

50/600

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH  
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

O.A./T.A No. 2212/95

R.A/C.P No.

E.P/M.A No.

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SECTION OFFICER (Judl.)

*Handwritten signature*  
2.2.18

ORIGINAL APPLN.NO. 242 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.)

*Jibakaran Das* APPLICANT(S)

-VS-

*h.c.l.* RESPONDENT(S)

For the Applicant(s)

- ... Mr. *J.L.Sarkar*
- Mr. *G.P. Bhowmick*
- Mr. *Miss B. Rajkhowa*
- Mr. *S. Shome*
- Mr. *S. Ali, Sr. C.A.K.*

For the Respondent(s)

OFFICE NOTE	DATE	ORDER
<p>This application is in form and within time. C. F. of Rs. 50/- deposited vide IPO/BD No. <i>868974</i> Dated <i>12.10.95</i></p> <p><i>R.P.</i> <i>13/10</i> By Registrar (A) <i>Pon</i></p>	<p>13.10.95</p>	<p>Learned counsel Mr J.L.Sarkar assisted by Mr G.P.Bhowmick, Miss B. Rajkhowa and Mr S.Shome for the applicants moves this application on the ground that it concerns very urgent matter as the services of the applicants will stand terminated on 15.10.95. It has been submitted by him that the applicants had worked since 1992 and their services have been renewed from time to time before the date of expiry of their term. However, in this year there has been no fresh order of appointment for continuing them in the service. Mr S.Ali, learned Sr.C.G.S.C seeks to appear on behalf of the respondents.</p> <p>This is a Division Bench matter. Place before the Division Bench for consideration of admission on 16.10.95. The prayer of the applicants to allow them to submit this application jointly will also be considered.</p> <p>Heard Mr Sarkar and Mr Ali on the interim relief prayer. Pending consideration of admission of this application</p>

DATE NOTE

DATE

ORDER

13.10.95

the respondents are directed not to terminate the service of the applicants.

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

By consent adjourned to 26.10.95.

Vice-Chairman

Member

nkm

16-17/95

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 instruction in factual position.

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

Member

Vice-Chairman

30-10-95

pg

*w/s submitted 19-11-95 by the Respondents.*

*FD*

*vide D.No. 1468 to 1471*

*dt. 18-6-96*

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. Judgment delivered in the Court. Application is disposed of.

Member

Vice-Chairman

lm)

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

O.A. NO<sup>s</sup> 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. A. 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 <sup>with OA No.</sup> 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
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 Gaon  
P.O., P.S. & District Dibrugarh.
3. Saswati Mitra  
daughter of Late Bholanath Mitra  
Resident of Dibrujan, Jalnagar 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  
(in both OAs)
- By Advocate Mr. S. Ali, Sr.C.G.S.C.

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.J.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/-



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/-

*hull*



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/-

*hll*

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:

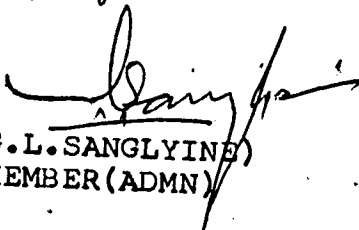
- i) The respondents may ascertain whether vacancies are available to be filled up as claimed by the applicants in the application filed to-day in O.A.241/95. If any vacancies are available the applicants may be considered in accordance with their seniority and eligibility for being appointed on regular 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.

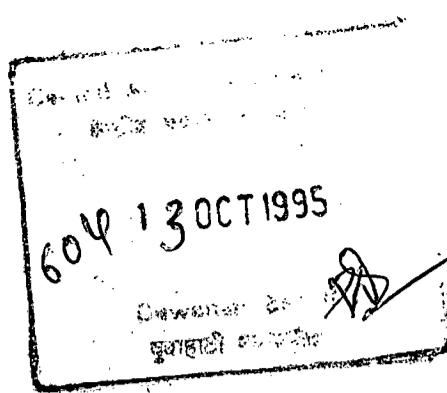
Both the OAs are disposed of in terms of the above directions. The interim order of stay dated 13-10-95 stands vacated consistently with the aforesaid directions.

*copy of the order to be kept on record of OA 242/95*

  
G.L. SANGLYINE  
MEMBER (ADMN)

  
M.G. CHAUDHARY  
VICE-CHAIRMAN

LM



Filed by - 12

G. S. Bhowmik

Advocate -

for the applicants.

13-10-95

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH.

CASE NO. 242 OF 1995.

1. Sri Dibakar Das  
& 3 Others ..... Petitioners.

-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 12.
2.	Annexure - 1	13
3.	Annexure - 2	14.
4.	Annexure - 3	15.
5.	Annexure - 4	16.
6.	Annexure - 5	17.
7.	Annexure - 6	18.
8.	Annexure -7	19.
9.	Annexure - 8	20.
10.	Annexure - 9	21.
11.	Annexure - 10	22.
12.	Annexure - 11	23.
13.	Annexure - 12	24.
14.	Annexure - 13	25.

15. Additional amended Petition

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16. W/S Submitted by the Respondents

*Dibakar Das.*  
*Naren Das*  
*Saswati Mitra.*  
*Ajoy Sinha*  
*Filed 13*  
*G. K. S. S. S.*  
*13-10-95*

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GAUHATI BENCH.

1. 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 Khandia Gaon,  
P.O., P.S. & District Dibrugarh.

3. SASWATI MITRA,  
Daughter of Late Bholanath Mitra,  
Resident of Dibrujan, Jalannagar Colony,  
P.O., P.S. & District Dibrugarh.

4. SHRI AJAY SINHA,  
Son of Ranjit Sinha,  
C/O. D.N. Sarker,  
Subhashpally, Dibrugarh  
P.O., P.S. & District Dibrugarh.

..... PETITIONERS.

-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.

Contd....(2).

Dibakar Das.  
Naren Das  
Suswati Mitra.  
Ajay Sinha

3. EXECUTIVE ENGINEER,  
Central Water Commission,  
Upper Brahmaputra Division,  
P.O. Central Revenue Building,  
Dibrugarh-786003.

..... RESPONDENTS.

1. Order No. UBD/Dib/WC-3/95/2035-39  
dated Dib. 6-5-95 in respect of Sri  
Dibakar Das. Annexure -1.

2. Order No. UBD/Dib/WC-3/95/1920-24  
dated Dibrugarh 6-5-95 in respect  
of Sri Naren Das, Annexure -2.

3. Order No. UBD/Dib/WC-3/95/2562-66  
dated Dibrugarh 22-5-95 in respect  
of Saswati Mitra, Annexure-3.

4. Order No. UBD/Dib/WC-3/95/2103-07  
dated Dibrugarh 12-5-95 in respect  
of Sri Ajay Sinha, Annexure-4.

2. Jurisdiction of the Tribunal:

The applicants declare that the subject matter of the Order against which they want redressal are within the jurisdiction of the Tribunal.

3. Limitation:

The applicants further declare that the application is within the limitation period

Contd..... (3).

Dibakar Das.  
Nooren Das  
Saswati Mitra.  
Ajay Singh

prescribed in Section 21 of Administrative Tribunal Act, 1985.

4. Fact of the Case:

(i) The applicant No.1 Sri Dibakar Das initially appointed on 29-5-92. Vide office Order No. UBD/Dib/WC-3/92/2799/2802 in a temporary post of Khalasi (Seasonal) on a pay of Rs.750/- per month the scale of pay of Rs.750-12-870-EB-14-940/. The post was purely ~~temporarily~~ <sup>TEMPORARY</sup> and would continue upto 15-10-92 or completion of work whichever is earlier.

The said Office Order is marked as Annexure(5).

Then he was terminated from service and again reappointed in same post and in same pay and in the same pay scale vide Order No. UBD/Dib/WC-3/93/2523-27 dated Dibrugarh 13-5-92 for a <sup>PERIOD</sup> from 15-5-93. The said appointment letter is annexed <sup>HEREWITH</sup> and marked as Annexure-6. He was again terminated from service after completion of the said period and again he was reappointed in the same post in same pay and same pay scale Vide No. UBD/Dib/WC-3/94/2114 dtd. Dib. 29-4-94 for a period <sup>FROM</sup> of 15-5-94 to 16-10-94. The said appointment letter is

Contd.....(4).

Dibakar Das  
Naren Das  
Saswati Mitra.  
Ajay Sinha

annexed and marked as Annexure -7. Then he was again terminated after completion of said period and reappointed in the same post in same pay under same pay scale Vide Annexure-1 mentioned above for a period <sup>FROM</sup> of 15-5-95 to 15-10-95.

(ii) The applicant No.2 Sri Naren Das who was appointed on 29-5-92 Vide No.UBD/Dib/WC-3/92/2803-06 dated Dibrugarh the 29-5-92 in a temporary post of Khalasi (Seasonal) on a pay scale of Rs.750/= per month in the pay scale of Rs.750-12-870-EB-14-940/-. Then for a period from 29-5-92 to 15-10-92. This office order is annexed herewith and marked as Annexure -8. The applicant was again appointed in the next year i.e. 1993 Vide Order No.UBD/Dib/WC-3/93/2528-32 dated 13-5-93 in the same post and in the same pay and same scale of pay <sup>THE</sup> for same period. The said office order is annexed herewith and marked as Annexure -9. Again the applicant was appointed in 1994 Vide No.UBD/Dib/WC-3/94/2114 dated Dibrugarh the 29-4-94 in the same post with same pay for the same period. The order annexed herewith is marked as Annexure-10.

After completion of his service in the said period, he was terminated and again reappointed in the year 1995 for the same post



Sibankar Das.  
Noorun Dar  
Saswali Mitra.  
Ajay Singh

with same pay scale and for the same period.  
Vide Annexure No.2.

(iii). The applicant No.3 was also appointed Vide No.UBD/Dib/WC-3/92/2807-10 dated Dibrugarh the 29-5-92 for a temporary post of Khalasi (Seasonal) on a pay scale of Rs.750/- per month in the scale of pay of Rs.750-12-870-EB-14-940/- for a period from 29-5-92 to 15-10-92. The said order is annexed hereto and marked as Annexure -11 .Then the applicant again reappointed in the year 1993, 1994 and 1995 in the same post with same scale of pay and for the same period of time Vide Annexure -12,13 & 3.

(iv). The applicant No.4 was appointment in a temporary post of Khalasi (Seasonal) in pay scale of Rs.750/- per month in the scale of pay of Rs.750-12-870-EB-14-940 from 30-5-92 to 15-10-92 Vide letter No.UBD/Dib/WC-3/92/2853-57 dated Dibrugarh the 30-5-92 which is annexed herewith annexure -14. After terminating the applicant, he was reappointed in the said post for the year 1994 and 1995 with the same pay scale and for same period Vide Annexure-15 and 4.

5. Ground of relief with legal provisions:

Contd....(6).

Sibakar Das.  
Noorun Doo  
Sumanali Mitra.  
Ajay Singh  
B

The applicants are citizens of India by birth and entitled to the fundamental rights guaranteed in the Constitution. They have their rights to earn their livelihood, equal opportunity in the matter of public employment and right to equality. The temporary appointment of applicants 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 21<sup>41</sup> 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 applicants are about to cross the age bar imposed on Central Govt. employment of the aforesaid Category. They will suffer irreparable loss if their posts are not regularised.

6. Details of the remedies exhausted:

Doesnot arise. There is no statutory provision for appeal/representation.

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

Contd.....(7).

Bibakar Das.  
Noorun Das  
Saswali Mishra.  
Ajay Singh

The applicant further declare that they 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 applicants pray for following relief:

1). For regularisation of their service in the post of Khalasi at present holding by the applicants which will continue upto 15-10-95.

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

iii). Or in the alternative to give a direction to the respondents to consider the cases of applicants in future regular employment without any age restrictions imposed upon them and consider their seniority accordingly.

Contd..... (8) .

Sibakar Das.  
Noreen Das  
Saswati Puroa  
Ajay Singher

iv). The applicants further pray that they may be allowed to present this joint <sup>APPLICATION</sup> applicant as their 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 posts maximum upto 15-10-95 or requirement of job whichever is earlier as mentioned in Annexure 1,2,3 and 4 may be stayed and the applicants may be allowed to continue their respective service in their respective posts.

10. PARTICULARS OF POSTAL ORDER/BANK DRAFT.

Contd....9

*Dibrukar Des.*  
*Nooren Das*  
*Saswati Mitra*  
*Ajoy Sinha*

11. LIST OF ENCLOSURES.

ANNEXURE -1 :- Appointment Order dtd. 6-5-92 in the name of applicant No.1.

ANNEXURE -2:- Appointment Order dated Dibrugarh the 6-5-95 in the name of applicant No.2.

ANNEXURE-3 :- Appointment Order Dibrugarh the 22-5-95 in the name of applicant No.3.

ANNEXURE-4 :- Appointment Order dated Dibrugarh the 12-5-95 in the name of applicant No.4.

ANNEXURE-5 :- Appointment Order dated Dibrugarh the 29-5-92 in the name of applicant No.1.

ANNEXURE-6 :- Appointment Order dated Dibrugarh the 13-5-93 in the name of applicant No.1.

ANNEXURE-7 :- Appointment Order dated Dibrugarh the 29-4-94 in the name of applicant No.1.

ANNEXURE-8 :- Appointment Order dtd. Dibrugarh 29-5-92 in the name of applicant No.2.

Contd.....(10).

*Sibankar Das*  
*Noreen Das*  
*Saswali Mitra*  
*Ajoy Singh* *22*

ANNEXURE-9 :- Appointment Order dtd. Dibrugarh  
13-5-93 in the name of applicant  
No.2.

ANNEXURE-10 :- Appointment Order dtd. Dibrugarh  
29-4-94 in the name of applicant  
No.2.

ANNEXURE -11 :- Appointment Order dtd. 29-5-92  
in the name of applicant No.3.

ANNEXURE -12:- Appointment Order dtd. 14-5-93  
in the name of applicant No.3.

ANNEXURE -13 :- Appointment Order dtd. 29-4-94 in  
the name of applicant No.3.

ANNEXURE -14:- Appointment Order dtd. 30-5-92  
in the name of applicant No.4.

ANNEXURE-15 :- Appointment Order dtd. 29-4-94  
in the name of applicant No.4.

Contd...(11).

Dibakar Das.  
Noreen Das  
Saswati Mittra  
Ajay Sinha

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

WE, 1). Sri Dibakar Das, Son of Late Bhopal Ch. Das, aged about 30 years, working as Khalasi in the office of Executive Engineer, C.W.C. Dibrugarh U.B .Board, West Chowkidinghee, Ashok Path, Dibrugarh in the District of Dibrugarh  
2). Sri Naren Das, son of Sri Kukheswar Das, aged about 26 years, resident of Khania Gaon, Mohanaghat, P.O., P.S. and District Dibrugarh AND 3). Srimati Saswati Mitra, D/O. Late Bholanath Mitra, aged about 28 years, resident of Dibrugarh, Jalannagar Colony, P.O., P.S and District Dibrugarh, AND  
4). Sri Ajay Sinha, son of Sri Ranjit Sinha, aged about 22 years, resident Subhashpally, P.O., P.S. and District Dibrugarh are working as Khalasi in the office of Executive Engineer C.W.C. Upper Brahmaputra Division, Dibrugarh do hereby verify that the contents of paras 1, 2, 3, 4, 6, 7, 10 and 11 are true to our respective

Contd.....(12).

knowledge and paras 5 are believe to be true on legal advice and the contents of para 8 and 9 are our respective humble submissions before the Hon'ble Tribunal.

- 1. Dibakar Das.
- 2. Noreen Das
- 3. Saswali Mitra.
- 4. Ajoy Singha

Dated: 12-10-1995

Dibrugarh.



GRAM : FOREC.ST.

PHONE : 20799

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

NO.UBJ/Dib/WC-3/95/2335-39 Dated, Dibrugarh the 6.5./95.

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. 750-12-870-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 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/allegations.

He should definitely report for duty at the following place of     on 15.10.95 (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
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1. Sh. Dibakar Das,  
C/O Lt. Bhupal Ch. Das  
K.P. Road, Dibrugarh

No. 3388/85  
Dibrugarh

Met Section  
U.B. Division, CWC,  
Dibrugarh.

( R. L. Dutta )  
Executive Engineer  
U.B. Division, CWC, Dibrugarh

Copy to :-

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

*Handwritten signature and initials*  
advocate

PR. No. : FORECAST.

PHONE : 20799

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

NO.UBJ/Dib/WC-3/95/1320-24 Dated, Dibrugarh the 15.5.95.

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. 750-12-870-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 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/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. Name and address No.	Exchange Regn. and name of employment exchange.	Place of posting
1. Sh. Naren Das Puhani Khania Gaon, P.O. Mohanaghat, Dibrugarh.	<u>No. 437</u> Dibrugarh	Dibrugarh Sub-Division

( R. L. Dutta )  
Executive Engineer  
U.B.Division, CWC, Dibrugarh

Copy to :-

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

*Attended*  
*Advocate*

GRAM : FOREC.S.P.

PHONE : 207 99

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

NO.UBJ/Dib/WC-3/95/2562-66 Dated, Dibrugarh the 22.5.95.

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. 750-12-870-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 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/allegations.

He should definitely report for duty at the following place of within 25.5.95 (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. Name and address No.	Exchange Regn. and name of employment exchange.	Place of posting
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1) **M. Saswati Mitra,**  
Jalen Nagar,  
Dibrugarh (Assam)

**WB42/87**  
Dibrugarh

Correspondence  
Branch,  
U. B. Division, CWC,  
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. II and Subansiri Sub-Division, CWC, Dibrugarh/Joint/Manager and A.D (JM). His joining report may please be sent to this office in due course and services be properly utilized with this Sub-Division.
3. The AAO/H.C./Concerned Section in charge connected with Steno.

*Admitted*  
*admitted*

GR. NO. : FCREC. 51

PHONE : 20799

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

NO.UBJ/Dib/WC-3/95/2103-07 Dated, Dibrugarh the 12.5.95.

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. 750-12-870 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 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/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. Name and address No.	Exchange Regn. and name of employment exchange.	Place of posting
1. Sh. Ajoy Sinha, C/O D.N. Sarkar Subhash Polly, Dibrugarh.	No. 202/91 Dibrugarh	W.T., Stn., Naharkatia under U.B. Sub-Divn. I 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. 1/II and Subansiri Sub-Division, CWC, Dibrugarh/Jorhat/Itanagar and A.D(HM). His joining report may please be sent to this office in due course and services be properly utilised with strict supervision.
- AO/H.C./Concerned Section In-charge Concerned File with Steno.

*Accepted*  
*[Signature]*  
Advocate

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

29

NO.UBD/Dib/WC-3/92/2799-~~3802~~<sup>3803</sup> Dated, Dibrugarh the 29/5/92

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.

25/10/92

They should report themselves for duty to the place of posting within 10 days failing which the appointment order will stand cancelled.

NO. 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. Dibakar Das West Chowkidingee K.P. Road, Dibrugarh.	3388/85	U.B. Divn., CWC, Dibrugarh (E.A.D.) (HM)

*(Signature)*  
A. K. Das 28/5/92  
Executive Engineer

Copy to :-

- 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.
- The District Employment Officer, Dibrugarh/Jorhat/Sibsagar/Itanagar.
- The Extra Asst. Director (HM), U.B. Divn., CWC, Dibrugarh.
- Account Branch (in duplicate).
- H.O., J.E. (in duplicate) / Drawing Branch, U.B. Divn., CWC, Dibrugarh.
- Person concerned
- Officer Order file No. G-5/ File No. C-9(A).

*(Signature)*  
A. K. Das 28/5/92  
Executive Engineer

*(Signature)*  
advocate

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

30

NO. UED/Dib/WC-3/93/2523-27 Dated, Dibrugarh the 13.5 /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-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 allowance in force from time to time. The post is purely temporary and will continue upto 15.10.93 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 on 15.5.93 /within days 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
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1.	Sh. Dibakar Das, C/O Late Sh. Bhopal Das, West Chowkidinge, Ashok Path, K.P. Road, Dibrugarh.	Regn. No. 3388/85 Dibrugarh	U.B. Division, CWC, Dibrugarh under E.A.D. (HM).
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*[Signature]*  
EXECUTIVE ENGINEER  
U. B. DIVISION: CWC: DIBRUGARH

Copy to :-

- 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.
- The Extra Asstt. Director (HM), U.B. Division, CWC, Dibrugarh.
- Account Branch (in duplicate).
- H.D., E.E. (In duplicate) / Drawing Branch, U.B. Division, CWC, Dibrugarh.
- Person concerned.
- Office Order file No. G-5/ File No. C-9(A).

*[Signature]*  
EXECUTIVE ENGINEER  
U. B. DIVISION: CWC: DIBRUGARH

*Advocate*

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.750-12-870-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 16.10.94 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 15.5.94 (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
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1.	Sh. Dibakar Das, C/O Late Bhopal Das, West Chowkidinge, Ashok Path, K.F. Road, Dibrugarh.	No. 3388/85 Dibrugarh.	Hydro-Met Section, Dibrugarh-h.
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29/4/94  
( 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). REGISTERED
2. The Assistant Engineer, U.B. Sub-Divn. No. I & II and Subansiri Sub-Divn., CWC, Dibrugarh/Jorhat/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.

JAO/H.C./JE(A)/SE(S)/Drawing Branch/Dibrugarh-786003

  
(Advocate)

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

NO.UBD/Dib/WC-3/92/2803-06 Dated, Dibrugarh the 29/5/92.

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 within 16 days 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
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1. Shri Naren Das  
Puharikhania Gaon,  
P.O. Mohanaghat,  
Dibrugarh.

4371/86

U.B. Divn., CWC,  
Dibrugarh  
under E.A.D. (HM).

*A.K. Das*  
( A. K. Das 28/5/92  
Executive Engineer

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 District Employment Officer, Dibrugarh/Jorhat/Sibsagar/North Lakhimpur.
3. The Extra Asstt. Director (HM), U.B. Divn., CWC, Dibrugarh.
4. Account Branch (in duplicate).
5. H.Q., J.E., (In duplicate) / Drawing Branch, U.B. Divn., CWC, Dibrugarh.
6. Person concerned
7. Officer Order file No. G-5/ File No. C-9(A).

bcg/

*A.K. Das*  
( A. K. Das 28/5/92  
Executive Engineer

*Akate*  
*(acharya)*



(2)

37

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

NO. UBD/Dib/WC-3/93/21528.32 Dated, Dibrugarh the 13.5.93.

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-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 allowance in force from time to time. The post is purely temporary and will continue upto 15.10.93 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 on 15.5.93 /within \_\_\_\_\_ days 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
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1. Sh. Naren Das  
P.O. Mohanaghat  
Dibrugarh.

Regn. No. 4371  
Dibrugarh

U.B. Division, CWC,  
Dibrugarh under  
E.A.D. (HM).

*[Signature]*  
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/Jornhat/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.S., J.E. (In duplicate) / Drawing Branch, U. B. Division, CWC, Dibrugarh.
5. Person concerned.
6. Office Order file No. G-5/ File No. C-9(A).

beg/

*[Signature]*  
*[Signature]*  
advent

*[Signature]*  
EXECUTIVE ENGINEER  
U. B. DIVISION: CWC: DIBRUGARH

Gram : Forecast.

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

Phone : 20799

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

Dated, Dibrugarh the 29/4 /94.  
4.6.94

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.750-12-870-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 15.10.94 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 15.10.94 (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.

No TA/DA/admissible for joining the post,

Sl. No.	Name and address	Exchange Regn. and name of Employment	Place of posting
1.	Sh. Naren Das P.O. Mohanaghat Dibrugarh.	No. 4371 Dibrugarh	G & D site Chouldhowa- ghat under Itanagar Sub-Division.

*R. S. Goel*  
29/4/94  
( 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). (REGISTERED)
2. The Assistant Engineer, U.B. Sub-Divn. No. I & II and Subinsiri Sub-Divn., CWC, Dibrugarh/Jorhat/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 Officer/Clerk/O.C. etc.

*Advocate*  
advocate

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

NO.UBD/Dib/WC-3/92/2807-10

Dated, Dibrugarh the 29/5/92.

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 within 10 days 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.	Miss Sasati Mitra Jalan Nagar P.O. Dibrugarh.	N-842/87	U.B. Divn., CWC, Dibrugarh (C.B.)

*A.K. Das*  
( A. K. Das 28/5/92 )  
Executive Engineer

Copy to :-

- 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.
- The District Employment Officer, Dibrugarh/Jorhat/Sibsagar/North Lakhimpur.
- The Extra Asstt. Director (HM), U.B. Divn., CWC, Dibrugarh.
- Account Branch (in duplicate).
- H.Q., J.E., (In duplicate) / Drawing Branch, U.B. Divn., CWC, Dibrugarh.
- Person concerned
- Officer Order file No. G-5 / File No. C-9(A).

bcc/

*A.K. Das*  
(S. Shome advocate)

*A.K. Das*  
( A. K. Das 28/5/92 )  
Executive Engineer

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

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NO. UBD/Dib/WC-3/93/2819-23 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-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 allowance in force from time to time. The post is purely temporary and will continue upto 15.10.93 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 on 15.5.93 /within days 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
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1.	Miss Saswati Mitra, Jalan Nagar, P.O. Dibrugarh.	No. W-842/87 Dibrugarh	U.B. Divn., CWC, Dibrugarh.
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*[Signature]* 20.5.93  
EXECUTIVE ENGINEER  
U. B. DIVISION: CWC: DIBRUGARH

Copy to :-

- 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.
- The Extra Asstt. Director (HM), U.B. Division, CWC, Dibrugarh.
- Account Branch (in duplicate).
- H.O., E.E. (In duplicate), Drawing Branch, U.B. Division, CWC, Dibrugarh.
- Person concerned.
- Office Order file No. G-5/ File No. C-9(A).

*[Signature]* 20.5.93  
EXECUTIVE ENGINEER  
U. B. DIVISION: CWC: DIBRUGARH

*Attache*  
*(S. Shome) Advocate*

Gram : Ferecast.

Phone : 20799

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

No.UBD/Dib/WC-2/94/2114

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.750-12-870-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 15.10.94 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.

No TA/DA/admissible for joining the post.

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

1. Miss Saswati Mitra  
 Jalan Nagar,  
 Dibrugarh.

No. W-842/87  
 Dibrugarh  
 1.12.64

U. B. Division, CWC,  
 Dibrugarh.

*R. S. Goel*  
 29/4/94  
 ( 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).
2. ~~The Assistant Engineer, U. B. Sub Divn. No. I & II and Subansiri Sub Divn. CWC, Dibrugarh/Jorhat/Itanagar and E. A. D. (GM).~~ 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 Room/...

JHS

*Attested*  
*(S. Showe) Advocate*

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

NO.UBD/Dib/WC-3/92/ 2854-57

Dated, Dibrugarh the 30/5/92.

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 within 10 days 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.	Shri <del>xxxxxx</del> Ajoy Singha, Subhashpolly, P.O. Dibrugarh.	202/91	Mariani Under U.B. Sub-Div. II, CWC, Jorhat (to report A.E., Jorhat).

*(Signature)*  
 A. K. Das 28/5/92  
 Executive Engineer

Copy to :-

- The Assistant Engineer, U.B. Sub-Div. 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.
- The District Employment Officer, Dibrugarh/Jorhat/Sibsagar/North Lakhimpur.
- The Extra Asstt. Director (HM), U.B. Divn., CWC, Dibrugarh.
- Account Branch (in duplicate).
- H.O., J.E., (in duplicate)/Drawing Branch, U.B. Divn., CWC, Dibrugarh.
- Person concerned
- Officer Order file No. G-5/ File No. G-9(A).

bcg/

*(Signature)*  
 A. K. Das 29/5/92  
 Executive Engineer

*(Signature)*  
 S. Shomey Advocates

Gram : Forecast.

Phone 120799

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

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

Dated, Dibrugarh the 29/4/94.

OFFICE ORDER

*28/6/94-1*

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.750-12-870-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 15.10.94 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 1.7.94 (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.	Sh. Ajoy Sinha, Subhashpatty, P.O. Dibrugarh	No. 202/91 Dibrugarh	Margherita site under Dibrugarh Sub-Division.

*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). (REGISTERED)
2. The Assistant Engineer, U.B. Sub-Divn. No. I & II and Subansiri Sub-Divn., CWC, Dibrugarh/Tornat/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 (C).

*Attended*  
*(advocate)*

Filed in  
on 26.10.95  
Bow  
Court Master

Central Administrative Tribunal  
GUWAHATI BENCH  
26 OCT 1995

Filed by  
Shankar 26/10/95  
General Govt. Standing Counsel  
Central Administrative Tribunal  
Guwahati Bench, Guwahati

40

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH GUWAHATI

In the matter of :

O.A. No./Case No. : 242 of 1995

Sri Dibakar Das & 3 ors.

- Vs -

Union of India & 2 ors.

And in the matter of :

Written statement submitted

by respondents No.

The humble respondents submit their state-  
-ments as follows :-

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

2. That with regard to the statement made in the paragraph 4, the department states that requisition was placed to the Employment Exchange for sponsoring name of candidates for the post of Seasonal Workcharged Khalasi, specifically mentioned that meant for about 6 (six) month only. The Employment Exchange sponsored name after obtaining willingness for the job, accordingly interview was conducted & selected candidates were offered appointment for the post of Seasonal Workcharged Khalasi

Recd Com.  
Shankar  
26/10/95



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in Workcharged establishment, but not as Work-  
-charged Khalasi on workcharged establishment.

3. That with regard to statement 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 activities 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.

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

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

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

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ii) Whenever vacancy will arise in the regular workcharged Khalasi category, the same will be filled up from amongst the seasonal workcharged Khalasis according to Seniority & fitness 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 " A " is the photocopy of the judgement. This practice of regularisation of service of Seasonal Khalasis have been observed in the past & will be 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 stated by the Supreme Court in Satyanarayan Sharma and others - vrs National Minerals Development Corporation and Ors., 1990(2) SCALD 169".

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

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

7. That the respondents beg to state in similar cases the C.W.C., New Delhi has communicated that "the issue regarding formulation of a Scheme in Central Water Commission for grant of temporary status to Seasonal/Ad-hoc Workcharged employees on the analogy of the scheme enunciated in the DOPT O.M. No.51016/2/90-Estt.(C), dated 10.9.93 has not yet been finalised and the same is still under active consideration in consultation with Ministry of Water Resources, Ministry of Law and Department of Personnel & Training. Accordingly, the outcome thereof may be awaited".

Annexure "c" is the photocopy of such document.

VERIFICATION

I, Sm<sup>r</sup> K. K. Saha, Executive Engineer, Upper Brahmaputra Division, Central Water Commission, Jewan Phukan 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 and belief and I sign the verification on this day of 19<sup>th</sup> Oct 1995 at Guwahati.

DECLARENT.

19/10/95  
 K. K. Saha  
 Executive Engineer  
 Upper Brahmaputra Division  
 Central Water Commission, Dibrugarh - 786 003

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. Dabhi  
Inayakali S. Saiyed

Petitioner

J. P. Bhatt

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. SRINIVASAN : ADMINISTRATIVE MEMBER

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

C.A.T.  
Ahmadabad Bench

- a) Serial Number of the Application : CM/416, 417/86  
b) Name of the Applicant : Shri J.D. Ajmera  
c) Date of presentation of application for copy : 01/07/87  
d) Number of Pages : Seven (7)  
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

MA/16/86  
with  
OA/47/86

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 OA/16/86 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 17.10.1986 and again by an order dated 17.4.1986 his appointment was further extended upto 14.7.1986. The position regard to the applicant in OA/47/86 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.

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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 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

contd., 3/-

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 some-where. 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 new comers 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. edabad nich. Before parting with this application we would 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/-

SP/ 50

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. SHIVANAN)  
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-Estt.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 Lakshman 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  
in 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 Sayamrayan Sharma & others V/o.  
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.

2-11-93  
18/2/93

18/2/93

11

9

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.E. Shah Committee and later by the Committee headed by Smt S.S. Iyer, Chief Engineer (North). When the R.E. 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 up to 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.E. Shah Committee Report, it had been made clear in Para 4 of CWC Circular No.1/5/86-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 work-charged 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 work-charged 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/-

May kindly see Mr. 31/8

Instructions from our office issued to all Divisions & all which compliance

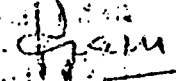
3/5

SECC

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 khalasis in Central Water Commission during monsoon season. As far as possible, only minimum number should now be recruited and seniority list of such khalasis 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 khalasis of preceding years and who possess the requisite qualifications and satisfy other conditions should be considered. No direct recruitment of khalasis other than from among seasonal khalasis be resorted to till further orders. This issues with the approval of Chief Engineer (AC&T).

Yours faithfully,



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

13

51

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*  
(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.0/3/93-Coord./451, dated 4.3.1993.

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

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 ESTT. IIP.

6/5 - M. S. D.  
M  
6/5

contd..... 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.

IMMEDIATE  
TRIBUNAL MATTER

No.1/3/90-Estt.XII/783-85  
Government of India  
Central Water Commission  
\*\*\*\*\*

Room No. 312, Sewa Bhawan,  
R.K. Puram, New Delhi-110066.

Dated, the 18th April, 1995.

✓  
To

The Superintending Engineer,  
Brahmaputra Barak Circle,  
Central Water Commission,  
Nabin Nagar, Janpath,  
Guwahati-781024 (Assam).

**Subject:-** CAT Cases and Industrial Dispute regarding regularisation of services of Seasonal/Ad-hoc Work-charged Employees and grant of Temporary Status under Middle Brahmaputra Division, Central Water Commission, Guwahati.

**Reference:-** Executive Engineer, Middle Brahmaputra Division, Central Water Commission, Guwahati letters' No.

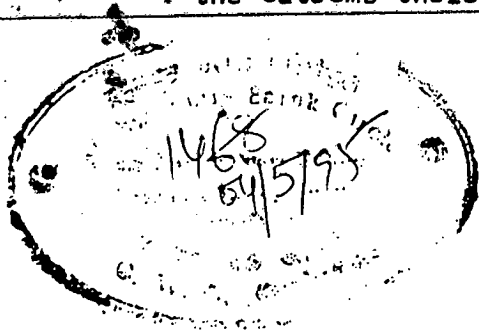
- i) No. MBD/WC/Estt./53/93/1368-70, dated 28.2.95 &  
ii) No. MBD/Gau/WC/Estt.54(CAT)/93/1365-67, dated 28.2.95.

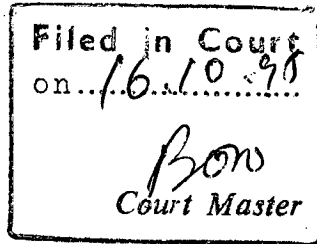
Sir,

I am to refer to the above captioned letters of Executive Engineer, Middle Brahmaputra Division, Central Water Commission, Guwahati, on the subject and to say that "the issue regarding formulation of a Scheme in Central Water Commission for grant of temporary status to Seasonal/Ad-hoc Work-charged employees on the analogy of the Scheme enunciated in the DOPT O.M. No.51016/2/90-Estt.(C), dated 10.9.93 has not yet been finalised and the same is still under active consideration in consultation with Ministry of Water Resources, Ministry of Law and Department of Personnel & Training. Accordingly, the outcome thereof may be awaited."

Yours faithfully,

*B.R. Sharma*  
(B.R. SHARMA)  
UNDER SECRETARY (TS)  
TELE. NO. 607794.





55  
Flu...  
S...  
A...  
for...  
16.10.95

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL GUWAHATI - BENCH

Case No. O.A. 242 of 1995

Sri Dibakar Das & 3 others.

..... Applicants.

-Versus-

Union of India & ors. .... Respondents.

The humble applicants beg to state the following additional facts for proper adjudication of the case :-

1. That the applicants did serve under the respondents in the Central water Commission, Upper Brahmaputra Division, Dibrugarh since 1992 and their period of service in every year till the date are as under :-

<u>Name</u>	<u>Period of Work</u>	<u>Days of work</u>	<u>Order, Annex-N</u>
1. Dibakar Das	15-5-92 to 15-10-92	154 days	Annexure-5
" "	15-5-93 to 15-10-93	154 days	Annexure-6
" "	15-5-94 to 15-10-94	154 days	Annexure-7
" "	15-5-95 to 15-10-95	154 days	Annexure-1
<hr/>			
2. Naren Das	15-5-92 to 15-10-92	154 days	Annexure -8
" "	15-5-93 to 15-10-93	154 days	9
" "	15-5-94 to 15-10-94	154 days	10
" "	15-5-95 to 15-10-95	154 days	2
<hr/>			
3. Smti Saswati Mitra	15-5-92 to 15-10-92	154 days	11
" " "	15-5-93 to 15-10-93	154 days	12
" " "	1-4-94 to 13-5-94	197 days	13 & 13 A
" " "	15-5-94 to 15-10-94		
" " "	15-5-95 to 15-10-95	154 days	3

Received copy  
C. K. Das  
- Sr. CSSE  
16/10/95



4.	Sri Ajoy Sinha	15-5-92 to 15-10-92	154 days	14	
"	"	"	15-5-93 to 15-10-93	154 days	14-A
"	"	"	15-5-94 to 15-10-94	154 days	15
"	"	"	15-5-95 to 15-10-95	154 days	4

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2. That the applicants beg 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 Par, Dholla, Margherita, Pasi Ghat, Tezu, Nanglamora ghat, Miaon and Namsai.

3. That as per the last appointment letters (Annexure 1,2,3,& 4 the life of service is upto 15-10-95 and no extension order having been issued the applicants will be and of employment 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 a applicant entitled to because he had already acquired temporary status.

4. That the applicants served under the respondent during last 4 years without being regularised and by this time the applicants No. 1,2, and 3 are 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 bound shall ever pray.

Verification.....

VERIFICATION

I Sri Dibakar Das, Son of Late Bhupal Ch. Das aged about 30 years, by occupation service resident of West Chawkidingee, Dibrugarh P.O. P.S. Dibrugarh, Dist: Dibrugarh, one of the Applicant do hereby affirm and state that the statements made in the above petition are true to my knowledge believe and ~~for~~ information.

I Sign this verification on this 14th day of October 1995 at Dibrugarh.

*Dibakar Das.*

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Signature.

GRAM : FORECAST.

ANNEX/13A

PHONE : 20799

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

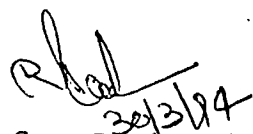
NO.UBD/Dib/WC-3/1697-700

Dated, Dibrugarh the 30.3.94

OFFICE ORDER

The undersigned hereby appoints Miss Saswati Mitra on a temporary post of Work-Charged Khalasi on ad-hoc basis on a consolidated pay of Rs.875/- (Rupees eight hundred seventy five) only per month for a specified period of 1.4.94 (FN) to 13.5.94 (AN).


The post is purely ad-hoc and will continue upto 13.5.94 (AN). It will not confer any title to further employment. The appointing authority reserves the right of terminating the service of the appointee at any time without assigning any reason.

  
( R. S. Goel )  
Executive Engineer

To,  
Miss Saswati Mitra  
Khaliamari, Dibrugarh

Copy to : JE(A)/JAO/G-5/JE(S)

( R. S. Goel )  
Executive Engineer

  
(S. Sanyal)

ANNEX. 14C

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

NO. UBD/Dib/WC-3/93/12392-1477 Dated, Dibrugarh the 20.3.93

To,

Shri, Dijay Singh  
Dibrugarh

Sub :- Appointment for the post of W/C Khalasi (Seasonal)

You are hereby directed to submit application in the enclosed proforma; for consideration of your case for the post of W/C Khalasi(Seasonal) for 1993 season alongwith copies of educational qualification certificate. Completed application with relevent certificate should reach this office on or before 20.4.93 positively, and thereafter no application will be entertained in any circumstances.

Please note that your case will not be considered, if you fail to submit the application in time and in that case your particulars will stand cancelled for future appointment.

Encl:-Application form.

Executive Engineer  
U. B. Division, CWC, Dibrugarh

bcg/

(S. Mone) Advocate

IN THE CENTRAL ADMN. TRIBUNAL GUWAHATI BENCH

O.A. 202/95

0.11.95

Files by:  
Sri L. P. Datta  
Advocate for petitioners

Filed in Court  
on 9/11/95  
B.D.  
Court Master

Sri Dibakar Das and others....Petitioners

-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.

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 of the Dibrugarh Divisio. Presently 50 posts

Contd. 2....

are filledup by regular employee and rest arelying vacant since last 5-6 years.

4. That the petitioner beg to state that there are as many as 17-Work Charge employee who are working since last 12 years to 3 years. On seasonal basis abd as such it is evident that there is substantial posts against which services of work charge employees are 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, Sibsarag and Chaldhowaghat where minimum required employees are 3 #n each site so actual vacancy 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

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I Sri Dibakar Das S/O Late Bhupal Ch.Das the petitioner do hereby solemnly affirm and declare 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.