

50/100

**CENTRAL ADMINISTRATIVE TRIBUNAL**  
**GUWAHATI BENCH**  
**GUWAHATI-05**

3

(DESTRUCTION OF RECORD RULES, 1990)

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CD NP 129/96 under para 108/51/1696

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Bahis  
6.2.18

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH: GUWAHATI, 5

ORIGINAL APPLICATION NO: 163/95-

MISC. PETITION/ REVIEW APPLICATION/CONT. PETITION NO.

..... Binod Singh ..... APPLICANT(S)  
versus

..... H. O. I. Koms ..... RESPONDENT(S)

30.8.95

Mr. B.K.Sharma for the applicants.

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

Leave granted to the 9 applicants to  
join in this single application as their  
grievance is common.

In pursuance of a requisition made by the  
respondent No. 4, the Employment Exchange  
sponsored the names of the applicants for  
being considered for the post of Conser-  
vancy Safaiwala. It is stated by the  
applicants that 14 posts were to be filled  
up and 14 names were sponsored including  
the applicants. Thereafter the applicants  
were medically examined and found fit.  
Subsequent thereto on 21.2.95 they were  
interviewed for the purpose of selection.  
Thereafter their Police Verifications  
also was done. They were given appointment  
as casual labourers orally with effect  
from 1.3.1995 pending their appointments.  
It is alleged that although they were told  
that they will be given regular pay scale,  
they were actually paid some lump sum  
amount for the period from 1.3.95 to  
15.5.95 and from 17.6.95 to 28.8.95 they  
have been paid at the rate of Rs. 20/-  
per day. It is stated that between 1.6.95  
and 16.6.95 they were not engaged.

It is the case of the applicants that  
although formalities for their appoint-  
ments have been completed the respon-  
dents have avoided to appoint them  
against the posts for which they were

This application is in  
form and within time.

P. F. of Rs. 50/-

deposited vide

IPO/BD No. 329196

Dated 25-8-95

*[Signature]*  
29/8/95  
*[Signature]*

2

O.A. 163/95

30.8.95 interviewed and that leads to the applicants to apprehend that the respondents <sup>may</sup> ~~are likely~~ to appoint some other persons <sup>instead of them</sup> in their place.

The grievance of the applicants so made in the circumstances noted above discloses a prima facie case for consideration. We, however think it proper to hear the respondents before admitting the OA.

~~O.A. is admitted.~~ Issue notice to the respondent No. 4 to show cause as to why the application be not admitted and interim relief as prayed may not be granted, returnable on 20.9.95.

The ~~pending~~ further orders the respondents <sup>No. 4</sup> is directed to continue the casual appointment of the applicants. The respondent No. 4 is ~~also~~ also hereby directed to keep 9 posts vacant until further orders. The applicants shall take steps to issue the notice by supplying the requisites etc. within two days.

Mr. G. Sarma, Addl. C.G.S.C. is also requested to obtain instructions to show cause on the returnable date.

Member

Vice-Chairman

trd

20.9.95

Mr B.K.Sharma for the applicants.

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

respondents.

O.A. admitted. Notice waived. By consent taken up for hearing. Arguments of both the counsel heard and concluded. O.A. is disposed of in terms of the directions in the order. No order as to costs.

Member

Vice-Chairman

12.12.95

copy of Judge/Order dtd. 20.9.95 issued to the Respondt. No.4 & counsel. For the parties note d/No. 5307-09 dtd. 15.12.95

gfb.

Requisites are done on 29.9.95  
18 issue vide no. 3958-62  
A. 7-9-95

in  
2/9

Service Reports are still awaited.

20  
19/9

12  
3/9

19.9.95

Reply to ~~Sharma~~ Cairn at P. 29-32 and wfs on behalf of Responds at P. 33-42 filed by Shri G.Sarma Addl. C.G.S.C.

12  
19/9

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

D.A. NO. 163 of 1995.  
~~X.X. XX.~~

DATE OF DECISION 20.9.1995.

Sri Binod Einghi & 8 others.

(PETITIONER(S))

Shri B.K.Sharma, Shri M.Chanda.

ADVOCATE FOR THE  
PETITIONER (S)

VERSUS

Union of India & Ors.

RESPONDENT (S)

Shri G.Sarma, Addl.C.G.S.C.

ADVOCATE FOR THE  
RESPONDENT (S)

THE HON'BLE JUSTICE SHRI M.G.CHAUDHARI, VICE CHAIRMAN.  
THE HON'BLE SHRI G.L.SANGLYINE, MEMBER (ADMN.)

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

ye

No

*M.G. Chaudhary*

Judgment delivered by Hon'ble Vice-Chairman.

5

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH..

Original Application No. 163 of 1995.

Date of Order : This the 20th Day of September, 1995.

Justice Shri M.G. Chaudhari, Vice-Chairman.

Shri G.L. Sanglyine, Member (Administrative)

1. Sri Binod Singh,
2. Sri Narayan Das,
3. Sri Uttam Ch. Basumatary,
4. Sri Rajesh Ram,
5. Smt Nirmala Basfore,
6. Smt Minu Bala Das (Rajbanshi),
7. Sri Lakhman Das,
8. Sri Ram Khilaon Passi &
9. Smt Renu Praya Borah. . . . Applicants.

By Advocate Shri B.K. Sharma, with M. Chanda.

- Versus -

1. Union of India  
through the Secretary to the Govt. of India,  
Ministry of Defence,  
New Delhi.
2. The Additional Director General of Staff Duties  
(S D G B), General Staff Branch,  
Army Headquarter DHG,  
New Delhi-110001.
3. Administrative Commandant,  
Purav Kaman Mukhyalaya, Headquarters,  
Eastern Command, Fort William,  
Calcutta-700021.
4. The Administrative Commandant,  
Station Head-quarter, Narengi,  
Guwahati, C/O 99 A.P.O.
5. Employment Officer,  
Employment Exchange for unskilled applicants,  
Pub Sarania, Guwahati-3. . . . Respondents

By Advocate Shri G. Sarma, Addl. C.G.S.C.

O R D E R

CHAUDHARI J. (V.C.)

O.A. admitted. Notice waived. By consent taken up  
for hearing.

2. The Station Headquarter, Narengi Camp, Guwahati  
notified Employment Exchange, Guwahati to forward a list of  
names in SC/ST category for employment as Conservancy Safaiwala.  
The employment exchange sent a list of 202 names. A Board of  
Officers was thereafter detailed and after following the

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procedure a list of 14 candidates who were found suitable was prepared. The 9 applicants who are amongst the selected candidates. Police verification and medical examination was however kept pending and the applicants and other candidates were told that they will be employed when sanction from Government of India was received in due course of time.

✓ Meanwhile they were engaged as labourer <sup>on</sup> of daily wage basis at Rs.20/- per day. The first spell of engagement was from 1.3.95 to 27.5.95. The second spell was from 17.6.95 to 28.8.95. They were informed that their services on daily wage were no longer required from 29.8.95 as there was no work that <sup>could</sup> be assigned to them. The applicants filed the instant O.A. on 28.8.95 inter alia praying that the respondents be directed to absorb them against the regular vacancies as per the requisition sent to the Employment Exchange, that the verbal order of termination of their services be quashed and set aside, that they be declared as regular Conservancy Safaiwala in the Station Headquarter, Narengi with effect from 1st March, 1995 and the respondents be directed to pay regular salary in scale of Rs.750-940/- and other allowances with effect from 1.3.1995 till the date of reappointment.

✓ The applicants <sup>also</sup> ~~now~~ prayed for interim relief to direct the respondents to allow them to continue to work till the disposal of the application and to pay them the arrears in the scale of Rs.750-940/-.

3. After hearing the counsel we issued notice to the respondent No.4 to show cause as to why interim relief may not be granted. Pending admission and hearing on the prayer for interim relief we directed the respondent No.4 to continue the casual appointment of the applicants and also to keep 9 posts vacant until further orders.

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4. In response to the notice the respondent No.4 has filed the show cause reply dated 19.9.1995 and also the written statement in opposition to the main application, also dated 19.9.95.

5. It is admitted in the show cause reply that the Station Headquarter had asked the Employment Exchange to send names of SC and ST category for employment as Conservancy Safaiwala, and a list of 202 names <sup>was</sup> were received. It is further admitted that thereafter a Board of Officers was detailed and after following the procedure a list of 14 candidates who were found suitable for appointment was prepared and that the applicants are amongst those candidates. In the written statement it is stated that the Headquarter had planned to fill up certain existing vacancies of Conservancy Safaiwala, subject to availability of Government sanction. It is shown that the deficiency of Conservancy Safaiwala, was to the extent of 62 persons. It is submitted by respondent No.4 that since the selection was made with a view to fill up the vacancy at the Headquarter subject to the availability of sanction from the Government of India, the regular appointments could not be made as the sanction has not so far been received. It is contended that as there is no sanction to fill up the posts nor for the funds to pay wages the applicants could not be appointed so far. It is however, not explained in the written statement as to what steps have been taken by the Headquarter for obtaining the sanction from the competent authority for these posts or at what stage that proposal was pending. The very fact that there were vacancies required to be filled and were thus available as had been planned by the Headquarter and steps were taken to get the candidates

hll

from Employment Exchange and the selection process was also  
completed <sup>that indicates that</sup> and the station headquarter had a strong reason  
to believe <sup>that</sup> the sanction was on its way or would be conveyed  
by the Government of India/competent authority. Such an  
expectation could not have been without any foundation. It  
is possible that the Headquarter may have consulted the  
Government of India before it had planned to notify the  
vacancy <sup>held</sup> and held a selection. We wish that respondent No.4  
had explained in the written statement <sup>about</sup> ~~as regards~~ the sanction  
and as to why it is delayed since it is not shown <sup>that</sup> then it  
has been refused.. That on receiving the sanction the appli-  
cants being selected candidates will necessarily be offered  
the regular job of Conservancy Safaiwalas is not in dispute.  
In the show cause reply respondent No.4 has stated that the  
candidates had been told that they will be employed when  
sanction from Government of India was received in due course.  
In the written statement it is stated in paragraph 4 that  
the Headquarter had planned to fill up certain existing  
vacancies of Conservancy Safaiwala, subject to availability  
of Government Sanction. It has further been stated that no  
appointment letter was issued as sanction to employ them  
was not received. It is further stated that as the employment  
<sup>could</sup> not ~~to~~ be carried out due to ban on employment/non availabilit  
of sanction order from the Government the Employment Exchange  
was accordingly informed. In para 18 it has been stated by  
the respondent No.4 that the apprehension of the applicants  
that some other persons may be appointed and they may be  
denied the appointment is baseless as they were told again  
and again that as and when vacancies are sanctioned by the  
department they will be taken into service and that the

contd...



vacancies are still kept vacant pending receipt of Government sanction. The statement is repeated in para 20 of the written statement. It is stated that it is assured that all 15 candidates including these applicants will be taken in only after sanction of competent authority is received from the department.

6. The above noted statements made in the counter and the written statement filed by respondent No.4 leave no manner of doubt that the only hurdle in the appointment of the applicants is the sanction for the same to be received from the Government. The background which we have set out above revealed from the counter and written statement strongly indicates that the sanction is a matter of formality because the Headquarter had proceeded almost to finalise the appointments by selection which could only be in the hope that sanction was expected to be accorded. Why the sanction is delayed cannot be gathered since that is a matter which the Government of India is required to deal with. We would therefore impress upon the Government of India/competent authority to accord the sanction without further delay for otherwise the object of providing employment to SC, ST candidates in menial posts will be defeated and the respondent will be exposed to have mislead members of SC, ST community by creating a hope in their mind that they are likely to be appointed. We would therefore strongly recommend to the Government of India to accord the sanction as early as possible so that the appointment of the applicants can be made in pursuance of their selection.

7. It appears that the respondent No.4 was expecting the sanction within a short time and therefore he offered temporary job as daily wage labourers to the applicants and that was given in two spells on payment of daily wage

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of Rs.20/-. It has been stated in para 15 of the written statement that the bills for the wages for the period from 1.3.95 to 27.5.95 although were prepared and forwarded to Area Accounts Office, Shillong these were returned unpassed by the Accounts Office on 29.5.95 for want of sanction. In para 23 of the written statement it has been stated that applicants cannot be allowed to work as no sanction exists and there are no funds to pay money. The fact that Accounts office returned the bills for want of sanction suggests that respondent No.4 was in all probability expecting the sanction in the meantime for otherwise it is difficult to understand as to how he could engage the applicants on daily wage if he <sup>was</sup> is not in a position to pay for want of budgetary sanction. In our opinion as the respondent No.4 had chosen to offer engagement on daily wage basis and the applicants have actually worked during the two spells mentioned in the written statement the applicants cannot be denied the payment of wages for those periods on the ground of want of sanction. It is the responsibility of respondent No.4 and he has to secure the sanction for payment of those arrears. He may therefore obtain the necessary sanction and see that the payment is made to the applicants. Since it appears to us that it would be illegal to deny them the wages for the periods for which they <sup>have</sup> are worked and they were offered engagement <sup>we hope that</sup> the competent authority will sanction the payment of the arrears forthwith without raising any further objection. Having regard to the overall circumstances we are of the opinion that it would be just and fair that the applicants are provided at least daily wages engagement to the extent possible if necessary from time to time till they can be regularly appointed on receipt of the sanction. It is highly desirable that respondent No.4 will take steps to ensure

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that the payment of wages for such engagement could be sanctioned.

8. Before concluding we express our strong displeasure at certain statements made by Col. V.Kapoor, Administrative Commandant, Station Headquarter, Narengi Camp, Guwahati in his pleadings. In para 2(i) of the show cause reply he has stated as follows :

"That it is not understood how these 9 candidates who have yet not been employed but their O.A.No.163/95 been accepted by this Hon'ble Tribunal."

In this connection we would like to impress upon the respondent No.4 that it is the job of the Tribunal to deal with a case and all that the respondents can do is to reply to the claim made by the applicants and satisfy the Tribunal that relief may not be granted. It is not open to any litigant to make a statement of above nature and the respondent No.4 should have tried to gather as to why the interim order was passed from the Addl.C.G.S.C who has represented him at the time when the order was passed and has been appearing for him in this O.A. It is not proper to put a doubt upon the exercise of its jurisdiction by the Tribunal which may be inclined to accept a case on its merits. It is hoped that such statements will be avoided in the pleadings before this Tribunal.

9. In the result following order is passed :

i) The respondent No.4 is directed to move the Government of India/competent authority for sanction of the posts so as to facilitate the appointment of the applicants against the vacant posts on regular basis and scale.

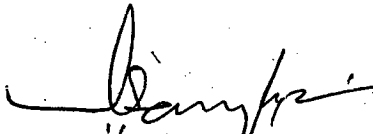
ii) The respondent No.4 is directed to move the Government of India/competent authority to sanction the payment of arrears of wages to the applicants for the two



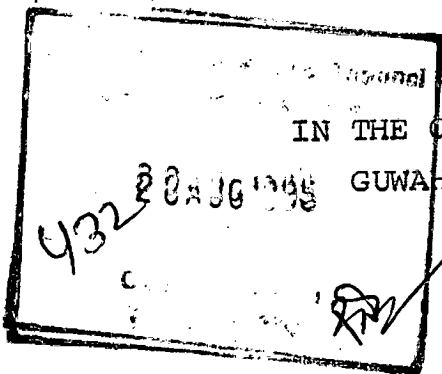
spells during which they were engaged on daily wage and make the payment to the respective applicants. The competent authority of the Government of India is requested to accord sanction for the payment of arrears of wages mentioned in the above clause.

(iii) Pending the accord of the sanction to the posts the respondent No.4 is directed to consider as and when it is possible to give casual engagement on daily wage to the applicants or any of them and ensure the payment of wages to them by obtaining the sanction in time. Since the respondent No.4 had already adopted a compassionate attitude we hope that it will be possible for him to give engagement to the applicants, atleast some of them, on daily wages as there may be work to be carried out by them as there are regular vacancies of Conservancy Safaiwalas lying vacant. The respondent No.4 to take expeditious steps within two months from the date of communication of this order to him to move the Government of India/competent authority to consider according sanction and appointment of the applicants.

10. O.A. is disposed of in terms of the above directions. No order as to costs. The interim order is vacated subject to the observations made herein above in respect of casual engagement. If the applicants or any of them have been engaged pursuant to the ad-interim order they shall be paid the wages upto today and we direct the respondent No.4 to take steps for securing the sanction from the competent authority. We hope that the competent authority will accord the sanction immediately.

  
( G.L.SANGLYANE )  
MEMBER (A)

  
( M.G.CHAUDHARI )  
VICE-CHAIRMAN



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH : GUWAHATI

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

O. A. No. 163/95

<sup>Elighi</sup>  
Sri Binod ~~Elighi~~ & Ors.

..... Applicants

-versus-

Union of India & Ors

..... Respondents

I N D E X

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Copy  
Re-  
406/1. 22/8/95  
CAT  
28.8.95

Filed by :

Advocate

1. Particulars of the applicants

1. Sri Binod <sup>Einghi</sup> ~~Einghi~~  
Son of Berin Einghi  
resident of Amsing  
Jorabat  
P.O. Satgaon  
Dist. Kamrup
2. Sri Narayan Das  
Son of Bhubaneswar Das  
C/o C.K. Das  
T. No. 385  
STN. HQ. 51 Sub-Area  
C/o 99 APO
3. Sri Uttam Ch. Basumatary  
S/o Sri Mahavir Chandra Basumatary  
Village Belguri Digaru  
P.S. Khetri  
Dist. Kamrup
4. Sri Rajesh Ram  
Son of Sri Satnam Ram  
Village + Amsing, Jorabat,  
P.O. Satgaon,  
Dist. Kamrup
5. Smti. <sup>Bastore</sup> ~~Bastore~~ Nirmala  
Wife of Sri Ashak Bastore  
Villate & P.O. Satgaon  
Guwahati-27

*Binod Einghi*

## 6. Smti Minu Bala Das (Rajbanshi)

D/o Late Devi Ram Das

residence at Fatasil Ambari Tinali

Guwahati-25

## 7. Sri Lakhan Das

Son of Sri Sirish Chandra Das

C/o Sri A.K. Baruah

Rhino Hall Training Auditorium

Satgaon,

Guwahati-27

## 8. Sri Ram Khilaon Passi

Son of Late Punya Ram Passi

Village Thalthola

P.O. Satgaon

Dist. Kamrup

## 9. Smti Renu Praya Borah

Wife late Krishna Ram Borah (Ex. Habildar Clerk)

Post Office Satgaon

Dist. Kamrup

..... Applicants

2. Particulars of the Respondents

## 1. Union of India

Through the Secretary

to the Govt. of India

Ministry of Defence

New Delhi

Binod Enghil

2. The Additional Director General  
of Staff Duties (S D G B)  
General Staff Branch  
Army Headquarter DHG  
P.O. New Delhi-110001
3. Administrative Commandnat  
Purav Kaman Mukhoyalaya  
Headquarters  
Eastern Command  
Fort William  
Calcutta-7000 21
4. The Administrative Commandant  
Station Headquarter  
Narengi, Guwahati  
C/o 99 A.P.O.
5. Employment Officer  
Employment Exchange  
for unskilled Applicants  
Pub Sarania  
Guwahati-3
3. Particulars for which this application is made

This application is made against non-payment of regular pay scale with effect from 1.3.1995 to 31.5.95 and onwards and also against the verbal order of termination from service with effect from 28.8.95 and also with the prayer to treat the applicant as regular conversancy saffaiwala with effect from 1.3.1995.

Banoor Singh



4. Limitation :

That the applicants state that the case is filed within the prescribed time period of the Administrative Tribunals Act.

5. Jurisdiction

That the applicants state that the cause of action of the case has been arisen within the Jurisdiction of the Hon'ble Tribunal.

6. Facts of the case

6.1 That all the applicants are citizen of India and as such they are entitled<sup>to</sup> all the rights and privileges guaranteed in the Constitution of India. They are serving as Conservancy Safaiwala in the Station Headquarter (Narengi), Guwahati. All the applicants belong to SC/ST and OBC Communities. They hailed from very economically and socially backward communities.

6.2 That the grievance and the relief sought for in this application are common. Therefore Hon'ble Tribunal be pleased to grant permission to move this application jointly under Section 4(5)(a) of the Administrative Tribunals Act, 1985.

6.3 That the names of the applicant was registered in the Employment Exchange, Guwahati for the purpose of employment.

6.4 That the Station Headquarter, (Narengi), Guwahati were in need of 14 regular Conservancy Safaiwala for

the Station Headquarter (Narengi), Guwahati and accordingly Station Headquarter, Guwahati sent a requisition to the Employment Exchange Officer, Rajgarh Road, Guwahati for sponsoring eligible candidates for filling up 14 posts of Conservancy Safaiwala in the Station Headquarter, Guwahati (Narengi). This requisition was sent in the month of December 1994/ January 1995. Employment Exchange Officer Govt. of Assam, Department of Labour and Employment Exchange for unskilled applicants, Pub Sarania, Guwahati vide his letter under reference ORD : 6/95/127-28 dt. 8.2.95 send a list of eligible candidates to the Station Headquarter Guwahati (Narengi) for the 14 posts of Conservancy Safaiwala, and a subsequent list of candidates also sponsored through Employment Exchange Guwahati vide his letter No. ORD-6/95/134-35 dated 9.2.95 sent to Station Headquarter, Guwahati (Narengi) where the names of applicant No. 6 also appeared as serial No 1 in the letter dated 9.2.95.

~~A copy of the letter dated 9.2.95 issued by the Employment Officer is annexed as Annexure-1.~~

6.5 That all the applicants were directed by the Station Staff Officer to report at Station Headquarter, Guwahati at 10.00 hrs. on 21.2.95 to appear in the Board of Interview for the post of Conservancy Safaiwala alongwith certificates etc. This was issued vide letter No. 7202/Est/Cons/EMP dated 10.2.95 to all the applicants and accordingly all the applicants of the present application along with other certificates appeared in the Board of Interview on 21.2.95 and they were declared selected in the said board of

Dinod Sinha

interview and verbally instructed to join in their respective post of Conservancy Safaiwalya with effect from 1.3.95.

Copies of interview call letter dated 10.2.95 are enclosed and Annexure A series.

6.6 That the applicant beg to state that they were directed by the Station Staff Officer, Station Headquarter (Narengi) Guwahati to produce medical fitness certificates from the authorised medical officer and accordingly all the applicants get medically examined by the authorised medical officer and submitted medical fitness certificates to the Station Headquarter.

~~6.7 That the applicant further~~

Copies of the medical fitness certificate are enclosed as Annexure B series.

6.7 That the applicants further beg to state that the Station Headquarter (Narengi) Guwahati also obtained Police Verification report as regard character and antecedent of all the applicants individually. It would be evident from the letter No. 293/Camp/CIB/dt. 28.2.95 whereby it was directed to verify the character and antecedents of ~~xxx~~ applicant No. 6.

~~A copy of letter dated 28.2.95 as regard Police Verification is annexed as Annexure-4.~~

6.8 That the applicants beg to state that the vacancies for which requisition was sent by the Station Headquarter, Guwahati (Narengi), to the Employment Officer, Guwahati against regular and sanctioned posts in the pay scale of ~~Rs.~~ Rs. 750-940/- and other allowances as admissible for the Central Government employees.

6.9 That the applicant No. 1 Binode Einghi, Son of late Biren Einghi, Ex-mat who was serving in the Station Headquarter, Narengi, Guwahati and father of the applicant died while in service about 15 years back at the relevant time the applicant No. 1 was minor and the family of late Biren Einghi left in a very indecent condition and there is no source of earning of the family members and the applicant No. 1 now after attaining the <sup>majority</sup> age approached the Station Headquarter for employment through Employment Exchange and his name also sponsored by the Employment Exchange, for the post of Conservancy Safaiwala. The applicant No. 6 is the wife of defenu Service <sup>personal,</sup> who is serving under the Ministry of Defence but got married 2nd time and left the 1st wife with two children and for that the applicant is passing very hard days and maintaining herself with her two children (both daughter) with Rs. 470/- which she is receiving as maintenance allowance and the lady is now in a distress condition and the officers of the Station Headquarter Narengi, Guwahati extended their best assistance and cooperation in the matter of employment. The applicant No. 9 Smti Renu prova Borah is the widow of Ex-Habildar Clerks late Krishna Ram Borah who died in the year 1988 while in service. The applicant Smti Borah thereafter approached the Station Headquarter, Narengi, Guwahati on several occasions for employment to any groupd 'D' vacancy. Major Sri H.C. Bhardwaj vide his letter No. 101/1/KKB/A1 dated 14.6.89 informed the applicant that presently there was no vacancy.

Binod Einghi

in any unit located nearby Guwahati and it is further advised that the applicant <sup>should</sup> seek appointment or open ~~competition~~ appear in open competition otherwise case may be taken up as and when <sup>vacancy</sup> necessary arises everafter received of the aforesaid letter the applicant approached the Station Headquarter for appointment on compassionate ground but the Station Headquarter, Guwahati was silent regarding appointment on compassionate ground. However the name of the applicant also sponsored by the Employment Exchange for the regular post of Conservancy Safaiwala in respect of the requisition sent by the Station Headquarter Guwahati. All the applicants of the instant case either belong to SC/ST or O.B.C. Community. The applicant Nos. 1, 2, 3 belong to ST community, applicant Nos. 4, 5 and 8 belong to SC Community, applicant Nos. 6, 7 belong to OBC community and applicant No. 9 belong to General Community. All the applicants belong to poor families.

6.10 That the names of all the applicants except applicant No. 6 were sponsored by the Employment Exchange for unskilled applicants Pub Sarania, Guwahati, Govt. of Assam, Deptt. of Labour and Employment vide letter No. ORD-6/95/127-28 dated 8.2.95 and the name of the applicant No. 6 was sponsored by the Employment Exchange vide letter No ORD-6/95/134-35 dated 9.2.95 and same were sent to the Station Headquarter, Narengi, Guwahati in response to their requisition for the ~~for~~ 14 posts of regular Conservancy Safaiwala at Station Headquarter, Narengi Guwahati.

~~xxx~~ The Hon'ble Tribunal be pleased to direct the Employment Officer Respondent No. 5 for producing the copy of the requisition letters sent by the Station Headquarter, Narengi

Guwahati for filling up of 14 posts of Conservancy Safaiwala.

6.11 That the Station Headquarters, Guwahati, Narengi after receipt of name and particulars of the eligible candidates from the Employment Exchange, Guwahati for filling up of 14 posts of Conservancy Safaiwala, all the applicants were issued interview call letters vide letter No. 7207/EST/CONS/EMP dtd. 10.2.95 with the direction to report at Station Headquarter, Guwahati (Narengi Camp) on 21.2.95 at 10.00 hrs. to appear in the Board of Interview for the posts of Conservancy Safaiwala alongwith necessary certificates etc.

6.12 That all the applicants in response to the interview call letter as mentioned above appeared before the board of Interview and they were accordingly declared successful for the 14 posts of conservancy Safaiwala for Station Headquarter, Guwahati, Narengi after observation of due process of selection and therefore they acquired a valuable right for regular appointment against 14 posts of regular Conservancy Safaiwala as per requisition sent to Employment Exchange, Guwahati.

6.13 That the Station Headquarter, Guwahati (Narengi), thereafter obtained Police Verification report in respect of all the applicants with the intention to issue appointment letter to the applicants for the post of Conservancy Safaiwala and the applicants came to know from a reliable source that the appointment letteres were prepared and signed by the Administrative Commandant, Station Headquarters, Narengi, Guwahati. But the same have not been issued to the applicants till date for the reasons best known to the Station Headquarter, Narengi, Guwahati.

Binod K. Mahanta

6.14. That the applicants also came to know from reliable source that the pay bills of the applicants in the scale of Rs. 750-940 and other allowances admissible to the Central Government employees prepared by the Station Headquarter and the same were sent to Area Accounts Office Shillong but the Area Accounts Officer returned the pay bills with objection. Thereafter Col. D.N. Singh assured the applicants that as soon as approval comes from the Headquarter their payment of salary in the regular pay scale would be given to the applicants with effect from 1.3.1995 to 31.5.95. The applicant under compelling circumstances finding no other alternative had to receive lump sum payment of Rs. 1000/- as suggested by the Station Headquarter, Narengi Guwahati and till date they are waiting for payment of their pay and allowances for the period mentioned above from the Station Headquarter, Narengi, Guwahati.

6.15 That the applicants beg to state that the Station Headquarter, Narengi, Guwahati did not allow them to work from 1.6.95 to 16.6.95 but assured them they would be taken as soon as the approval of the Headquarter comes for their regular absorption. However they were taken back to job with effect from 17.6.95 with the condition that the applicants would be now paid at the rate of Rs. 20 per day and the arrears payment of salary would be made as per regular pay scale as soon as approval received from the Headquarter. The poor applicants finding no other alternative <sup>they</sup> way have to continue to work at the rate of Rs. 20/- per day as suggested by the Station Headquarter and also with the anticipation that approval would come from the Headquarter and the arrears payment would be made by the Station Headquarter. This action of the respondents is highly illegal, arbitrary and unfair.

6.16 Most surprisingly when the applicants are continuously working under the Station Headquarter, Narengi, Guwahati with full satisfaction to all concerned the authority of the Station Headquarter verbally informed the applicants on 27.8.95 that the services of the applicants would not be required any more and they need not require to come with effect from 28.8.95. Therefore the services of the applicants now terminated by the Station Headquarter, Narengi, Guwahati by their verbal order in a most arbitrary manner although they are formally selected candidates against regular vacancies of 14 Conservancy Safawalas through Employment Exchange and after completion of all required formalities and the termination is without following any principle of natural justice as well as without serving any notice to the applicants. Therefore the verbal order of termination of services of the applicant is liable to be set aside and quashed and the applicants be allowed to continue in service.

6.17 That the applicants are apprehending that the Station Headquarter may appoint other persons of their choice after termination of the services of the present applicants. Therefore it is a fit case where the Hon'ble Tribunal be pleased to interfere and protect the interests of the present applicants.

6.18 That the applicants beg to state that requisition were sent for filling up of regular vacancies of Conservancy Safaiwalas in the Station Headquarter, Narengi, Guwahati and the applicants were duly sponsored by the Employment Exchange and they were selected by the Board of Interview for the

21/10/95



posts of Conservancy Safaiwala. Therefore they cannot be ousted in such an arbitrary manner and even without serving any notice to the applicants which is required under law. Be it stated that the applicants also due to receive arrear salary for the period from 1.3.95 to till date of filing of this application. This action of the respondents is being unfair labour practice and the interference of the Hon'ble Court is desired for protection of the ~~application~~. applicants' interest.

6.19 That the applicants beg to state that the Hon'ble Tribunal be pleased to direct the respondents to absorb the applicants against the regular vacancies of Conservancy Safaiwala for which they were selected after due process of selection and they should be allowed to continue with all service benefits in terms of relevant service rules.

6.20 That the Hon'ble Tribunal be pleased to direct the respondents to produce the copy of requisition letter sent to the Employment Exchange for filling up of 14 posts of Conservancy Safaiwala and other relevant records regarding selection of the applicants for perusal of the Hon'ble Tribunal.

6.21 That this application is made bonafide and for the cause of justice.

#### 7. Reliefs sought for :

Under the facts and circumstances stated above the applicants prays for the following reliefs :

1. That the Hon'ble Tribunal be pleased to direct the respondents to absorb the applicants against the regular vacancies of Conservancy Safaiwala in the Station Headquarter as per requisition sent to the Employment Exchange for filling up

the 14 posts of Conservancy Safaiwala on regular posts.

2. That the verbal order of termination of the services of the applicants be set aside and quashed.
3. That the applicants be declared as regular Conservancy Safaiwala in the Station Headquarter, Narengi, Guwahati with effect from 1st March, 1995.
4. That the respondents be directed to pay arrear salary in the pay scale of Rs. 750-940 and other allowances with effect from 1st March 1995 till the date of reappointment.
5. To pass any other order/orders as deemed fit and proper by the Hon'ble Tribunal under the facts and circumstances stated above.
6. Costs of the case.

The above reliefs prayed on the following amongst other

-GROUNDS-

1. For that the names of the applicants were sponsored by the Employment Exchange for filling up 14 regular posts of Conservancy Safaiwala following a valid requisition from the Station Headquarter, Narengi, Guwahati.

*Rina Linder*

2. For that there are 14 regular sanctioned posts of Conservancy Safaiwal lying vacant in the Station Headquarter, Narengi, Guwahati.
3. For that the applicants were appeared before the duly constituted Board of Interview by the Station Headquarter, Guwahati and they were declared successful after observing all required formalities and after due process of selection.
4. For that the applicants were found eligible in all respects and declared selected for the posts of conservancy safaiwala.
5. For that applicants were declared medically fit as per advise of the Station Headquarter, Narengi Guwahati.
6. For that Station Headquarter Guwahati, Narengi obtained Police verification Report in respect of all the applicants.
7. For that applicants were directed to report for duty with effect from 1st March 1995 and their services were utilised against regular vacancies of Conservancy Safaiwala till 27.8.95.
8. For that verbal termination of the applicants of applicants who services were appointed verbally against regular vacancies with effect from 1st March 1995 are highly illegal, arbitrary and unfair.

9. For that fresh recruitments cannot be made till the applicants are absorbed on regular basis.
10. For that verbal termination order passed against the applicants without following any principles of natural justice.
11. For that arrear payment of salary with effect from 1st March 1995 due to the applicants yet to be made paid.
12. For that non-payment of salary due to the applicants are highly arbitrary, illegal and unfair.
13. For that applicant Nos. 1, 6 and 9 entitled to get appointment on compassionate ground.

8. Interim reliefs prayed for :

During the pendency of this application the applicants pray for the following interim reliefs :

1. That the respondents be directed to allow the applicants to continue to work as Conservancy Safaiwala till final disposal of this application.
2. That the respondents be directed to make payment of arrear pay and allowances in the scale of Rs. 750-940/- with effect from 1.3.95 to 27.8.95 with immediate effect after adjusting the lumpsum payment made to each applicant.

3. That the verbal order of termination be stayed till final disposal of this application.

The above interim reliefs are prayed on the grounds explained in the paragraph 7 of this application.

9. That the present applicants declare that they have not filed any other application before any other Court or Tribunal on this subject.

10. That there is no any other rule/law save and except filing this application before this Hon'ble Tribunal.

11. Particulars of the Postal Orders

- |    |                  |                    |
|----|------------------|--------------------|
| 1. | Postal Order No. | : 09 327196        |
| 2. | Date of Issue    | : 25. 8. 95        |
| 3. | Issued from      | : G.P.O., Guwahati |
| 4. | Payable at       | : G.P.O., Guwahati |

12. Index of documents are enclosed

13. Enclosures

As per Index

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

I, Sri Binod Einghi, Son of Late Biren Einghi, resident of Amsingh, Jorabat, P.O. Satgaon, District-Kamrup, do hereby declare that the statements made in this application in paragraphs 1 to 13 are true to my knowledge and belief and I have been authorised to sign this verification by all other applicants in the present application. I have not suppressed any material facts.

I, sign this verification on this the 28th day of Agusut, 1995.

*Binod Einghi*  
SIGNATURE

ANNEXURE - A

Station Mukhalaya  
Station Headquarters  
Guwahati (Narangi Camp)

7202/EST/CONS/EMP

Dated 10 Feb 95

Shri Binod Einghi  
Vill : Amsingh Jorabad  
P.O. Satgaon, Guwahati-27

## RECRUITMENT OF CONSERVANCY SAFAIWALA (SC/ST).

1. You are hereby directed to report at Station Headquarters, Guwahati (Narangi Camp) at 1000 hours on 21 Feb 95 to appear in the Board of Interview for the above post alongwith the necessary certificate etc.

Attended  
B. S.  
A. J. S. S. S.  
28.8.96

Sd/- D.N. Singh  
Lt. Col  
Station Staff Officer  
Guwahati

32

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ANNEXURE - A1

Station Mukhyalaya  
Station Headquarters  
Guwahati (Narangi Camp)

7202/EST/CONS/EMP

10 Feb 95

Shri Narayan Das

~~Saxxax~~ C/o C.K. Das

Stn. Hqrs. 51 Sub Area

RECRUITMENT OF CONSERVANCY SAFAIWALA (SC/ST)

1. You are hereby directed to report at Station Headquarters, Guwahati (Narangi Camp) at 1000 hours on 21 Feb 95 to appear in the Board of Interview for the above post alongwith the necessary certificate etc.

Attended  
B. N. Singh  
Advocate  
26.8.95

Sd/- D.N.Singh

Lt. Col  
Station Staff Officer  
Guwahati



ANNEXURE - A<sub>2</sub>

Station Mukhmalaya  
Station Headquarters  
Guwahati (Narangi Camp)

7202/EST/CONS/EMP

10 Feb 95

Shri Rajesh Ram  
Stn HQ  
P.O. Amsing Jorabat  
Satgaon, GHY-27

## RECRUITMENT OF CONSERVANCY SAFAIWALA (SC/ST).

1. You are hereby directed to report at Station Headquarters Guwahati (Narangi Camp) at 1000 hours on 21 Feb 95 to appear in the Board of Interview for the above post alongwith the necessary certificate etc.

*Quashed*  
*28.8.95*

Sd/- D.N.Singh  
Lt Col  
Station Staff Officer  
Guwahati

## ANNEXURE - A3

Station Mukhyalaya  
Station Headquarters  
Guwahati (Narangi Camp)

7202/EST/CONS/EMP 10 Feb 95

Smti Nirmala Bastore  
W/o Ashok Bastore  
Village Satgaon  
P.O. Narengi, Ghy-26 Regn No. W-1118/91

## RECRUITMENT OF CONSERVANCY SAFAIWALA (SC/ST).

1. You are hereby directed to report at Station Headquarters Guwahati (Narengi Camp) at 1000 hours on 21 Feb 95 to appear in the Board of interview for the above post alongwith the necessary certificate etc.

Amended  
R. Jc  
ASD/CS  
28/8/95

Sd/- D.N.Singh  
Lt Col  
Station Staff Officer  
Guwahati

## ANNEXURE - A4

Station Mukhyalaya  
Station Headquarters  
Guwahati (Narangi Camp)

7202/EST/CONS/EMP

10 Feb 95

Smt. Minu Bala Das ~~(Rajbongshi)~~  
C/o Smt. Bimala Das  
Vill & P.O. Fatasil Ambari  
Guwahati-25

## RECRUITMENT OF CONSERVANCY SAFAIWALA (SC/ST)

1. You are hereby directed to report at Station Headquarters Guwahati (Narengi Camp) at 1000 hours on 21 Feb 95 to appear in the Board of Interview for the above post alongwith the necessary certificate etc.

*Accepted*  
*P. Sub*  
*28/2/95*

Sd/- D.N. Singh

Lt. Col  
Station Staff Officer  
Guwahati

Station Mukhyalaya  
Station Headquarters  
Guwahati (Narangi Camp)

7202/EST/CONS/EMP

10 Feb 95

Shri Lakhan Das  
C/o Ratan Rai  
Rhino Cinema Hall  
HQ 51, Sub-Area  
Satgaon, GHY-27

Regin No. 2950/93

## RECRUITMENT OF CONSERVANCY SAFAIWALA (SC/ST)

1. You are hereby directed to report at Station Headquarters Guwahati (Narangi Camp) at 1000 hours on 21 Feb 95 to appear in the Board of interview for the above post alongwith the necessary certificate etc.

Sd/- D.N. Singh

~~Lt. Col~~ Lt. Col  
Station Staff Officer  
Guwahati

*Amish*  
*R. Das*  
*Advt*  
*28-8-95*

## ANNEXURE - B.

Dr. A.C. Bhattachariya  
M.B.B.S., M.S.

Consulting hours  
5 P.M. to 8-30 P.M.

Date 26.2.95

To whom it may concern.

This is to certify that I have examined Shri  
Ram Khelwan Pachi aged about 27 years. While examining  
him, no contagious diseases are detected. He is found  
physically fit except his voice which is indistinct as  
~~he was involved in an accident.~~  
he was involved in an accident.

Sd/- Dr. A.C. Bhattachariya  
Regd No. 3846

Justal  
B. Sh  
Advocate  
28-8-90

## ANNEXURE- (B)

Dr. A.C. Bhattachariya  
M.B.B.S., M.S.

Consulting hours  
5 P.M. to 8-30 P.M.

Date 26.2.95  
a

To whom it may concern

This is to certify that I have personally  
examined Shri Binod <sup>Singh</sup> ~~Inti~~ aged about 23 years. While  
examining him no communicable or contagious diseases  
are detected. He is found medically fit to perform  
hard work.

*Dr. A.C. Bhattachariya*  
*28-2-95*

Sd/- Dr. A.C. Bhattachariya  
Regd. No. 3846

ANNEXURE - B.2

## MEDICAL CERTIFICATE

Certified that Smt. Minu Rajbanshi wife of  
Yay Jagat Chandra Rajbanshi has been medically checked  
by me and found fit.

Satgaon : C/o 99 APO

Dated : 28 Feb 95

Sd/- UDAY SANKAR SEN  
MAJ/AMC

*Amish*  
*P. S. D.*  
*AD/AMC*  
*28-2-95*

## ANNEXURE-B3

Dr. D.N.Mahanta  
M B.B.S. D.L.O (Gau) FAIMS  
ENT specialist Cum General Practitioner  
Reg. No. 6060  
Phone: 521050

DOCTORS' CHAMBER  
Near DEBAJANI MEDICAL  
G.M.C. Road, Bhangagarh  
Guwahati-5

Dt. 25.2.95

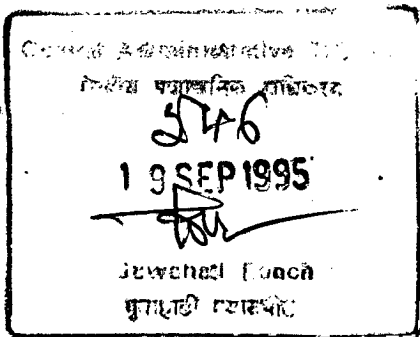
This is to certify that I have examined Sri Narayan Das and cannot discover that he has any disease, constitutional weakness or bodily infirmity. I do not consider this a disqualification for appointment in Defence Department.

Age according to his own statement is 22 years  
by  
and appearance about 22 years.

*Amended*  
*R. J. G.*  
*Advocate*  
*28.8.95*

Sd Dr. D.N.Mahanta  
25.2.95  
Capital State Dispensary  
Dispur, Guwahati





5/1/95  
B  
H  
101/163/95  
19.9.95  
25

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

In the matter of :

O.A.No.163/95

Binod Singhi & Others

... Applicants.

-Vs-

Union of India & Ors.

... Respondents.

-AND-

In the matter of :

Reply to show causes as per  
Hon'ble Tribunal's order  
dated 30.8.95.

1. I, Col. V.Kapoor, Adm Comdt., Station Headquarters, Guwahati(Narangi Camp), Respondent No.4 in the above noted case do hereby solemnly affirm and declare that I am in receipt of an order dated 30.8.95 in the above noted case and I have gone through the contents thereof and understood them and being called upon to show cause, I do hereby show the causes as follows :-

2. (a) Station HQ had notified Employment Exchange Guwahati to give a list of names in SC/ST

Contd.....p.2/-

Received  
on behalf of  
Mr. B. V.  
Sharma

category for employment as Conservancy Safaiwallahs.

A list with 202 names were received. A board of officers was detailed and after following the procedure, a list of 14 candidates were found suitable as Conservancy Safaiwallahs.

(b) That the complete documents including police verification and medical certificate was kept pending and the candidates were informed accordingly.

(c) That from 01 March'95, these 14 candidates were asked verbally if they would agree to do some other work with Rhino Golf Club, Narangi as labour on daily wage basis to which they agreed as they were without any job. They were never told that they would get regular pay. The conditions were to work as labour on daily wages @ Rs.20/- per day till task is completed. They were taken from 01 March 95 to 27 May '95 and from 17 June 95 to 28 Aug'95 till the task was completed. They used to work from 0830 to 1200 hours daily.

(d) That never were these 14 selected candidates told that they will get regular pay scale for doing labour work w.e.f. 01 March'95. Regular pay would have been given if Govt. sanction had come and appointment letter issued. Adhoc payment was made for the number of days each individual worked.

(e) That it is incorrect for the applicants to think that some other persons instead of them will be taken.

Contd.....p.3/-

The process of selection was carried out fairly. These candidates have been told that they will be employed when sanction from Government of India is received in due course of time. In view of that, the Hon'ble Tribunal's order directing me to continue the casual appointments of the applicants has putting me in great difficult situation as they can not be paid if the order is carried out.

(f) The Hon'ble Tribunal's order to me to continue the casual appointment of applicants is not clear as the respondents cannot provide any job for them nor there is any fund to pay any more.

(g) That no original copy of application alongwith Notice has been received by this office or by me within two days or even now when this reply is being made.

(h) That no applicant has reported after 28th Aug '95 and are still absent till date.

(i) That it is not understood how these 9 candidates who have yet not been employed, but their O.A.No.163/95 been accepted by this Hon'ble Tribunal.

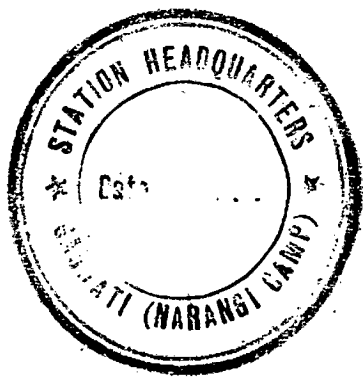
VERIFICATION.....

32  
44

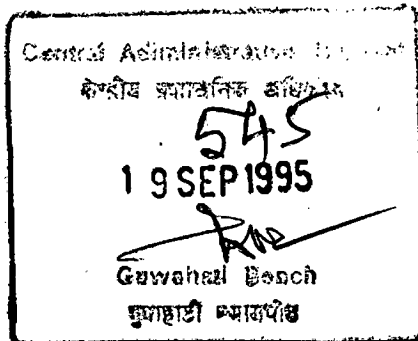
VERIFICATION

I, Col. V.Kapoor, Adm Comdt., Station Headquarters, Guwahati (Narangi Camp), Respondent No.4, do hereby solemnly affirm and declare that the statements made in paragraph-1 of this reply to show cause are true to my knowledge and those made in paragraph-2 (a) to (i) are derived from records which I believe to be true.

And I sign this Verification on this 19<sup>th</sup> day of September, 1995 at Guwahati.



(Col V Kapoor)  
(V Kapoor)  
Col  
Adm Comdt  
Guwahati



MS  
File by  
H. P. Sharma - 28  
MS  
1995-33

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: GUWAHATI BENCH

In the matter of :

O.A.No.163/95

Binod Singhi & others

-Vs-

.....Applicants

Union of India and others

... Respondents.

-AND-

In the matter of :

Written Statement on behalf

of the Respondents.

I, Col V.Kapoor, Adm Comdt., Station Headquarters, Guwahati(Narangi Camp) and Respondent No.4 in the above noted case do hereby solemnly affirm and declare as follows :-

1. That till today no notice regarding the O.A. No.163/95 is received by me and I made enquiry in the Registry of the Tribunal and they informed me that notice has been despatched on 8.9.95 and till this day i.e. 19.9.95 at 10.30 A.M. I have not received the same. However, as I am in receipt of a show cause notice arising out of the same O.A., I contacted my Counsel and.....

Received  
@ Whd  
Pdv  
on behalf  
of Mr. B.V.  
Sharma  
@ Whd  
Pdv  
19-9-95.

and obtained a copy served upon him and prepared the written statement as directed by this Hon'ble Tribunal. As such, if copy supplied to me by my counsel differs with that of the notice sent by the Registry of the Tribunal, I may be given an opportunity again to make further written statement.

2. That I am competent enough to represent other respondents namely Respondent No.1,2 and 3. I am also competent enough to file this Written Statement on behalf of myself and also on behalf of Respondent No.1,2 and 3 and say categorically that save and except what is admitted in this Written Statement, rest may be treated as total denial by all the respondents. This written statement may be treated as a common one for all the Respondents i.e. Respondent No. 1 to 4.

3. That with regards to the contents made in paragraphs 1 and 2 of the application, I beg to state that I have nothing to comment.

4. That with regards to the contents made in paragraph-3, I beg to state that this application has been made by 9 persons whereas this HQ had planned to employ to fill up certain existing vacancy of Cosmy Staff subject to availability of govt. sanction. The deficiencies existing in Station HQ Narangi are as follows :-

- |                           |      |
|---------------------------|------|
| (a) Conservancy Safaiwala | - 62 |
| (b) Mali                  | - 3  |
| (c) Chowkidar             | - 2  |

Contd.....p.3/-

The following candidates were found suitable for posts indicated by a Board of Officer held on 21 Feb and 24 Feb '95 at Station HQ Narangi :-

(a) Jiten Rabang	- Mali
(b) Smt. Renu Prabha Borah	)
(c) Minu Das Rajbongshi	)
(d) Nirmala Basfar	)
(e) Rajesh Ram	)
(f) Promode Mali	)
(g) Narayan Das	)
(h) Lakhan Das	)
(i) Binod Engti	)
(j) J Naidu	) Conservancy Safaiwala.
(k) Sh Uttam Ch. Basumatary	)
(l) RN Rao	)
(m) Ashirjad Cheveti	)
(n) T. Ganesh	)
(o) Ramkhilwan Pachi	)

No appointment letter was issued as sanction to employ them was not received. Hence they could not be given regular pay. From 01 March '95, these 15 candidates were asked verbally if they would agree to do some other work with Rhino Golf Club, Narangi as labour on daily wages to which they agreed as they were poor and without any job. On humanitarian grounds they were employed as labour on daily wages. They were never told that they would get regular pay. The candidates were to work as labour on daily wages @ Rs.20/- per day till task is completed. They were taken from 01 March '95 to 27 May '95 and again from 17 June '95 to 28th Aug '95 till the task

Contd.....p.4/-

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was completed. They used to work from 0830 hrs to 1200 hrs daily. They being poor and on humanitarian grounds they were also given tea and some nourishment to eat in-between. Station HQ, Narangi Guwahati wrote a letter to Employment Exchange on request of these candidates after they were informed that due to ban on employment/non-availability of sanction order from the Government. Since employment could not be carried out, Employment exchange was informed vide Station HQ Narangi letter No.7202/EST/EMP/SRD dated 23 June 95. Copy of the letter is annexed herewith and marked as Annexure R-1. This was to help them to apply for other job if they so desired. May be that is the reason that 6 of these candidates have not filed any case in this Hon'ble Tribunal.

5. That with regards to the contents made in paragraph-4,5,6.1 to 6.3 of the application, I beg to state that I have nothing to comment.

6. That with regards to the contents made in paragraph-6.4, I beg to state that it is incorrect to say that the Station HQ Narangi had only 14 vacancies for consy safaiwalla as the said Station HQ had 62 vacancies for Conservancy Safaiwalla, 3 for Malis and 2 for Chowkidars.

7. That with regards to the contents made in paragraph-6.5, I have nothing to comment except that the standard procedure for calling up for interview was followed.

8. That with regards to the contents made in paragraph

Contd.....p.5/-



paragraph-6.6, I beg to state that the medical fitness certificate submitted by the candidates were signed by the private practitioner and not by the authorised medical officer as required by the Station Staff Officer of Station HQ Guwahati.

9. That with regards to the contents made in paragraph-6.7, I beg to state that I have nothing to comment except that the police verification report/certificate are held with the Station HQ Guwahati. It is a routine security matter which is required for entry into Cantonment.

10. That with regards to the contents made in paragraph 6.8, I beg to state that I have nothing to comment.

11. That with regards to the contents made in paragraph 6.9, I beg to state that when the father of the applicant No.1 Vinod Engti died, the wife of the deceased i.e. Mrs Vishnu Devi was given employment on compassionate ground on 30 Jan'80 and is still in service. Hence, the contention that there is no source of earning in the family of Vinod Engti, the applicant No.1 is incorrect. It is not known to this HQ whether the husband of Minu Das Rajwanshi had married second time or not. She has some source of income whereas some of the candidates had no source of income.

12. That with regards to the contents made in paragraph-6.10 and 6.11 of the application, I beg to state that I have nothing to comment.

Contd.....p.6/-

13. That with regards to the contents made in paragraph-6.12, I beg to state that undergoing an interview does not guarantee a job and is no assurance till vacancies are released and an appointment letter issued.

14. That with regards to the contents made in paragraph-6.13, I beg to state that the Adm Condt is not the appointing authority. Therefore, it is incorrect to say that the Administrative <sup>C</sup>ommandant had signed the appointment letters. No appointment letters have been issued by the Station HQ as sanction of Government is awaited.

15. That with regards to the contents made in paragraph-6.14, I beg to state that on discussing the subject of release of vacancies of Conservancy Staff with Army HQ on 26 May '95, the Administrative Commandant learnt that the requisite sanction of Govt of India is yet not available. Accordingly on 27 May '95, he verbally informed all 15 candidates including these 9 applicants that their services as labour on daily wages is no longer required. Hence the question of termination of their services does not arise. Having accepted the appointment for second time as labour from 17 June to 28 Aug '95 it is abundantly clear to all these candidates that they had been employed as labour since 01 March '95 to 27 May '95. The pay bills were made and forwarded to Area Account Office Shillong, however the pay bills were returned unpassed by Account Office on 29 May '95 vide their letter No.PA/AAO/IV/9 VOL VII dtd. 29 May '95 for want of sanction. Employment Exchange was also informed accordingly vide Station HQ Guwahati letter No.7202/EST/EMP/SRD dtd.23 Jun '95 (Annexure R-1). The assurance given by Lt.Col. DN Singh for the pay and allowances for the

period from 1 March '95 to 31 May '95 as quoted does not seem correct as the officer had left station on posting on 20 March '95.

16. That with regards to the contents made in paragraph-6.15, I beg to state that the 9 applicants worked as labour from 1 March '95 to 27 May '95 and again from 17 June '95 to 28 Aug '95. They did not work as labour from 28 May '95 to 16 June '95. After 27 May 95 some of the candidates did not come back to work on daily wages again as they may have found some other job. .

17. That with regards to the contents made in paragraph-6,16, I beg to state that the applicants were warned on 18 Aug '95 that the task for which they had been employed as labour would finish by 28 Aug '95 and there services henceforth will not be required and accordingly from 29 Aug 95 they left.

18. That with regards to the contents made in paragraph-6.17, I beg to state that the apprehension of the applicants is baseless as they were told <sup>again</sup> time and again that as and when vacancies are sanctioned by the Department, they will be taken in the service. The vacancies are still kept vacant, pending receipt of Govt. sanction.

19. That with regards to the contents made in paragraph-6.18, I beg to state that since no vacancy existed, the applicants were employed as labour from 1 March to 27 May and again from 17 June to 28 Aug, 1995 for a particular task on conditions explained to them. They were paid accordingly and they have not been ousted in an arbitrary manner.

Contd.....P.8/-.

20. That the contents made in paragraph-6.19 I beg to state that it is assured that all 15 candidates including these applicants will be taken only after sanction of competent authority is received from the Department.

21. That with regards to the contents made in paragraph-6.20, I beg to state that all relevant documents regarding requisition to Employment Exchange and Board Proceedings will be produced as and when required by this Hon'ble Tribunal.

22. That with regards to the contents made in paragraph 6.21 and 7, I beg to state that I have nothing to comment.

23. That with regards to the contents made in paragraph-8, I beg to state as follows :-

(a) The respondents cannot allow applicants to work as no sanction exists and have no funds to pay money. The amount paid for the period 1 March to 27 May '95 and 17 June to 28 Aug '95 was from own private funds.

(b) That the applicants will be paid as per scale once sanction is received and letter of appointment issued.

(c) That the applicants were asked to leave as they were employed as labour on daily wages once the task for which they had been taken was completed.

24. That with regards to the contents made in paragraphs 9 and 10 of the application, I beg to state that I have nothing to comment.

25. That the present application is ill-conceived of law and mis-conceived of fact and hence liable to be rejected.

26. That there being no any sanction by the competent authority, it is not possible to allow them to continue to work and issue of appointment letters to the applicants.

27. That the present application is without any merit and liable to be dismissed.

28. That the applicants hurridly came to this Hon'ble Tribunal and made this petition which is to be rejected outright.

29. That the respondents crave leave of this Hon'ble Tribunal of filing additional written statement <sup>other</sup> on the/grounds including non receipt of notice from the Registry of the Tribunal, if this Hon'ble Tribunal so directs.

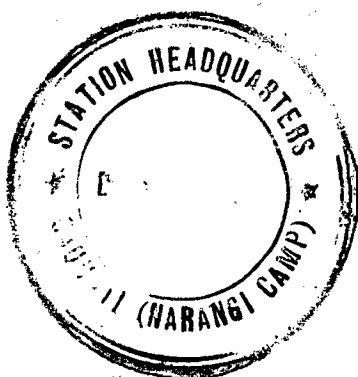
30. That this written statement is filed bonafide and in the interest of justice.

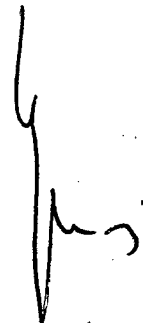
Verification.....

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VERIFICATION

I, Col V.Kapoor, Adm Comdt., Station Headquarters, Guwahati (Narangi Camp) and Respondent No.4 in the O.A. do hereby solemnly affirm and declare that the contents made in paragraphs 1 and 2 of the written statement are true to my knowledge and those made from paragraphs 3 to 24 are derived from records which I believe to be true and rest are humble submissions before this Hon'ble Tribunal and I sign this Verification on this 19<sup>th</sup> day of September, 1995 at Guwahati.



  
(Col V KAPOOR)  
(V Kapoor)  
Col  
Adm Comdt  
Guwahati