

50/600

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

O.A/T.A No. 241/95

R.A/C.P No.

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SECTION OFFICER (Judl.)

[Signature]

2.2.18

CENTRAL ADMINISTRATIVE TRIBUNAL : GUWAHATI BENCH : GUWAHATI

ORIGINAL APPLN.NO. 241 OF 1995
 TRANSFER APPLN.NO. OF 1995
 CONTEMPT APPLN.NO. OF 1995 (IN NO.)
 REVIEW APPLN.NO. OF 1995 (IN NO.)
 MISC.PETITION NO. OF 1995 (IN NO.)

..... Padma Ray APPLICANT(S)

..... H.O.I -vs- RESPONDENT(S)

For the Applicant(s)

... Mr. J.L. Sarkar
 Mr. G.P. Bhowmick
 Mr. Min Rajkhowa
 Mr. S. Shome

For the Respondent(s)

Mr. S. Ali, Sr. C.A.B.

OFFICE NOTE

DATE

ORDER

13.10.95

this application is in
 form and within time
 C. F. of Rs. 50/-
 deposited vide

IPO/BD No. 868975
 Dated 12.10.95

R. I.
 Mr. Registrar (A)
 13/10

Learned counsel Mr J.L.Sarkar assisted by Mr G.P.Bhowmick, Miss B. Rajkhowa and Mr S.Shome for the applicant moves this application on the ground that it concerns very urgent matter as the service of the applicant will stand terminated on 15.10.95. It has been submitted by him that the applicant had worked since 1984 and his service has been renewed from time to time before the date of expiry of his term. However, in this year there has been no fresh order of appointment for continuing him in the service.

This is a Division Bench matter. Place before the Division Bench for consideration of admission on 16.10.95.

Mr S.Ali, learned Sr.C.G.S.C seeks to appear on behalf of the respondents.

Heard Mr Sarkar and Mr Ali on the interim relief prayer. Pending consideration of admission of this application the respondents are directed not to terminate the service of the applicant.

QA/TA/CP/RA/MP No. ② of 19 O.A. 241/95

OFFICE NOTE

DATE

ORDER

13.10.95

List on 16.10.95 for consideration of admission and interim relief prayer.
Copy of this order may be furnished to the counsel of the parties.


Member

Pg

13/10

16.10.95

Mr G.P. Bhowmik/Mr S. Ali.
By consent adjourned to 26.10.95 in order to enable the respondents to instruct Mr Ali. Ad interim order granted on 13.10.95 to continue till further orders on admission.


Vice-Chairman


Member

nkm

26.10.95

Mr G.P. Bhowmick for the applicant.
Mr S. Ali, Sr.C.G.S.C for the respondent.
Respondents have filed written statement today. On that basis the O.A. can be disposed of. However, Mr Bhowmick controverts the statement that presently there is no vacancy available. The representative of the department maintains that there is no vacancy. Mr Bhowmick states that according to his instructions there are 10 vacancies. In the circumstances the applicant may file a rejoinder. Mr Ali is requested to obtain further instructions on factual position.

Adjourned to 9.11.95 for admission.
Ad-interim order to continue.


Member


Vice-Chairman

30-10-95

v/s Indrani
31st Respondent

3

26.10.95

Mr G.P.Bhowmick for the applicant.

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

respondents.

Respondents have filed written statement today. On that basis the O.A. can be disposed of. However, Mr Bhowmick controverts the statement that presently there is no vacancy available. The representative of the department maintains that there is no vacancy. Mr Bhowmick states that according to his instructions there are 10 vacancies. In the circumstances the applicant may file a rejoinder. Mr Ali is requested to obtain further instructions on factual position.

Adjourned for admission to 9.11.95.

Ad-interim order to continue.


Member


Vice-Chairman

pg

9-11-95

Mr.J.L.Sarkar with Mr.G.P.Bhowmick for the applicants(in both original applications).

Mr.S.Ali Sr.C.G.S.C. for the respondents (in both the application).

Arguments of both the counsel are heard and concluded. ^{Common} Judgment delivered in the Court. Application is disposed of. Copy of order to be kept on record of this OA.


Member


Vice-Chairman

lm

20.11.95

W/S Submitted
by the Respondents.



19-11-95

Mr.J.L.Sarkar with Mr.G.P.Bhow-...
mick for the applicants(in both original applications).

Mr.S.^Ali Sr.C.G.S.C. for the respondents(in both original applications).

Arguments of both the counsel are heard and concluded.^{Common} Judgment delivered in the Court. Application is disposed of. Copy of order to be kept on record of OA 242/95.

Member

Vice-Chairman

lm

12.6.96

Copy of common order issued to the parties vide

D.No. 1468 to 1471

dated 18-6-96.

12/6

14/11

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

O.A. NO^s 241/95 & 242/95
T.A. NO.

DATE OF DECISION 9-11-95

Padmanava Roy & (OA 241/95)

(PETITIONER(S))

Dibakar Das & Ors. (OA 242/95)

Mr. J. L. Sarkar and Mr. G. P. Bhowmick

ADVOCATE FOR THE
PETITIONER (S)

(in both OAs)

VERSUS

Union of India & Ors.

RESPONDENT (S)

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

ADVOCATE FOR THE
RESPONDENT (S)

(in both OAs)

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 ?
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

Judgment delivered by Hon'ble *M. G. Chaudhary* VICE-CHAIRMAN

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No. 241/95 ^{with OA No.} and 242/95.

Date of Order: This the 9th Day of November 1995.

OA No-241/95

1. Shri Padmanava Roy,
Son of Sri S.C. Roy,
W.R. & F.F. Division C.W.C.
Dibrugarh

OA No 242/95

2. Shri Dibakar Das
Son of Late Bhopal Ch. Das
West Chowkidinghee
Ashok Path, K.P. Road,
Dibrugarh.

2. Shri Naren Das
Son of Sri Kukheswar Das,
Resident of Mohanaghat Khania Gaen
P.O., P.S. & District Dibrugarh.

3. Saswati Mitra
Daughter of Late Bholanath Mitra
Resident of Dibrujan, Jainnagar Colony.
P.O., P.S. & District Dibrugarh.

4. Shri Ajay Sinha
Son of Ranjit Sinha,
C/O.D.N. Sarkar
Subhashpally, Dibrugarh
P.O., P.S. & District Dibrugarh. ...

... Petitioners

By Advocate Mr. J.L. Sarkar, Mr. G.P. Bhowmick,
Mr. B. Rajkhowa
Mr. B. Sharma.

-Vs-

1. Union of India,
2. Central Water Commission,
Govt of India represented by Chairman,
C.W.C, R.K. Puran.
Sewa Bhawan,
New Delhi-66.

3. Executive Engineer, Central Water Commission,
Upper Brahmaputra Division,
P.O. Central Revenue Building
Dibrugarh. 786003. ...

... Respondents

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

(in both OAs)

COMMON ORDER

CHAUDHARI J(VC):

Mr. J.L. Sarkar with Mr. G.P. Bhowmick for the
applicants (in both original applications)

Mr. S. Ali, Sr. C.G.S.C. for the respondents (in both
the applications)

By the C.A.S



Both the O.As admitted. Notice waived.

Mr.S.Ali, Sr.C.G.S.C. appears for the respondents.

By consent taken up for final hearing.

1. All the applicants concerned in both the above original applications were appointed as Khalasis in the Central Water Commission at Dibrugarh Division, by order issued by the Deputy Director on respective dates mentioned below:-

- i) Applicant in O.A.241/95 - 9-5-84.
- ii) Applicants in O.A. No.242/95

	<u>Date</u>
Applicant No.1	29-5-92
Applicant No.2	29-5-92
Applicant No.3	29-5-92
Applicant No.4	30-5-92

The appointments were made on purely temporary basis for specific period. After each specific period the appointment was purported to be terminated and the applicants were re-engaged for specific duration. The nature of appointment was seasonal appointment. The last order of engagement of all the applicants made on purely adhoc basis dated 6-5-95 stated that the post was purely adhoc and will continue maximum up to 15-10-95 or requirement of job whichever is earlier and will not confer any title of further employment of any kind. Apprehending the discontinuation after 15-10-95 the applicants approached the Tribunal by the instant applications on 15-10-95. They pray that their services may be regularised in the post of Khalasi by absorbing them against ~~in~~ vacant

contd/-

hull

posts. By interim order dated 13-10-95 the respondents were directed not to terminate the service of the applicants until further orders.

2. The case of the applicants is that during the long period since the dates of their initial engagement they have continuously worked for more than 240 days and they have thus become entitled to be regularised.

3. The respondents have inter alia contended in the written statement that the applicants were appointed to the posts of seasonal work charged Khalasis and the appointments related to limited purpose as the services were utilised during monsoon period for specific purposes of data observations etc. The respondents also point out that presently there is no vacancy available in the Upper Brahmaputra Division, CWC, Dibrugarh (Assam) and that whenever vacancies will arise in the regular workcharged Khalasi category these will be filled up from amongst seasonal workcharged Khalasis according to the seniority and fitness maintained for the purpose in accordance with the directions of the Central Administrative Tribunal, Ahmedabad Bench in O.A.No.416/1986 and 417/1986 and further that the practice of regularisation of service of seasonal Khalasis has been observed in the past and will be observed in future also.

4. Having regard to the fact that the applicants were engaged from time to time for seasonal work it is not possible to direct their regularisation straightaway particularly as it is stated by the respondents that there are no vacancies available at present. The assurance given by the respondents in the written statement that when vacancies will arise in future they will be filled up on

contd/-



the basis of seniority of seasonal Workcharged Khalasis in our opinion should satisfy the applicants. We agree with the observations of the Calcutta Bench of the CAT in O.A. 136/92 decided on 25-6-92 that a casual labourer has no right to regularisation merely because he has worked for several years as such if no vacancies are available for such regularisation.

4. Mr. S. Ali, Sr. C.G.S.C. on instructions of Mr. K.K. Saha, SSA Executive Engineer, Central Water Commission Dibrugarh who was present to assist him, informed us that at present there are no vacancies to be filled up as also produced a letter of the Government of India CWC dated 26-9-95 to the Superintending Engineer H.O.C, CWC, Guwahati stating that a Scheme for grant of Temporary Status, Regularisation of service of workcharged employees is being processed in the Commission and it was anticipated that completion of procedure requirements may take sometime. Mr. Bhowmick on earlier occasion seriously disputed the correctness of the statement of the respondents that there are no vacancies available and submitted that according to his instructions there are 10 vacancies available. To-day Mr. Sarkar on behalf of the applicants has filed an application stating that there are 12 posts lying vacant in the Division and seeking a direction to the respondents to produce "staff position return" of last six months in the Brahmaputra Division.

5. Since the controversy raised relates to the factual position and as it is asserted by the applicants who assert that there are vacancies existing when it is stoutly denied by the respondents the mere averment that there are posts lying vacant and the entire gamut of staff

contd/-

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position may be examined is a difficult proposition to be accepted without even prima facie evidence being produced. After this position was made clear Mr. Sarkar submitted that the respondents may be directed to ascertain the position and thereafter to consider the question of regularisation of the applicants taking into account the fact that they have worked for more than 240 days and under the policy of the Government they are eligible to be absorbed and they should not be rendered jobless.

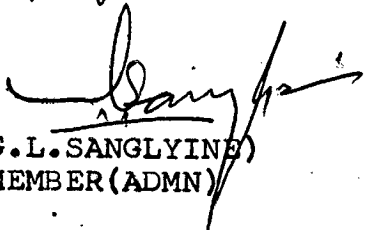
6. In the light of the above circumstances following order is passed:

- i) The respondents may ascertain whether vacancies are available to be filled up as claimed by the applicants in the application filed to-day in O.A.241/95. If any vacancies are available the applicants may be considered in accordance with their seniority and eligibility for being appointed on regular Workcharged establishment.
- ii) In the event of there being no posts available presently the respondents shall consider the case of the applicants as and when vacancies will arise in future.
- iii) The respondents shall give benefit to the applicants of the scheme which is under preparation for granting temporary status and regularisation of service, as and when the scheme is implemented but subject to eligibility and seniority of the applicants as may be required to be satisfied.

contd/-

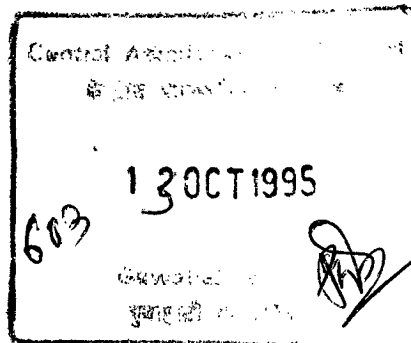
- iv) Till the applicants could be considered for regularisation in the aforesaid namer it is hoped that the respondents will try to continue them on temporary engagement to the extent possible and may not terminate their services immediately merely on the ground of disposal of these O.As.

Both the OAs are disposed of in terms of the above directions. The interim order of stay dated 13-10-95 stands vacated consistently with the aforesaid directions. *copy of the order to be kept on record of OA 242/95.*


G.L. SANGLYINE
MEMBER (ADMN)


M.G. CHAUDHARY
VICE-CHAIRMAN

LM



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GAUHATI BENCH

CASE NO. 241 OF 1995

Sri Padmanava Roy Petitioner.

-Vs-

1. Union of India & 2 others..... Respondents.

I N D E X

<u>Serial No.</u>	<u>Particulars</u>	<u>Page Number</u>
1.	Petition	1 to 7
2.	Annexure - 1	8.
3.	Annexure - 2	9.
4.	Annexure - 3	10.
5.	Annexure - 4	11.
6.	Annexure - 5	12.
7.	Annexure - 6	13.
8.	Annexure - 7	14.
9.	Annexure - 8	15.
10.	Annexure - 9	16.
11.	Annexure - 10	17.
12.	Annexure - 11.	18.
13.	Additional document petition	19.
14.	V/S Submitted by the Respondents.	

Padma Nava Roy

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GAUHATI BENCH.

SHRI PADMANAVA ROY,
Son of Sri S.C.Roy,
W.R. & F.F.Division C.W.C.
Dibrugarh.

..... PETITIONER.

-VERSUS-

1. UNION OF INDIA.

2. CENTRAL WATER COMMISSION
GOVT. OF INDIA REPRESENTED
by Chairman, C.W.C. R.K.Puran,
Sewa Bhawan,
New Delhi-66

3. EXECUTIVE ENGINEER,
CENTRAL WATER COMMISSION,
Upper Brahmaputra Division,
P.O. Central Revenue Building,
Dibrugarh-786003.

..... RESPONDENTS.

1. Appointment Order No. UBD/Dib/WC-3/1612-16
dated 28-4-95 issued by Executive Engineer,
U.B. Division C.W.C. Dibrugarh.

2. Jurisdiction of the Tribunal :

The applicant declare that the subject
matter of the Order against which he want
redressal is within the jurisdiction of the
Tribunal.

Contd....2

3. Limitation:

The applicant further declare that the application is within the limitation period prescribed in Section 21 of Administrative Tribunal Act, 1985.

4. Facts of the case.

The applicant was initially appointed as Khalasi on 9-5-84 Vide Order No. WRFED/Dib/WC-3/1787-91 issued by Deputy Director W.R. & F.F. Division C.W.C. Dibrugarh for a period from 15-5-84 to 15-10-84 on a pay of Rs. 232/- per month in the scale of pay of Rs. 196-3-220-EB-3-232. The post was purely temporary and was to continued upto 15-10-84 or on completion of work whichever was earlier. The said order is marked hereto as Annexure -2. Thereafter he was terminated and again reappointment as Khalasi in the same manner and with the same pay and in the same pay scale for the same period for 1985 and 1986 respectively. These orders are annexed herewith and marked as Annexure-3 and 4 respectively. Then thereafter he was again reappointed in the same post for same period with a new pay of Rs. 750/- in the new pay scale of Rs. 750-12-870-EB-14-940/- from 1987 till 1995. These

appointment orders are annexed herewith and marked as Annexure -5,6,7,8,9,10 and 11 respectively.

5. Ground for relief with legal provisions:

The applicant is a citizen of India by birth and entitled to the fundamental rights guaranteed in the Constitution. He has his right to earn his livelihood, equal opportunity in the matter of public employment and right to equality. The temporary appointment of applicant for a short period each year, on Ad-hoc basis without future prospect and increase of pay even in the pay scale given in the appointment letters are violative of the provisions enshrined in Article 14, 16 and 21²⁴ of the Constitution of India. The said appointments are also violative of the various statutory rules and laws laid down by various Courts and Tribunals. It is to be mentioned specifically that the applicant is about to cross the age bar imposed on Central Govt. employment of the aforesaid Category. He will suffer irreparable loss if his post is not regularised.

Contd....(4).

6. Details of the remedies exhausted:

Does not arise .There is no statutory provision for appeal/representation.

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

The applicant further declare that he had not previously filed any application, writ petition or suit regarding the matter in respect of which this application has been made before any Court or any other authority or any other bench of the Tribunal nor any such application, writ petition or suit is pending before any of them.

8. Relief Sought:

In view of the facts mentioned in para 4 and 5 above the applicant pray for following reliefs:

i). For regularisation of his service in the post of Khalasi at present holding by the applicant which will continue upto 15-10-95.

ii). For absorbing the applicant in the post at present lying vacant with the respondents and particularly with respondent No.3

Padma Nava Roy

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iii). Or in the alternative to give a direction to the respondents to consider the case of applicant in future regular employment without any age restrictions imposed upon him and consider his seniority accordingly.

iv). The applicant further prays that he may be allowed to present this application as his cause is same and the same may be accepted as such.

9. Interim Order if any prayed for :-

It is prayed that till disposal of hearing of this petition the order for continuation of the post maximum upto 15-10-95 of requirement of job whichever is earlier as mentioned is Annexure 1, 2, 3 and 4 may be stayed and the Applicant may be allowed to continue his respective service in his respective post.

10. PARTICULARS OF POSTAL ORDER/BANK DRAFT.

Contd...(6).

11. LIST OF ENCLOSURES.

- ANNEXURE-1 :- Appointment Order dtd. 6-5-95
of the applicant.
- ANNEXURE -2:- Appointment Order dtd. 9-5-84
of the applicant.
- ANNEXURE-3:- Appointment Order dtd. 14-5-85
of the applicant.
- ANNEXURE -4:- Appointment Order dtd. 2-5-86
of the applicant.
- ANNEXURE -5 :- Appointment Order dtd. 14-5-87
of the applicant.
- ANNEXURE -6 :- Appointment Order dtd. 10-4-89
of the applicant.
- ANNEXURE -7 :- Appointment Order dtd. 2-5-90
of the applicant.
- ANNEXURE -8 :- Appointment Order dtd. 2-5-91
of the applicant.
- ANNEXURE-9 :- Appointment Order dtd. 2-5-92
of the applicant.
- ANNEXURE -10 :- Appointment Order dtd. 14-5-93
of the applicant.
- ANNEXURE-11:- Appointment Order dtd. 29-4-94
of the applicant.

Contd..... (7).

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-(7) -

V E R I F I C A T I O N

I, Shri Padmanava Roy, Son of Sri S.C.Roy,
aged about 30 years, working as Khalasi with
Executive Engineer, C.W.C. Upper Brahmaputra Divn.
Dibrugarh do hereby verify that the contents of
paras 1,2,3,4,6,7 and 10 are true to my knowledge
and para 5 are believe to be true on legal advice
and the contents of paras 8 and 9 are my humble
sumission before the Hon'ble Tribunal.

Padma Nava Roy

Signature of the applicant.

Dated : 12-10-95

Dibrugarh.

GRAM : FORECAST.

PHONE : 20799

Government of India
Central Water Commission
Upper Brahmaputra Division
P.O. Central Revenue Building
Dibrugarh- 786003

NO.UBJ/Dib/WC-3/95/2010-14

Dated, Dibrugarh the 15.5.95.

OFFICE ORDER

The undersigned hereby offers the following person a temporary post of Khalasi (Seasonal) on pay or Rs.750/- per month in the scale of pay of Rs. 750-12-870-EB-14-940/- alongwith dearness and other allowances at the rates admissible (under and subject to the conditions laid down in the rules and orders governing the grant of such allowances in force from time to time). The post is purely ad-hoc and will continue maximum upto 15.10.95 or requirement of job whichever is earlier. It would not confer any title of further employment of any kind. The appointing authority reserves the right of terminating the service of the appointee at any time without assigning any reason and immediately on finding any absence from duty or any kind of negligence/allegations.

He should definitely report for duty at the following place of work on 15.5.95 (FN) failing which the appointment order would automatically stand cancelled. No request for either change of posting or extension of date of joining shall be entertained. The appointee should perform his duty with regularity, punctuality, sincerity and interest for the emergency flood forecasting job.

No TA/DA is admissible for joining the post.

Sl. No.	Name and address	Exchange Regn. and name of employment	Place of posting exchange.
1.	Sh. Padma Nava Roy Naliapool, Ashomia Para, Dibrugarh.	No. 3612/82 Dibrugarh	Guest Room U.B. Division, Dibrugarh

(R. L. Dutta)

Executive Engineer

U.B. Division, CWC, Dibrugarh

Copy to :-

1. Person concerned (through post on his last known residential address).
2. The Assistant Engineer, U.B. Sub-Divn. No. I/II and Subansiri Sub-Division, CWC, Dibrugarh/Jorhat/Itanagar and EAD (HM). The joining report may please be sent to this office in due course and services be properly utilised with strict supervision.
3. To AAO/H.C./Concerned Section In-charge, Concerned Division with Steno.

Atto
S. Shyamadate

9

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ANNEXURE - 2

CARM: FORECAST.

GOVERNMENT OF INDIA
CENTRAL WATER COMMISSION
WATER RESOURCES AND FLOOD FORECASTING DIVISION
P.O. CENTRAL REVENUE BUILDING
DIBRUGARH - 786003

No. WRFFD/Dib/WC-3/1787-91

Dated Dibrugarh the 9-5-84

MEMORANDUM

Subject : OFFER OF TEMPORARY APPOINTMENT TO THE POST
OF WORK-CHARGED KHALASI.

The undersigned hereby offers Shri Padma Nava Roy a temporary post work charged khalasi on a pay of Rs.196/- ~~per~~ per month in the scale of pay of Rs.196-3-220-EB-3-232. He will also be entitled to draw dearness and other allowances at the rates admissible under and subject to the condition laid down in rules and orders governing the grant of such allowances in force from time to time. The post is purely temporary and will continue upto 15-10-84 on completion of work whichever is earlier. The appointment is purely temporary and will not confer any title to permanent employment. The appointing authority reserves the right of terminating the services of the appointee at any time without assigning any reason.

He should report himself for duty to C.F.F. sub Division CWC Dibrugarh with effect from 15-5-84. If the candidate fails to report for duty to the prescribed period the appointment order will stand cancelled.

No TA/DA will be admissible for joining the post.

Sd/-

(J.Goswami)
Deputy Director
W.R.& F.F.Division ~~on~~ : CWC Dib.

To,

Shri Padma Nava Roy
C/O S.C.Roy
Nalia pool
Sataang Mondir Dibrugarh.

Attested:-
S. Shankar
Advocate

Attested
(S. Shankar) Adv. Cal.

ANNEXURE - 3

GOVERNMENT OF INDIA
CENTRAL WATER COMMISSION
WATER RESOURCES & FLOOD FORECASTING DIVISION
P.O. CENTRAL REVENUE BUILDING
DIBRUGARH - 786003

NO. WRFFD/Dib./WC-3/2274-79

Dated Dibrugarh the 14-5-85

M E M O R A N D U M

SUBJECT:- OFFER OF TEMPORARY APPOINTMENT TO THE POST
OF WORK CHARGED KHALASI.

The undersigned hereby offers Shri Padma Nava Roy a temporary post of work charged khalasi of a pay of Rs.196/- per month in the scale of pay of Rs.196- 220-EB-3-232. He will also be entitled to draw dearness and other allowances at the rates admissible under and subject to the condition laid down in rules and orders governing the grant of such allowances in force from time to time. The post is purely temporary and will continue upto 15-10-85 on completion of work whichever is earlier. The appointment is purely temporary and will not confer any title to permanent employment. The appointing authority reserves the right of terminating the services of the appointee at any time without assigning any reason.

He should report himself for duty to W.R. & F.F. Divn. OWC Dibrugarh with effect from 15-5-85 if the candidate fails to report to duty on the prescribed period the appointment order will stand cancelled.

No. TA/DA will be admissible for joining the post.

Sd/-

J. Goswami)

Deputy Director)

W.R. & F.F. Division. OWC Dibrugarh.

To,

Shri Padma Nava Roy
C/O S.C. Roy
W.R. & F.F. Division CWC Dibrugarh.

Copy forwarded to :-

1. The Assistant Engineer C.F.F. Sub-Division CWC Dibrugarh. Joining report of above incumbent may please be sent to this office in the due course.
2. The Employment Officer Employment Exchange Dibrugarh. with reference to his letter no. ACT /42/85/3369 Dated 2-5-85 for information.
3. Account Branch W.R. & F.F. Division OWC Dibrugarh (in duplicate)
4. Office order file No. G 5.
5. File No. WO - 1.

Sd/- Illegible

J. Goswami

Deputy Director

W.R. & F.F. Division Dibrugarh.

Attested! -
Goswami
Adarsh

Attested for
Adarsh

GRAM : FORECAST,

PHONE : 20799.

GOVERNMENT OF INDIA
CENTRAL WATER COMMISSION
WATER RESOURCES & FLOOD FORECASTING DIVISION
P.O. CENTRAL REVENUE BUILDING
DIBRUGARH - 786 003.

No. WRFDD/Dib/WC-3/ 2381-86 Dated, Dibrugarh the 2/5/86.

M E M O R A N D U M

SUBJECT :- OFFER OF TEMPORARY APPOINTMENT TO THE
POST OF WORK-CHARGED KHALASI.

The undersigned hereby offers Shri Padma Nave Roy
a temporary post of work-charged
Khalasi on a Pay of Rs. 196/- per month in the scale of
pay of Rs. 196-3-220-EB-3-232. He will also be entitled to
draw dearness and other allowances at the rates admissible
under and subject to the condition laid down in rules and
orders governing the grant of such allowances in force
from time to time. The post is purely temporary and will
continue upto 15.10.86 on completion of work which-
ever is earlier. The appointment is purely temporary and
will not confer any title to permanent employment. The
appointing authority reserves the right of terminating the
services of the appointee at any time without assigning
any reason.

He should report himself for duty to at W.R. & F.F.
Division, CWC, Dibrugarh with effect from
15th May, 1986. If the candidate fails to report for
duty on the prescribed period the appointment order will
stand cancelled.

No TA/DA will be admissible for joining
the post.

(J. Goswami)
Deputy Director
WR & FF Division: CWC: Dibrugarh:

To,
Shri Padma Nave Roy
Gavarupathur
P.O. Dibrugarh

Copy forwarded to :-

1. The Assistant Engineer, - GFF, Sub-Division, CWC, H.Q., J.E. (C), W.R. & F.F. Division, CWC, Dibrugarh
Joining report of above incumbent may please be sent
to this office in due course.
2. The Employment Officer, Employment Exchange Dibrugarh
with reference to his letter No. ACT/53/86/2900
Dated 28.4.86 for information.
3. Account Branch (in duplicate) WR & FF Division, C.W.C.,
Dibrugarh.
4. Office Order File No. G-5.
5. File No. LC-1.

DEPUTY DIRECTOR
WR & FF DIVISION CWC: DIBRUGARH:

ANNEXURE 5

GOVERNMENT OF INDIA
UPPER BRAHMAPUTRA DIVISION
CENTRAL WATER COMMISSION
P.O. CENTRAL REVENUE BUILDING
DIBRUGARH - 786003 (Assam)

No. UBD/DIB/WC-3/2692-96

Dated Dibrugarh the 14-5-87

MEMORANDUM

Subject: OFFER OF TEMPORARY APPOINTMENT TO THE POST
OF WORK-CHARGED KHALASI

The undersigned hereby offer Shri Padmanava Roy Khalasi on a pay of Rs.750/- per month in the scale of pay of Rs.750-12-870 EB-14-940/-. He will also be entitled to draw dearness and other allowances at the rates admissible under and subject to the condition laid down in rules and order governing the grant of such ~~and will continue upto~~ allowances in force from time to time. The post is purely temporary and will continue upto 15-10-87 or on completion of work which ever is earlier. The appointment is purely temporary and will not confer any title to permanent employment. The appointing authority reserves the right of terminating the services of the appointee at any time without assigning any reason.

He should report himself for duty at Division Office U.B.Divn.CWC Dibrugarh with effect from 15-5-87 the candidate fails to report for duty on the prescribed period the appointment order will stand cancelled.

No. TA/DA will be admissible for joining the post.

Sd/- Illegible
J.Goswami
Executive Engineer.
U.B.Division , Dibrugarh.

To,
Sri Padmanava Roy
Naliapoo Satsanga
Mandir, Dibrugarh.

Copy forwarded to :-

1. The Assistant Engineer Joining report of above incumbent may please be sent to this office in due course.
2. The employment Officer Employment Exchange Dibrugarh with reference to his letter No. ACT-58/87/2345 dated 8-5-87 for information.
3. Accounts Branch(in duplicate) U.B.Division CWC, Dibrugarh.
4. Office Order file No. G-5
5. File No. WC - 1.

Sd/-
J.Goswami
Executive Engineer
U.B.Division CWC; Dibrugarh.

Attest J. -
G. Shome -
M. Shome

Attest
(G. Shome) Attest

GRAM : FORECAST.

PHONE : 20799

(13)

ANNEXURE-6

26

GOVERNMENT OF INDIA
CENTRAL WATER COMMISSION
UPPER BRAHMAPUTRA DIVISION
P.O. CENTRAL REVENUE BUILDING
DIBRUGARH - 786003

No.UBD/Dib/WC-3/89/1839 - 901 Dated, Dibrugarh the 10.4/89

SUBJECT :- OFFER OF TEMPORARY APPOINTMENT TO THE POST OF
WORK CHARGED KHALASI (SEASONAL)

The undersigned hereby offers the following persons a temporary post of Khalasi (seasonal) on a pay of Rs. 750/- per month in the scale of pay of Rs. 750-12-870-EB-14-940/-. They will be also be entitled to draw dearness and other allowances at the rates admissible under and subject to the condition laid down in the rules and orders governing the grant of such allowances in force from time to time. The post is purely temporary and will continue upto 15.10.1989 or completion of work whichever is earlier. The appointment is purely temporary and will not confer any title to permanent employment. The appointing authority reserves the right of terminating the services of the appointee at any time without assigns any reason.

2 in
writing

They should report themselves for duty to the place of posting with effect from 15.5.1989 failing which the appointment order will stand cancelled. They should also hereby directed to inform undersigned on or before 30.4.89 if they accept the offer on the above mentioned terms and conditions failing which the appointment will be cancelled.

No T.A./DA will be admissible for joining the post.

Sl. No.	Name & Address	E.E. Regn. of with name of E.E.	Place of posting
---------	----------------	---------------------------------	------------------

U.B. DIVISION: CWC: DIBRUGARH

1.	Sh. Kishori Giri, Jiban Phukan Nagar, P.O.C.R. Building, Dib.	3376/83 Dibrugarh	U.B. Divn., CWC, Dibrugarh.
----	---	----------------------	-----------------------------

2.	Sh. Padma Nava Roy Naliapool, Ashami, Para Dibrugarh.		- do -
----	---	--	--------

3.	Sh. Bhadreswar Gohain, Kotoha Na-gaon, P.O. Baligaon.	1043/83 Dibrugarh	- do -
----	---	----------------------	--------

4.	Sh. Ranjit Khatri Binarigutia Gaon, P.O. Ghurania, Dibrugarh.	416/86 Dibrugarh.	- do -
----	---	----------------------	--------

U.B. SUB DIVN. ICWC: DIBRUGARH

5.	Sh. Jagyadhar Das Maricha Gaon, P.O. Chabaa.	3479/83 Dibrugarh	W.T., Stn., Noharkatia
----	--	----------------------	------------------------

6.	Sh. Deba Kr. Das Puharikhania Village P.O. Mohanaghat, Dibrugarh.	2518/81 Dibrugarh	W.T., Stn., Chenimari
----	---	----------------------	-----------------------

7.	Sh. Runu Tamuli Nilmaniphukan High School Compound, P.O. Dibrugarh.	1128/85 Dibrugarh	G&D site, CWC, Chenimari.
----	--	----------------------	---------------------------

Contd...2...

Attested
(Signature)

ANNEXURE-7

Gram: Forecast.

Phone: 20799.

Government of India
 U.P. Division: C.W. Commission
 P.O. Central Revenue Building
Dibrugarh - 786 003.

No. UED/Dib/WC-3/90/ 2356-2430

Dated, Dibrugarh the 2/5, 1990.OFFICE ORDER

The undersigned hereby offers the following persons, a temporary post of Khalasi (Seasonal) on a pay of Rs. 750/- per month in the pay scale of pay of Rs. 750-12-870-EB-14-940/-. They will also be intitled to draw dearness and other allowances at the rate admissible under and subject to the condition laid down in the rules and orders governing the grant of such allowances in force from time to time. The post is purely temporary and will continue upto 15-10-1990 or completion of term whichever is earlier. The appointment is purely temporary and will not confer any title to permanent employment. The appointing authority reserves the right of terminating the service of the appointee at any time without assigns any reason.

They should report themselves for duty to the place of posting with effect from 15-5-1990, failing which the appointment order will stand cancelled.

No T.A./D.A. will be admissible for joining the post.

Name & Address	E.E. Regn. with Name of E.E.	Place of posting
2	3	4

Sh. K. Girm, Jiban Phukan Nagar, P.O. C.R. Building, Dibrugarh. 3376/83 Dibrugarh U.P. Division, C.W.C., Dibrugarh.

Sh. Padmanava Roy, Naliapool, Ashamiya Para, Dibrugarh. 3612/82 Dibrugarh - do -

Sh. Ritit Das, Natun Teklagaon, P.O. Mohanaghat, Dibrugarh. 3254/83 Dibrugarh - do -

Sh. S. Bose, Barabari Kly Colony, Block No-1-18, P.O. C, Dibrugarh. 607/87 Dibrugarh - do -

Sh. G. Deka, C/O Khiteswar Deka, Paltan Bazar, P.O. Jalannagar, Dibrugarh. 581/88 Dibrugarh - do -

Sh. Dipul Dutta, Vill: Bhatemora Gaon, P.O. Bhatemora (RRL.), Jorhat. 3091/81 Jorhat - do -

Sh. Debakumar Das, Puharikhania village, P.O. Mohanaghat, Dibrugarh. 2518/81 Jorhat - do -

Attache
 (Advocate)

Gram : Forecast.

Phone : 20799

Government of India
Central Water Commission
Upper Brahmaputra Division
P.O. Central Revenue Building
Dibrugarh - 786002

NO. URB/Dib/WC-3/91/1900-07

Date, Dibrugarh the 25. /91.

APPOINTMENT ORDER

The undersigned hereby offers the following persons a temporary post of Agelasi (Seasonal) on a pay of 750/- per month in the scale of pay of Rs. 750-12-870-EB-14,940/-. They will also be entitled to draw Dearness and other allowances at the rate admissible under and subject to the condition laid down in the rules and orders governing the grant of such allowances in force from time to time. The post is purely temporary and will continue upto 15.10.1991 or completion of work which ever is earlier. The appointment is purely temporary and will not confer any title to permanent employment. The appointing authority reserves the right of terminating the service of the appointee at any time without assigns any reason.

They should report themselves for duty to the place of posting with effect from 15.5.1991, failing which the appointment order will stand cancelled.

No TA/DA will be admissible for joining the post.

Sr. Name & Address	S.E. Regd. with Name of S.E.	Place of posting.
1	2	3
1. Sh.K.Giri, Jiban Phukan Nagar, P.O.C.R. Building, Dibrugarh.	3276/83 Dibrugarh	O.B. Division, CWC, Dibrugarh.
2. Sh. Padmanava Roy, Naliapool, Ashamiya Para, Dibrugarh.	3412/82 Dibrugarh	- do -
3. Sh. Rijit Das Natu Teklagaon, P.O. Mohanagar, Dibrugarh.	3254/83 Dibrugarh	- do -
4. Sh. G. Deka, C/O Khiteswar Deka, Paltan Bazar, P.O. Jalannagar, Dibrugarh.	591/88 Dibrugarh	- do -
5. Sh. S. Bose, Barbari Rly Colony, Block No. 1-18, Qr. No. C, Dibrugarh.	607/87 Dibrugarh	- do -
6. Sh. Bipul Dutta, Vill. Bhatemora Gaon, P.O. Bhatemora (KRB), Jorhat.	3081/81 Jorhat	- do -
7. Sh. Debakumar Das Puharikanda Village, P.O. Mohanagar, Dibrugarh	1510/80 Dibrugarh	- do -

Gram : Forecast.
Dibrugarh

Phone : 20799.

Government of India
U.P. Division : C.W. Commission
P.O. Central Revenue Building
Dibrugarh - 786 003.

No. UED/Dib/WC-3/92/ 2241-392

Dated, Dibrugarh the 24/5 /1992.

OFFICE ORDER

The undersigned hereby offers the following persons a temporary post of Khalasi (Seasonal) on a pay of Rs. 750/- per month in the scale of pay of Rs. 750-12-870-EB-14-940/-. They will also be entitled to draw dearness and other allowances at the rates admissible under and subject to the conditions laid down in the rules and orders governing the grant of such allowances in force from time to time. The post is purely ^{temporary} and will continue upto 15-10-92 or completion of work whichever is earlier. The appointment is purely ^{temporary} and will not confer any title to permanent employment. The appointing authority reserves the right of terminating the service of the appointee at any time without assigning any reason.

They should report themselves for duty to the place of posting with effect from 15.5.92, failing which the appointment order will stand cancelled.

No TA/DA will be admissible for Joining the post.

Sl. No.	Name and Address	E.E. Regn. with name of E.E.	Place of posting
1	2	3	4
1)	Shri K. Giri Jewan Phukan Nagar, P.O. C.R. Building, Dibrugarh-3.	2376/83 Dibrugarh	U.B. Division, CWC., Dibrugarh (Guest Room)
2)	Shri Padmarava Roy, Naliapool, Asamiya Para, Dibrugarh.	3612/92 Dibrugarh	U.B. Division, CWC., Dibrugarh (under EAD(HM))
3)	Shri Golap Deka, C/O Khiteswar Deka, Paltan Bazar, P.O. Jalan Nagar, Dibrugarh.	501/88 Dibrugarh	- do -
4)	Shri Bipul Dutta, Vill:- Bhatemora Gaon, P.O. Bhatemora (RRL), Jorhat.	3091/81 Jorhat	U.B. Division, CWC., Dibrugarh (under EAD(HM))
5)	Shri Deba Kumar Das, Puhari Khonia Village, P.O. Mohanaghat, Dibrugarh.	2518/81 Dibrugarh	- do -

Gram : Forecast

Phone : 20792

Government of India
Central Water Commission
Upper Brahmaputra Division
P.O. Central Revenue Building
Dibrugarh - 786003

NO. UBD/Dib/WC-3/93/2586-60 Dated, Dibrugarh the 14/5/93.

OFFICE ORDER

The undersigned hereby offers the following persons a temporary post of Khalasi (Seasonal) on pay of Rs. 750/- per month in the scale of pay of Rs. 750-12-370-ED-14-940/-. They will also be entitled to draw dearness and other allowances at the rates admissible under and subject to the conditions laid down in the rules and orders governing the grant of such allowances in force from time to time. The post is purely temporary and will continue upto or completion of work whichever is earlier. The appointment is temporary and will not confer any title to permanent employment. The appointing authority reserves the right of terminating the service of the appointee at any time without assigning any reason.

They should report themselves for duty to the place of posting on /within days failing which the appointment order is stand cancelled.

No. TA/DA will be admissible for joining the post.

Sl. No.	Name and address	E.E. Regn with name of E.E.	Place of posting
---------	------------------	-----------------------------	------------------

1. Sh. Padma Nava Roy
Naliapool, Asaniya Para,
Bar. Kamrup
Dibrugarh.

Regn. No. 3612/82
Dibrugarh

U.B. Divn., CWC,
Dibrugarh under
DAO (H/4)

EXECUTIVE ENGINEER
U.B. DIVISION CWC: DIBRUGARH

Copy to :-

1. The Assistant Engineer, U.B. Sub-Divn. No. I & II and Subansiri Sub-Division, CWC, Dibrugarh/Jorhat/Itanagar. The joining report of W/C Khalasi may please be sent to this office in due course.
2. The Extra Asstt. Director (HM), U.B. Division, CWC, Dibrugarh.
3. Account Branch (in duplicate).
4. H.D., T.E. (In duplicate) / Drawing Branch, U.B. Division, CWC, Dibrugarh.
5. Person concerned.
6. Office Order file No. G-5/ File No. C-2(A).

EXECUTIVE ENGINEER
U.B. DIVISION CWC: DIBRUGARH

ANNEXURE - 11

20

Gram : Forecast.

Phone : 20799

Government of India
Central Water Commission
Upper Brahmaputra Division
P.O. Central Revenue Building
Dibrugarh- 786003

No. UBD/Dib/WC-3/94/2114

Dated, Dibrugarh the 29/4/94.

OFFICE ORDER

The undersigned hereby offers the following person a temporary post of Khalasi (Seasonal) on pay of Rs. 750/- per month in the scale of pay of Rs. 750-12-370-EB-14-940/- along with dearness and other allowances at the rates admissible (under and subject to the conditions laid down in the rules and orders governing the grant of such allowances in force from time to time). The post is purely ad-hoc and will continue maximum upto 15.10.94 or requirement of job which ever is earlier. It would not confer any title of further employment of any kind. The appointing authority reserves the right of terminating the service of the appointee at any time without assigning any reason and immediately on finding any absence from duty or any kind of negligence.

He should definitely report for duty at the following place of posting on 16.5.94 (FN) failing which the appointment order would automatically stand cancelled. No request for either change of posting or extension of date of joining shall be entertained. The appointee should perform his duty with regularity, punctuality, sincerity and interest for the emergency flood forecasting job.

is
No TA/DA/admissible for joining the post.

Sl. No.	Name and address	Exchange Regn. and name of Employment	Place of posting
---------	------------------	---------------------------------------	------------------

1) Shri Padma Nava Roy,
Naliapool, Asamiya Para,
P.O. Naliapool,
Dist. Dibrugarh (Assam)

No. 3612/82
Dibrugarh

Divisional Guest House,
CWC., Dibrugarh
under Dibrugarh Division,
CWC., Dibrugarh.

R. S. Goel

(R. S. Goel)
Executive Engineer

Upper Brahmaputra Division
Central Water Commission
Dibrugarh-786003

Copy to :-

1. Person concerned (through post on his last known residential address). by Registered Post.
2. The Assistant Engineer, U.B. Sub-Divn. No. I & II and Subansiri Sub-Divn., CWC, Dibrugarh/Jornhat/Itanagar and E.A.D. (HM). His joining report may please be sent to this office in due course and services be properly utilised with strict supervision.
3. JAO/H.C./JE(A)/JE(S)/Drawing Branch/Bill Clerk/O.D. File No. 3-5/C-9(A).

Attested
(Signature)

Filed in Court
on...26.10.95...

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, GAUHATI BENCH.

Ben
Court Master

Reply to :- Original Application No.241/1995.

Shri Padmanava RoyPetitioner.

Versus

1.Union Of India, New Delhi.

2.Chairman,
Central Water Commission,
R.K.Puram, New Delhi-110 966.

3.Executive Engineer,
Central Water Commission,
Upper Brahmaputra Division,
Jawanphukan Road, P.O: C.R.Building,
Dibrugarh.

.....Respondents.

AND in the matter of :

Written Statement submitted by -
respondents :-

.....

Recd copy:-
Shankh
Arora
26/10/95

32
26/10/95
Filed by
Shankh
Central Govt Standing Counsel
Central Administrative Tribunal
Gauhati Bench, Gauhati

13
Reply made by Sri K.K.Saha against the original application
No.241/1995 as filed by the applicants above named .

1. I, Sri K.K.Saha am now working as the Executive Engineer, Upper Brahmaputra Division, Central Water Commission, Dibrugarh .

2. I have received the copy of original application hereafter referred to as the said application and I have read and fully understood the the matter and contents thereof .

I am competent to sign the file the reply for self as Respondent No.3 and on behalf of other respondents .

3. Save and except what are matters of records and save and except what are specifically admitted herein , all other allegations contained there in shall be treated and deemed to have been denied and disputed by me .

4. That with regard to the statements made in Paragraph 1, 2 & 3 of application, I beg to state that I have no comments on the same being a matter of record .

5. That with regard to the statement made in the paragraph 4, the Department states that requisition was placed to the Employment Exchange Sponsor name after obtaining willingness for the job, accordingly interview was conducted & selected candidates were offered appointment for the post of Seasonal Work-charged Khalasi in Work-charged Establishment but not as Workcharged Khalasi on Work-charged Establishment .

Cont'd.....P/2.....

6. That with regard to statements made in para 5 of the application, the respondents beg to state that their appointments are related to limited purpose or objective, because their services are utilised during the monsoon period for the specific purpose of data observation and its communication for the purpose of Flood forecasting activities only. Flood forecasting is limited during the period of May to October each year. Therefore, the action of the respondents in keeping the applicants for the period of Flood forecasting is fair & just.

7. That with regard to statements, made in para 6 and 7 of the applications, the respondents beg to state that there is no comments to offer.

8. That with regard to relief sought for para 8 & 9 of the application, the respondents beg to state the following :-

i) There is no vacancy available in the Upper Brahmaputra Division, C.W.C., Dibrugarh (Assam) at present.

ii) Whenever vacancy will arise in the regular Workcharged Khalasi Category, the same will be filled up from amongst Seasonal Work-charged Khalasi according to Seniority maintained for this purpose, in accordance with the direction of the Hon'ble CAT, Ahmedabad Bench in O.A. No.416/1986 and 417/1986. Annexure "4" in the photocopy of the judgement.

Cont'd.....P/3.....

This practice of regularisation of services of Seasonal Khalasis have been observed in future also .

iii) The action of the respondents is in line with the observation of the Hon'ble Calcutta Bench , Calcutta (West Bengal) in O.A. No.136/91 dt.25.6.92 stated that :-

" A casual worker or labourer has no right to regularisation merely because he has worked for several years , as such if no vacancies are available for such regularisation . This has authoritatively been held by the Supreme Court in Satyanarayan Sharma and Ors.- Vs. - National Mineral Development Corporation and Ors , 1990(2) SCALD '69 "

Annexure " B " is the photocopy of the letter of CWC intimating the observation of the Hon'ble CAT .

6. That with regard to statement made in para 11 of the application , the respondents beg to state that there is no comments to offer .

Contd....P/4.....

86

VERIFICATION

I, Sri K. K. Saha Executive
Engineer, Upper Brahmaputra Division, Central Water
Commission, Jewanphukan Road, P.O.:- C.R. Building,
Dibrugarh - 786 003 (Assam) do hereby solemnly declare
that the statements made above are true to my knowledge,
information & belief and I sign the verification on

19.10. 1995 at Guwahati.

DECLARANT

M-10/10/95

कां.पारी अभियन्ता
Executive Engineer
उपरी ब्रह्मपुत्र विभाग
Upper Brahmaputra Division
पि. जे. वा. रोड, डिब्रुगढ़ - ३
P. W. C., Dibrugarh - 3

Tri
191095

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH.

O.A.No. 416 of 1986
with
417 of 1986

DATE OF DECISION 1/07/1987

Mahesh B Dholi
Inayakali S Saiyed
J P Bhatt

Petitioner
Advocate for the Petitioner(s).

Versus

Government of India, Central Water Commission: Respondent

J. D. Ajmera

Advocate for the
Respondent(s).

CORAM:

The Hon'ble Mr. P. SHIVIVASAN : ADMINISTRATIVE MEMBER
The Hon'ble Mr. F M JOSHI : JUDICIAL MEMBER

C.A.T.
Ahmedabad Bench

- a) Serial Number of the Application : CA/416, 417/86
- b) Name of the Applicant : Shri J.D. Ajmera
- c) Date of presentation of application for copy : 01/07/87
Seven (7)
- d) Number of Pages
- e) Copying fee charged
- f) Date of calling for deposit of copying fee : Advocate for the respondent
- g) Date of deposit of copying fee
- h) Urgent fee charged if any
- i) Date of receipt of record for copy
- j) Date of preparation of copy : 09/07/87
- k) Date of delivery of copy of the applicant : 14/07/87

SEAL OF
CENTRAL ADMINISTRATIVE
TRIBUNAL. AHMEDABAD.

J U D G M E N T

CA/416/86

with
CA/417/86

1/07/1987

For: Hon'ble Mr. P. Srinivasan : Administrative Member

(Dictated in open Court)

Both these applications involve common issues and are therefore disposed of by this common order.

The applicant in CA/416/86 was appointed as Temporary Khalasi in the Central Water Commission by order dated 17-6-85. The said order made it clear that the appointment was temporary and would be for a period of four months, terminable at any time by 14 days notice from either side. On the terms of this order, the appointment would have expired on 15.10.1985. However, by a second order dated 1.10.1985 his appointment was extended upto 1.4.1986 and again by an order dated 17.4.1986 his appointment was further extended upto 14.7.1986. The position in regard to the applicant in CA/417/86 was; he was appointed temporary Khalasi in Central Water Commission on the same terms by order dated 6/06/1985. Before the term of appointment stated in that order came to an end his service were extended by two subsequent orders upto 14/07/1986. It is stated in the application that both the applicants were told on 23.7.1986 that their appointments stood terminated w.e.f. 15/07/1986 i.e. the date upto which their appointments had been extended by the orders already referred to. In these applications, the applicants pray that the oral order incriminating their services be quashed and the respondent be directed to take them back into service right from 15/7/1986 and pay them all back wages from that date. The second prayer is that since both the applicants though appointed as Khalasi, had actually worked as Wireless Operators they should be given the pay scale of Wireless Operator i.e. Rs. 260/- instead of the scale of Khalasi. The applicants also want to be absorbed in the regular establishment on the basis of their ad-hoc service.

Seal of
Central Administrative Tribunal
Ahmedabad.

2....

Shri P.P. Bhatt for Shri J P Bhatt learned counsel for the applicant submitted that the termination of the services of the applicants was illegal, after they had worked for more than a year. He did not however press the prayer for granting them the pay of Wireless Operator as also the prayer regarding their absorption in the regular establishment at this stage. He contended that through the organisation in which the applicants were appointed was a work-charged establishment, it was not as if the work for which the applicants were initially taken came to an end on 15/07/1986. Immediately after the services of the applicants were terminated the Deputy Director of the Central Water Commission, Ahmedabad issued a notification inviting applications for posts in the grade of Khalasi. The applicants should have been taken in these vacancies, since they had already worked in the organization. Instead of doing so, the respondents had chosen to select outsiders on the ground that the names of the applicants had not been sponsored by the Employment Exchange. Since the applicants had joined the respondents' organization in 1985, naturally the Employment Exchange was not in a position to sponsor their name in 1986. However, when the applicants were initially appointed, it was on the basis of sponsorship from the Employment Exchange, and that sponsorship should have been treated as valid for continuing the applicants in the same posts when vacancies became available. He therefore prayed that the respondents be directed to reinstate the applicants retrospectively from 15.7.86 and to give them all back wages on this basis.

Seal of
C.A.T.
Ahmedabad.

Shri P N Ajmera for Shri J D Ajmera, learned counsel for the applicants strongly opposed the contentions of Shri Bhatt. The orders appointing the applicants made it very clear that their appointment was for a fixed term and was terminable at the end of the term. No doubt their appointments were extended by subsequent letters but each time the applicants were told that after a specified date their appointments would stand automatically terminated. It was in accordance with this clear condition specified in the orders appointing them and renewing their appointment that their service were terminated. The establishment of the respondents had work on a seasonal basis and therefore engaged persons when there was work and terminated ~~XX~~ their services when the work was over. Referring to the subsequent notification calling for applications, Shri Ajmera stated that in the nature of the respondents' organization

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- 4 -

periods, temporary and terminable at 14-days' notice. So it was not as if the applicants were being replaced by regularly appointed persons. As for Shri Ajmera's point that appointments could be made only of persons sponsored by the employment Exchange, we must point out that the applicants themselves were appointed in 1985 by such sponsorship. They could not be expected to get sponsored by the employment exchange again in 1986 since the employment exchange strikes out names of persons who get employment somewhere. The respondents should therefore have considered the sponsorship of the applicants in 1987 as sufficient compliance with the rules and taking into account their continuous service of more than one year, they should have given them preference over newcomers in the selection in 1986. In not doing so the respondents were unfair to the applicants. Shri Ajmera mentioned that at present there may not be any vacancies to absorb the applicants because offers of appointment for the season beginning in June, 1987 have already been issued. Normally we would not issue any direction for appointing persons without reference to the vacancy position. However, in the special facts of this case where, in our opinion, the respondents have been repeatedly unfair to the applicants first by terminating their services in 1986 and then by not selecting them and selecting others for the same posts in 1986 and again in 1987 for no acceptable reasons, we have to alternative but to direct the respondents to take the applicants back into service in posts of Temporary Khalasi within a period of one month from the receipt of this order. The applicants will however not be entitled to back wages.

U. of A.T. suggest to the respondents that they maintain some seniority list of persons engaged from time to time on adhoc basis and when making fresh appointments, give preference to the senior ones subject of course to suitability and fitness in all respects. This would avoid an inequitable situation like the present one of persons working for a year or two and there after being sent out without hope of re-employment. The respondents organisation will also be benefited by taking back known and experienced hands; further they will not be required to issue advertisements every time when they want to make recruitment if there are sufficient

contd...5/-

number of employees who had earlier worked with the organization on adhoc basis and who are suitable to be engaged again.

In the result, the application is allowed as ~~indicated above parties to bear the costs.~~

SD/-

(P. SRINIVASAN)
ADMINISTRATIVE MEMBER

SD/-

(P.M. JOSHI)
JUDICIAL MEMBER

// TRUE COPY //

Seal of
Central Administrative
Tribunal, Ahmedabad

Sd/-
C. T. MANHAR
DEPUTY REGISTRAR
CENTRAL ADMINISTRATIVE
TRIBUNAL AHMEDABAD.

No.1/12/92-Entt.XII
Government of India
Central Water Commission

Dated the February 1, 1993.

To

All Field Offices of
Central Water Commission.

Sub:- O.A. No.136/91, dated 25.6.92 filed by
Shri Lakshmen Chandra Das & others V/s.
Union of India and others in the matter
of absorption of seasonal Work-charged
workers/labourers against Group 'D' posts
on regular establishment.

Sir,

In continuation of this Commission's letter
No.1/33/89-E.XII dated 15.9.92, I am to say that a
petition was filed by work-charged employees of the
Farakka Barrage Project under Ministry of Water
Resources in the Central Administrative Tribunal,
Calcutta Bench vide O.A. No.136/91, dated 25.6.92
for their absorption on permanent basis, after their
having been rendered surplus in the project on
completion of project works. The Bench while disposing
of the said application in their judgment dated 2.7.92
has observed as under:-

"A casual worker or labourer has no right to
regularisation merely because he has worked
for several years as such, if no vacancies are
available for such regularisation. This has
been authoritatively stated by the Supreme
Court in Seyyannarayana Sharma & others V/s.
National Mineral Development Corporation and
Others, 1990(2) SCALD 169".

2. The above observation of the Calcutta Bench is
circulated for information and necessary guidance in
dealing with the cases of regularisation of seasonal
Khalasis in the field offices of the Commission.

Yours faithfully,

P.C. Jain

(P.C. JAIN)
UNDER SECRETARY (TS)
CENTRAL WATER COMMISSION.
Tele.No.601094.

2-12-92
16/2/93

1889
16/2

10

43

NO.1/57/91-Estt.XII
Government of India
Central Water Commission

Room No.310, Sewa Bhawan,
R.K. Puram, New Delhi-66.

Dated, the 11 August, 1992.

To

1. All Field Offices of CWC.
2. Director (PCP), CWC, New Delhi.
3. Director (Trg.), CWC, New Delhi.

Subject: Curbing appointment of Workcharged staff in
Central Water Commission.

Sir,

As you are aware the Workcharged staff cadre in Central Water Commission was reviewed first by the R.B. Shah Committee and later by the Committee headed by Shri S.S. Iyer, Chief Engineer (North). When the R.B. Shah Committee compiled data in 1988 it had computed the total number of Workcharged staff as 3233 whereas when the Iyer Committee computed similar data in 1991 the total number of Workcharged staff had gone upto 4861 in Central Water Commission. The rapid proliferation of Workcharged staff in CWC is quite alarming. While issuing instructions in connection with the revised cadre structure and recruitment rules for Workcharged staff in CWC in the wake of the R.B. Shah Committee Report, it had been made clear in Para 4 of CWC Circular No.1/6/86-Estt.XII(Vol.II), dated 24th January, 1990 that while creating posts on the Workcharged establishment, approval of Chief Engineer, concerned should be obtained to check unbridled exercise of powers at lower levels. The alarming increase in the number of Workcharged posts and staff manning these seems to indicate that these instructions are not being followed. Keeping in view the dire need for economy in Government expenditure, it is once again emphasized that no Workcharged posts should be created, nor Workcharged staff appointed thereto, except, with the approval of the field Chief Engineers.

Apart from the huge number of Workcharged staff to the tune of 4861 referred to above, there were as many as 2737 seasonal Khalasis in 1990 as compiled from the data received in response to CWC Circular No.1/12/91-Estt.XII, 8th March, 1991. Of late, such seasonal appointees had started going to Central Administrative Tribunals and several judgements have been passed for the regularisation of such seasonal persons against Workcharged posts. In the wake of these judgements, the following set of instructions have been issued regarding the appointment of seasonal staff again on seasonal basis and against regular Workcharged posts :-

Contd..... 2/-

3/3
Secy

May kindly
see Mr. 2/12
Instructions
from our office
also are to be
issued to all
Divisions &
strict compliance

1. No.6/37/75-Estt.XII(Vol.II), dated 6.5.1988
2. No.6/37/75-Estt.XII(Vol.II) dt. 22nd June, 1988
3. No.1/24/80-Estt.XII, dt. 22nd October, 1990.

Keeping in view the huge number of workcharged staff as revealed by the Iyer Committee Report, it is felt that there should now be no need of appointing any seasonal khalsis in Central Water Commission during monsoon season. As far as possible, only minimum number should now be recruited and seniority list of such khalsis should be maintained as per guide lines already issued in this regard. If and when resort to direct recruitment becomes absolutely essential, only such seasonal khalsis of preceding years and who possess the requisite qualifications and satisfy other conditions should be considered... No direct recruitment of khalsis other than from among seasonal khalsis be resorted to till further orders. This issues with the approval of Chief Engineer (AC&T).

Yours faithfully,

P.C. Jain

(P.C. JAIN)
UNDER SECRETARY (TS)
CENTRAL WATER COMMISSION
TELE.NO.601094.

12

45

No.1/57/91-Estt,XII
Government of India
Central Water Commission

Room No.310, Sewa Bhawan,
R.K. Puram, New Delhi-66.

Dated the 15th April, 1993.

To

1. All Field Offices of
Central Water Commission.
2. Director(PCP), C.W.C.
3. Director (Training), C.W.C.
4. Director (Tech. Documentation), C.W.C.
5. All Field Chief Engineers (by name).

Subject:- Ban on filling-up of posts under work-charged
establishment in Central Water Commission.

Sir,

In the 31st meeting of the Work Management Council held on 25.2.1993, it has been decided that filling up of existing vacant posts in the Work-charged establishment at all levels be kept in abeyance till SIU studies and re-organisation of Hydrological Observations & Flood Forecasting (Sites) are completed.

It is, therefore, requested that pending completion of SIU studies which are being carried out separately, no post under work-charged establishment whether on regular or seasonal basis be filled-up in the field offices or at Headquarter's office. However, some posts in exceptional cases may be filled with the prior approval of the Chief Engineer concerned.

This issues with the approval of Chief Engineer(AC&T).

Yours Faithfully,

(P.C. JAIN)

Under Secretary(TS)
Central Water Commission
Tele. No.601094

Encl: As above.

Copy to Deputy Director(WPC), CWC with reference to their
note No.8/3/93-Coord./451, dated 4.3.1993.

2.. Secretary, Central Water Commission, R.K. Puram,
New Delhi.

13

Annex - D.
46

No.1/57/91-Estt.XII
Government of India
Central Water Commission

Room No. 312, Sewa Bhawan,
R.K. Puram, New Delhi-66.

Dated, the 22 April, 1994.

To

1. All Field Offices of Central Water Commission.
2. Director (PCP), C.W.C.
3. Director (Training), C.W.C.
4. Director (Tech. Documentation), C.W.C.
5. All Field Chief Engineers (By name).



CIRCULAR

In this Commission Circular No. 1/57/91-Estt.XII, dated 15/19th April, 1993, Commission's decision had been communicated to all Field Offices of Central Water Commission that filling-up of existing vacant posts in the Work-charged Establishment at all levels be kept in abeyance till SIU studies and re-organisation of Hydrological Observations & Flood Forecasting (Sites) are completed. However, some posts in exceptional cases were allowed to be filled with the approval of Chief Engineer concerned.

Since the issuance of this Circular, the Ministry of Water Resources have communicated that Government instructions regarding 10% reduction in the existing posts are applicable to all categories of staff including Work-charged Establishment and have desired to identify posts, which may be surrendered under 10% cut vide this Commission Circular No. A-11011/2/94-Estt.XII, dated 14th February, 1994. In spite of these instructions it has come to the notice of the Commission that some Field Offices have made Direct Recruitment of Work-charged Staff from Ex-seasonal Khalasis etc. by flouting the said instructions of the Commission. Therefore, it has now been decided that no vacant post in the Work-charged Establishment of Central Water Commission may henceforth be filled either from seasonal staff or direct from Employment Exchanges without obtaining specific approval from Chairman, Central Water Commission. In view of the 10% cut being demanded by the Ministry of Water Resources, the question of giving such approval may be taken

9/B ESN. TP.

6/5 - M. S. K.
M. S. K.

contd..... 2/-

14
32
- 2 -

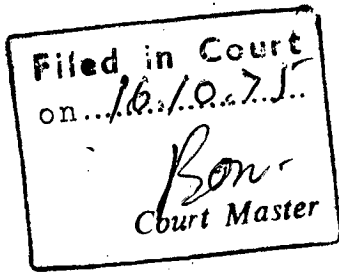
to be ruled out for the present and therefore, there should be no occasion to ask for any such permission. If any case of such direct recruitment comes to notice severe disciplinary action will be immediately taken against the concerned Executive Engineer/Superintending Engineer.

This issues with the approval of Chairman,
Central Water Commission.

Chanan Ram
(CHANAN RAM)
DIRECTOR (ADMN.)
CENTRAL WATER COMMISSION
TELE. NO. 609695.

Copy to:-

1. Deputy Director (WPC), Central Water Commission,
Sewa Bhawan, R.K. Puram, New Delhi.
2. Secretary, Central Water Commission, Sewa Bhawan,
R.K. Puram, New Delhi.



48
Filing:-
Sd/-
Advt.-
for the applicant.
18-10-95-

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: GUWAHATI BENCH

Case No. O.A. 241 of 1995

Sri Padmanava Roy ... Applicant.

-Versus-

Union of India & ors. ... Respondents.

The humble applicant begs to state the following additional facts for proper adjudication of the case :-

1. That the applicant did serve under the respondents in the Central water commission, Upper Brahmaputra Division, Dibrugarh since 1984 and his period of service in every year till the date are as under :-

<u>Year</u>	<u>Period of work</u>	<u>Days of work</u>
1984	15-5-84 to 15-10-84	154 days.
1985	15-5-85 to 15-10-85	154 days.
1986	15-5-86 to 15-10-86	154 days.
1987	15-5-87 to 15-10-87	154 days.
1988	NILL	NILL
1989	15-5-89 to 15-10-89	154 days.
1990	15-5-90 to 15-10-90 = 154 26-12-90 to 31-12-90 = 6	160 days.
1991	1-10-91 to 24-3-91 = 74 15-5-91 to 15-10-91 = 154 11-11-91 to 31-12-91 = 51	289 days.
1992	1-1-92 to 7-2-92 = 7 10-2-92 to 8-5-92 = 89 15-5-92 to 15-10-92 = 154 24-10-92 to 31-12-92 = 69	316 days.

Contd. 2.....

Received
File-
Sd/- CSSC
16/10/95

1993 1-1-93 to 20-1-93 = 20 }
 21-1-93 to 20-4-93 = 89 }
 22-4-93 to 13-4-93 = 22 } 359 days.
 15-5-93 to 15-10-93 =154 }
 18-10-93 to 31-12-93 = 74 }

1994 1-1-94 to 14-1-94 = 14 }
 17-1-94 to 15-4-94 = 58 }
 18-4-94 to 13-5-94 = 26 } 300 days.
 16-5-94 to 15-10-95 =153 }
 17-10-94 to 31-12-94 = 75 }

1995 1-1-95 to 13-1-95 = 13 }
 16-1-95 to 14-4-95 = 89 } 279 days.
 17-4-95 to 13-5-95 = -27 }
 15-5-95 to 15-10-95 =154 }

2. That the applicant had acquired a temporary status by serving 240 days in one year several times and thereby became eligible for regularisation in Group -D post in terms of the office memorandum dated 10-9-93/Scheme 1993 of the Central Govt.

3. That the applicant begs to state that there are as many as 10 permanent vacancies of Group- D post under Upper Brahmaputra Division; Dibrugarh in various sites viz, Khoang Dillighat, Porbat-Pur, Dholla, Pasi-ghat, Tezu, Nanglamora Ghat, Miaon and Namsai.

4. That as per the last appointment letter (Annexure -I) the life of service is upto 15-10-95 and no extension order having been issued, the applicant will be out of employment

Contd. 3.....

since 16-10-95 and thereby the respondent acted arbitrarily and illegally for not issuing the order of extension and/or regularisation of his service which the applicant entitled to, because he had already acquired temporary status.

5. That the applicant served under the respondent during last 11 years without being regularised and by this time the applicant is overaged for any other Govt service.

It is therefore humbly prayed that your Lordships may be pleased to incorporate the aforesaid facts in considering the original application for ends of justice.

Your petitioner as in duty bounds shall ever pray.

LIST OF DOCUMENTS

Annexure - 12 : Appointment order dtd. 18-10-93
for 18-10-93 to 14-1-93

Annexure - 13 : Appointment order dtd. 12-1-94
for 17-1-94 to 15-4-94

Annexure - 14 : Appointment order dtd. 16-4-94
for 18-4-94 to 13-5-94

Annexure - 15 : Appointment order dtd. 17-10-94
for 17-10-94 to 13-1-95

Annexure - 16 : Appointment order dtd. 11-1-95
for 16-1-95 to 14-4-95

Annexure - 17 : Appointment order dtd. 28-4-95
for 17-4-95 to 13-5-95.

VERIFICATION

I, Sri Padmanava Roy, S/O Sri S.C. Roy, the applicant do hereby verify that the statements made in the above petition are to my knowledge, belief and information. I sign this 14th October '95.

Padma Nava Ray

5

ANNEXURE - 12

Gram: Forecast.

Phone : 20799

Government of India
Central Water Commission
Upper Brahmaputra Division
P.O. Central Revenue Building
Dibrugarh - 786003

No. UBD/Dib/Wc-3(Vol.IX)/93/6674-76 Dated the 18-10-93

OFFICE ORDER

As per S.E. B.B. Circle W/CWC, Guwahati's approval order No.A -15017/12(1)/89 -Estt. II/4195 dated 31-10-89 and due ~~to~~ urgency of work the undersigned hereby appoints to Sh.Padma Nava Roy, a temporary post of ad-hoc W/C Khalasi for a period of 89 days with effect from 18-10-93 (F.N.) to 14-1-94(A.N.) on a pay of Rs.750/- p.m. in the scale of Rs.750-12-870-EB-14-940/- plus usual allowances as admissible from time to time.

The appointment is purely temporary and will not confer any title for further employment. The appointing authority reserves the right of terminating the service at any time without assigning reason.

He would look after the Divisional Rest Room of the establishment of Executive Engineer, U.B.Division CWC, Dibrugarh against the sanctioned estimate.

Sd/- Illegible

(R.S.Goel)

Executive Engineer

To,

Shri P.N.Roy

Naliapool, Dibrugarh.

Copy to :-

1. Account Branch .U.B.Division CWC, Dibrugarh
2. J.E. (A) U.B.Division, CWC Dibrugarh.

(R.S. Goel)

Executive Engineer

*Attested:-
G. K. S. -
D. K. S. -*

52

ANNEXURE - 13

GRAM: FORECAST

PHONE : 20799

GOVERNMENT OF INDIA
CENTRAL WATER COMMISSION
UPPER BRAHMAPUTRA DIVISION
P.O. CR.BUILDING
DIBRUGARH - 786003

No. UBD/Dib/Wc-3(Vol.IX)/93/146-89

Dated 12-1-1994

OFFICE ORDER

As per SE. BB Circle CWC Guwahati's approval order No. A-15017/12(1)/89 Estt. II/4195 dated 31-10-89 and due to urgency of work the undersigned hereby appoints to shir Padma Nava Rpy , a temporary post of adhoc W/C Khalasi for a period of 89 days with effect 17-1-94 to 15-4-94(A.N.) on a pay of Rs.750/- p.m.in the scale of Rs.750-12-870-Eb-940/- plus usual allowances as admissible from time to time.

The appointment is purely temporary and will not confer any title for further employment. The appointing authority reserves the right of terminating the service at a any time without assigning any reason.

He would look after the Divisional Rest Room of the establishment of Executive Engineer, U.B.Division. CWC, Dibrugarh against the sanctioned estimate.

To,

Shri P.N.Roy
Naliapool
Dibrugarh

(R.S.Goel)

Copy to :

1. Accounts Branch ?, U.B.D. CWC Dibrugarh.
2. J.B.(A) U.B.Divn. CWC Dibrugarh.

(R.S.Goel)
EXECUTIVE ENGINEER

*Atkshd:-
Gsmh.
Advocate -*

ANNEXURE - 14

Gram: Forecast.

Phone : 20799

GOVERNMENT OF INDIA
U.B.DIVISION : C.W.COMMISSION
P.O. Central Revenue Building
Dibrugarh - 786 003

No. UBD/Dib/Wc-3(Vol-IX)/94/1905-08

Dated 15-4-1994

OFFICE ORDER

As per Superintending Engineer, B.B.Circle C.W.C. Guwahati's approval order No. A 15017/12(4)/89 -Estt-II4195 dated 31-10-89 and due to urgency of work the undersigned hereby appoints to Shri Padma Nava Roy a temporary post of Ad-hoc W/C Khalasi for a period of 26 days with effect from 18-4-94 to 13-5-94(A.N.) on a pay of Rs.750/- P.M. in the Scale of Rs. 750-12-870-EB-940/- plus usual allowances as admissible from time to time.

The appointment is purely temporary and will not confirm any title for further employment. The appointing authority reserves the right of terminating the service at any time without assigning any reason.

He would look after the Divisional rest room of the establishment of Executive Engineer, U.B.Division CWC Dibrugarh.

(R.S.Goel)
Executive Engineer
U.B.Division: CWC Dibrugarh.

To:

Shri P.N.Roy
C/O Shri Dinabondhu Debnath,
Garodia Road, Jyoti Nagar.
Dibrugarh - 1.

Copy to :-

1. JE(A)/Accounts Branch/Office Order File No. G-5
U.B. Division . CWC Dibrugarh.

Sd/- Illegible

(R.S.Goel)
Executive Engineer
U.B.Division :CWC Dibrugarh

ABR:
G. S. S.
Adm. Secy.

54

ANNEXURE - 15

Gram:Forecast

Phone : 20799

GOVERNMENT OF INDIA
CENTRAL WATER COMMISSION
UPPER BRAHMAPUTRA DIVISION
P.O. CENTRAL REVENUE BUILDING
DIBRUGARH - 786003

No. UBD/Dib/Wc-3(Vol.IX)/94/8245-48 Dated the 17.10.94

OFFICE ORDER

Due to urgency of work the undersigned hereby appoints to Shri Padma Nava Roy on a temporary post of ad-hoc W/C Khalasi for a period of 89 days with effect from 17-10-94 to 13-1-95(A.N.) on a pay of Rs.750/- p.m. in the scale of Rs. 750-12-870-EB-14-940/- plus usual allowances as admissible from time to time.

The appointment is purely temporary and will not confer any title for further employment. The appointing authority reserves the right of terminating the service at any time without assigning reason.

He would look after the Divisional Rest Room of the establishment of Executive Engineer, U.B. Division, CWC Dibrugarh against the sanctioned estimate.

Sd/- Illegible
R.S.Goel)
Executive Engineer

To,

Shri P.N.Roy
Naliapool
Dibrugarh.

Copy to ,

1. Accounts Branch, U.B.Division, CWC Dibrugarh.
2. J.E.(A) U.B.Divn. CWC Dibrugarh C/9.

*Attn:-
Sd/-
Advocate*

35

ANNEXURE - 16

Gram : Forecast

Phone : 20799

GOVERNMENT OF INDIA
CENTRAL WATER COMMISSION
UPPER BRAHMAPUTRA DIVISION
P.O. CENTRAL REVENUE BUILDING
DIBRUGARH - 786003

No. UBD/Dib/Wc-3/193-97

Dated Dibrugarh the 11-1-95

OFFICE ORDER

Due to urgency of work the undersigned hereby appoints Shri Padma Nava Roy in a temporary post of W/C Khalasi as ad-hoc basis for a period of 89 days w.e.f. 16-1-1995 to 14-4-95 (A.N.) at a pay of Rs. 750/- p.m. in the scale of Rs. 750-12-870-EB-14-940/- plus usual allowances as admissible from time to time.

The appointment is purely temporary and will not confer any title for further employment. The appointing authority reserves the right of terminating to service at any time without assigning reason.

He would look after the Divisional Rest Room of the establishment of Executive Engineer, U.B.Division, CWC Dibrugarh against the sanctioned estimate.

Sd/- Illegible

R.L.Dutta

I/C Executive Engineer

To,

Shri P.N.Roy

Naliapool Dibrugarh.

Copy to :-

1. Accounts Branch/JE(HQ)/C-9/0.0.File No. G-5

*Attn: Mr. P.N. Roy
Shri P.N. Roy
Naliapool*

56

ANNEXURE - 17

Gram :Forecast

Dibrugarh.

No. UBD/Dib/WC-3/1612-16
Government of India
Upper Brahmaputra Division
Central Water Commission
P.O. Central Revenue Building
Dibrugarh - 786002 (Assam)

Hone : 20799

Date 28-4-1995

OFF ICE ORDER

Due to urgency of work undersigned hereby appoints Shri Padma Nava Roy in a temporary post of W/C Khalasi as Ad-hoc basis for a period from 17-4-1995 to 13-5-1995(A.N.) at a pay of Rs.750/- per month in the scale of Rs.750-12-870-EB 14940/- plus usual allowances as admissible from time to time.

The appointment is purely temporary and will not confer any title for further employment. The appointment authority reserves the right of terminating to service at any time without assigning reason.

He would look after the Divisional Rest Room of the establishment of Executive Engineer, U.B.Division, CWC., Dibrugarh against the sanctioned estimate.

To,

Shri P.N.Roy
Naliapool, Dibrugarh.

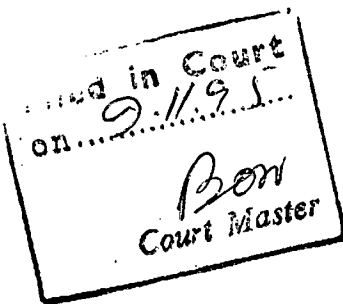
Sd/- Illegible

Executive Engineer
U.B.Division; CWC Dibrugarh.

Copy to :-

1) Account Branch/JE(HQ)/C-9/Office order File No. G-5

*Attested:-
G. S. S. S.
to mark*



57
L
Filed by: /
with Sri C.P. Bhojani
Advocate for the petitioner.

IN THE CENTRAL ADMN. TRIBUNAL, GUWAHATI BENCH

O.A. 241/95

9.11.95

Shri Padmanava Roy Petitioner

-Versus-

Union of India & ors. ... Respondents

In the matter of :-

Statement-in-reply petitioner to the
written statement.

The humble petitioner above named,

MOST RESPECTFULLY SHEWETH :-

1. That the petitioner in reply to the averments made in the written statements reiterates and asserts the statements made in the original application and rejoinder thereto and denies all contrary statements :-

It is specifically denied that there is no vacancy available in the upper Brahmaputra Division C.W.C. Dibrugarh as contended in para 8(i) of the written statement. The petitioner asserts that 12 posts are lying vacant in that division.

2. That the petitioner further states from the office of C.W.C.Dibrugarh "Staff Position return " are being sent regularly for every month to the Superintending Engineer, C.W.C.Guwahati, from the said staff position return of last 6 months, particulars of post, vacancy position in the Upper Brahmaputra Division C.W.C. will be available.

Contd. 2.....

3. That as per C.W.C. norms, against each site minimum two staff is required and there are 31 site and minimum requirement of Khalasi is 62 if the Dibrugarh Division. Presently 50 posts are filledup by regular employee and rest are lying vacant since last 5-6 years.

4. That the petitioner beg to state that there are as many as 17 - Work Charge employees who are working since last 12 years to 3 years. On seasonal basis and as such it is evident that there is substantial posts against which services of work charge employees are ~~wit~~ utilized depriving their letitimate claim of being regularised.

5. That the petitioner begs to state that there are 3 discharge sites in upper Brahmaputra Division namely, Chenimari, Sibsagar and Chaldhowaghat where minimum required employees are 3 in each site so actual vacancy ~~portion-is~~ position is even more then 12.

It is therefore prayed that your Lordships may be pleased to direct the Respondents to produce the "Staff Position Return" of last 6 months of Upper Brahmaputra Division and be pleased to consider the matter in the light of the facts stated above.

And your petitioner duly bound shall ever pray.

Verification.

21

VERIFICATION

I Sri Dibakar Das S/O Late Bhupal Ch.Das

The petitioner do hereby solemnly affirm and declare th
that the averments made in para 1 to 5 are true to my
knowledge belief and information. I sign this verification
this 9th day of November 1995.

Dibakar Das.

Signature.