. Sub-Divn., CWC,
Guwahati-3.

Between 15.5.94 to 31.5.94 positively, otherwise the offer will be automatically treated as cancelled.

No T.A./D.A. etc. will be admissible for joining the above mentioned appointment.

S/—
(A.S.P. SINHA)
EXECUTIVE ENGINEER

Copy forwarded for information and necessary action to :-

1. The Assistant Executive Engineer, C.W.C., R.B. Sub-Divn., CWC.
Guwahati-3.

Joining Report of the person may please be sent to this office.

2. The Assistant Engineer, CWC,

Joining Report of the person may please be sent to this office.

3. The E.A.D.(HM), M.B.Divn., CWC, Guwahati-7/ Data Cell, M.B.Divn.,
CWC, Guwahati-7.

Joining Report of the person may please be sent to this office.

4. Shri Siba Ram Gargi,

He should note that there is no chance of regularisation of service in near future.

5. The Employment Officer, District Employment Exchange,
.... Kazpur/Guwahati.

6. Accounts Branch, M.B.Division, CWC, Guwahati-7.

Ans.
S/—
(A.S.P. SINHA)
EXECUTIVE ENGINEER

NO.CFF/WC/Estt-24-A/86/ 3413-17
Government of India
Central Water Commission
W.R. & Flood Forecasting Division-I,
Pub-Sarania, Rajgarh Road Guwahati-3.

Dated, Guwahati the 3/5/86.

MEMORANDUM

Subject: Appointment to temporary post of W/Charged Seasonal Khalasi.

Shri... Hem Ch.Das

Employment Exchange Tezpur..... Registration No. 1655179.....
is hereby informed that he has been selected for the post of Work-charged Gauge data Khalasi in the scale of Rs. 196-3-220-E8-3-232/- with usual allowances at the rates admissible under rules and subject to the conditions laid down in the rules and orders governing in grant of such allowances in force from time to time.

The appointment is on adhoc basis and is purely temporary and will not continue beyond 15th October, 1986(A.N.) or completion of the works which ever is earlier without further notice.

If the candidate accepts the offer of appointment on the above terms, he should report himself for duty to the Site incharge Tezpur

under Asstt.Engineer, Gauhati Sub-Division..... on 15-5-86
(F.N.) positively. Otherwise this offer will be treated as cancelled.

No T.A. is admissible to join the new appointment.

S. N. Sankar
(A. CHAKRABORTY) 215186
DEPUTY DIRECTOR.

To,

Shri... Hem Ch.Das

Vill-Kaibarta Chuburi

P.O. Dekargaon

Dist-Sonitpur

Copy forwarded for information & necessary action to:-

1. Asstt.Engineer.....

..... Gauhati Sub-Division.....

The joining report on 15-5-86(FN) in original may be sent to this office.

The Site incharge... 444, Tezpur..... through Asstt. Engineer, WR&FF Sub-Division, CWC, Gauhati.....

3. The Accounts Branch, WR&FF Divn. No. I, CWC, Guwahati-3.

4. The Employment Officer, District Employment Exchange..... Tezpur.....

5.---Estt=24.

O/C Approved Authorised
for issue.

A.R.

Attested
(A. CHAKRABORTY)
DEPUTY DIRECTOR.

Advocate.

Government of India
Central Water Commission
W.R. & Flood Forecasting Division No. I

ANNEXURE 2
Pub-Sarania, Rajgarh Road,
Gauhati-781003.
Dated, Gauhati the 21/5/82.

177 MEMORANDUM

Subject:- Appointment to temporary post of W/Charged Seasonal Khalasi.

Shri..... Biren Choudhury S/O..... 3237/82

Employment Exchange..... 187845..... Registration No..... 3237/82
is hereby informed that he has been selected for the post of Work-charged
Gauge data Khalasi in the scale of Rs.196-3-220-EB-3-232/- with usual
allowances at the rates admissible under rules and subject to the condi-
tions laid down in the rules and orders governing in grant of such allo-
wances in force from time to time.

The appointment is on adhoc basis and is purely tempo-
rary and will not continue beyond 15th October 1983 or completion of the
works which ever is earlier without further notice.

If the candidate accepts the offer of appointment on
the above terms, he should report himself for duty to Assistant Engineer,
C.F.F. Sub-Division, C.W.C., Gauhati at Wireless Station, C.W.C., Tezpur
at the place of posting viz..... Wireless Station, C.W.C., Tezpur on 12-5-83
positively. Otherwise this offer will be treated as cancelled.

No T.A. is admissible to join the new appointment.

DEPUTY DIRECTOR
W.R. & F.F. DIVISION-I, C.W.C.,
GAUHATI-3.

To

✓ Shri..... Biren Choudhury

Vill. Kundura Bari

P.O. Bebagia

Dist. Darrang

Copy forwarded for information and necessary action to the Assistant
Engineer(E); E.A.D(Met), W.R&FFD-I, C.W.C., Gauhati/Asstt. Engineer, C.F.F. Sub-
Division, C.W.C., Barpeta Road/Nalbari/Nowgong/Gauhati. Further posting
order may be issued from his end under intimation to the undersigned.
The joining report in original may be sent to this office. The pay of
the incumbent ie chargeable to R&M of

Copy to Accounts Branch, W.R. & F.F. Division-I, C.W.C., Gauhati.

Copy to the Employment Officer, District/Sub-Divisional Employment Exch-
ange Gauhati/Barpeta/ Nalbari/Dhubri/Nowgong with reference to his letter
No. Tezpur

Copy to Wireless Operator, Wireless Station,
C.W.C., Tezpur.

DEPUTY DIRECTOR
W.R. & F.F. DIVISION-I, C.W.C.,
GAUHATI-3.

RECORDED
RECORDED

GOVERNMENT OF INDIA
CENTRAL WATER COMMISSION
MIDDLE BRAHMAPUTRA DIVISION

NO. MBD/WC/ESTT-24(A)/93/308h-95 Dated 25/1/93.

M E M O R A N D U M

The undersigned hereby offers appointment to the following persons as "W/C Seasonal Khasasi" in the workengaged establishment in the pay scale of Rs.750-12-870-Eb-14-940/- per month with usual allowances as admissible as per rules from time to time.

Sl. No.	Name & Address of the candidate	Employment Exchange Regd. No.	Place of posting	Remarks
1.	Sh. Sani Ram Bora Vill. Sugoli Chuburi Bihuguri Dist. Sonitpur.	Tezpur 489/85	Tezpur W.T. Station	
2.	Sh. Bijoy Kr. Sarma Vill. Deurigaon P.O. Katakibari Dist. Sonitpur	Tezpur 737/87	-do-	
3.				
4.	Sh. Biren Choudhury Vill. Kandarbari, P.O. Babajia Tiniali, Dist. Sonitpur.	Tezpur 6121/85		Bhomoraguri site
5.	Sh. Hem Ram Nath Vill. Kumar Chuburi P.O. Thelamara Dist. Sonitpur.	Tezpur 4043/80		Jiabharali
6.	Lakshi Neog Vill. Kaliagaon P.O. Bihoguri (Sonitpur)	Tezpur 1020/82		-do-
7.	Sh. Jyatish Kr. Das Vill. Patalar Chuk P.O. Jamugurighat, Dist. Sonitpur.	Tezpur 7301/83		-do-
8.	Sh. Siva Charan Nath Vill. Cowanchuk P.O. Nandikas, Sonitpur.	Tezpur 1579/78		Kimi Power House
9.	Sh. Hem Chandra Das Vill. Kaibarta Chuburi, P.O. Dekargaon Dist. Sonitpur.	Tezpur 1655/79		-do-

Attested.

Advocate.

The appointment is on "Ad-hoc" basis and is purely temporary and will not continue beyond 15.10.93 (A.N.) or completion of work whichever is earlier without further notice.

The person concerned are hereby directed to report for his duties to the place of posting as mentioned above under the M.B. Sub-Divn., C.W.C. Guwahati.

between 15.5.93 to 31.5.93 positively. Otherwise the offer will be automatically treated as cancelled.

No T.A./D.A. etc. will be admissible for joining the above mentioned appointment.

Ans

(A.S.P. SINHA)
EXECUTIVE ENGINEER

Copy forwarded for information and necessary action to:-

1. The Asstt. Executive Engineer, Manas Sub-Division, CWC, Barpeta Road/Asstt. Engineer, P.P. Sub-Divn., CWC, Nalbari/M.B. Sub-Divn., CWC, Guwahati/Dhansiri(S)-Kopili Sub-Divn., CWC, Nagaon/A.E. (Wireless)/E.A.D. (Met)/Data Coll/Guwahati. The joining report of the person in original may please be sent to this office in time.
2. Shri Sanu Kumar (Bry. P.) Note that there is no chance of regularisation of service in near future.
3. The Employment officer, Distt. Employment Exchange Guwahati/Tezpur
4. Accounts Branch, M.B. Division, CWC, Guwahati-7.

(A.S.P. SINHA)
EXECUTIVE ENGINEER

Y.A. Ranjan/

GOVERNMENT OF INDIA ANNEXURE-2A
 CENTRAL WATER COMMISSION
 MIDDLE BRAHMAPUTRA DIVISION

NO. MBD/WC/ESTT-24(A)/93/3787-95 Dated 5/5/93.

MEMORANDUM

The undersigned hereby offers appointment to the following persons as "W/C Seasonal Khalesi" in the workcharged establishment in the pay scale of Rs.750-12-870-E8-14-940/- per month with usual allowances as admissible as per rules from time to time.

S.I.	Name & Address of the candidate	Employment Exchange Regd. No.	Place of posting	Remarks
1.	Sh. Sani Ram Bora Vill. Sugoli Chuburi Bihuguri Dist. Sonitpur.	Tezpur 409/85	Tezpur W.T. Station	
2.	Sh. Bijoy Kr. Sarma Vill. Deurigaon P.O. Katakibari Dist. Sonitpur	Tezpur 137/87		-do-
4.	Sh. Biren Choudhury Vill. Kandarbari, P.O. Babajia Tiniali, Dist. Sonitpur.	Tezpur 6121/83		Bhomeraguri site
5.	Sh. Hem Ram Nath Vill. Kumar Chuburi P.O. Thelamara Dist. Sonitpur.	Tezpur 4043/80		Jiabharali
6.	Lakshi Neog Vill. Kaliagaon P.O. Bihuguri (Sonitpur)	Tezpur 1020/82		-do-
7.	Sh. Jayatish Kr. Das Vill. Patalar Chuk P.O. Jamugurighat, Dist. Sonitpur.	Tezpur 7301/83		-do-
8.	Sh. Siva Charan Nath Vill. Cowanchuk P.O. Nandikes, Sonitpur.	Tezpur 1579/78		Kimi Power House
9.	Sh. Hem Chandra Das Vill. Kaibarta Chuburi, P.O. Dekargaon Dist. Sonitpur.	Tezpur 1655/79		-do-

Attest.ed.

S
Advocate.

The appointment is on "Ad-hoc" basis and is purely temporary and will not continue beyond 15.10.93 (A.N.) or completion of work whichever is earlier without further notice.

The person concerned are hereby directed to report for his duties to the place of posting as mentioned above under the M.B. Sub-Division, Dibrugarh

between 15.5.93 to 31.5.93 positively. Otherwise the offer will be automatically treated as cancelled.

No T.A./D.A. etc. will be admissible for joining the above mentioned appointment.

A.S.P.

(A.S.P. SINHA)

EXECUTIVE ENGINEER

Copy forwarded for information and necessary action to:-

1. The Asstt. Executive Engineer, Mānas Sub-Division, CWC, Barpeta Road/Asstt. Engineer, P.P. Sub-Divn., CWC, Nalbari/M.B. Sub-Divn., CWC, Guwanati/Dhansiri (S)-Kopili Sub-Divn., CWC, Nagaon/A.E. (Wireless)/E.A.D. (Met)/Data Cell, Guwanati. The joining report of the person in original may please be sent to this office in time.
2. Shri Rajendra Kumar Ranman. He should note that there is no chance of regularisation of service in near future.
3. The Employment officer, Distt. Employment Exchange Guwahati/Tezpur.
4. Accounts Branch, M.B. Division, CWC, Guwanati-7.

(A.S.P. SINHA)
EXECUTIVE ENGINEER

A. Ranman

Encl- 1

GOVERNMENT OF INDIA
CENTRAL WATER COMMISSION
MIDDLE BRAHMAPUTRA DIVISION
RAJGARH ROAD :: GUWAHATI-781007

No. MBD/WC/ESTT-24(A)/90/ 2/87-96

Dated, Guwahati 3/5 /90.

MEMORANDUM

The undersigned hereby offers appointment to the following persons as W/C Seasonal Khalasi in the Work-charge establishment in the pay scale of Rs.750-T2-070-EB-14-940/- per month with usual allowances as admissible as per rules from time to time.

Sl. No.	Name & address of the candidate	Employment Exchange Regn. No.	Place of Posting	Remarks
1.	Sh. Dilip Baroh Vill. Monai Panigrahi P.O. Monai Distt. Nagaon.	2732/81	Comalpara	
2.	Sh. Dandi Ram Nath C/O East India Nursing Home, Samundiaiden Guwahati-21.	6947/88	Diebnarali site	
3.	Sh. Shiva Charan Nath Vill. Cowanchuk P.O. Nandikaa Sonitpur.	-do- 1579/78	-do- Guwahati site	
4.	Shri Jayalish Kr. Das Vill. Patharchuk P.O. Jamugurihat Distt. Sonitpur	-do- 7301/83	-do-	
5.	Sh. Balen Ch. Rabha Vill. Barupara P.O. Singra (Kamrup)	-do- 2765/85	Pancharatra site	
6.	Sh. Kanak Sarma C/O Kamal Ch. Sarma Vill. Tithuchi P.O. Madhukusi (Kamrup)	-do- 5410/78	M.B. Sub-division	
7.	Sh. Sona Ram Nath Vill. Choudhuryghat P.O. Choudhuryghat Distt. Kamrup.	-do- 9322/83	24th March site Tengjia	

P.T.O.

The appointment is on 'Ad-hoc' basis and is purely temporary and will not continue beyond 15.10.90 (A.N.) or completion of work whichever is earlier without further notice.

The person concerned are hereby directed to report his duties to the place of post, i.e., CWC, Guwanati under the

On 13.5.91 (F.N.) positively otherwise the offer will be treated as cancelled.

No T.A., D.A. etc. will be allowed for joining the above-mentioned appointment.

(A. RAHMAN)
EXECUTIVE ENGINEER

Copy forwarded for information and necessary action to:-

- 1) The Asstt. Engineer, M.B. sub-divn., Guwanati/ P.P. sub-divn., Nalbari/Manas sub-divn., Barpeta Road/ Dangsiri(S)-Kooili sub-divn., Nagaon/E.A.D. (Met)/ A.E. (E), Guwanati. The joining report of the person in original may please be sent to this office in time.
- 2) Person concerned.
- 3) The Employment Officer, District Employment Exchange Guwanati
- 4) The Accounts Branch, M.B. Divn., CWC, Guwanati-7.

3/5/91
(A. RAHMAN)
EXECUTIVE ENGINEER

A. RAHMAN

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH : NEW DELHI
BY REGD. AD/SPL. PASSENGER

Faridkot House,
Finsbury Mary,
NEW DELHI-110001
10/2/94

From

dated :
18/2/94

The Registrar,
Central Administrative Tribunal,
Princip. l Bench, New Delhi

To

1. Shri S.N. Shukla,
Counsel for the applicant 454, Lawyers Chambers,
Eastern Wing, The Hazari Court, Delhi-54
OA 223/92 & 804/92

2.

Shri S.G. Mainee,
Counsel for the applicant in OA 1601/92 & 2418/92
CAT., Bar Room, New Delhi.

3.

Shri Jag Singh,
Counsel for the respondents in OA 884/92, 223/92 & 1601/92
CAT., Bar Room, New Delhi.

4.

Shri P.P. Khurana,
Counsel for the respondents in OA 2418/92
CAT., Bar Room, New Delhi.

10/2/94

1.	Shri Vinod Kumar & Ors	OA 223/92
2.	Shri Sankar Ram & Ors.	OA 884/92
3.	Shri Rajesh Kumar Saini	OA 1601/92
4.	Shri Rajinder Sharma & Ors.	OA 2418/92

Applicant (s)

C.A.No.

VERSUS

Union of India & Ors. Respondent(s)

Sir,

I am directed to forward herewith a copy of Judgement/Order passed by this Tribunal in the above mentioned case for information and necessary action, if any.

Yours faithfully,

642/1

SECTION OFFICER (S)

Aited.

Advocate.

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

u3

O. As No. 223, 884, 1601, 2246 & 2418 of 1992

New Delhi, this the 10th day of February, 1994.

HON'BLE MR JUSTICE S.K.DHAON, VICE CHAIRMAN
HON'BLE MR B.N.DHONDIYAL, MEMBER(A).

O. A. No. 223 of 1992

1. Vinod Kumar
S/O Shri Raman Singh
R/O F-25, Transit Camp,
Khichari Pur,
Delhi.
2. Ram Kumar
S/O Shri Ratan Singh,
RZ-139, X - Block-II,
New Roshan Pura, Najafgarh,
New Delhi.
3. Yash Pal Singh
S/O Shri Devi Singh,
WZ-288, Vil. & P.O. Naraina,
New Delhi.
4. Parmod Kumar
S/O Shri Bijli Singh
No. 421, Sewa Nagar,
New Delhi.
5. Narendra Paswan,
B-50, Naharpur, Sector 7,
Rohini, Delhi. Applicants.
(through S.N. Shukla, Advocate).

O. A. No. 884/1992

1. Sewak Ram,
S/O Shri Hari Ram
R/O G-195, Sector 10,
Faridabad(Haryana).
2. Suresh Kumar
S/O Shri Om Parkash
R/O Village Sidipur Loya
P.O. Bahadur Garh,
District Rohtak(Haryana).
3. Nand Kumar
S/O Shri Vishal Chand
R/O S 27/B-303, Railway Colony,
Gughlakabad,
New Delhi. Applicants.
(through S.N. Shukla, Advocate).

vs.

1. The Chairman, Central Water Commission,
Govt. of India, Ministry of Water Resources,
Sewa Bhawan, Sector I, R.K.Puram, New Delhi.

Advocate.

2. The Executive Engineer (C.S.D.),
Central Store Division,
Central Water Commission,
West Block No.1, Wing No.4,
2nd Floor, R.K.Puram, New Delhi Respondents.
(in both above O.A.s.)

(through Mr Jog Singh, Advocate).

O.A.No.1601 of 1992

Shri Rajesh Kumar Saini
s/o Shri Veer Sain Saini
Workcharged Khallasi
under Executive Engineer
Central Stores Division
Central Water Commission
West Block No.1, Wing No.4,
2nd Floor, R.K.Puram,
New Delhi.

... ... Applicant.

(through B.S.Mainee, Advocate).

O.A.No.2245 of 1992

Shri Jayant Kumar Pathak,
S/O Shri Kusheshwar Pathak,
Assistant Electrician,
Central Stores Divn., Central
Water Commission, West Block 1,
Wing No.4, 2nd Floor, R.K.Puram
New Delhi.

... ... Applicant.

(through B.S.Mainee, Advocate).

O.A.2418 of 1992

1. Shri Rajender Sharma
S/O Shri Bhagwan Sharma
Carpenter, Central Stores Divn.,
Central Water Commission,
West Block No.1, Wing No.4,
2nd Floor, R.K.Puram,
New Delhi.

2. Shri Raju Kashyap, S/O
Shri Nikka Ram;

3. Shri Daya Ram S/O Ganga Ram.

4. Shri Dali Singh S/O Bhup Singh.

5. Shri Giri Raj S/O Mishri Singh

6. Shri Bijendra S/O Totu Ram.

7. Shri Ram Kumar Rai S/O Hardev Rai.

8. Shri Uday Kumar S/O Sh.Kurukul.

Applicants 2 to 8 working in Central Stores Divn.,
Central Water Commission, R.K.Puram, New Delhi.

..... Applicants.

(through B.S.Mainee, Advocate).

vs.

1. The Secretary, Ministry of Water Resources
Shram Shakti Bhawan, New Delhi.

2. The Chairman, Central Water Commission
Sewa Bhawan, R.K.Puram, New Delhi.

3. The Executive Engineer, Central Stores Divn.,
Central Water Commission, R.K.Puram, New Delhi.

..... Respondents
(in all three above O.A.s)

(through Mr. Jog Singh in 1601 and 2245/92 and

through Mr. P.P.Khurana in O.A.No.2418 of 1992).

ORDER

B.N.DHONDIYAL, MEMBER(A)

The applicants, in all the above-mentioned O.As have been working as Khalasis, Carpenters, Mistries, Motor Mechanics, Drivers and Electricians under the Executive Engineer, Central Water Commission, R.K.Puram, New Delhi. One of them, Shri Jayant Kumar Pathak, was engaged as Casual Labourer on 2.1.1987 but claims to have been working against the post of regular electrician w.e.f.7.12.1987. The date of engagement of the applicants ranges between 1.10.1982 to 5.9.1988 in case of O.A.No.223/92, between 15.4.1986 to 26.10.1987 in case of O.A.No.884/92, between 6.1.1987 to 7.9.1990 in case of O.A.No.2418/92. Shri Rajesh Kumar Saini(applicant in O.A.No.1501/92) was engaged on 19.9.1988 and Shri Jayant Kumar Pathak(applicant in O.A.No.2246/92) was engaged on 2.1.1987. In some of the O.As, prayer has been made for issuance of a direction to the respondents to prepare a scheme on rational basis for absorption of Casual Labourers and for not disengaging the applicants till such a Scheme is prepared. In all the cases, interim orders were passed by this Tribunal, restraining the respondents from terminating the services of all the applicants. They are continuing till date.

2. In the counter filed by the respondents, the main averments are these. The appointments were made for specific projects and in the appointment orders, it was clearly mentioned that these are purely on ad hoc basis and will not lead to any claim for any permanent employment. They have worked in broken periods and many of them have not completed 240 days of service in two consecutive years. The rules

provide for appointment of Khalasis by direct recruitment through selection by a selection committee of which the Executive Engineer is the Chairman. The posts of Casual Khalasis etc. are provided in the working estimates for a definite period and the services of these workers are terminated after that period. In case of Jayant Kumar Pathak (O.A.No.2245/92), it has been stated that the applicant was appointed as an adhoc work-charged Khalasi from 3.8.1987 and later on he was offered appointment as Assistant Electrician on ad hoc basis at minimum fixed basic pay of Rs.1100/-. However, this appointment was for a specific period, though with breaks, the applicant continued to work against vacancies in different works. They have, however, admitted that during the years 1989 to 1991, he worked for more than 240 days in all the three years.

3. We have gone through the records of the case and heard the learned counsel for the parties.

Shri B. S. Mainee, learned counsel for the applicants has drawn our attention to the following observations made by the Hon'ble Supreme Court in case of State of Haryana and others vs. Piar Singh and others, 1992(3) Vol.45 S.C.R.34:

"The proper course would be that each State prepares a scheme, if one is not already in vogue, for regularisation of such employees consistent with its reservation policy and if a scheme is already framed, the same may be made, consistent with our observations herein so as to reduce avoidable litigation in this behalf. If and when such person is regularised he should be placed immediately below the last regularly appointed employee in that category, class or service, as the case may be..

So far as the work-charged employees and casual labour are concerned, the effort must

be to regularise them as far as possible and as clearly as possible subject to their fulfilling the qualifications, if any, prescribed for the post and subject also to availability of work. If a casual labourer is continued for a fairly long spell - say two or three years - a presumption may arise that there is regular need for his services. In such a situation, it becomes obligatory for the concerned authority to examine the feasibility of his regularisation. While doing so, the authorities ought to adopt a positive approach coupled with an empathy for the person....."

4. As the applicants have been working for a long period, through intermittently, their cases have to be considered in light of the above observations of the Hon'ble Supreme Court as also directions issued by the Government from time to time. It may be noted that in accordance with these directions, a special Scheme for regularisation of the Casual Labourers have been prepared by the Railways, Post and Telegraphs and other Departments. In the circumstances of this case, we dispose of these applications, with the following directions:

(i) the respondents shall prepare a scheme for retention and regularisation of the Casual Labourers employed by them. This scheme should take into account the regular posts, that can be created, taking into account the fact that even if a particular scheme is completed, new schemes are launched every year. An assessment of the regular posts that can be created on this basis should be made. For regularisation, all those, who have completed 240 days service in two consecutive years, should be given priority in accordance with their length of service;

Alles.ed.

Advocate.

(ii) Those, who have completed 120 days of service should be given temporary status in accordance with the instructions issued by the department of personnel from time to time.

After completion of the required period of service, they should be considered for regularisation;

(iii) Adhoc/temporary employees should not be replaced by other ad hoc/temporary employees and should be retained in preference to their juniors and outsiders.

(iv) Such a scheme shall be submitted by the respondents for scrutiny of this Tribunal within a period of three months from the date of communication of this order by the petitioner to them.

5. There shall be no order as to costs.

(B.N.Dhoundiyal)
Member(A)

(S.K.Dhaon)
Vice Chairman

/sds/

CBR/ED/1
दिनांक/Date : 24/1/1987

प्रमाणान्वयिक/Section Officer
कानूनी विभाग प्रधान
कानूनी विभाग प्रधान

1587/10
CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI.

Faridkot House
Copernicus Marg,
New Delhi-1.

To

Dt. 30/5/94

The Registrar
Central Administrative Tribunal,
Principal Bench,
New Delhi.

To

1. Sh. Jog Singh
counsel for the applicant In RA
1108, Prakash Deep, 7, Velestot Marg,
New Delhi.

Versus

2. Sh. Rajender Sharma, Carpenter Central
Stores Divi., Central Water Commission
West Block No 1, Wing No 4, 2nd Floor,
R.K.Puram New Delhi.

3. Raju Kashyap S/o Sh. Nikka Ram

4. Sh. Daya Ram S/o Sh. Ganga Ram

5. Sh. Dali Singh S/o Sh. Bhup Singh

6. Sh. Riri Raj S/o Sh. Mishri Singh

6. Sh. Bijendra S/o Sh. Tota Ram

(Serial No. 2 To 6 working in Central Stores
Divi. Central Water Commission, R.K. Puram,
New Delhi.)

Secty. Mini. Water Resources

Applicants

RA 172/94 in

O.A. No. 2418/92

VS.
Rajender Sharma & Ors.

Respondents

Attested.

Sir,

I am directed to forward herewith a copy of Judgment/Order dt.
9/5/94 passed by this Tribunal in the above mentioned case
for information and necessary action, if any.

Yours faithfully,

(AS)
SECTION OFFICER (J-II)

Administrative Tribunal
1 Bench, New Delhi.

RA-165/94 in CA-2246/92, RA-171/94 in DA-1601/92
and RA-172/94 in DA-2418/92.

New Delhi the 9th Day of May, 1994.

Hon'ble Mr. Justice S.K. Dhaon, Vice-Chairman (C)
Hon'ble Mr. B.N. Dhoundiyal, Member (A)

RA-165/94 in CA-2246/92 RA-171/94 in DA-1601/92 &
RA-172/94 in DA-2418/92.

1. The Secretary,
Ministry of Water Resources,
Bhawan Shakti Bhawan,
New Delhi.

2. The Chairman,
Central Water Commission,
Sewa Bhawan, R.K. Puram,
New Delhi.

3. The Executive Engineer,
Central Stores Divn.,
Central Water Commission,
R.K. Puram, New Delhi.

Review Applicant /
respondents in DA.

(through Sh. Jag Singh)

RA-165/94 in CA-2246/92 various

Shri Jayant Kumar Pathak,
S/o Sh. Kusheshwar Pathak,
Assistant Electrician,
Central Stores Divn.,
Central Water Commission,
West Block 1, Wing No.4,
2nd Floor, R.K. Puram,
New Delhi.

Respondent in RA/
applicant in DA.

RA-171/94 in DA-1601/92

Shri Rajesh Kumar Saini,
S/o Shri Veer Sain Saini,
Workcharged Khilasi,
under Executive Engineer,
Central Stores Division,
Central Water Commission,
West Block No.1, Wing No.4,
2nd Floor, R.K. Puram,
New Delhi.

Respondent in RA/
applicant in DA

RA-172/94 in DA-2418/92

1. Shri Rajender Sharma,
S/o Sh. Bhagwan Sharma,
Carpenter, Central Stores Divn.,
Central Water Commission,
West Block No.1, Wing No.4,
2nd Floor, R.K. Puram,
New Delhi.

Attested.

 Advocate.

- 2 -

2. Sh. Raju Kashyap,
S/o Shri Nikka Ram.
3. Sh. Daya Ram,
S/o Sh. Ganga Ram.
4. Shri Dali Singh,
S/o Sh. Bhup Singh.
5. Shri Giri Raj,
S/o Shri Mishri Singh.
6. Shri Bijendra,
S/o Sh. Tota Ram.
7. Sh. Ram Kumar Rai
S/o Sh. Hemlal Rai.
8. Sh. Uday Kumar,
S/o Shri Kurukul.

Respondents in RA/
Applicants in OA.

(Serial No. 2 to 6 working in Central Stores
Divn., Central Water Commission, R.K. Puram,
New Delhi.)

ORDER (BY CIRCULATION)
delivered by Hon'ble Mr. B.N. Dhondiyal, Member (A)

These review applications have been filed
by the respondents against the common judgment delivered
on 10.02.94 in O.A. Nos. 223, 884, 1601, 2246 & 2418 of
1992. The following directions were given:-

- (i) the respondents shall prepare a scheme
for retention and regularisation of the
Casual Labourers employed by them. This
scheme should take into account the regular
posts, that can be created, taking into
account the fact that even if a particular
scheme is completed, new schemes are launched
every year. An assessment of the regular
posts that can be created on this basis
should be made. For regularisation, all
those, who have completed 240 days service
in two consecutive years, should be given
priority in accordance with their length
of service;
- (ii) Those, who have complete 120 days of service
should be given temporary status in accord-
ance with the instructions issued by the
department of personnel from time to time.
After completion of the required period of
service, they should be considered for
regularisation;

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Attested.

Advocate.

- 3 -

(iii) Adhoc/temporary employees should not be replaced by other ad hoc/temporary employees and should be retained in preference to their juniors and outsiders;

(iv) Such a scheme shall be submitted by the respondents for scrutiny of this Tribunal within a period of three months from the date of communication of this order by the petitioner to them.

The review applicants claim that though the impugned order is very much legal and has been passed after giving considerable thought, it would result in retention of junior people while rendering the senior people surplus. It is their contention that due to financial constraint and completion of works in hand W/C staff under different categories from both Central Store Division as well as Planning Division are likely to be rendered surplus after 31.3.1994. It has also been mentioned that the Ministry of Finance has emphasised surrender of 10% of existing post under W/C Estt. also for declaring 10% post on W/C establishment. They have stated that due to financial constraints and lack of schemes, the applicants were not entitled for any regularisation of their services.

There is nothing in these directions which forces the review applicants to regularise casual workers in the absence of any post. They can take into account the latest position regarding the projects which are continuing and reach the conclusion that no more regular post can be created. The second direction only relates to implementation of the decision of the Deptt. of ~~Attested~~ Advocate Personnel regarding temporary status being given to casual workers who have worked for 120 days. Certainly, it cannot be accepted that the applicants will not implement their own orders. The direction No.3 is based on a well

(71)

- 4 -

established principle.

We, therefore, hold that no error apparent on the face of judgement has been brought out in the review applications, which are hereby dismissed. It is reiterated that a scheme prepared in the light of these directions, shall be presented for scrutiny to this Bureau within the stipulated time.

Let a copy of this order be placed on all the three files.

(B.N. DHOONIYAL)
MEMBER (A)

(S.K. SHACK)
VICE CHAIRMAN

1/vv/

Original order to

Reaffirmed on 21-1-1974.

Attached this copy

1/2/1974

C.C. : C.D.

C.A.T., P.B.

New Delhi

CERTIFIED
PROT/DR

1530/1736
S/Section Officer
C.A.T. (P.B.)
Alternative Tribunal
Delhi

Filed in Court
on 27.2.96.

B.M.
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
Court Master GUWAHATI BENCH AT GUWAHATI

3/1
Sri. C.G.S.C
14/2/95

IN THE MATTER OF :-

O.A. No. 214 of 1995

Shri Hemram Nath & Ors.

- Vs -

Union of India & Ors.

-AND-

IN THE MATTER OF :-

Written statements submitted by the
Respondents No. 1, 2 & 3.

WRITTEN STATEMENTS

The humble Respondents submit their
written statements as follows :

1. That with regard to statements made in paragraphs 1, 2 & 3 of the application, the respondents have no comments on them the same being matters of records but the respondent beg to state that Shri Dandi Ram Nath (at serial No.9) is not under employment under the respondent.
2. That with regard to statements made in paragraphs 4.1 & 4.2 of the application, the respondents beg to state that they have no comments on them, the same being matters of records.
3. That with regard to statements made in paragraphs 4.3 & 4.4 of the application, the respondents beg to state that they have no comments on them, but the respondents beg to state that the scheme referred to here is not applicable in case of the applicants and as such the relevant portion has been re-produced below :

"the scheme of 1993 was specifically meant for casual workers and persons on daily wages in the various deptts. of Govt. of India. Those who are engaged on work charged establishment are not covered by the scheme. Work-Charged staff are employed on the actual execution of a specific work or sub-work. The pay of such employees is directly chargeable to the said work".

The scheme is also not applicable to the casual/adhoc Khalasi/seasonal Khalasi of CWC establishment and for those categories of workers , a separate scheme is under preparation in consultation with the Ministry of Water Resources. Continuity of seasonal employees will depend upon the exigency of work. The respondents further beg to state that the services of the seasonal Khalasi are required for a specific purpose i.e. for collection of Hydrological Data from their respective rivers during monsoon particularly from 15th May to 15th October in every year which is related to flood forecasting. Some of the sites are open purely for monsoon period on the respective rivers and some are closed as soon as monsoon is over. This fact is also always mentioned to the employees in their engagement letters.

4. That with regard to statements made in paragraphs 4.5 , 4.6, 4.7, 4.8 & 4.9 of the application, the respondents beg to state that it is a fact that the same kind of letters are always issued at the time of engagement every year during monsoon season as stated

in the preceding paragraph. The respondents further beg to state that regarding giving temporary status to the applicants as stated earlier , the scheme is under preparation which has not yet been finalised.

5. That with regard to statements made in paragraph 4.10 of the application , the respondents beg to state that as already stated , the nature of job of the applicants as seasonal khalasi and they are always engaged for a specific purpose and for a specified period of monsoon. So, question of exploitation by the respondents does not arise. The applicants knowing fully well about their nature of engagement they have accepted the same and now raising of the question of exploitation by the respondents does not arise.

6. That with regard to statements made in paragraph 4.11 , the respondents beg to state that the judgement referred to in this paragraph is not applicable in the case of the applicants.

7. That with regard to statements made in paragraph 4.12 of the application, the respondents beg to state that as stated earlier that the applicants are not covered by the present scheme , so , the question of giving or enforcing temporary status to them does not arise.

8. That with regard to statements made in paragraph 5 of the application the respondents beg to state that regarding grounds for relief with legal provision

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the respondents beg to state that none of the grounds is maintainable in Law as well as in facts and as such the application is liable to be dismissed.

9. That with regard to statements made in paragraphs 6 & 7 of the application , the respondents have no comments on them.

10. That with regard to statements made in paragraph 8 of the application, regarding relief sought for , the respondents beg to state that the applicants are not ~~entitled~~ entitled to any of the relief sought for and as such their application is liable to be dismissed.

11. That with regard to statements made in paragraph 9 of the application regarding ~~anfor~~ interim order prayed for , the respondents beg to state that in view of the facts and circumstances narrated above , the interim order granted on 16.10.95 and 26.10.95 directing the respondents not to terminate the services of the applicants may kindly be vacated.

12. That with regard to statements made in paragraphs 10,11 & 12 of the application, the respondents have no comments.

13. That the respondents submit that the application is devoid of merit and hence liable to be dismissed.

VERIFICATION

I, Shri V.P. Shiv, Executive Engineer,CWC,Guwahati middle Brahmaputra Division, Rajgarh Road, Guwahati-7 and Respondent No.3 do hereby solemnly declare that the statements made above are true to my knowledge,belief and information and I sign this verification on this 13 th day of December, 1995 at Guwahati.

V.P.Shiv
DECLARATION