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CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

M.P-80/96 ordersheet pg-1 to 2

Disposed Date-18/9/96

INDEX

M.P-160/96 ordersheet pg-1 to 7

Disposed Date-15/10/96

✓ O.A/T.A No. 277/95.....

R.A/C.P No.....

E.P/M.A No. 80/96.....

1. Orders Sheet O.A-277/95..... Pg. 1..... to 5.....
2. Judgment/Order dtd. 07/7/97..... Pg. 1..... to 7..... Disposed
3. Judgment & Order dtd..... Received from H.C/Supreme Court
4. O.A..... 277/95..... Pg. 1..... to 40.....
5. E.P/M.P..... 80/96..... Pg. 1..... to
6. R.A/C.P..... 160/96..... Pg. 1..... to 22.....
7. W.S..... Pg. 1..... to 5.....
8. Rejoinder M.P-221/96 ordersheet Pg. 1..... to 3.....
9. Reply..... Disposed Date-18/12/96 Pg. 1..... to
10. Any other Papers. Reff. from Copy..... Pg. 1..... to 9.....
11. Memo of Appearance.....
12. Additional Affidavit.....
13. Written Arguments.....
14. Amendment Reply by Respondents.....
15. Amendment Reply filed by the Applicant.....
16. Counter Reply.....

SECTION OFFICER (Judl.)

CENTRAL ADMINISTRATIVE TRIBUNAL : GUWAHATI BENCH : GUWAHATI

ORIGINAL APPLN.NO.	277 OF 1995
TRANSFER APPLN.NO.	OF 1995
CONT EMPT APPLN.NO.	OF 1995 (IN NO.)
REVIEW APPLN.NO.	OF 1995 (IN NO.)
MISC. PETITION NO.	OF 1995 (IN NO.)

S. Narzary & Ors. APPLICANT(S)

-vs-

.....vs..... RESPONDENT(S)

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

Mr. B. Mehta

Mr.

Mr.

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

For the Respondent(s)

OFFICE NOTE

DATE

ORDER

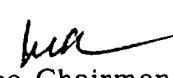
15.12.95

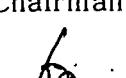
Mr B.K. Sharma for the applicants.

Mr S. Ali, Sr. C.G.S.C., for the respondents on notice.

O.A. admitted. Issue notice to the respondents. 8 weeks for written statement. Adjourned to 20.2.1996 for orders.

Mr B.K. Sharma prays for interim relief. While making it clear that the respondents might re-engage the applicants till the Scheme is prepared without prejudice to the rights and contentions in this application and expecting a positive response from them no other order at this stage. We have no doubt that the authorities concerned will be mindful of the requirement of justice that till these persons are considered for absorption under the Scheme and as they have worked for requisite days it would be harsh upon them to be rendered unemployed and, therefore, these cases require a sympathetic consideration.


Vice-Chairman


Member

Order: d. 15-12-95

..... to all concerned
No. 5378-82 d. 19-12-95

nkm

20.2.96

(contd. to Page No.2)

1871a Revisits are done
on 1-1-96 & come with
no. 69-72 d. 5-1-96 By order 2.4.96

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

OFFICE NOTE	DATE	ORDER
Office Seal on R.no. 1/23 <i>6/3/96</i>	2.4.96	Mr. B. Mehta for the applicant. Written statement has been submitted by respondents. Case is ready for hearing. List for hearing on 3.6.96.
W/Statement filed Sealed <i>19/2</i>	pg.	<i>6</i> Member
<u>22.2.96</u> <i>W/S furnished by 1st Respondent No. 1, 2, 3 & 4.</i>	3-6-96	Learned counsel Mr. B.K. Sharma for the applicant. Mr. S. Ali, Sr. C.G.S.C. for the respondents. At the request of Mr. S. Ali case is adjourned to 12-6-96. List on 12-6-96.
<i>1m</i>		<i>6</i> Member (A) <i>6</i> Member (J)
	12.6.96	Leave note of Mr. B.K. Sharma for the applicants and Mr. S. Ali, Sr. C.G.S.C. for the respondents. Hearing adjourned to 21.6.96. To be heard alongwith analogous cases.
<i>trd</i>		<i>6</i> Member (J) <i>6</i> Member (A)

21-6-96

None is present. List for hearing on 22-7-96.

60
Member

1m

22-7-96

Learned Sr.C.G.S.C. Mr.S.Ali for the respondents. List for hearing on 20-8-96.

60
Member

1m

22-7-96

20.8.96

List for hearing on 13.9.96.

60
Member

pg

M/8
20/8

18.9.96

respondents.

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

60
Member

trd

17.10.96

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

List for hearing on 5.12.96.

60
Member

pg

M/8
17/18

18.12.96

Vide order today in M.P.221/96
 the interim order dated 15.10.96 in
 M.P.160/96 has been modified.

60-8-08

Member

60-8-08
pg

10.3.97

Let the case be listed on 21.4.1997 for
 hearing.

60
Member

60-8-08

Vice-Chairman

trd

60
17/3

Ready for hearing.

21.4.97

Let the case be listed for hearing
 on 2.6.97.

60
Member

Vice-Chairman

30.5.97

1) No court fee pg
 stamp in rokathana 27A

2) Memo of appearance
 not yet filed by
 the Senior C.G.S.C.

60
30/5.

2.6.97

The respondents have filed an affidavit in Misc. Petition No. 94/97 stating inter alia that the scheme has since been approved and it is likely to be notified. In view of the above Mr. B.K.Sharma, learned counsel appearing on behalf of the applicant submits unless the scheme is notified and he comes to know about the scheme it will be difficult for ^{him} us and for that purpose Mr. Sharma prays for time till the scheme is notified. Mr. M.K.Gupta, learned Addl. C.G.S.C. submits that the scheme will be notified very soon, may be within three weeks. Mr. S.Ali, learned Sr. C.G.S.C. and Mr. M.K.Gupta, learned Addl. C.G.S.C. also agreed that the matter should be heard after the publication of the scheme.

Considering the submissions of the learned counsel for the parties we adjourn the case till 7.7.1997.

6a

Member

Sb

Vice-Chairman

pg

g
31b

7.7.97

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

Member

Vice-Chairman

Copy of the Judgment
issued to the Parties trd
wide despatch No. 3
3187 to 3191 dated
3-7-97 through
Regd. with A/D.

X

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH : GUWAHATI-5

O.A. Nos.277/95, 276/95, 214/95, 215/95, 278/95, 22/96, 23/96,
222/96, 223/96, 224/96, 240/96, 241/96, 247/96, 252/96, 253/96, 263/96,
258/96, 237/96, 58/97 and 51/96.

Date of decision 7.7.1997

Sri S.Narzary & Ors.(Series)

PETITIONER(S)

Mr. B.K.Sharma & Mr. B.Mehta, Mr. S.Sarma,
Mr. S.Ahmed.

ADVOCATE FOR THE
PETITIONER(S)

VERSUS

Union of India & Ors.

RESPONDENT(S)

Mr. S.Ali, Sr.C.G.S.C. & Mr. M.K.Gupta, Addl.C.G.S.C. ADVOCATE FOR THE
RESPONDENT(S)

THE HON'BLE MR. JUSTICE D.N.BARUAH, VICE-CHAIRMAN.

THE HON'BLE SHRI G.L.SANGLYINE, ADMINISTRATIVE MEMBER.

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

Judgement delivered by Hon'ble Vice-Chairman.



CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH

Original Application No. 277 of 1995 (Series).

Date of decision : This the 7th day of July, 1997.

Hon'ble Mr. Justice D.N.Baruah, Vice-Chairman.

Hon'ble Shri G.L.Sanglyine, Administrative Member.

O.A. No. 277 of 1995.

Shri Subhash Narzary & 13 Ors.

Applicants

By Advocate Mr. B.K.Sharma.

-versus-

Union of India & Ors.

Respondents

By Advocate Mr. S.Ali, learned Sr. C.G.S.C. with Mr. M.K. Gupta, learned Addl. C.G.S.C.

O.A. No. 276 of 1995.

Shri Dhani Ram Nath & 14 Ors.

Applicants

By Advocate Mr. B.K.Sharma.

-versus-

Union of India & Ors.

Respondents

By Advocate Mr. S.Ali, learned Sr. C.G.S.C. with Mr. M.K.Gupta, learned Addl.C.G.S.C.

O.A. No. 214 of 1995.

Shri Hem Ram Nath & 7 Ors.

Applicants

By Advocate Mr. B.K.Sharma.

-versus-

Union of India & Ors.

Respondents.

By Advocate Mr. S.Ali, learned Sr. C.G.S.C. with Mr. M.K.Gupta, learned Addl.C.G.S.C.

O.A. No. 215 of 1995.

Shri Dilip Chandra Khataniar & 7 Ors.

Applicants

By Advocate Mr. B.K.Sharma.

-versus-

Union of India & Ors.

Respondents

By Advocate Mr. S.Ali, learned Sr.C.G.S.C. with Mr. M.K. Gupta, learned Addl.C.G.S.C.

O.A. No.278 of 1995.

Md. Nur Hussain & 7 Ors.

Applicants.

By Advocate Mr. B.K.Sharma.

-versus-

Union of India & Ors.

Respondents

By Advocate Mr. S.Ali, learned Sr. C.G.S.C. with Mr. M.K. Gupta, learned Addl.C.G.S.C.,

O.A. No. 22 of 1996.

Shri Mani Ram Basumatary & Ors.

Applicants

By Advocate Mr. B.K.Sharma.

-versus-

Union of India & Ors.

By Advocate Mr. S.Ali, learned Sr.C.G.S.C. with Mr. M.K.Gupta, learned Addl.C.G.S.C.

O.A. No.23 of 1996.

Md. Rahmat Ali

Applicant

By Advocate Mr. B.K.Sharma.

-versus-

Union of India & Ors.

Respondents

By Advocate Mr. S.Ali, learned Sr.C.G.S.C. with Mr. M.K.Gupta, learned Addl.C.G.S.C.

O.A. No. 222 of 1996.

Firoze Khan & 10 Ors.

Applicants

By Advocate Mr. B.K.Sharma.

-versus-

Union of India & Ors.

Respondents

By Advocate Mr. S.Ali, learned Sr.C.G.S.C. with Mr. M.K.Gupta, learned Addl.C.G.S.C.

O.A. No. 223 of 1996.

Shri Akhil Pathak & Ors.

Applicants.

By Advocate Mr. B.K.Sharma.

-versus-

Union of India & Ors.

Respondents.

By Advocate Mr. S.Ali, learned Sr.C.G.S.C. with Mr. M.K.Gupta, learned Addl.C.G.S.C.

DR

O.A. No. 224 of 1996.

Shri Pratap Chandra Sarma & 2 Ors.

Applicants.

By Advocate Mr. B.K.Sharma.

-versus-

Union of India & Ors.

Respondents.

By Advocate Mr. S.Ali, learned Sr.C.G.S.C. with Mr. M.K.Gupta, learned Addl.C.G.S.C.

O.A. No. 240 of 1996.

Md. Imran Hussain

Applicant

By Advocate Mr. B.K.Sharma.

-versus-

Union of India & Ors.

Respondents.

By Advocate Mr. S.Ali, learned Sr.C.G.S.C. with Mr. M.K.Gupta, learned Addl.C.G.S.C.

O.A. No. 241 of 1996.

Harish Chandra Barman & 5 Ors.

Applicants.

By Advocate Mr. B.K.Sharma.

-versus-

Union of India & Ors.

Respondents.

By Advocate Mr. S.Ali, learned Sr.C.G.S.C. with Mr. M.K.Gupta, learned Addl.C.G.S.C.

O.A. No. 247 of 1996.

Shri Bhabesh Chandra Das & 7 Ors.

Applicants.

By Advocate Mr. B.K.Sharma.

-versus-

Union of India & Ors.

Respondents.

By Advocate Mr. S.Ali, learned Sr.C.G.S.C. with Mr. M.K.Gupta, learned Addl.C.G.S.C.

O.A. No. 252 of 1996 & 14 Ors.

Applicants.

By Advocate Mr. B.K.Sharma.

-versus-

Union of India & Ors.

Respondents.

By Advocate Mr. S.Ali, learned Sr.C.G.S.C. with Mr. M.K.Gupta, learned Addl.C.G.S.C.

Contd....

8/3

O.A. No. 253 of 1996.

Karuna Kanta Baishya & 6 Ors.

Applicants.

By Advocate Mr. B.K.Sharma.

-versus-

Union of India & Ors.

Respondents

By Advocate Mr. S.Ali, learned Sr.C.G.S.C. with Mr. M.K.Gupta, learned Addl.C.G.S.C.

O.A. No. 263 of 1996.

Md. Mirkashim Ali & 16 Ors.

Applicants.

By Advocate Mr. B.K.Sharma.

-versus-

Union of India & Ors.

Respondents.

By Advocate Mr. S.Ali, learned Sr.C.G.S.C. with Mr. M.K.Gupta, learned Addl.C.G.S.C.

O.A. No. 258 of 1996.

Shri Pradip Kumar Roy & 11 Ors.

Applicants.

By Advocate Mr. B.K.Sharma.

-versus-

Union of India & Ors.

Respondents.

By Advocate Mr. S.Ali, learned Sr.C.G.S.C. with Mr. M.K.Gupta, learned Addl.C.G.S.C.

O.A. No. 237 of 1996

Shri Gadadhar Bharali

Applicant.

By Advocate Mr. A.Ahmed.

-versus-

Union of India & Ors.

Respondents.

By Advocate Mr. S.Ali, learned Sr.C.G.S.C. with Mr. M.K.Gupta, learned Addl.C.G.S.C.

O.A. No. 58 of 1997.

Sri Babul Kumar Sen & 8 Ors.

Applicants

By Advocate Mr. B.K.Sharma.

-versus-

Union of India & Ors.

Respondents.

By Advocate Mr. S.Ali, learned Sr.C.G.S.C. with Mr. M.K.Gupta, learned Addl.C.G.S.C.



O.A. No. 51 of 1996.

Shri Hitesh Sarmah & 10 Ors.

Applicants.

By Advocate Mr. B.K.Sharma.

-versus-

Union of India & Ors.

Respondents.

By Advocate Mr. S.Ali, learned Sr.C.G.S.C. with Mr. M.K.Gupta, learned Addl.C.G.S.C.

O R D E R

BARUAH J. (V.C.).

All the above applications involve common questions of law and similar facts, therefore we propose to dispose of all the above applications by a common order.

2. The applicants of the above applications are engaged as Khalasis in Central Water Commission and that way they have been discharging their engagements. After rendering several years of service, the applicants claimed regularisation as had been done in other similar engagements. However, the authority concerned rejected the claim and refused to regularise them in their engagements. Hence the present applications.

3. These applications were admitted on various dates in the years 1995 and 1996 except the application bearing Original Application No. 58 of 1997. During the pendency of these applications this Tribunal passed order on 15.10.1996 in M.P. No. 157 of 1996 arising out of Original Application No. 214 of 1996 directing the respondents to make a scheme for regularisation of the concerned applicants. Later to the said order, a similar order was passed by the Calcutta Bench of the Central Administrative Tribunal in O.A. No. 1300/94. The Ministry of Water Resources, Govt. of India thereafter



13
prepared a scheme and the said scheme has been placed before this Tribunal today by the learned counsel for the Respondents. After submission of the scheme so prepared, Mr. S.Ali, learned Sr.C.G.S.C. and Mr. M.K.Gupta, learned Addl.C.G.S.C. submit before us that in view of the preparation of the scheme all the applications have become infructuous.

4. Mr. B.K.Sharma, learned counsel appearing on behalf of the applicants on the other hand submits before us that the decision of the Principal Bench of the Central Administrative Tribunal passed in O.A. No. 223/92 and other analogous cases directing the respondents to prepare a scheme. However, there is no mention about this in the present scheme filed today before this Tribunal. Mr. Sharma has also nurtured an apprehension that after commencement of the scheme if the applicants would be allowed to work only 5 months in a season then what will happen to the applicants have not been clearly stated in the scheme. Fate of the applicants are not certain. To counter this, Mr. M.K.Gupta, has drawn our attention to sub para (iii) of paragraph 5 at page 2. In that paragraph it has been specifically mentioned as follows :

"Conferment of temporary status on the workcharged seasonal khalasis concerned will not involve any change in their duties and responsibilities. The engagement will be on need basis and payment will be made as per clause 6(i) of the scheme. Such temporary employees would enjoy temporary status only for and during the period of their engagement."

5. According to Mr. Gupta this has taken care of the case of the applicants and there is no scope of any apprehension as submitted by Mr. Sharma. We agree with the submission of Mr. Gupta.

....The 2nd

28

The 2nd submission of Mr. Sharma is that there are certain applicants who are also covered by the 1993 scheme. Whether they would be covered by 1993 scheme, Mr. Gupta has submitted that it depends upon the facts of each case.

6. However, after hearing of the cases Mr. Sharma prays withdrawal of the cases, with liberty to the applicants to approach this Tribunal in case the present scheme stand as a hindrance in getting their regularisation. Learned counsel further submits that some of the applicants may claim the benefit of the earlier scheme. Mr. Gupta has no objection if liberty is given in as much as they are entitled to under the law.

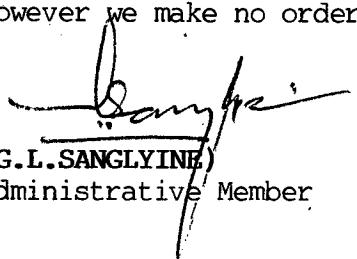
7. Considering the submissions made by the learned counsel for the parties we dispose of the applications as infructuous, however liberty is given as follows :

1. To challenge the scheme if so advised.
2. To claim benefit by some of the employees under 1993 scheme for Grant of Temporary Status and Regularisation.

8. Mr. Sharma also submits that against their grievances the applicants may be permitted to file representation to the authorities to that also Mr. Gupta very fairly informs that he has no objection.

9. The applications are accordingly disposed of as infructuous.

10. Considering the entire facts and circumstances of cases, however we make no order as to costs.


(G.L.SANGLYINE)
Administrative Member


(D.N.BARUAH)
Vice-Chairman

Central Administrative Tribunal
Guwahati Bench
15 DEC 1995 *(Signature)* 5
BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

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

Title of the Case : O.A. No. 277 of 1995

Shri Subhash Narzary & Others Applicants

- Versus -

Union of India & Others Respondents

I N D E X

<u>Sl. No.</u>	<u>Particulars of the documents</u>	<u>Page Nos.</u>
1.	Application	1 to 12
2.	Verification	13
3.	Annexure-A	14, 15
4.	Annexure-B1 to B13	16 to 28
5.	Annexure-C	29 to 35
6.	Annexure-D	36 to 40

For use in Tribunal's office

Date of filing : 15.12.95
Registration No.: OA 277/25

REGISTRAR

File No. 16
B. M. D. K. H.
15.12.95
Filing the Application
through

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH

BETWEEN

O.A. No. 277/95

- 1) Sri Subhash Narzary
- 2) Sri Manoj Kumar Sarkar
- 3) Shri Dayal Ch. Doleyary
- 4) Shri Madhu Kr. Sarkar
- 5) Sri Dhandi Ram Nath
- 6) Sri Kishori Talukdar
- 7) Sri Rajib Kal
- 8) Sri Kanak Ch. Das
- 9) Srimati A. Begum
- 10) Sri Dilip Kr. Sarkar
- 11) Sri Jaleswar Roy
- 12) Sri Dilip Kr. Nath
- 13) Sri Hemant Kr. Medhi

All are working under Central Water Commission, Manas Sub-Division Barpeta Road, Dist- Barpeta as indicated in Annexure A to O.A.

...Applicant

AND

(1) U.O.I. represented by the Secretary to the Govt. of India, Ministry of Water Resources, Charan Shakti Bhawan.

(2) The Chairman,

Central Water Commission, Sewa Bhavan, R.K. Puram
New Delhi.

(3) The Executive Engineer,

Middle Brahmaputra Division, C.W.C.

Guwahati-7 (Rajgarh Road)

Copy Served on to
Mr. S. Ali, S.C.C.
on 15.12.95
R.D.
A.D.

(4) The Assistant Executive Engineer,
Manas Sub-Division, Central Water
Commission, Barpeta Road, Barpeta

....Respondents

DETAILS OF APPLICATION

1) PARTICULARS OF THE ORDER AGAINST WHICH THE APPLICATION
IS MADE

The instant application is not made against any particular order but has been made seeking a relief towards regularisation of the aforesaid applicants services. Recently they were/are under the casual employment/worked charged khalasi under the respondents and as per the scheme prevalent as well as the verdict of the Apex Court, they are entitled to be granted with temporary states with further regularisation of their services.

2) LIMITATION

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

3) JURISDICTION OF THE TRIBUNAL

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

4) FACTS OF THE CASE

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

4.2. That the applicants have filed the instant application before this Hon'ble Tribunal for redressal of their grievances towards non-regularisation of their services as Grade 'D' employees. The grievances of the applicants and the cause of action for which the applicants have come before this Hon'ble Tribunal for redressal of the same are similar. They belong to lower stratum of the Society and holder of Gr. 'D' post on casual basis and accordingly crave leave of this Hon'ble Tribunal to allow them to join together in this single application invoking the powers under Rule 4(5) (a) of the Central Administrative Tribunal (Procedure) Rules 1987.

4.3. That the applicants are all similarly situated. Their grievances pertinent to the services under the respondents. All the applicants here have been working under the respondents as worked Charged Khalasi (Casual) basis for last several years without any ray of hope of regularisation of their services. They have not even granted temporary status under the scheme formulated by the Govt. of India. For better appreciation and to draw Your Lordships kind attention, the service particulars of the applicants are reflected in Annexure 'A' to the instant application. In this said Annexure the applicants have given the respective service particulars in details and the applicants crave leave of this Hon'ble Tribunal to refer the same in support of their contention made in this application instead of repeating the said contention and to minimise the cost of the application.

4.4. That the applicants state that as is reflected in Annexure 'A' Statement annexed to this O.A., they have been working under the respondents since 1982, 1982.

1985, 1987, 1979, 1982, 1982, 1981, 1989, 1983, 1987, 1983 and 1983 respectively. They were so appointed in Gr. 'D' employment as worked charged khalasi after their names were sponsored through Employment Exchange and they were selected for the post of worked charged khalasi. Their appointment are continued from year to year. They are issued with appointment letters under which they are to work in Gr. 'D' post as works charged khalasi in a definite scale of pay. Presently they are given pay scale of Rs 750/- to Rs 940/- which is the prescribed scale of Gr. 'D' employees. However, the applicants services are terminated and/or they are kept in Employment for a definite period and often they are engaged on casual basis for the rest of the period in the year. Again in the next year, they were appointed for a further period. Thus, the procedure is going on since the time of their appointments and inspite of the fact that Govt. of India has formulated a policy decision for grant of temporary decision. With the consequence of regularisation in due process. The applicants are still deprived of their benefit. Their services are rather being terminated from time to time. All the applicants have put on more than 240 days of working particulars so as to be entitled for grant of temporary status.

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

Their such appointments are not in dispute
and thus instead of ^{annexing} ~~according~~ all the appointments letters

pertaining to all the orders, the applicants beg to annexe one each of their such appointment letters and the same are marked as ANNEXURE B/1 to B/13.

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

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

4.7 That the applicants state that some of the Gr. 'D' employees of the Central Water Commission similarly situated like that of the applicants had moved the Principal Bench of the Hon'ble CAT, New Delhi, by way of filing various OAs wherein some kind of grievances have been raised in the instant application were raised. The Principal Bench of the Hon'ble CAT by its judgement dt. 10.2.94, in, O.A. No. 273/92, 604/92, 1601/92 and 2418/92 allowed the said OAs with the following directions:

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

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

(iii) adhoc/temporary employees should not

be replaced by other adhoc/temporary employees and should be retained in preference to their juniors and outsiders.

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

There shall be no order as to costs."

A copy of the said judgement is annexed herewith and marked as ANNEXURE-C.

4.8 That the applicants state that the said judgement was carried on review by the respondents therein but the same was dismissed by the Hon'ble Tribunal by its judgement and order dated 9.9.94.

A copy of the said judgement dated 9.5.94 is annexed herewith and marked as ANNEXURE 'D'.

4.9 That pursuant to the aforesaid judgement, the applicants therein have been granted temporary status and to the knowledge of the applicants, all the applicants therein have been continuing in their services without any interruption and break and they enjoying the consequences of granting the temporary status. One of the applicants in the aforesaid O.A. has been transferred to Shillong and he has been continuing as a Gr. 'D' employee on conferment of temporary status will all consequential benefit. After the aforesaid judgement there has b

benefit. After the aforesaid judgement there has been no occasion to terminate the services of the applicants therein and they are enjoying the benefits of temporary status as per the scheme holding the field. The Central Water Commission has formulated and adopted the scheme as was formulated by the Government, Ministry of Personnel & Public grievances with slight modification here and there, more particularly, as regards number of working days. The respondents may be directed to produce a copy of the same formulated by them under which the applicants are entitled to be conferred with temporary status with all consequential benefits.

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

4.11 That the applicants state that in view of the aforesaid judgement of the Principal Bench, pertaining to the same department, there is no earthly reason as to why the benefit of the said judgement should not be extended to the present applicants. The respondents of their own right to have extended the benefit of the

said judgement to the applicants instead of making them to come under the protective hands of this Hon'ble Tribunal.

4.12 That the applicants state that in view of the facts and circumstances stated above, they are entitled to be conferred with temporary status and thereafter regularisation of their services. The applicants further state that it is their reasonably apprehension that since they come under the protective hands of this Hon'ble Tribunal their services may not be continued and thus, it is a fit case for an interim order directing the respondents not to terminate the services of the applicants till disposal of the instant O.A. Their repeated representations have not yielded any result.

5. GROUNDS FOR RELIEF WITH LEGAL PROVISIONS

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

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

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

5.4 For that the Constitutional mandates demand that the services of the applicants be regularized and their services should not be utilised in exploitative terms as has

been done by the respondents in the instant case.

5.5. For that the benefit of the scheme of regularisation as well as the verdict of the Apex Court and confirmation to temporary status have not been given to other. Similarly situated employees like as the instant applicants in the O.A. and their is no earthly reason as to why the same treatment should not be meted out to the applicant.

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

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

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

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

6. DETAILS OF REMEDIES EXHAUSTED :

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

7. MATTERS NOT PREVIOUSLY FILED OR PENDING BEFORE ANY OTHER COURT:

The applicants further declare that they have not previously filed any application, writ petition or suit regarding the matter in respect of which the application has been made before any court of law, or any other authority and/or other Bench of the Tribunal and/or any such application writ petition or suit is pending before any of them. The applicants further beg to state that time to time in every year they have been making representation to the authority concerned but till date no fruitful purpose have been served.

8. RELIEF SOUGHT

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

1. To direct the respondents to regularise the services of the applicants with retrospective effect i.e., the respective dates of their appointment with all consequential benefits including arrear salary and seniority.
2. To direct the respondents to extend the benefit of Annexure 'C' Judgement and order of the Principal Bench of the Hon'ble CAT New Delhi.

3. To direct the respondents not to terminate the services of the applicants and to allow them to continue in their service throughout the year till such time their services regularised.

4. Cost of the application

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

9. INTERIM ORDER PRAYED FOR : Under the facts and circumstances stated above the applicants has not prayed for any interim order at that stage, directing the respondents not to terminate the services of the applicants but the applicants prayed for a direction to allow them to continue in their services without any interruption.

The petitioner's further pray before Your Lordships for a further direction to the respondents to allow them to work in their respective posts as per earlier scheme, pending disposal of this O.A.

10.....

The application is filed through Advocate

11. PARTICULARS OF THE I.P.O. :

(i) I.P.O. No. :

(ii) Date, :

(iii) Payable at : Guwahati

12. LIST OF ENCLOSURES:

As stated in the Index.

verification.....

VERIFICATION

I, Sri Subhash Narzary, Son of I. Narzary
Narzary, R/o Vill- Mainamatepather P.O. Mainamate, Dist-
Barpeta do hereby solemnly affirm and verify that the
statements made in para 1 to 4 and 6 to 12 are true to
my knowledge and those made in para 5 are true to my
legal advice and I have not suppressed any material
facts.

And I am duly authorised by the applicants
in the instant O.A. to swear this verification.

And I sign this verification on 15th
this day of Dec, 1995 at Guwahati.

Deponent

Subhash Narzary

ANNEXURE - A

Sn No.	Name and Address	Age	Edu.	Qualification	Present place of works	Working as W/C Casual since
1.	Subhash Marjary P/o & Vill. Moinamati Borpeta Assam.	32.	H.S. L.C.		Central Water Commission Manas Sub-Divn (Borpeta-Road)	1982.
2.	Monaj Kumar Sarker. Vill. Deorikuchi. Borpeta, Assam.	36.	H.S. L.C.		- do -	1982.
3.	Dayal Ch. Doimari. Vill. Khalapara. P/o Sonaphuli. Borpeta, Assam	34.	H.S. L.C.		- do -	1985-
4.	Madhu Kumar Sarker. Vill Erertary. Borpeta, Assam	37.	H.S. L.C.		- do -	1987.
5.	Dandiram Nath. Vill. Ananda Pur P/o. Nityananda. Borpeta, Assam	36.	H.S. L.C.		- do -	1979.
6.	Kihori Talukder Vill : Ujanula P/o. Akaya. Borpeta, Assam.	39.	H.S. L.C.		- do -	1982.
7.	Rajib Kalita. Nunia Patti. Dhubri. Assam.	34.	IX		- do -	1982.

Arrested
B. Advocate
11.12.85

Sl No	Name and Address.	Age	Edu. Qualification.	Present place of posting.	Working as W/C casual Since.
8.	Kanak Ch Das Vill& po/ Sundardia. Borpeta, Assam	40.	VIII	Central Water Commission Manes Sub-Divn. (Borpeta-Road)	1981.
9.	Miss. A. Begam. Vill. Mushlim Patti. Borpeta, Assam	31.	H.S.S. L.C.	- do -	1989.
10.	Dilip Kr. Sarker. Vill. Deorikuchi. Borpeta, Assam.	37.	VIII	- do -	1983.
11.	Lalewser Roy. Mewatari, P/o Chapar. Boapeta Assam. (Dhubri)	31.	H.S. L.C.	- do -	1987.
12.	Dilip Kr Nath. North Borpeta Road. Borpeta, Assam.	32.	B.A.	- do -	1983.
13.	Hemanta Kr. Madhi. Vill. Demraya. P/o. Bhoakami. Via Pathsala. Boapeta, Assam.	38.	H.S. L.C.	- do -	1983.

*Amritpal
Bor. Ct
Advocate
m-12-55*

Pub-Sarania, Rajgarh Road,
Gauhati-781003.
Dated, Gauhati the 15/10/82

177 E M O R A N D U M

Subject:-

Appointment to temporary post of W/Charged
Seasonal Khalasi.

Shri... Subhas Narzary, S.O.
Employment Exchange.... Barpeta. Registration No 3445/78
is hereby informed that he has been selected for the post of Work-charged
Gauge data Khalasi in the scale of Rs.196-3-220-C-3-232/- with usual
allowances at the rates admissible under rules and subject to the condi-
tions laid-down in the rules and orders governing in grant of such allo-
wances in force from time to time.

The appointment is on adhoc basis and is purely tempo-
rary and will not continue beyond 15th October 1982 or completion of the
works which ever is earlier without further notice.

If the candidate accepts the offer of appointment on
the above terms, he should report himself for duty to Assistant Engineer,
C.F.F. Sub-Division, C.W.C., Barpeta Road,
at the place of posting Viz: G.C. City, Barpeta,
positively. Otherwise this offer will be treated as cancelled. (F.N.)

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

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

Shri... Subhas Narzary,
P.O. & Vill- Mainamati.

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

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

Copy to the Employment Officer, District/Sub-Divisional Employment Exch-
ange Gauhati/Barpeta/ Nalbari/Dhubri/Nowgong with reference to his letter.

attested
B. K. Adv. 12/55

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

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

ANNUALURE-B2

NO. MBD/WC/EST-24(A)/95/ 2973-86 Dated the 6/5/1995.

MEMORANDUM

The undersigned hereby offers appointment to the following persons as "Workcharged Seasonal Khalasi" in the workcharged establishment in the pay scale of Rs.750-12-870-3-14-940/- per month with usual allowances as admissible as per rules from time to time.

No.	Name & address of the candidate	Employment Exchange Regd.No.	Place of posting	Remarks
1.	Mrs. Arifa Begum C/O Taijuddin Ahmed Vill. Muslim Patty P.O. Barpeta.	BWP 957/83	Manas sub-divn. CWC, Barpeta Road.	
2.	Shri Mounu Kumar Sarker Vill. Skartori, P.C. Sra Basundi, Barpeta.	ERP 3794/86	400-	
3.	Shri Dilip Kumar Nath Vill. North Barpeta Road P.O. Barpeta.	BWD 3121/82	Bijni site.	
4.	Shri Hemanta Kr. Modhi Vill. Damriya, P.C. Bhokami, via Patshala, Barpeta.	ERP 2104/80	do-	
5.	Shri Rajib Kali, Kunipatty Ward No.5 P.O. Umabari.	Chubri 3554/84	Mothanguri	
6.	Shri Arup Seikia Madhupur College Nagar North Guwahati Guwahati-31.	Guwahati 6278/90	do-	
7.	Shri Monoj Kumar Sarker Vill. Dwarikuchi P.O. Barpeta.	ERP 5526/84	Manas N.H. Ring.	
8.	Shri Raji Loro Vill. Basiraper, P.C. Bhamari Guwahati-31.	Guwahati 1520/90	do-	
9.	Shri K. M. Basumatary Vill. Chechepani, P.C. Nagurmari, Nokrajhar.	ERP 898/79	Nokrajhar site	
10.	Shri Subash Daxiary Vill. Mainamati path P.O. Mainamati Barpeta.	BWP 5176/86	do-	

P.T.O.

Alurda
B/S
m. 12/95

NO. MBD/WC/EST-24(A)/95/2987-5 Dated the 6/5/1995.

3

MEMORANDUM

The undersigned hereby offers appointment to the following persons as "Workcharged Seasonal Khalasi" in the workcharged establishment in the pay scale of Rs.750-12-870-13-14-940/- per month with usual allowances as admissible as per rules from time to time.

S. No.	Name & address of the candidate	Employment Exchange Regd. No.	Place of posting	Remarks
1.	Shri Kanak Ch. Das Vill. Sundardia, P.O. Sundardia,	BRP 1918/78	Dhubri	
2.	Shri Jaleswar Roy C/O Mowatary. P.O. Chapper Dhubri.	Kokrajhar 279	-do-	
3.	Shri Narayan Ch. Das C/O D.C. Das, M.B. Division, CWC, Guwahati-7.	Guwahati 4211/82	Panbari	
4.	Shri Dilip Kr. Sarkar Vill. Dewrikuchi Barpeta.	BRP 250/83	-do-	
5.	Shri Dayal Ch. Doimari Vill. Khatalpara P.O. Senefuly Barpeta.	BRP 1308/80	Saralpara	
6.	Shri Dandi Ram Nath Vill. Anandapur, P.O. Nityananda, Barpeta.	Barpeta 5450/79	-do-	
7.	Shri Kishor Kr. Talukdar Vill. Lalun P.O. Akaya Barpeta Road.	BRP 3247/49	Beki	
8.	Shri Dinabandhu Mohanta C/O Jagin Ch. Mohanta P.O. & Vill. Chamaria Satra.	Guwahati 4926/86	Aie Site	
9.	Shri Atul Ch. Nath, Vill. Barpalha P.S. Kamalpur (Assam).	Guwahati 3038/92	Bahalpur	

P.T.O.

Mukesh
J. N. I.
Advocate
M. 12/95

GOVERNMENT OF INDIA
CENTRAL WATER COMMISSION
MIDDLE BRAHM-PUTRA DIVISION
RAJGARH ROAD, GUWAHATI-781007

NO. MBD/WC/ESTT-24(A)/95/2973-86 Dated the 6/5 /1995.

Under Certificate of Post
ANNEXURE-B 2

M E M O R A N D U M

The undersigned hereby offers appointment to the following persons as "Workcharged Seasonal Khalasi" in the workcharged establishment in the pay scale of Rs.750-12-870-13-14-940/- per month with usual allowances as admissible as per rules from time to time.

1. Name & address of the candidate	Employment Exchange Regd. No.	Place of posting	Remarks
1. Mrs. Arifa Begum C/O Taijuddin Ahmed Vill. Muslim Patty P.O. Barpeta.	BRP 957/83	Manas sub-divn., CWC, Barpeta Road.	
2. Shri Madhu Kumar Sarkar Vill. Kraitari, P.O. Era Bamundi, Barpeta.	BRP 3794/84	-do-	
3. Shri Dilip Kumar Nath Vill. North Barpeta Road P.O. Barpeta.	BRP 3121/82	Bijni site.	
4. Shri Hamanta Kr. Mechi Vill. Demriya, P.O. Moakami, via Patshala, Barpeta.	BRP 2104/80	-do-	
5. Shri Rajib Kali, Munipatty Ward No.5 P.O. Shubri.	Dhubri 3554/84	Nothanguri	
6. Shri Arup Saikia Madhupur College Nagar North Guwahati Guwahati-31.	Guwahati 6278/90	-do-	
7. Shri Monoj Kumar Sarkar Vill. Dewrikuchi Dist. Barpeta.	BRP 5526/84	Manas N.H. Ling.	
8. Shri Anil Boro Vill. Nizarapar, P.O. Chandmari Guwahati-3.	Guwahati 1520/80	-do-	
9. Shri M.R. Basumatary Vill. Cheechapani, P.O. Magurmaria, Kokrajhar.	BRP 898/79	Kokrajhar site	
10. Shri Subash Narzary Vill. Mainamati path P.O. Mainamati Barpeta.	BRP 5176/86	-do-	

P.T.O.

Attested
R. D. J.
Advocate
14-12-85

No.CFF/WC/Estt-24/ 3027-303
 Government of India
 Central Water Commission
 Central Flood Forecasting Division

Pub-Sarania, Rajgarh Road,
 Gauhati-781003
 Dated the 29/5/1979.

MEMORANDUM

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

Shri..... Dandi Ram Nath S/O.....

Employment Exchange..... Barpeta Registration No. 3234/77
 is hereby informed that he has been selected for the post of
 Work-charged Charge data Khalasi in the scale of Rs.196-3-220-EB-
 3-232/- with usual allowances at the rates admissible under
 rules and subject to the conditions laid down in the rules and
 orders governing in grant of such allowances in force from time
 to time.

The appointment is on adhoc basis and is purely tempo-
 rary and will not continue beyond 15th October 1979 or comple-
 tion of the works which ever is earlier without further notice.

If the candidate accepts the offer of appointment on
 the above terms, he should report himself for duty to Assistant
 Engineer, Control Room... Barpeta Road..... at the place of
 posting viz... on or before 28/5/79..... on 29/5/79.....(FN)
 positively. Otherwise this offer will be treated as cancelled.

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

Signature 29/5

DEPUTY DIRECTOR

C.F.F.DIVISION: CWC : GAUHATI-3

To:

Shri..... Dandi Ram Nath
 c/o. Assistant Engineer
 C.F.F. C/Rom, CWC
 Barpeta Road

Copy forwarded for information and necessary action to the
 Assistant Engineer (C) & (D), Gauhati/Control Room, Nalbari/
 Barpeta Road/Silchar. Further posting order may be issued from
 his end under intimation to the undersigned. The joining report
 in original may be sent to this office. The pay of the incum-
 bent is chargeable to R&M of Observational charges for 9/920
 data for 1979 80.

Copy to Accounts Branch, CFFD, Gauhati.

Copy to the Employment Officer, District/Sub-Divisional
 Employment Exchange Barpeta with reference to his
 letter No.....

DEPUTY DIRECTOR
 C.F.F.DIVISION: CWC : GAUHATI-3

Amrit
 Advocate
 14.2.95 547
 1/6/79 E-II

Pub-Sarania, Rajgarh Road,
Guwahati- 781003
Dated the 11/10/1984.

MEMORANDUM

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

Shri. Kishor Kumar Talukdar.....

Employment Exchange Barpeta..... Registration No 3247/79.. is hereby informed that he has been selected for the post of Work-charged Gauge data Khalasi in the scale of Rs.196-3-220-E8- rules and subject to the conditions laid down in the rules and orders governing in grant of such allowances in force from time to time.

The appointment is on adhoc basis and is purely temporary and will not continue beyond 15th October, 1984 or completion of the works which ever is earlier without further notice.

If the candidate accepts the offer of appointment on the above terms, he should report himself for duty to Asstt. Executive Engineer/Assistant Engineer, C.F.F. Sub-Division. CWC, Nalbari Barpeta Road.. at the place of posting viz..... on 15-5-84 (F.N) positively. Otherwise this offer will be treated as cancelled.

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

DEPUTY DIRECTOR
W.R. & F.F. Divn. I, CWC, GAUHATI

To Kishor Kr. Talukdar,
Shri
Vill. Ujanulwa
P.O.-Akaya.
Dist. Barpeta.

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

Copy to the Accounts Branch, WR&FFD-I, CWC, Guwahati-3.

Copy to the Employment Officer, District/Sub-Divisional Employ. Exchange No. with reference to his

DEPUTY DIRECTOR
W.R. & F.F. Divn. I, CWC, GAUHATI.

Attestd
P. S. De
Advocate
11.12.93

Pub-Sarania, Rajgarh Road,
Gauhati-781003,
Dated, Gauhati the 1/5/83,

MEMORANDUM

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

Shri Rajib Kali
S/O.....
Employment Exchange, Dhubri

Registration No. 213476 is hereby inform that he has been selected for the post of Work-Charged Gauge Khalasi in the scale of Rs. 195-3-220-E8-3-232/- with usual allowances at the rates admissible under rules and subject to the conditions laid down in the rules and orders governing in grant of such allowances in force from time to time.

The appointment is on adhoc basis and is purely temporary and will not continu beyond 15th. Oct. 1983 or completion of the works which ever is earlier without further notice.

If the candidate accepts the offer of appointment on the above terms, he should report himself for duty to Assistant Engineer, C.F.F. Sub-Division, C.W.C. Barpeta Road at the place of posting viz. 30.12.9-93 (F.N) positively. Otherwise this offer will be treated as cancelled.

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

DEPUTY DIRECTOR
WR&FFD-I, C.W.C.
GAUHATI-3.

To

✓ Shri Rajib Kali
S/O.....
Employment Exchange, Dhubri
Dhubri, Assam

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

Copy to Accounts Branch, WR & FFD-I, CWC, Gauhati.

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

DEPUTY DIRECTOR
WR&FFD-I, CWC, GAUHATI-3

Attest
B. S. Joshi
15.12.83

ANEXURE - B 8
NO.CFF/WC/Estdt-24-A/86/3278 - 82 88
Government of India
Central Water Commission
W.R. & Flood Forecasting Division-I,
Pub-Sarania, Rajgarh Road Guwahati-3.

Dated, Guwahati the 21 5 /86.

MEMORANDUM

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

Shri..... Kanak Ch. Das

Employment Exchange..... Barpeta Registration No..... 191878

is hereby informed that he has been selected for the post of Work-charged Gauge data Khalasi in the scale of Rs. 196-3-220-E8-3-232/- with usual allowances at the rates admissible under rules and subject to the conditions laid down in the rules and orders governing grant of such allowances in force from time to time.

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

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

site-in-charge, CWC, Beki under..... Asstt.Engineer, WR&FF Sub-Divn., Barpeta Road, (F.N.) positively. Otherwise this offer will be treated as cancelled.

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

..... dated 21/5/86.
(A. CHAKRABORTY)
DEPUTY DIRECTOR.

To, Shri..... Kanak Ch. Das,
..... Vill. & P.O. Sundaridia
..... Dist. Barpeta.....

Copy forwarded for information & necessary action to:-
1. A.E., WR&FF Sub-Divn., CWC, Barpeta Road.

.....
2. The joining report on 15-5-86 (FN) in original may be sent to this office.
2. The Site incharge..... CWC, Beki through Asstt. Engineer, WR&FF Sub-Division, CWC, Barpeta Road.....
3. The Accounts Branch, WR&FF Divn. No. I, CWC, Guwahati-3.
4. The Employment Officer, District Employment Exchange..... Barpeta.....
5. Extra 24.

O/C approved authorised for issue.

(A. CHAKRABORTY)
DEPUTY DIRECTOR.

A.R.

*Attested
B. C. D. D.
Advocate
11-12-86*

GOVERNMENT OF INDIA
CENTRAL WATER COMMISSION
MIDDLE PRADEEPUTRA DIVISION

NO.14BD/AC/ESTT-24(A)/94/07886 Dated 6/5/1994.

MEMORANDUM

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

Sl. no.	Name & Address of the candidate	Employment Exchange Reg. No.	Place of posting	Remarks
9x.				
10.	Shri Narayan Ch. Das C/O. D. C. Das, M. B. Division, CNC, Guwahati.	Guwahati 4211/82	Manas N.H. Xing.	
11.	Shri Dilip Kr. Sarkar Vill. Dsuriuchi Barpeta.	BRP 250/83	do.	
12.	M. R. Besumatary Vill. Chechapani P.O. Magurmari Kokrajhar	Barpeta 898/79	Kokrajhar	
13.	Shri Jaleswar Roy Vill. Mowetary P.O. Chapper Dhubri.	Kokrajhar 2799/87/86	do.	
14.	Shri Hamanta Kumar Medhi Vill. - Dehriya P.O. - Bhoakam Via- Patshala Barpeta	BRP 2104/80	Panbari	
15.	Shri Subesh Warziary Vill. Mainamati Patha P.O. Mainamati Barpeta	BRP 5176/86	do.	
16.	Shri Kanak Ch. Das Vill. Sundardia P.O. Sandandia (Barpeta.)	BRP 1918/78	Dhubri	
17.	Shri K. K. Talukdar Vill. Lalun P.O. Akaya Barpeta Road.	BRP 3247/69	do.	

Alfredo J. S.
B. Advocado
27.12.53.

GOVERNMENT OF INDIA
CENTRAL WATER COMMISSION
MIDDLE BRAHMAPUTRA DIVISIONNO. MBD/WC/ESTT-24(A)/94 2/29-1/2 Dated 4/5/1994.

MEMORANDUM

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

Sl. no.	Name & Address of the candidate	Employment Exchange Regd. No.	Place of posting	Remarks
1.	Miss Arifa Begam C/O Tejjuddin Ahmed Vill. Muslim patte P.O.- Barpeta	BRP 957/83	Manas Sub-Divn. Barpeta Road.	
2.	Shri Madhu Kr. Sarkar Vill: Kartari P.O. Era Bamondi (Barpeta)	BRP 3794/84	-do-	
3.	Shri Dayal Ch. Daimari Vill:- Khatalpara P.O. Sonefuly (Barpeta)	BRP 1308/80	Bijini	
4.	Shri Dilip Kumar Nath Vill:- North Barpeta Rd. 3121/82 P.O. Barpeta.	BRP 3121/82	-do-	
5.	Shri Rajib Kali Munia patty ward No.5 P.O. Dhubri	Dhubri 3554/84	Mothanguri	
6.	Shri Arup Saikia Madhupur College Nagar North Guwahati Guwahati-31.	Guwahati 922/93 C278/95	-do-	
7.	Shri Monoj Kumar Sarkar " " " Vill: Dewrikuchi Dist- Barpeta	BRP 5226/84	Saral para	
8.	Shri Dandi Ram Nath Vill- Anandapur P.O.- Nityananda Barpeta	BRP 5450/79	-do-	
9.	Shri Anil Boro Vill: Nizarapar P.O. Chandmari Guwahati-3.	Guwahati 1520/90	Beki	

Attested
By Advocate
16/12/1994

NO. M.R.D./Gau/WC/Ett-24/87/4116-20 u/1
 Government of India
 Central Water Commission
 Middle Brahmaputra Division
 Pub-Serenia, Raigarh Road Guwahati-3.

Dated, Guwahati the 7.7.87

OFFICE ORDER

Due to urgency of Govt. works the following persons are hereby engaged as W/C casual employee at a consolidated pay @ Rs. 600/- (Rupees six hundred) only per month w.e.f. 13-7-87 to 9-10-87.

Sl. No.	Name and Address	Place of posting	Remarks.
1.	Shri Jaleswar Rey, Vill. Mewatary, P.O. Chapar, Dist. Dhubri.	Dhubri	
2.	Shri Madhu Kr. Sarker, Vill. Erarteri P.O. Era Bamundi Dist. Barpeta.	Mathanguri.	

They will not right to claim in future for appointment of W/C seasonal Khalasi.

(A. CHAKRABORTY)
EXECUTIVE ENGINEER

Copy forwarded for information & necessary action to:-

1. The Asstt. Engineer, Barpeta "used with reference to his No. M.R.D./BAR/Ett-III/87/418 dt. 20-5-87.
2. The persons concerned.
3. The Accounts Branch, Guwahati-3.
4. Ett-24-A/Ett-46.

(A. CHAKRABORTY)
EXECUTIVE ENGINEER

Attested

Ram S
 Advocate
 14.12.85

Pub-Sarania, Rajgarh Road,
Gauhati-781003.
Dated, Gauhati the 9/5/83.

MEMORANDUM.

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

Shri..... Diliip K. Nath

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

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

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

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

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

To

✓ Shri..... Diliip K. Nath

.....
.....
.....

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

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

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

✓
Diliip K. Nath
Advocate
11.12.83

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

NO. MBD/WC/ESTT-24(A)/92/ 2784-96 Dated, Guanati 21/5 /92.

MEMORANDUM

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

Sl. No.	Name & address of the candidate	Employment Exchange Regn. No.	Place of posting	Remarks
1.	Shri Kanak Ch. Das Vill. P.O. Sundardia (Barpeta)	Barpeta 1918/78	Dhubri	
2.	Shri K.K. Talukdar Vill. Laluwa P.O. Akaya (Barpeta Road)	Barpeta 3247/49	Methanguri	
3.	Miss Aripa Begum C/O Taijuddin Ahmed Vill. Musilimpatte P.O. Barpeta	Barpeta 957/83	Barpeta Road	
4.	Shri Dandi Ram Nath Vill. Anandspur P.O. Nityananda Barpeta	Barpeta 5450/79	N.H. Crossing	
5.	Shri M.R. Basumatary Vill. Chetapani P.O. Magurmaria, Kokrajhar	Barpeta 878/79	Kokrajhar site	
6.	Shri Subash Narzary Vill. Mainamata Pathar P.O. Mainamata Barpeta	Barpeta 5176/84	Bijni	
7.	Shri Hemanta Kr. Medhi Vill. Dumriya P.O. Shokumi 2x2 Via. Pathesala Barpeta	Barpeta 2104/80	Bijni	
8.	Shri Taleswar Roy Vill. Mowetary P.O. Chapar (Dhubri)	Kokrajhar 2799/87/86	Aie	
9.	Shri Dayal Ch. Daimary Vill. Khatalpara P.O. Sonafuly Barpeta.	Barpeta 1308/80	N.H. Crossing	

P.T.O.

Abul
B. S. D. S. S.
14.12.95

BY REGD. AD/SPL MESSENGER

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH : NEW DELHI

Paridhat House,
Spartacus Marg,
NEW DELHI
10/2/94

dated : ---

18/2/94

From

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

To

1.

Shri S.N. Shukla,
Counsel for the applicant 454, Lawyers Chambers,
Eastern Wing, Tis-Hazari Court, Delhi-54
OA223/92 & 884/92

2.

Shri B.B. Maini,
Counsel for the applicant in OA 1601/92 & 2418/92
CAT., Bar Room, New Delhi.

3.

Shri Jag Singh,
Counsel for the respondents in OA 284/92, 223/92 & 1601/92
CAT., Bar Room, New Delhi.

4.

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

10/2/94
22

1.

Shri Vinod Kumar & Ors

OA 223/92

2.

Shri Savak Ram & Ors.

OA 884/92

3.

Shri Rajesh Kumar Gaini

OA 1601/92

4.

Shri Rajinder Sharma & Ors.

OA 2418/92

Applicant(s)

O.A.No.

VERSUS

Union of India & Ors. Respondent(s)

Sir,

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

Your's faithfully;

14/2/94

SECTION OFFICER (G-774) (J-11)

Subd
Dr. [Signature]
Advocate
m. 1235

- 24 -
15
CENITAL ADMINISTRATIVE TRIBUNAL

PRINCIPAL BENCH

NEW DELHI

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

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

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

O. A. No. 223 of 1992

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

O. A. No. 884/1992

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

vs.

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

*Ambedkar
B.N. Shukla
Advocate
11-12-95*

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

(through Mr. Jog Singh, Advocate).

O.A.No.1601 of 1992

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

(through B.S.Mainee, Advocate).

O.A.No.2245 of 1992
Shri Jayant Kumar Pathak,
S/O Shri Kushehwar Pathak,
Assistant Electrician,
Central Stores Divn., Central
Water Commission, West Block 1,
Wing No.4, 2nd Floor, R.K.Puram
New Delhi. Applicant.

(through B.S.Mainee, Advocate).

O.A.2418 of 1992

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

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

3. Shri Daya Ram S/O Ganga Ram.

4. Shri Dali Singh S/O Bhup Singh.

5. Shri Giri Raj S/O Mishri Singh
6. Shri Bijendra S/O Tota Ram.

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

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

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

..... Applicants.

(through B.S.Mainee, Advocate).

vs.

1. The Secretary, Ministry of Water Resources
Shri Shakti Bhawan, New Delhi.
2. The Chairman, Central Water Commission
Sewa Bhawan, R.K.Puram, New Delhi.
3. The Executive Engineer, Central Stores Divn.,
Central Water Commission, R.K.Puram, New Delhi.

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

(through Mr. Jog Singh in 1601 and 2245/92 and
through Mr. P.P.Khurana in O.A.No.2418 of 1992).

Authored
B.S. Mainee
14.12.95

ORDER

B.N.DHUNDIYAL, MEMBER(A)

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

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

Allied
Pass Order
22/12/85

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

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

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

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

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

Amit
P. S. Mainee
Advocate
M. 1295

- 26 -

-5-

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

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

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

*Advised
B. D. A.
Advocate
M. 12/55*

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-6-

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

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

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

5. There shall be no order as to costs.

(B.N.Dhoundiyal)
Member(A)

(S.K.Dhaon)
Vice Chairman

CERTIFIED
Date/10/11/2007
Section Officer/Section Officer
District Collector/Secretary
State/State/State/State

affixed

Ramji
Advocate
In. 12/95

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI.

Fariukot House
Copernicus Marg,
New Delhi-1.

Dt. 30/5/94

To

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

To

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

Versus

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

2. Raju Kashyap S/o Sh. Nikka Ram

3. Sh. Daya Ram S/o Sh. Banga Ram

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

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

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

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

Secty. Mini. Water Resources Applicants

RA 172/94 in
D.A. No. 2418/92

VS
Rajender Sharma & Ors.

Respondents

nic,

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

Amrit
B. S. D. A.
11.12.93

Yours faithfully,

(AIS)

SECTION OFFICER (D-II)

Administrative Tribunal
1 Bench, New Delhi.

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

New Delhi the 9th Day of May, 1994.

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

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

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

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

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

Review Applicant /
Respondents in OA.

(through Sh. Jag Singh)

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

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

Respondent in RA/
Applicant in OA.

RA-171/94 in CA-1601/92

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

Respondent in RA/
Applicant in OA

RA-172/94 in CA-2418/92

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

Attest
Pardeep Singh
Advocate
11-12-95

5/

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

Respondents in RA/
Applicants in OA.

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

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

These review applications have been filed
by the respondents against the common judgment delivered
on 10.02.94 in D.A. Nos. 223, 884, 1601, 224 E & 2418 of
1992. The following directions were given:-

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

*Ansled
B. N. Dhoondiyal
Advocate
M. 12/55*

28

- 7 -

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

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

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

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

afflterd
R. J. K.
Advocate
11.12.95

121

- 6 -

established principle.

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

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

(B.N. DHOONIYAL)
MEMBER(S)

(S.K. JHA)
VICE CHAIRMAN

/vv/

Original Recd.

Accepted by C.P.

C.C. C.O.

C.A.T., P.B.

New Delhi

CHIEF
REPO'D.

15/1/736
Section Officer
Date

General
Post Box
M.R.S.

22/582

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
GUWAHATI BENCH AT GUWAHATI:

In the matter of :-

O.A. No. 277 of 1995

Sri Subhash Narzary and other

-Vs-

Union of India and other.

-And-

In the matter of :-

Written Statements submitted by
the Respondents Nos. 1, 2, 3 & 4.

WRITTEN STATEMENT :

The humble Respondents submit their
written statements as follows :-

1. That with regard to statements made in paragraphs 1, 2 & 3 of the application, the Respondents have no comments on them, but the respondent beg to state that the scheme referred to here is not applicable in case of the applicants. However a scheme for grant of temporary status regularisation of services of Work-charged employees is under active consideration and is being processed in Central Water Commission. On receipt of the above scheme for implementation, the respondents will take a sympathetic view to consider the applicants demands according to their seniority-cum-fitness as and when vacancies will arise.
2. That with regard to statement made in paragraphs 4.1 and 4.2 of the application, the Respondents have no comments on them.
3. That with regard to statements made in paragraphs 4.3 and 4.4 of the application, the Respondents beg to state that the services of the applicants are seasonal. Their services are required for a particular period and for a very specific purpose i.e. for collection of Hydrological data from the respective rivers during monsoon period normally (15th May to 15th October) every year which is related to flood forecasting. This facts is always mentioned in their office Memorandum. The statement made in paragraph 4.4 that all the applicants have put on more than 240 days of work in particular year is not correct.

41

A scheme for grant of temporary status regularisation of services of work-charged employees is under active consideration and is being processed in Central Water Commission. On receipt of the above scheme for implementation, the Respondents will take a sympathetic view to consider the applicants demands according to their seniority-cum-fitness as and when vacancies will arise.

4. That with regard to statements made in paragraphs 4.5 of the application, the Respondents beg to state that the appointments are being issued every year from 15th May to 15th October as per actual execution of specific nature of job for flood forecasting activities.

5. That with regard to statements made in paragraph 4.6 of the application, the Respondents beg to state that as mentioned in paragraph 4.3 as per nature of job they are engaged for specific work for particular period. Depending upon the temporary nature of work some applicants were engaged on daily wage basis. So question of exploitation by the Respondents does not arise.

So far temporary status is concerned a scheme for engaging them is under active consideration and not yet received as mentioned in preceding paragraph.

6. That with regard to statements made in paragraph 4.7 of the application, the Respondents beg to state that they have no comments, the same being matters of record. The Respondents further beg to state that the case referred to therein this paragraph is not applicable in the present case as the applicants are only seasonal khalasis. As stated earlier a scheme is under preparation which is likely to be finalised at an early date. When the scheme is finalised the applicants cases will be considered sympathetically on the basis of merits in accordance with seniority-cum-fitness.

7. That with regard to statements made in paragraph 4.8 of the application, the Respondents beg to state that as soon as the scheme referred above is available for implementation, the Respondents will take sympathetic view to consider the cases of the applicants on the basis of merits in accordance with seniority cum fitness basis.

8. That with regard to statements made in paragraph 4.9 of the application, the Respondents beg to state that the temporary status and regularisation of the services of the applicants will be considered sympathetically ~~and~~ as and when the scheme is available for implementation.

9. That with regard to statements made in paragraph 4.10 of the application, the Respondents beg to state that as already stated in paragraph 4.3 that the nature of job of the applicants are Seasonal Khalasis and they are

always engaged for a specific purpose and for a specified period of monsoon. The applicants knowing fully well about their nature of engagement they have accepted the job and now raising the question of over age does not arise.

10. That with regard to statements made in paragraph 4.11 of the application, the Respondents beg to state that a scheme for regularisation of services of seasonal Work-charged employees is under formulation in C.W.C. in consultation with Ministry of Water Resources, Once the scheme is ready for implementation the cases of the applicants will be consider as per their seniority and fitness.

11. That with regard to statements made in paragraph 4.12 of the application, the Respondents beg to state that as stated earlier that this judgments referred in this paragraph is not applicable in the in tant case and as such question of the application to the said judgment in case of the applicants does not arise.

12. That with regard to statements made in paragraph 5 of the application, regarding Grounds for Relief with legal Provisions, the Respondents beg to state that none of grounds is maintainable in law as well as in facts and as such the application is liable to be dismissed.

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

14. That with regard to statements made in paragraph 8 of the application, regarding Relief sought for by the applicants, the Respondents beg to state that the applicants is not entitled to any of the reliefs sought for and as such the application is liable to be dismissed.

15. That with regard to statements made in paragraphs 9 of the application, regarding Interim Relief, the Respondents beg to state that the applicants have already been discontinued as per terms and conditions of the appointments.

16. That with regard to statements made in paragraphs 10 to 12 of the application, the Respondents have no comments on them.

17. That the Respondents submit that the application is devoid of merit and as such the same is liable to be dismissed.

- Verification -

I, V.P. Shiv, Executive Engineer, Middle Brahmaputra Division, Rajgarh Road, Guwahati-7 and Respondent No.3 do hereby solemnly declare that the statements made above are true to my knowledge, belief and information and I sign this verification on this 10 th day of February, 1996 at Guwahati.

V.P. Shiv
DECLARENT: