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X
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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SECTION OFFICER (Judl.)

CENTRAL ADMINISTRATIVE TRIBUNAL : GUWAHATI BENCH
GUWAHATI

ORIGINAL APPLN. NO.	OF 1995
TRANSFER APPLN. NO.	13898 OF 1995
CONT EMPT APPLN. NO.	OF 1995 (IN OA NO.)
REVIEW APPLN. NO.	OF 1995 (IN OA NO.)
MISC. PETN. NO.	OF 1995 (IN OA NO.)

..... A. Jhakuri .. APPLECTANT(S)

-V/S-

..... M.O.D. P.W. RESPONDENT(S)

FOR THE APPLICANT(S)

...MR. D.K. Misra
MR. C.T. Saonir,
MR.
MR.

FOR THE RESPONDENTS

...MR. S. Ali & C.G. Se

OFFICE NOTE	DATE	ORDER
<p>this application is in form and within time. C. F. of Rs. 50/- deposited vide IPO/ED No. 885970 Dated 11.7.95</p> <p><i>Sh. K. K. P. 20/7/95</i> <i>B.D.</i></p>	21.7.95	<p>Mr B.K. Misra for the applicant The applicant was granted temporary status as eligible casual labour with effect from 1.9.93 vide order dated 10.5.94 Annexure-K. The statement made in the application and the grant of temporary status prima facie show that the applicant fulfills the requirements of clause iv of the scheme. The impugned order dated 9.3.95 merely states that the grant of temporary status was found to be in contravention of the rules without further indicating as to in what basis it is so found. The applicant was not given any opportunity to show cause against the said ground. Prima facie the order is violative of prin- ciples of natural justice.</p> <p>Since the impugned order dated 30.6.95 purporting to disengage the applicant with effect from 1.8.95 appears to be based on the loss of temporary status under the earlier order and as it also does not show any reason nor any opportunity was given to the applicant to show cause against it, Prima facie it also</p>

21.7.95 appears to be bad in law. That order was passed without despite the pendency of the representation of the applicant dated 24.9.93 and 28.6.95.

Prima facie case disclosed. Application admitted. Issue notice to the respondents. 8 Weeks for written statement. Adjourned to 20.9.95 for orders.

During pendency of the O.A. interim stay of the impugned orders dated 9.3.95 and 30.6.95 is hereby granted. The respondents however will be at liberty to apply for variation of this interim order if so advised after giving 48 hours prior notice to the applicant's Advocate.

Order d. 21.7.95 (2nd)
No. 3282-84. d. 27.7.95

60
Member

7/7
Vice-Chairman

pg

2/7

Requirements are made
in 2nd v. no. 3289-91
d. 28.7.95

20.9.95 for hearing
28.11.95

Bai:

2.8.95
w/s submitted by
the respondents.

2/7/95

Notes send on R. 21/2 & 3.

2/7/95

8.11.95 Mr D.K.Mishra for the applicant states that so far he has not been served with the copy of the written statement. A copy from the record is now ^{made} available to him which he has accepted. The O.A. is due for hearing on 20.11.95 and accordingly we will hear the case on that day.

60
Member

hll
Vice-Chairman

28.11.95

pg

Reply to the W/S submitted by the respondent.

29.11.95

Adjourned for fixing date of hearing to 3.1.1996.

60
Member

hll
Vice-Chairman

BB
trd

Am 29/11

3.1.96

To be listed for hearing on 22.2.96

3.4.96

Case ready for hearing. List for hearing on 29.5.96.

60
Member

22.2.96

Adjourned to 3.4.96

30.5.96

Mr C.T. Jamir for the applicant. Mr S. Ali, learned Sr. C.G.S.C., for the respondents. Mr C.T. Jamir seeks short adjournment for personal difficulties.

Hearing adjourned to 11.6.96.

60
Member(A)

A
Member(J)

*By Order
BB*

- 1) Service reports are still awaited.
- 2) W/S statement submitted by the Respondent.
- 3) Reply to the W/S. has been filed.

nkm

BB 27/8

11.6.96 Mr S.Ali, Sr.C.G.S.C for the respondents. Mr S.Sarma on behalf of Mr C.T.Jamir prays for adjournment. Prayer allowed.

Hearing adjourned to 8.7.96.

69
Member (A)

69
Member (J)

pg

8.7.96 Learned counsel Mr C.T. Jamir for the applicant and Mr S. Ali, learned Sr.C.G.S.C., are present.

List for hearing on 6.8.96.

69
Member

nkm

6.8.96

69
Mr S.Ali, Sr.C.G.S.C for the respondents.

List for hearing on 3.9.96.

69
Member

pg

m
6/8/96

3.9.96

69
Mr C.T.Jamir for the applicant. List for hearing on 30.9.96.

69
Member

pg

m
3/9

30.9.96

None present. List for hearing on 15.11.96.

69
Member

nkm
m
3/9

15.11.96

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

List for hearing on 13.12.19

6
Member

pg

fr
15/11

26-3-97

The case is ready
for hearing at
regards service
and w/s / Reply.

19.3.97

Let the case be listed for
hearing on 11.4.1997.

6
Member

JK
Vice-Chairman

trd

~~28x8x8x~~

~~Mr M.Chanda, learned counsel for the
applicants and Mr A.K.Choudhury, Addl.C.G.S.C
for the respondents are present.~~

~~List on 8.4.1997 for hearing.~~

27.3.97

Heard Mr D.K.Mishra, learned counsel
for the applicant and Mr S.Ali, learned Sr.
C.G.S.C for the respondents at some length.
Mr Ali is directed to produce record. Part
Heard.

List on 1.4.1997 for further hearing
as first item.

6
Member

JK
Vice-Chairman

pg

fr
31/3

30.5.97

Heard the learned counsel for the parties. Hearing concluded. Judgment delivered in open court, kept in separate sheets. The application is disposed of. No order as to costs.



Member

Vice-Chairman

9.6.97

nkm



Copy of the Judgment
has been sent to the
parties vide O.No.2023 14.5.99
to 2026 on 9.6.97 ⁱⁿ ~~order~~
reqd with A.O.



Judgment and order dated 30.5.97
is modified vide order passed today in
R.A.No.7/97.

Copy of the Judgment also
sent to the Reporter vide pg

Member

Vice-Chairman



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

O.A. NO. 138/95; O.A.No.141/95; O.A.No.145/95 & O.A.No.144/95
T.A. NO.

1. Ms Anjali Thakuria (O.A.No.138/95)
2) Shri Shyāmal Kr Das & Shri Ratan Talukdar (O.A.No.141/95)
3) Shri Ratan Talukdar (O.A.No.145/95)
4) Ms Manju Barman (O.A.No.144/95)

DATE OF DECISION 1.4.1997

(PETITIONER(S))

Mr D.K. Mishra, Mr C.T. Jamir,
Mr B.K. Sharma and Mr B. Mehta.

ADVOCATE FOR THE
PETITIONER (S)

VERSUS

Union of India and others

RESPONDENT (S)

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

ADVOCATE FOR THE
RESPONDENT (S)

THE HON'BLE MR. JUSTICE D.N. BARUAH, VICE-CHAIRMAN
THE HON'BLE MR G.L. SANGLYINE, ADMINISTRATIVE MEMBER

1. Whether Reporters of local papers may be allowed to see the Judgment ?
2. To be referred to the Reporter or not ? Yes
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 ?

Judgment delivered by Hon'ble Vice-Chairman



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No.138 of 1995

Original Application No.141 of 1995

Original Application No.145 of 1995

Original Application No.144 of 1995

Date of decision : This the 1st day of April 1997

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

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

O.A.No.138/95

Ms Anjali Thakuria,
Casual Worker, Regional Passport Office, Guwahati,
Ministry of External Affairs,
Government of India.

.....Applicant

By Advocate Mr D.K. Mishra and Mr C.T. Jamir.

-versus-

1. Union of India, represented by the
Secretary to the Government of India,
Ministry of External Affairs, New Delhi.
2. Chief Passport Officer,
Ministry of External Affairs,
Government of India,
New Delhi.
3. Regional Passport Officer,
Basistha Road, Guwahati.

.....Respondents

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

O.A.No.141/95

1. Shri Shyamal Kr Das
2. Shri Ratan Talukdar

Both are working as Casual Workers in the
Office of the Regional Passport Officer, Guwahati,
Ministry of External Affairs, Government of India.

.....Applicants

By Advocate Mr B.K. Sharma and Mr B. Mehta.

-versus-

1. Union of India, represented by the
Secretary to the Government of India,
Ministry of External Affairs, New Delhi.
2. Chief Passport Officer,
Ministry of External Affairs,
Government of India, New Delhi.
3. Regional Passport Officer,
Basistha Road, Guwahati.

.....Respondents

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

DNB

O.A.No.145/95

Shri Ratan Talukdar,
Working as Casual Worker in the
Office of the Regional Passport Officer, Guwahati,
Ministry of External Affairs, Government of India.Applicant
By Advocate Mr B.K. Sharma and Mr S. Sarma.

-versus-

1. Union of India, represented by the
Secretary to the Government of India,
Ministry of External Affairs, New Delhi.
2. The Chief Passport Officer,
Ministry of External Affairs,
Government of India, New Delhi.
3. The Regional Passport Officer,
Basistha Road, Guwahati.Respondents

By Advocate Mr S. Ali, Sr. C.G.S.C. and
Mr G. Sarma, Addl. C.G.S.C.

O.A.No.144/95

Ms Manju Barman,
Working as asual Worker in the
Regional Passport Office, Guwahati,
Ministry of External Affairs, Government of India.Applicant
By Advocate Mr D.K. Mishra and Mr C.T. Jamir.

-versus-

1. Union of India, represented by the
Secretary to the Government of India,
Ministry of External Affairs, New Delhi.
2. The Chief Passport Officer,
Ministry of External Affairs,
Government of India, New Delhi.
3. The Regional Passport Officer,
Basistha Road, Guwahati.Respondents

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

.....

O R D E R

BARUAH.J. (V.C.)

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

2. The applicants in the above original applications were appointed on various dates by the Department of Passport. They

[Signature]

were engaged casual labourers in the Regional Passport Office, Guwahati, under the Ministry of External Affairs, Government of India. Ms Anjali Thakuria, applicant in O.A.No.138/95, was engaged on and from 12.7.1991; Shri S.K. Das, applicant in O.A.No.141/95, and Shri R. Talukdar, applicant in O.A.No.145/95, were engaged on and from 22.6.1992 and 23.6.1992 respectively; and Ms Manju Barman, applicant in O.A.No.144/95, was engaged on and from 1.11.1991, and since their engagement they had been working as casual employees. They were allocated duties of lamination, verification of particulars, etc. Besides this, they were also assigned in various other duties connected to the passport. On 10.9.1993, the Ministry of Personnel, Public Grievances and Pension, Department of Personnel and Training, Government of India, issued an Office Memorandum No.51016/2/90-Estt(C) dated 10.9.1993, forwarding a Scheme for grant of temporary status and their regularisation thereafter. Accordingly all the applicants were granted temporary status by order No.Pass/Gau/37/88 dated 10.5.1994, with effect from 1.9.1993, i.e. the date on which the Scheme came into force. After the granting of temporary status, the applicants continued to work as such. Under the said Scheme the casual workers who rendered continuous service for more than 240 days in case of 6 days a week or 206 days in case of 5 days a week, were entitled to get the temporary status and the consequential benefit thereof. After awarding the temporary status the applicants were given the consequential benefits as per entitlement under the Scheme. In the said Scheme, the applicants or other employees of similar nature would continue to get the benefits until they were regularly absorbed. The applicants, thereafter, continued to hold temporary status for about two years, when, on 9.3.1995 the temporary status already granted to the applicants by order dated 10.5.1994 was cancelled as the temporary status so granted was found to be in contravention with the rules. Thereafter, by notice dated 30.6.1995 the authorities

 disengaged.....

disengaged the applicants with effect from 1.8.1995. This notice was issued giving one month notice to the applicants. Hence the present application.

3. All these applications had been filed on different dates. At the time of admission this Tribunal also granted interim order protecting the applicants by staying the order of cancellation dated 9.3.1995 and also notice dated 30.6.1995. The respondents have filed written statement in all the cases.

4. The contentions of the applicants are that the applicants being entitled to get the temporary status the authorities granted temporary status on 10.5.1994 and they continued to get the benefit of the temporary status for about two years next and suddenly by order dated 9.3.1995 temporary status thus granted was cancelled without serving any notice. According to the applicants this was arbitrary and violative of the principles of natural justice. The respondents, on the other hand, in their written statement have stated that as there was no work continuation of their employment was not possible. Besides, according to the respondents, the applicants were engaged in contravention of the rules, namely, that they have not been sponsored by the Employment Exchange.

5. We have heard Mr B.K. Sharma, learned counsel for the applicants in O.A.Nos.141/95 and 145/95 and Mr D.K. Mishra assisted by Mr C.T. Jamir, on behalf of the applicants in O.A. Nos.138/95 and 144/95. We have also heard Mr S. Ali, learned Sr. C.G.S.C. and Mr G. Sarma, learned Addl. C.G.S.C. on behalf of the respondents. Learned counsel for the applicants submit before us that the action of the respondents in cancelling the grant of temporary status was arbitrary, unreasonable and in utter violation of the principles of natural justice. Learned counsel further submit that the applicants after having been granted temporary status

were.....

were entitled to continue as per the rules. The order dated 10.5.1994 was cancelled depriving valuable rights of the applicants, that too, without giving any opportunity of hearing. The learned counsel for the applicants also submit that the cancellation of the temporary status and subsequent removal by giving notice was not reasonable. This order was passed only for an oblique purpose to oust the applicants. Mr S. Ali, on the other hand, has supported the action of the respondents. He submits that a notice was given as contemplated under the Scheme. According to him notice of removal was the notice which was contemplated. Besides this, Mr Ali also submits that as stated in the written statement there was no job where the casual workers could be engaged. In view of the that, according to Mr Ali, the impugned action of the respondents was just, reasonable and passed in accordance with the rules.

6. On the rival contentions of the learned counsel for the parties, it is now to be seen whether the cancellation of the order dated 10.5.1994 by a subsequent order dated 9.3.1995 can sustain in law.

7. We have perused the pleadings and also the impugned orders. It is an admitted fact that the applicants were engaged casual labourers and they continued to serve the department for more than 240 days, and as per paragraph 4(i) of Annexure-1 to the Scheme, casual workers serving for more than 240 days are entitled to be given the temporary status. We quote para 4(i).

"Temporary status would be conferred on all casual labourers who are in employment on the date of issue of this O.M. and who have rendered a continuous service of at least one year, which means that they must have been engaged for a period of at least 240 days (206 days in the case of offices observing 5 days week)."

Thus para 4(i) indicates that the casual labourers who were engaged on the date of issuance of the O.M., i.e. 10.9.1993, and continuously

served.....

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served for 240 days they would be entitled to get the status of temporary workers and this conferment of temporary status would be without reference to the creation/availability of regular Group 'D' posts. Besides, conferment of temporary status on a casual labourer would not involve any change in his duties and responsibilities. The engagement would be on daily rated on need basis. He may be deployed anywhere within the recruitment unit/territorial circle on the basis of availability of work, and such casual labourers who acquire temporary status will not however, be brought on to the permanent establishment unless they are selected through regular selection process for Group 'D' posts.

8. Admittedly, the applicants were engaged prior to the date of issue of the O.M. dated 10.9.1993 and they had been working for more than 240 days. Therefore, they were entitled to get the benefit of temporary status. But, the order dated 10.5.1994 granting temporary status to the applicants was cancelled vide order dated 9.3.1995 on the ground that their engagement was not in accordance with the rules. However, the order was not at all clear. What rules had been followed for disengaging the applicants have not been stated in the order itself. The records have been placed before us. Mr Ali has not been able to show us any office note indicating as to what rules had been followed so far engagement of the applicants as casual employees was concerned. The office record is absolutely silent in this regard. However, a stand has been taken in the written statement that there was paucity of work and as a result their temporary status had been cancelled and thereafter notices were issued terminating their services.

9. It is true that as per the Scheme itself the casual employees could be removed by giving one month notice, but, so far as cancellation of temporary status is concerned there must be some reason, and as the applicants were not given an opportunity

of hearing the cancellation of the order dated 10.5.1994, granting temporary status to the applicants, was illegal and violation of the principles of natural justice. Besides, the termination itself, we do not find from the records any valid ground. The ground of paucity of job is not supported by records. Mr Ali, at least has not been able to show. The written statements in all the cases were filed by the Regional Passport Officer of the department. But, it is common knowledge that an officer who is discharging his duties day to day cannot be expected to verify each and every fact. The verification part of the written statement shows that all the statements were verified as true to the knowledge, belief and information. This has been verified in a form without stating which parts are true to his knowledge, which parts are true to his belief and which parts are true to his information. Besides, paucity of work can be said only from the record. Mr Ali has very fairly submitted before us that he has gone through the records and he could not find anything regarding non-availability of the work. Mr B.K. Sharma has also drawn our attention to the fact that the officer competent to pass order did not pass the same on his own. It was at the diktat of the higher authorities. In this connection Mr Sharma has urged us to look to the record. On going through the record we find that there is a letter dated 17.4.1995 issued by S.N. Goswami, Regional Passport Officer. In paragraph 2 of the said letter he informed the Under Secretary(PVA), Ministry of External Affairs, New Delhi, as follows:

"We have been advised vide A.O.(PV.IV) letter mentioned above to serve disengagement notice to the casual labourers stated to be on the ground that work load of this office does not justify engagement of casual labourers for further period.

These casual labourers were engaged by my predecessors apparently in the interest of work of the office. However while doing so, formality was not observed. In the meantime these casual workers have completed more than 3 years of service in this office.

Though this office is having at present full strength of staff as per allotment quota indicated by the ministry, yet it is felt that if all the daily workers are disengaged immediately, it will have impacts on the work.

In view of above and taking into consideration humane aspect of the issue, it is once again requested to reconsider the decision of the ministry and as a very special case approve (Ex-post-facto) engagement of the casual workers of this office.

For sympathetic consideration please."

We find that a format was given by the Ministry of External Affairs. According to Mr Sharma those will go to show that the authorities having the power to decide had abdicated its authority and left it to the Central Government. We find sufficient force in the submission of Mr B.K. Sharma in this regard. All these go to show that the applicants' temporary status had been stripped off without any reasonable ground and without affording an opportunity of hearing. All these have persuaded us to come to a conclusion that the order dated 9.3.1995 cancelling the order dated 10.5.1994, giving temporary status to the applicants, was passed without any reasonable ground. In this respect the action of the respondents were devoid of any reason and it was unfair, besides, this being violative of the principles of natural justice. Considering all these aspects we come to the conclusion that the action of the respondents in cancelling the order awarding temporary status and subsequent notice terminating their engagement cannot sustain in law. Accordingly we quash the same.

10. In their written statement the respondents have made an averment that the engagement of the applicants as casual labourers was irregular as they had not been sponsored by the Employment Exchange. We have perused the Scheme. We do not find anything to suggest that the casual employees are to be sponsored by the Employment Exchange. Mr Ali has drawn our attention to a

clarification.....

B

clarification note issued by the Under Secretary. In our opinion the clarification cannot take the place of the Scheme and we consider that this is not a part of the Scheme. In this connection a reference can be made to a decision of the Full Bench of the Tribunal in Raj Kamal and others -vs- Union of India, reported in 1990 SLJ (Vol.2) CAT 176. In the said judgment the Full Bench observed that temporary status of casual workers cannot be taken away on the ground that they were not sponsored by the Employment Exchange. We quote the relevant portion.

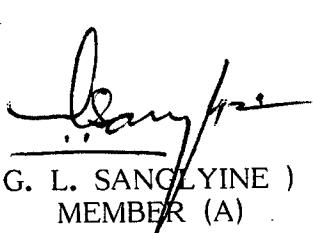
"..... The fact that some of them may not have been sponsored by the Employment Exchange, should not stand in the way of their absorption. Similarly, they should not be considered ineligible for absorption if at the time of their initial engagement, they were within the prescribed age-limit."

This decision clearly indicates that sponsorship by the Employment Exchange is not a condition precedent for employment, though it is advisable.

11. Mr S. Ali has informed us that two posts are at present lying vacant and services of two of the four applicants can be regularised. If that be so, we recommend the respondents to regularise the services of two of the four applicants after taking into consideration of all aspects. The other two shall continue to have right of temporary status until they are absorbed on a regular basis as per the Scheme.

12. The application is accordingly disposed of with the above observation.

13. Considering the entire facts and circumstances of the case we make no order as to costs.


(G. L. SANGLYINE)
MEMBER (A)


(D. N. BARUAH)
VICE-CHAIRMAN

Central Administrative Tribunal
केन्द्रीय प्रशासनिक न्यायिक बोर्ड

20 JUL 1995

Filed by
18 the Applicant
through
C. T. Jamin
Advocate
on 20-7-95

APPLICATION UNDER SECTION 19 OF THE ADMINISTRATIVE TRIBUNALS ACT, 1985

Title of case : Original Application No. 138/95
Miss Anjali Thakuria ... Applicant
-vs-
Union of India & ors ... Respondents.

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Contd...

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Anjali Thakuria

Signature of the Applicant

For use in Tribunal's Office

Date of filing

or

Date of receipt by post
Registration No.

Signature

for Registrar

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No. 138 of 1995

Miss Anjali Thakuria,
daughter of Shri Amulya Thakuria,
casual worker, Regional Passport Office,
Guwahati, Ministry of External Affairs,
Government of India, residing at
Basisthapur Road, Guwahati:- 28.

... Applicant

-VERSUS-

1. Union of India,
represented by the Secretary to the
Government of India, Ministry of
External Affairs, New Delhi.

2. Chief Passport Officer,
Ministry of External Affairs,
Government of India,
New Delhi.

3. Regional Passport Officer,
Guwahati, Rani Bagan,
Basistha Road,
Guwahati, Assam.

... Respondents

Contd...

DETAILS OF APPLICATION

1. Particulars of the order against which the application is made :-

- a) Government of India, Ministry of External Affairs, Regional Passport Office, Guwahati, office order No. Pass/Gau/37/88 dated 9.3.95, withdrawing temporary status granted to the applicant.
- b) Government of India, Ministry of External Affairs, Regional Passport Office, Guwahati, office order No. Pass/Gau/37/88 dated 30-6-95 by which the application was served one month notice prior to disengagement from service w.e.f. 01.8.95 (F.N.)

2. Jurisdiction of the Tribunal

The applicant declares that the subject matter of the application and the action against which she wants redressal is within the jurisdiction of this Tribunal.

3. Limitation

The applicant declares that this application is made within the limitation prescribed under Section 21 of the Administrative Tribunal Act, 1985.

4. Facts of the case.

- i) That the applicant is an Indian citizen and residing at Basisthapur Road, Guwahati-28 and as such she is entitled to the rights and privileges guaranteed by the Constitution of India and the law of the land.
- ii) That the applicant passed her H.S.L.C. Examination in second division in the year 1983, passed pre-university Examination in second division in the year 1987 and passed B.A. Examination from Gauhati University in the year 1990.
- iii) That after completing her studies, the applicant applied for enrollment to the Employment Exchange, Barpeta on 17.3.1991. Her registration number was 0-798/91. The said enrollment was subsequently transferred to Guwahati on her request on 11.7.91 and she was assigned new registration number, bearing registration No. 10-9407/91.
Copies of the Registration Certificate referred to above are enclosed hereto and are marked as Annexure A and B respectively.
- iv) That, the respondent No. 3 needed casual worker to attend to the pressing works in connection with issue of passports and accordingly

12.7.91

@@ the applicant was engaged as casual worker in
in the office of the respondent No. 3 on 12-7-91 on pay-
ment of Daily wages. The applicant worked sincerely
and with utmost devotion and to the entire satisfac-
tion of the respondent No. 3 and other superior
officers. As a token of appreciation the Superintendent,
Regional Passport Office, Guwahati issued a command-
ation certificate, commending the serious efforts of
the applicant in discharging her duty.

A copy of the certificate dated 31st July,
1992 is annexed hereto and marked as Annexure-C.

v) That, the applicant has been assigned various
type of jobs from time to time and she still continues
to perform such duties as are being entrusted to her.
The applicant gives below the particulars of the duties
assigned to her from time to time.:-

a) By order No. Pss/Gau/45/79 dated 25-8-92
she was allocated the duties of Lamination
of passports, verification of particulars
before lamination and also to assist on
writing passports when required.

b) By order No. Pss/Gau/45/79 dated 11.3.93
the applicant was assigned to issue passport
form to police/issue letter to MHA for
clearance. Such papers should be issued within
two days from the date of receipt of the files.

c) By order No. Pss/Gau/45/75 dated 7th June, 1993, the job of the applicant was to Diarising of letters/sending of PPfs to Police/T R.

Orders stated herein above are annexed herewith and marked as Annexures D, E & F respectively.

vi) That, while the applicant continued to work as casual worker since the date of her engagement namely 12/7/91 neither was she accorded temporary status nor any step was taken to regularise her services. This was not only not done in case of the applicant but also in case of approximately 400 casual workers who are working in different passport offices of Central Passport Organisation. The case of all these casual workers including the applicant was taken up by All India Passport Employees Association (shortly Association). The General Secretary of the Association addressed a letter to the Joint Secretary (CPV) Ministry of External Affairs, New Delhi stating inter-alia that Government of India, Ministry of personnel has decided to grant temporary status to all casual workers who have rendered a continuous service of 1 year as casual worker. The said General Secretary therefore requested the said officers to implement the decision for the welfare of 400 casual workers.

Copy of the letter dated 24/9/93 is
annexed hereto and marked as Annexure-G.

vii) That, thereafter, following the direction of the Hon'ble Central Administrative Tribunal, Principal Bench, New Delhi by judgement dated 16/2/90 in the case of Shri Raj Kamal and others versus Union of India, the Department of Personnel and Training Government of India formulated a scheme for grant of temporary status and regularisation of the casual labourers. This scheme is called as "Casual Labourers (grant of temporary status and Regularisation) Scheme of Government of India, 1993."

This scheme came into force with effect from 1/9/93. According to the said scheme all casual labourers/workers who have rendered continuous service of atleast one year shall be granted temporary status, certain benefits were also granted to the casual workers on par with group D employees. The aforesaid scheme was circulated vide office memo No. 51016/2/90 - Estt(c) dated 10th September, 1993.

Copies of the office memorandum dated dated 10th Sept., 1993 and the scheme referred to above are enclosed herewith and are marked as Annexure H and I.

21.2.94
viii) That, inspite of the aforesaid scheme and the instruction contained in memo dated 10/9/93 no temporary status much less regularisation was conferred on the applicant and she continued to discharge her duties as casual labourer. By office order No. 2/94 dated 21st February, 1994 the applicant was allocated different works namely sending of PPF and proforma in the first half and attending index action in the second half.

Photocopy of the aforesaid office order is annexed hereto and marked as Annexure:-J.

10.5.94
ix) That, the applicant further states that ultimately the respondent No. 3 granted temporary status to the applicant along with other casual labourers with effect from 1/9/93 vide order No. PASS/GAU/37/88 dated 10th May, 1994.

A photocopy of the order dated 10th May, 1994 is annexed hereto and marked as Annexure-K.

9.3.95
x) That, the applicant has reasonable expectation that her services will be regularised in terms of the Regularisation scheme but she was shocked to see the office order No. PASS/GAU/37/88 dated 9/3/95, almost a year after conferment of the temporary status upon her, by which the temporary status granted to her was cancelled allegedly on the ground that the same was in contravention of the rules.

Photocopy of the office order No. PASS/GAU/37/88 dated 9/3/95 is annexed hereto and marked as Annexur :- E.

- xi) That, the applicant submitted a representation No.3 on 28/6/95 requesting the said respondents inter alia to regularise her services as she is working as casual labourer for the last four years without any break.
- 30.6.95
- 1.8.95
12.7.95
- xii) That, while the petitioner/applicant was waiting for a positive response from the respondents she was served with termination notice on 30/6/95 intimating her that her services will not be required in the office of the Respondent No.3 w.e.f. 1/8/95 (F.N.). It is also mentioned in the said notice that as the specific work for which the applicant was engaged has since been completed.

A copy of the termination notice dated 30/6/95 is enclosed herewith and marked Annexure M.

5. Grounds for relief with legal provisions:

- i) That after working as casual labour in the office of Respondent No. 3 for more than 4 years, the termination of service of the applicant by giving notice is a very harsh and hard decision and is liable to be set aside.

- ii) That, the applicant states that to the best of her knowledge no rules have been framed for granting temporary status and regularisation of the casual labourers/workers and conferment of the temporary status and regularisation are governed by the ~~Regmikation~~ Regularisation scheme of government of India, 1993. Accordingly, the cancellation of the temporary status granted vide order dated 10/5/94 is wholly illegal and in violation of the Regularisation scheme, 1993.
- iii) That, the applicant further states that no opportunity was given to her before cancelling the temporary status granted to her and as such ~~in~~ order dated 9/3/95 is violative of the principles ~~as~~ of natural justice.
- iv) That, the office order dated 10/5/94 granting temporary status to the applicant created a right in favour of the applicant and that right cannot be taken away without complying with the principles of natural justice.
- v) That, the applicant respectfully states that after granting her the temporary status she was conferred with all the benefits as contained in para 5 of the casual labourers (grant of temporary status and Regularisation) Scheme of Government

of India 1993 (herein after referred to as
Regulation scheme) and the same can not
be taken away in this manner.

- vi) That, the disengagement notice dated 20/6/95
is wholly illegal and against the principles laid
down by the apex court in a number of decisions
on the subject as well as against the decision
and direction given by the Hon'ble Central Admini-
strative Tribunal, Principal Bench, New Delhi and
is accordingly liable to be set aside/quashed.
- vii) That the applicant is a workman having been
engaged in an establishment as casual labourer
since 12/7/91 till date without any legal break
and as such her services cannot be dispensed with
by giving a months notice.
- viii) That she has been working in the Regional
Passport Office for more than four years(more
than 1460 days) without any legal break and as
such the notice to disengage her with effect
from 1/8/95 is wholly illegal and unreasonable.
- ix) That, having worked for more than 4 years the
applicant has reasonable expectation that her
services will be ultimately regularised. However,
the respondents are seeking to throw her out from
service without any valid reasons and/or grounds.

The allotment of various types of works are indications that she was not engaged for any specific works which are said to have been completed but she has been discharging multiferious duties to the entire satisfaction of her superiors. Unless the operation of the notice dated 20/6/95 is stayed the applicant shall suffer great hardship and irreparable loss as she is over aged for any ~~other~~ other job and also she is the only earning members in the family to support her old parents. On the other hand no hardship would be caused to any other concerned party if interim relief is granted to the applicant pending decision of this application.

It is further stated that by cancelling the temporary status by order dated 9/3/95 the respondent have deprived the applicant of all the benefits which she became entitled to under clause 5 of the Regularisation Scheme 1993 without effording her any opportunity and as such the order dated 9/3/95 is liable to be stayed pending disposal of this application.

- x) That under the facts and circumstances keeping in view of a number of years of serving the respondents as casual worker, the applicant is liable to be regularised in service.

6. Details of the remedies exhausted :-

That no rules have been framed for granting temporary status except the Regularisation scheme, 1993 and consequently there is no provision for filing any appeal or representation against cancellation of temporary status and issue of disengagement notice. However a representation was filed by the applicant for regularisation of her services on 28.6.95.

A copy of the representation is enclosed hereto and is marked as Annexur :-N.

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

The applicant further declares that she has not previously filed any application/writ petition or suit regarding the matter in respect of which this application has been made before any Court of law or any other authority or any other Bench of the Hon'ble Tribunal and no such application/writ petition or suit is pending.

8. Reliefs sought :

In the facts stated above and the grounds set forth in this application the applicant prays for the following reliefs :-

- a) To set aside the office order No. PASS/GAU/37/88 dated 9/3/95 cancelling the granting of temporary status.

- b) To set aside the disengagement notice No. PASS/Gau/37/88 dated 30.6.95 which was made effective from 01-8-1995 (F.N.)
- c) Direction to the respondent to regularise the service of the applicant in terms of the guidelines.

9. Interim order, if any prayed for :-

- a) interim suspension of order No. PASS/GAU/37/88 dtd. 9.3.95 cancelling the temporary status granted to the applicant.
- b) interim suspension of the notice dated 30-6-95 issued by the respondent No. 3.

AND for this the humble applicant shall ever pray.

10. Particulars of Bank Draft/Postal Order filed IN RESPECT OF THE APPLICATION FEE.

Postal order No. 8 03 885970 dtd. 11-7-95
for Rs. 50.00 (Rupees Fifty only)

11. List of enclosures :-

1. Copy of Registration Certificates dtd. 17.3.91 & dtd. respectively.
2. Copy of Certificate dated 31st July, 1992.
3. Copy of orders assigned various type of jobs from time to time.
4. Copy of letter dated 24/9/93.
5. Copies of office memorandum dated 10/9/93 along with schemes.

- 6. Copy of office order dtd. 21/2/94.
- 7. Copy of office order dtd 10/5/94.
- 8. Copy of office order dtd. 9/3/95
- 9. Copy of termination notice dated 30/6/95.

VERIFICATION

I, Miss Anjali Thakuria Daughter of Shri Amulya Thakuria aged about 28 years presently working as casual worker in the ~~office~~ Regional Passport Office, Guwahati do hereby verify that the contents of paras 1, 2, 3 and 4 are true to my personal knowledge and paras 5, 6, 7, 8 and 9 are believed to be true on legal advice and that I have not suppressed any material fact.

Place : Guwahati

Date

Anjali Thakuria

Signature of the
applicant.

Assam Schedule XI Form No 11-X-10 (Revised)
 (Revised vide letter No. PF 33/78/55, dt. 6.12.78)

GOVERNMENT OF ASSAM

DEPARTMENT OF LABOUR

EMPLOYMENT EXCHANGE

CATEGORY - SC/ST/Ex-SC/PH/PY.

IDENTITY CARD

(Not an Introduction Card for interview with Employments)

1. Name... *Anil Jyoti Thakur*
2. Date of Birth... *16.8.62*
3. Date of Registration... *17.3.91*
4. Registration No... *W/12913/91*
5. Qualifications..... *M.S.T.C*
6. N. C. O. Code No..... *101569*
7. Occupation.....
8. Prominent Identification Mark... *Signature*

Anil Jyoti Thakur
 (Signature of
 Applicant)

8/1/91
 (Signature of
 Officer)

Next Renewal Due in Month and Year)	Dated Initials of the Renewal Clerk	Next Renewal Due in (Month and Year)	Dated Initials of the Renewal Clerk
<i>3/91</i>			

Attest
 Molam
 20/12/91
 Advocate

16-

ANNEXURE 'B'

Assam Schedule LXIII Form No. II X-10 (Revised)
 (Revised vide letter No. PF 33/78/55, dt. 6.12.78)

GOVERNMENT OF ASSAM

DEPARTMENT OF LABOUR

EMPLOYMENT EXCHANGE

CATEGORY : SC/ST/Ex-S/PH/PY

IDENTITY CARD

(Not an Introduction card for interview
 with employers)

1. Name: Ajali Thakuria
2. Date of Birth: 16-8-67
3. Date of Registration: 12-11-81
4. Registration No: W 440791/91
5. Qualifications: B.A
6. N. C. O. Code No: 20132
7. Occupation: Unemployed
8. Prominent Identification Mark:

Ajali Thakuria
 (Signature of
 Applicant)

(Signature of
 Officer)

Next Renewal Due in Month and Year	Dated Initials of the Renewal Clerk	Next Renewal Due in (Month and Year)	Dated Initials of the Renewal Clerk
<u>1st October 1981</u>	<u>July 2011/91</u>	<u>1st October 1981</u>	<u>July 2011/91</u>

मारत सरकार
मिनिस्ट्री ऑफ नेशनल एफएस
धन्त्रीय पारपत्र कार्यालय
GOVERNMENT OF INDIA
MINISTRY OF EXTERNAL AFFAIRS
REGIONAL PASSPORT OFFICE

Tele { Phone : 83198
Gram : PASSEM, Guwahati
Telex :

राणी बागान, बासिथा रोड
RANI BAGAN, Basistha Road
दिस्पुर, गुवाहाटी
Dispur, Guwahati-781028

No.

31st July, 1992.
Guwahati.....

TO WHOM IT MAY CONCERN

This is to certify that Miss Anjali Thakuria D/o Shri Amulya Thakuria of Barpeta is a Casual Worker, working in the Regional Passport Office, Guwahati, Ministry of External Affairs, Govt. of India since 12.07.1991.

She is honest, smart, hard-working and of amiable disposition.

She worked under me with utmost devotion and sincerity.

I found in her the real qualities of a good worker and is deem fit to be in Govt. Service.

I wish her all success in life.

.....
(H. C. MATHUR)
Superintendent,
Regional Passport Office,
H. C. MATHUR
..... / Superintendent
धन्त्रीय पारपत्र कार्यालय,
Regional Passport Office
मारत सरकार / Guwahati

Attested
C. Johnson
26/7/92
Administrator

भारत सरकार
 विदेश मंत्रालय
 धोक्त्रीय वायाप वायावलय
 GOVERNMENT OF INDIA
 MINISTRY OF EXTERNAL AFFAIRS
 REGIONAL PASSPORT OFFICE

Tele { Phone : 60198
 Gram : PASSEM, Guwahati
 Telex : 0235 2312

राणी बागान, बासिथा रोड
 RANI BAGAN, Basistha Road,
 गुवाहाटी
 3rd Bye Lane, Guwahati-781028.

No. Pass/Gau/45/79

Guwahati, 25th August, 1979.

OFFICE ORDER

In supersession of all previous orders, following allocation of duties among staff members of this office is hereby ordered with immediate effect.

1. Shri R. K. Gegei, Stenographer, - PA to RPO, In addition he will deal in R & E cases, stationery, administration and any other entrusted to him by RPO from time to time.
2. Shri J. C. Deori, U.D.C. - In-charge of passport section.
3. Shri B. K. Laskar, U.D.C. - ^{Section} Cash & Accounts, 1/4th, timely submission of reply to MEA & COA regarding cash & Accounts matters. Issue of reminders to police and MHA of all fresh cases.
4. Shri T. Talukdar, L.D.C. - He will attend counter from 9.00 A.M. to 1.00 P.M. after closing accounts of the counter he will also assist Shri I. Basumatary, in Index work in the later part of the day.
5. Shri R. K. Tamuli, L.D.C. - Writing of passports of all kinds, including entry of them in the respective register service of all Miso. cases.
6. Shri M. Das, L.D.C. - He will assist Shri Laskar in all accounts works, handle cash of this office, maintain accounts, timely deposit of cash at Bank, timely submission of all returns pertaining to cash and accounts. In addition he will assist Shri Basumatary in the Index work in the later part of the day.
7. Shri I. Basumatary, L.D.C. - In-charge of Index section. He will have to see that warning, Impounding, and PAC circular are made up-to-date.
8. Shri J. Kakati, Daftary, - In-charge of despatch and Record sections including diarising of all general receipt and proper maintenance of record section including checking of postal cases and return of defective cases.

*Affected
C. M. J. Kakati
Daftary*

19- American D

भारत भरकार
विदेश मंत्रालय
शोधीय पारम्पर कार्यालय
GOVERNMENT OF INDIA
MINISTRY OF EXTERNAL AFFAIRS
REGIONAL PASSPORT OFFICE

Tele { Phone : 60198
Gram : PASSEM, Guwahati
Telex : 0235 2312

- 2 -

राणी बागान, बसिठा रोड
RANI BAGAN, Basistha Road,
गुवाहाटी
3rd Bye Lane, Guwahati-781028.

No.

Guwahati..... 19

9. Shri Girish Baishya, N.W.M - He will attend the bell of RPO and any other necessary works entrusted to him from time to time.
10. Tukheswar Das, C.W. - He will link all reports and clearance in respective files received daily within two days from the date of receipt.
- ✓ 11. Miss Anjali Thakuria, C.W. - Lamination of passports, verification of particulars before lamination. She will assist in writing passports when required. Writing of ppfs.
12. Miss Manju Barman, C.W. - She will arrange all ppfs to Police authorities District-wind submit the same to despatch clerk for early despatch.
13. Shri Ratan Talukdar, C.W. - He will make file covers of all fresh cases received at counter and by post within two days.
14. Shri Shyamal Das, C.W. - He will bring Dak, deposit of telegrams, speed posts, letters etc. to postal authorities, and other work entrusted by RPO from time to time.

(S. N. GOSWAMI)
Regional Passport Officer,
Guwahati.

Seen

DR

Attested
C. J. Salerin
20/1/95
Add'l. Assistant

21/1/95

भारत सरकार

विदेश मंत्रालय

क्षेत्रीय पारपत्र कार्यालय

GOVERNMENT OF INDIA

MINISTRY OF EXTERNAL AFFAIRS

REGIONAL PASSPORT OFFICE

60/01

Tele { Phone : 60198
Gram : PASSEM, Guwahati

Tele : 0235 2312

राणी बागान, विश्वास रोड
RANI BAGAN, Busistha Road,
पुराहाटी
3rd Bye Lane, Guwahati-781028.

No. Pass/Gau/45/79

Guwahati, 11th March, 1993.

OFFICE ORDER - 2/93

(Distribution of works amongst the D.R. workers)
With immediate effect

1. Smt. Manju

- Attached to counter/opening of files, bringing visitors slip to Section/RPO.
Files opened on the day should be passed on to Smt. Thakuria.
Files should ~~not~~ be opened on the same day of receipt of applications.

2. Smt. Thakuria

- Attached to Counter to receive/issue letters to DR workers.
Such papers should be issued within ~~two~~ days from the date of receipt of the files.

3. Shri Ratan

- Attached to Indexing Section/ carry and deliver Dak to SB office in the evening.

4. Shri Shyamal

- Attached to Record Section. Orderly arrangement of files in the record room/linking of old files. Attend to postal work whenever asked to do so.

5. Shri T. Das

- Linking of papers in the files and attend to RPO room work.

Shri Girish Baishya, Nightwatchman, will attend to photo pasting/lamination works/postal work as and when necessary.

(S. N. GOEWAL)
Regional Passport Officer,
Guwahati.

NB. All officials are requested not to disturb the above arrangement.

DR workers and Nightwatchman are advised to request the visitor to meet counter assistant or officials or RPO in case they want to know anything about passport work or their own case.

C. Manju Bezaan

C. Girish Baishya

C. Ratan

Date 12/3/93

C. Shyamal

C. T. Das

12/3/93

21-

Annexe - F.5

भारत सरकार
विदेश मंत्रालय
धोक्यो यारणव कार्यालय
GOVERNMENT OF INDIA
MINISTRY OF EXTERNAL AFFAIRS
REGIONAL PASSPORT OFFICE

60101
Tele { Phone : 00228
Gram : PASSEM, Guwahati
Telex : 0235 2312

राणी बागान, वशिष्ठ रोड
RANI BAGAN, Basistha Road,
गुवाहाटी
3rd Bye Lane, Guwahati-781028

No. Pass/Gau/45/79

90 - 6/93

3rd Bye Lane, Guwahati-781028.

Guwahati..... 7th June, 19 93.

The following changes have been among the staff of Regional Passport Office, Guwahati.

- | | |
|---------------------------------------|---|
| 1. Shri J. Kakati,
I.D.C. | Attached to Indexing section. |
| 2. Shri M. Das,
I.D.C. | 2nd half - will work in the issue section
temporarily. |
| 3. Shri P. R. Laskar,
I.C. | In addition to existing works, will attend
to passport Misc services cases. |
| 4. Shri R. K. Gogoi,
Steno. | Stenography/ typing work and other existing
works except passport Misc services cases. |
| 5. Shri Shyamal Das,
Casual worker | Issue/ arrangement of files in the record
room. |
| 6. Shri R. Talukdar, | Arrangement of files in the record room. |
| 7. Smt. A. Thakuria, | Diariising of letters/ sending of P.P.F.s to
Police, / T.H. |

With effect from 1st July, 1870, 1890.

(S. N. GOGWAMI)
Regional Passport Officer,
Guwahati.

ALL INDIA PASSPORT EMPLOYEES ASSOCIATION

Branch Office : Ahmedabad, Bangalore, Bombay, Bhopal, Bareilly, Bhuvneshwar, Calcutta, Cochin, Chandigarh, Guwahati, Goa, Hyderabad, Jaipur, Jalandhar, Lucknow, Kozhikode, Madras, Nagpur, Patna, Trichy, Trivandrum
 Head Office : NEW DELHI

Ref. No.

AIPEA/15/93

24-9-93

President:
 Dr. Bishesh Singh-Jullundhar

Vice President:
 P. G. Rajan-Cochin

General Secretary:
 A. P. Rastogi-Delhi

Central Organization:
 M. D. Mishra-Bareilly

Joint Secretary Organization:
 M. D. Khan-Kozhikode

Joint Secretaries:
 Mr. S. Chatterjee-Bombay
 Mr. U. Bhattacharya-Calcutta
 Mr. R. Kapoor-Delhi
 Mr. B. Rastogi-Lucknow
 Mr. G. Davuluri-Madras

General Secretaries:
 Mr. Kumar-Ahmedabad
 Mr. Gopal Reddy-Bhopal
 Mr. B. Prabhat-Cochin
 Mr. S. Dasgupta-Jaipur
 Dr. B. P. Yadav-Patna

General Secretary:
 Mr. T. K. Delhi

To

The Joint Secretary (CPV)
 Ministry of External Affairs,
 New Delhi.

Subject : - Grant of temporary status and
 regularisation of casual workers - reg.

Madam,

You are aware that approximately 400 casual workers are working in different Passport Offices of Central Passport Organization.

Govt. of India, Ministry of Personnel has introduced a scheme vide office memorandum (copy enclosed herewith) wherein Govt. of India has decided to grant temporary status to all casual workers who have rendered a continuous service of one year as casual worker. As per the above scheme these casual workers would be treated at par with group "D" employees for certain particular purposes.

Keeping in view the above, you are kindly requested to issue instructions to all Passport Officers to implement the scheme for the welfare of 400 casual workers. This scheme will help in developing a sense of responsibilities, sense of belongingness to the organization among the 400 casual workers and the matter of casualism will be resolved finally.

Early action in the matter will be appreciated.

Yours Sincerely,

A. P. Rastogi
 (A. P. RASTOGI)
 Genl. Secretary

Affixed
 C. J. Joshi
 2/11/93

No.51016/2/90-Estt(C)
 Government of India
 Ministry of Personnel, P.G. and Pensions
 Department of Personnel & Training

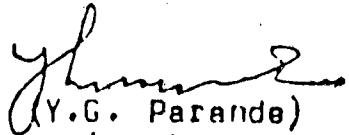
New Delhi, the 10th Sept 1990

OFFICE MEMORANDUM

Subject: Grant of temporary status and regularisation of Casual workers- formulation of a scheme in pursuance of the CAT, Principal Bench, New Delhi, judgement dated 16th Feb 1990 in the case of Shri Raj Kamal & Others Vs. UOJ.

The guidelines in the matter of recruitment of persons on daily-wage basis in Central Government offices were issued vide this Department's O.M. No.49014/2/86-Estt(C) dated 7.6.88. The policy has further been reviewed in the light of the judgement of the CAT, Principal Bench, New Delhi delivered on 16.2.90 in the writ petition filed by Shri Raj Kamal and others Vs Union of India and it has been decided that while the existing guidelines contained in O.M. dated 7.6.88 may continue to be followed, the grant of temporary status to the casual employees, who are presently employed and have rendered one year of continuous service in Central Government offices other than Department of Telecom, Posts and Railways may be regulated by the scheme as appended.

2. Ministry of Finance etc. are requested to bring the scheme to the notice of appointing authorities under their administrative control and ensure that recruitment of casual employees is done in accordance with the guidelines contained in O.M. dated 7.6.88. Cases of negligence should be viewed seriously and brought to the notice of appropriate authorities for taking prompt and suitable action.

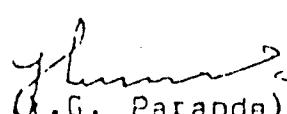

 (Y.G. Parande)
 Director

To

All Ministries/Departments/offices of the Government of India as per the standard list.

Copy to: (1) All attached and subordinate offices of
 (i) Ministry of Personnel, PG and Pensions
 (ii) Ministry of Home Affairs
 (2) All officers and sections in the MHA and
 Ministry of Personnel, PG and Pensions.

*Affected
 C. Jalyani
 20/2/95*


 (Y.G. Parande)
 Director

Department of Personnel & Training, Casual Labourers
(Grant of Temporary Status and Regularisation) Scheme

1. This Scheme shall be called "Casual Labourer (Grant of Temporary Status and Regularisation) Scheme of Government of India. 1993.
2. This scheme will come into force w.e.f. 1.9.1993
3. This scheme is applicable to casual labourers in employment of the Ministries/Departments of Government of India and their attached and subordinate offices, on the date of issue of these orders. But it shall not be applicable to casual workers in Railways, Department of Telecommunication and Department of Posts who already have their own schemes.
4. Temporary status
- i) Temporary status would be conferred on all casual labourers who are in employment on the date of issue of this O.M. and who have rendered a continuous service of at least one year, which means that they must have been engaged for a period of at least 240 days (206 days in the case of offices observing 5 days week).
- ii) Such conferment of temporary status would be without reference to the creation/availability of regular Group 'D' posts.
- iii) Conferment of temporary status on a casual labourer would not involve any change in his duties and responsibilities. The engagement will be on daily rates of pay on need basis. He may be deployed anywhere within the recruitment unit/territorial circle on the basis of availability of work.
- iv) Such casual labourers who acquire temporary status will not however, be brought on to the permanent establishment unless they are selected through regular selection process for Group 'D' posts.
5. Temporary status would entitle the casual labourers to the following benefits :-

*Affected
C. Jalyain
20/7/95
Dhruv Nath*

- i) Wages at daily rates with reference to the minimum of the pay scale for a corresponding regular Group 'D' official including DA, HRA and CCA.
- ii) Benefits of increments at the same rate as applicable to a Group D employee would be taken into account for calculating pro-rate wages for every one year of service subject to performance of duty for atleast 240 days (206 days in administrative offices observing 5 days week) in the year from the date of conferment of temporary status.
- iii) Leave entitlement will be on a pro-rate basis at the rate of one day for every 10 days of work, casual or any other kind of leave, except maternity leave will not be admissible they will also be allowed to carry forward the leave at their credit on their regularisation. They will not be entitled to the benefits of encashment of leave on termination of service for any reason or on their quitting service.
- iv) Maternity leave to lady casual labourers as admissible to regular Group D employees will be allowed.
- v) 50% of the service rendered under Trmporary Status would be counted for the purpose of retirement benefits after their regularisation.
- vi) After rendering three years continuous service after conferment of temporary status, the casual labourers would be treated on par with temporary Group D employees for the purpose of contribution to the General Provident Fund, and would also further be eligible for the grant of Festival Advance/Floor Advance on the same conditions as are applicable to temporary Group D employees, provided they Furnish two sureties from permanent Govt. servants of their Department.
- vii) Until they are regularised, they would be entitled to Productivity Linked Bonus/Ad-hoc bonus only at the rates as applicable to casula labourers.

Approved
C. Jayaraj
Admirec
20/11/95

-2-

6. No benefits other than those specified above will be admissible to casual labourers with temporary status. However if any additional benefits are admissible to casual workers working in Industrial establishments in view of provisions of Industrial Dispute Act, they shall continue to be admissible to such casual labourers.

7. Despite conferment of temporary status, the services of casual labourers may be dispensed with by giving a notice of one month in writing. A casual labourer with temporary status can also quit service by giving a written notice of one month. The wages for the notice period will be payable only for the days on which such casual worker is engaged on work.

8. Procedure for filling up of Group D Posts.

i) Two out of every three vacancies in Group 'D' cadre in respective offices where the casual labourers have been working would be filled up as per extent recruitment rules and in accordance with the instructions issued by Department of Personnel & Training from amongst casual workers with temporary status. However, regular Group 'D' staff rendered surplus for any reason will have prior claim for absorption against existing/ future vacancies. In case of illiterate casual labourers or those who fail to fulfil the minimum qualification prescribed for post, regularisation will be considered only against those posts in respect of which literacy or lack of minimum qualification will not be a requisite qualification. They would be allowed age relaxation equivalent to the period for which they have worked continuously at casual labourer.

*Approved
C. Jayaram
Secretary
20/7/75*

9. On regularisation of casual worker with temporary status, on substitute in his place will be appointed as he has not holding any post. Violation of this should be viewed very seriously and attention of the appropriate authorities should be drawn to such cases of suitable disciplinary action against the officers violating these instructions.

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10. In future, the guidelines as contained in this department's O. dated 7-6-88 should be followed strictly on the matter of engagement of casual employees in Central Government Offices.
11. Department of Personnel & Training will have the power to make amendments or relax any of the provisions in the scheme that may be considered necessary from time to time.

Attested
C. J. Jayaraj
Advocate
20/7/95

भारत सरकार
विदेश मंत्रालय
क्षेत्रीय पारपत्र कार्यालय
GOVERNMENT OF INDIA
MINISTRY OF EXTERNAL AFFAIRS
REGIONAL PASSPORT OFFICE

Phone : 60198
Gram : PASSEM, Guwahati
Telex : 0235 2312

राणी बागान, बासिथा रोड
RANI BAGAN, Basistha Road,
गुवाहाटी
3rd Bye Lane, Guwahati-781028.

No. Pass/Gau/45/79

Guwahati, 21st, Feb. 1994 19

OFFICE ORDER NO. 2/94

In supersession of all previous Orders, the following allocation of duties among Staff members of this office is hereby made with immediate effect.

- | | |
|-------------------------------|--|
| (1) Shri R. K. Gogoi, Asstt. | Administration and any other work entrusted to him by RPO from time to time. |
| 2. Shri J. C. Deori, Asstt. | In-Charge of passport section including issue of letter to applicants calling for proof of address/other documents. |
| 3. Shri B. K. Laskar, UDC | Nagaland & Mizoram cases, R & E cases including issue of letter to applicant calling for proof of address/other documents. |
| 4. Shri T. Talukdar, LDC | Writting of passports i.e. MSP/Official/Diplomatic in the Cashier's room for safety of blank passport booklets & files. |
| 5. Shri R. K. Tamuli, LDC, | Attend counter and servicing of Misc. services also help T. Talukdar in the passport section/ Delivery of passports through counter. |
| 6. Shri J. Basumatary, LDC | In-charge of Index Section. He will have to see that warning/PAC/Impounding circulars are made up-to-date. |
| 7. Shri J. Kakati, LDC | Cash & Accounts & typing of letters at second half of the day. |
| 8. Smt. A. Das, LDC | Despatch Section, Preparation of daily Dak at first half of the day with the help of Shri G. Baishya, NWM. At second half both will prepare PPF to police authorities. |
| 9. Shri Tusheswar Das, DRW | Linking of reports in the files and keeping of pending files in proper order. |
| 10. Smt. Anjali Thakuria, DRW | Scaling of PPF & preforma at first half. In the 2nd half attend Index section and help Shri Basumatary in keeping warning etc. cards up-to-date. |

Attested
C. J. Jayaraj
Advocate
20/2/95

भारत सरकार
विदेश मंत्रालय
क्षेत्रीय पारपत्र कार्यालय
GOVERNMENT OF INDIA
MINISTRY OF EXTERNAL AFFAIRS
REGIONAL PASSPORT OFFICE

Tele { Phone : 2698 560101
Gram : PASSEM, Guwahati
Telex : 0235 2312

राणी बाग, वशिष्ठ रोड
RANI BAGAN, Basistha Road,
गुवाहाटी
3rd Bye Lane, Guwahati-781028.

No. Pass/Gau/37/88

10th, May 1994.
Guwahati.....19

OFFICE ORDER

Consequent upon Ministry's letter No. V.IV/570/13/93 dt. 10-02-94 advising to implement the scheme of grant of temporary status to the eligible casual labourers with effect from 01-09-93, the following casual labourers of this office ~~were~~ given temporary status w.e.f 01-09-93.

1. Shri Tusheswar Bas.
2. Smt Anjali Thakuria.
3. Smt Manju Barman.
4. Shri Shyamal Kumar Das.
5. Shri Ratan Kumar Talukdar.

Certified that they have already completed 206 (two hundred six) days of service in a year.

Granting of temporary status to above D/R worker is subject to the conditions mentioned in O.M. No. 51016/2/90 Estt (C) dt. 10-09-93 (including appendix- IX attached to the said O.M) from the Ministry of personnel P.G. and pension's Department of personnel & Training, Government of India.

(Signature)
(S.N.GOSWAMI)
Regional Passport Officer,
Guwahati.

Copy to:-

- (I) Shri M. P. Singh DS(PVA) Ministry of External Affairs, Government of India, New Delhi.
- (II) Pay and Accounts Officer, O/O the controller of Accounts, Ministry of External Affairs, Govt of India, New Delhi.
- (III) Finance III/Budget section, Ministry of External Affairs, Government of India, New Delhi.
- (IV) Accounts Section, Regional Passport Office, Guwahati.

(Signature)
(S.N.GOSWAMI)
Regional Passport Officer,
Guwahati.

*Affected
C. Malavia
Advocate
20/7/95*

भारत सरकार
विदेश मंत्रालय
क्षेत्रीय पारपत्र कार्यालय
GOVERNMENT OF INDIA
MINISTRY OF EXTERNAL AFFAIRS
REGIONAL PASSPORT OFFICE

Tel. { Phone : 600000 560101
Gram : P.A.S.S.B.M., Guwahati
Telex : 0235 2212

राणी बागान, बसिष्ठ रोड
RANI BAGAN, Basistha Road,
गुवाहाटी
3rd Bye Lane, Guwahati-781028.

No. Pass/Gau/37/88

9.3.95
Guwahati..... 19

OFFICE ORDER

This office order No. Pass/Gau/37/88 dt. 10.5.94
granting temporary status w.e.f. 01.09.93 to the following
casual labourers of this office is hereby cancelled as
granting of temporary status is found to be in contravention of the rules.

1. Shri Tusheswar Das.
2. Smt. Anjali Thakuria.
3. " Manju Barman.
4. Shri Shyamal Kumar Das.
5. Shri Ratan Kumar Talukdar .

(S.N.GOSWAMI)
Regional Passport Officer
Guwahati.

Copy to :-

1. The Dy. Secy. (PVA) , Ministry of External Affairs,
Govt. of India, New Delhi.
2. Pay and Accounts officer, o/o the controller of Accounts ,Ministry of External Affairs, Govt. of India.
New Delhi.
3. Finance III/ Budget Section , Ministry of External Affairs, Govt. of India, New Delhi.
4. The under secretary (PVA) , Ministry of External Affairs, Patiala House Annexe, New Delhi, with reference to his letter no. V.IV/579/15/94 dt. 17.1.95 .
5. Accounts Section, R.P.O ,Guwahati.

(S.N.GOSWAMI)
Regional Passport Officer
Guwahati.

भारत सरकार
विदेश मंत्रालय
सेवीय पारपांत्र कार्यालय
GOVERNMENT OF INDIA
MINISTRY OF EXTERNAL AFFAIRS
REGIONAL PASSPORT OFFICE

Tele { Phone : 60198
Gram : PASSEM, Guwahati
Telex : 0235 2312

राणी बागान, बाजार
RANI BAGAN, BAZAR
3rd Bye Lane, Guwahati

Guwahati, 30.06.95

No.

Pass/Gau/37/88

Miss A.Thakuria,
DRW,
R.P.O.
Guwahati.

* As the specific work ^{for} which you were engaged has since been completed, your services will not be required in this office effective 01.08.95 (F.N.). This may be treated as one month's notice prior to your disengagement w.e.f. 01.08.95 (F.N.).

(S.N.GOSWAMI)

Regional Passport Officer,
Guwahati

Attested
C. Paljor
Advocate
20/7/95

To

The Regional Passport Officer, Guwahati
Ministry of External Affairs,
Govt. of India.

Date: 28.06.95.

Sub:- Regularisation of service of casual worker
(D.R.W.).

Sir,

With due respect I have to stated that I was appointed as casual labour/worker in the Regional passport Office, Guwahati, Ministry of External Affairs, Govt. of India on 12.7.91.

I have been working on the said post since 12.7.91. However my service not yet regularised.

I therefore request you to kindly regularise my service at the earliest.

Copy to:

1. Chief Passport Officer,
M.E.A. New Delhi.
2. Dy. Secy.(PVA)
M.E.A. New Delhi
3. A.O. (PV.IV)
M.E.A. New Delhi
for information and
necessary action.

Yours faithfully,

(MISS ANJALI THAKURIA)
Regional passport Office
Near Rani Bagan,
3rd bye lane,
Basistha Road,
Guwahati-28.

affested
C. Jayaram
Advocate
28/7/95

Central Admin.
Bench
1 AUG 1995
33
Guwahati Bench
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH, GUWAHATI.

O.A. No. 138/95 .

Miss Anjali Thakuria

Vs

Union of India and others

And

In the matter of

Written statement submitted by the Respondent

Written Statement

The Humble Respondent submit written statement as follows :-

1. That with regard to statement made in paras 1 to 3 of the application , the Respondent have no comments.
2. That with regard to statement made in paras 4-I; 4-II, 4-III, and 4-IV of the application, the Respondent beg to state that they have no comments, the same being matters of records. The Respondents further beg to state that the applicant was taken as casual worker to tide over temporary nature of work load in the office.
3. That with regard to statement made in para 4-V of the application the Respondents beg to state that the applicant's services have been utilised from time to time as per need that is availability of work.
4. That with regard to statement made in para 4-VI of the application the Respondents beg to state that the applicant was taken as casual labourer only. It is not necessary to take action to absorb the applicant permanently as she was a casual worker engaged on the basis of availability of work.

Filed by:
Anjali Thakuria

1/0285-
Mr. MD. SHAURAT ALI, Standing Counsel
Central Administrative Tribunal
Guwahati Bench, Guwahati

Received copy
Dated 8/11/95

However the Respondents allowed the applicant to sit in the special qualifying examination -1993 conducted by Staff Selection Commission vide letter No. 23/1/93-EHQ-PT.File IV Dated 14.12.93 (Annexure I) but the applicant could not come out successful and as such her services could not be regularised.

5. That with regard to statement made in para 4-VII of the application the Respondents beg to state that the scheme called " Casual Labourers (Grant of temporary status and regularisation) (para 7) made it abundantly clear that " Despite conferment of temporary status , the services of casual labourers may be dispensed with by giving a notice of one month in writing . A casual labourer with temporary status can also quit service by giving a written notice of one month. The wages for the notice period will be payable only for the days on which such casual worker is engaged on work ' . In the instant case, in conformity with the scheme, the Respondent No. 3 issued one month notice to the applicant.

6. That with regard to the statement made in para 4-VIII of the application the Respondent beg to state that it is not correct that ' no action was taken on the scheme . Action was initiated on the said scheme vide Annexure K read with Annexures L - annexed to the O.A.

7. That with regard to statement made in para 4-IX and 4-X of the application the Respondent beg to state that conferment of temporary status upon casual worker is subject to the condition that such labourer should be engaged through the Employment Exchange. It was later detected that the applicant was not engaged through Employment Exchange and therefore temporary status granted vide office order no. Pass/Gau/37/88 dt. 10.5.94

85/54

(Annexure K annexed to the O.A.) was withdrawn vide order No. Pass/Gau/37/88 dt. 9.3.95 (Annexure L - annexed to the O.A.).

8. That with reference to statement made in paras 4-XI and 4-XII of the application the Respondent beg to state that the work load of the office does not justify engagement of casual labourer for further period and hence the applicant's engagement has been discontinued w.e.f. 1.8.95 as per Annexure - ~~K~~ connected to the O.A. ~~K~~ as her services is not required further with effect from that date. Also she has been informed that the same may be treated as one month notice prior to her disengagement w.e.f. ~~XXX~~ 01.08.1995 .

9. That with regard to statement made in para 5 of the application, regarding granting of relief with legal provision, the Respondent beg to state that as the petitioner was a casual labourer, none of the grounds is maintainable in law as well as in facts and as such her application is liable to be dismissed.

10. That with regard to statement made in para 6 Of the application the Respondent beg to state that the application submitted by the applicant on 28.6.95 has been duly considered and thereafter one month notice of disengagement has been issued to her.

11. That with regard to statement made in para 7 of the application the Respondent has no comment.

12. That with regard to statement made in para 8 of the application , the Respondent beg to state that the applicant is not entitled to any of the reliefs sought for in this para and as such the application is liable to be dismissed.

6/8/95

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13 . That with regard to statement made in para 9 of the application, the Respondent beg to state that in view of the facts and circumstances narrated above the interiem order dt. 21.7.95 passed by the Honourable Tribunal is liable to be vacated.

14. That with regard to statement made in paras 10 ~~and~~ 11 of the application the Respondent beg to state that the Respondent has no comment.

15. The Respondent submit that the application has no merit and such the same is liable to be dismissed.

Verification

I, S.N.Goswami ,Regional Passport Officer, Guwahati do hereby solemnly declare that the statements made above are true to my knowledge , belief and information and I sign this verification on this 31st day of july 1995 .

S.N.Goswami
Declarant.

एस.एन. गोस्वामी/S. N. Goswami

सेन्ट्रल पासपोर्ट ऑफिसर

Regional Passport Officer

गुवाहाटी/GUWAHATI

S.N.Goswami

Speed Post

Annexure-1

37

BY SPEED POST

टेलेक्स नं. : 031-5570-एस० एस० सी० एन-आई० एम०
Telex No : 031-5570-S.S.C.H-IN

तार पता : स्टासेलकॉम

Telegraphic Address : STASELCOM
दूरभाष/Telephone No.

सं०

No. 23/1/93-EHQ Pt. File IV
GOVERNMENT OF INDIA

STAFF SELECTION COMMISSION

DEPARTMENT OF PERSONNEL & TRAINING

BLOCK No. 12 C. G. O. COMPLEX,

LODI ROAD

नई दिल्ली-110 003

New Delhi-110003 Dated 14.12.1993

भारत सरकार
कर्मचारी वयन भावोन
कामिन तथा प्रक्षिक्षण विभाग

ब्लॉक नं. 12, सी० जी० ए० कॉ० कम्प्लेक्स,
लोधी रोड

To

The Passport Office,

M/o External Affairs

Rani Bagh, Basistha Road,

3rd Bye Lane

गुवाहाटी-781028

Subject: Special Qualifying Examination-1993 for regularisation the services of Ad-hoc/Daily Rated LDCs & Stenographers.

Sir,

I am to refer to the subject cited above and to send the A.Cs. of the candidates of your office as listed in Annexure-I enclosed with this letter. These A.Cs. may kindly be given to them immediately to enable them to appear in Special Qualifying Examination to be held on 26.12.93. If there is any discrepancy/problem, a back reference may be made to the undersigned or the concerned Regional Director of the Commission.

Kindly send the acknowledgement of the letter by speed post immediately.

Yours faithfully

P.K. Dhamija

(P.K. Dhamija)
Under Secretary (D)

checked

done

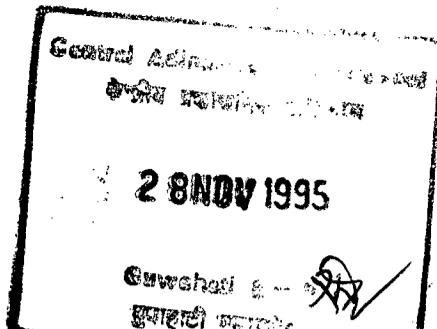
एस०एस० गोस्वामी/S. N. Goswami

सेक्रीय पारपत्र बॉर्डकारी

Regional Passport Officer,

गुवाहाटी/GUWAHATI

1. Shyamal K. Das - 4210038
2. R. Talukdar - 4210039
3. Mrs A. Thakuria - 4210040



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: GUWAHATI BENCH
GUWAHATI

Filed by the
Applicant
through
C. T. James
29/11/95

In the matter of :-

O.A. No. 138/95

Miss Anjali Thakuria ... Applicant

-Vs-

Union of India & ors. ... Respondents

-And-

In the matter of :-

Reply to the written statement
submitted by the respondents.

REPLY TO WRITTEN STATEMENT

The humble applicant submit reply to the written statement as follows:-

1. That with regard to the statements made in para 1 of the written statement the applicant have no comments.
2. That with regard to the statements made in para 2 of the written statements the applicant denies the statements to the effect that the applicant was taken as a casual worker to tide over temporary nature of work load in the office. It is stated that the respondent No. 3 needed casual worker to attend to the pressing works in connection with issue of passports and accordingly the applicant was engaged as casual worker in the office of the Respondent No. 3 and she was assigned different kinds of duties from time to time.

Anjali Thakuria

3. That with regard to the statements made in paragraphs 3 of the written statement the applicant have no comments.
4. That with regard to the statements made in paragraph 4 of the written statement this applicant beg to state that the respondents can not take the plea that the service of the applicant could not be regularised as she could not come out successful in the special qualifying examination 1993 conducted by the Staff Selection Commission. The applicant beg to state that it is manifestly clear that the letter dated 14-12-1993, Annexure-1 to the written statement filed by the respondents that the examination conducted by the Staff Selection Commission was for special qualifying examination-1995 for regularisation of services of Ad-hoc/ Daily rated LDCs and stenographers which is altogether a different post, and as such the respondents cannot take the plea that the service of the applicant could not be regularised as she could not come out successful..
5. That the statements made in paragraphs 5 and 6 of the written statement are denied. It will be against various decisions of the apex court and also the Hon'ble Tribunal if the services of casual labourers are dispensed with by giving a one month notice in as much as the Hon'ble court has held in a number of decisions that throwing out of casual labours after a considerable period of time is a bad policy ~~and can~~ not be allowed by the courts. In fact in order to give relief to the casual workers direction to prepare the scheme was issued and if the respondent Govt. is allowed to dispensed with the service of the casual workers it will amount negation of the order passed by the apex court and this Hon'ble Tribunal.

Anjali Thakur

6. That the statements made in paragraphs 7 of the written statement is wholly incorrect and are denied. The casual labourers (grant of temporary status and Regulation) scheme of Govt. of India, 1993 do not stipulate such condition namely :- The confinement of temporary status is subject to engagement through employment exchange. The applicant states that the only condition stipulated in the said scheme is that the casual labourers who are in employment on the date of issue of the scheme should have rendered a continuous service of one year.

Further the employment exchange (compulsory notification of vacancies) Act, 1959 does not apply in respect of engagement of casual workers who are employed to tied over the work load on daily basis without any fixed duration.

7. That with regard to the statements made in paragraph 8 of the written statement the applicant beg to state that her appointment and continuation as a casual labourer for the last four years gave her a right to be regularised. But instead of regularisation, the applicant was served disengagement notice dated 30-6-95 thereby the respondents adopted a 'Hire and fire' policy in case of the applicant. It is specifically ^{stated} ~~denied~~ that the work load has increased manifold as more and more people are availing the services of the department for issue of passport.

8. That the statements made in paragraph 9 of the written statements are not tenable either in law or in facts.

Arjale
Hemant

-4-

9. That with regard to the statements made in paragraph 10 of the written statement the applicant denies that any appeal or representation was ever filed by the applicant under the Rules or scheme against the cancellation of temporary status and issue of disengagement notice except a representation dated 28-6-95 for regularization of her service not communicated to the applicant and denied that it is considered.
10. That with regard to the statements made in paragraph 11 of the written statement the applicant has no comment.
11. That with regard to the statements made in paragraph 12 of the written statement the applicant beg to state that the relief sought for ^{are} just and adequate and as such the applicant is entitle for the reliefs asked for in the original application.
12. That the statements made in paragraph 13 of the written statement has become infructuous.
13. That with regard to the statements made in paragraph 14 of the written statement the applicant have no comment.
14. That the applicant submits that the applicant is entitled for the reliefs sought for in the original application and the reliefs sought for is just and adequate.

Verification...

Ajali Thorwani

42
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-5-

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

I, Miss Anjali Thakuria daughter of Shri Amulya Thakuria aged about 28 years presently working as casual worker in the Regional Passport Officer, Guwahati do hereby verify that the statements made above are true to my knowledge, belief and information and I sign this verification on this 28th day of November, 1995.

Anjali Thakuria
Place:- Guwahati:- Signature of the applicant
Date:- 28/11/95

Anjali Thakuria