

30/100

10

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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SECTION OFFICER (Judl.)

Barita
23/1/18

CENTRAL ADMINISTRATIVE TRIBUNAL : GUWAHATI BENCH : GUWAHATI

ORIGINAL APPLN.NO. 11 OF 1995
 TRANSFER APPLN.NO. OF 1995
 CONTEMPT APPLN.NO. OF 1995 (IN NO.)
 REVIEW APPLN.NO. OF 1995 (IN NO.)
 MISCELLANEOUS APPLN. NO. OF 1995 (IN NO.)

..... *Copial. Bai. & Ocs.* APPLICANT(S)

-vs-

..... *W. O. I. & Ocs.* RESPONDENT(S)

For the Applicant(s) ... Mr. *J.L. Sarkar*
 Mr. *M. Chouda*
 Mr.

For the Respondent(s) Mr. *g. Sarma, Add. case.*

OFFICE NOTE	DATE	ORDER
	19-1-96	<p>Heard Mr. J.L. Sarkar for the applicant(unlisted).</p> <p>Prima facie the denial of TA appears to us unjustified. The question need scrutiny? <i>Although</i> although the order ^{is} dated 20th December 1995, Mr. Sarkar states that it was received on 10-1-96. Unfortunately the application is moved today leaving no time to issue notice to the respondents for any interim relief or for extension of joining time beyond 22-1-96. We have however do not preclude the ^{applicant} Union for requesting directly to the authority which has issued the impugned order to permit the members to join little late. This however is not our judicial directions.</p> <p>The Union has raised a wide question about correctness of the reason for reduction of workload in the Northeastern Region. Issue notice to the respondents to show cause as to why the O.A. be not admitted and such interim relief as may be considered ^{called for} justify may not be granted. Returnable on 6-2-96. Liberty to applicant to get the notices issued</p>

OFFICE NOTE

DATE

ORDER

19-1-96

by speed post at applicant's cost if so desired.

Mr. Sarkar to remove office objection within two weeks ^{leave} due to amend. Mr. G. Sharma Addl. C.G.S.C. seeks to appear for the respondents. Appearance is noted. However notices to be issued directly to the respondents.

[Signature]
Member

[Signature]
Vice-Chairman

lm

6-2-96

Mr. J.L. Sarkar and Mr. M. Chanda for the applicant are present. Mr. G. Sharma Addl. C.G.S.C. for the respondents.

Adjourned for admission on 13-2-96 before Division Bench.

[Signature]
Member

lm

13-2-96

Mr. J.L. Sarkar for the applicant. Mr. G. Sharma Addl. C.G.S.C. for respondent. Mr. R. ~~Saran~~, Saran, Scientific Officer-SE Deptt. of Atomic Energy, Shillong-11 is present, Mr. G. Sarma Addl. C.G.S.C. opposes the application on the ground that clause 4(d) of annexure 4 clearly provides that T.A. is not admissible. Mr. Saran additionally stated that the applicants are provided employment where work is available to avoid retrenchment on humanitarian ground and therefore the claim for T.A. cannot be legally made in view of the condition of the temporary status.

Mr. Sarkar stated that in the light of our observation dated 19-1-96 the joining time has been extended. The only question then survives is relating to entitlement of T.A.

The O.A. is admitted. Issue Notice to Respondents. 8 weeks for Written Statement

Notice sent to Mr. 3 by Speed Post

Respondents are given to respond from 219-222 & 222/96

21/1/96

Notice served on 4.2.96

[Signature]

O.A. 11/96

O.A. adjourned to 03-04-96.

[Signature]
Member

[Signature]
Vice-Chairman

Order sent to
Counsel of parties lm

Copy of application

already sent.

30.4.96

Notice served vide
no. 404-407 dt. 16-2-96.

Learned Addl.C.G.S.C Mr G.Sarma is
present for the respondents. Written
statement has been submitted. Case ready
for hearing.

List for hearing on 10.6.96.

[Signature]
16/2

Notice sent on R.no.
3 & 4.

[Signature]
Member

[Signature]
21/3

pg

8.4.96

10.6.96

M/S Submitted
on behalf of the respondents
At page NO. 31-72

Learned counsel Mr. M.Chanda for the applica
Mr. G.Sarma, Addl. C.G.S.C. for the respon

Written statement have been submitted. Case
ready for hearing.

List on 10.7.96 for hearing.

30.5.96

Notice duly served
on respt. No. 2.

[Signature]
Member (J)

[Signature]
Member (A)

trd

Bew.

10.7.96

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

List for hearing on 7.8.96.

[Signature]
Member

pg

O.A.11/96

4

7-8-96

Learned counsel Mr.M.Chanda for the applicant. Learned Addl.C.G.S.C. Mr.G.Sarma for the respondents.

Mr.M.Chanda submits rejoinder and copy thereof served on learned Addl.C.G.S.C. Mr.G.Sarma.

List for hearing on 5-9-96.

[Signature]
Member

*D Notice duly served on
Respondents no. 2; 3 & 4
by statement. As per B.W.
Rejoinder has not been
served.*

lm

Mr 4/18

5-9-96

Learned counsel Mr.M.Chanda for the applicant. Learned Addl.C.G.S.C. Mr.G.Sarma for the respondents.

List for hearing on 4-10-96.

[Signature]
Member

lm

Mr 5/9

12-9-96.

4-10-96

Mr.M.Chanda for the applicant.
List for hearing on 26-11-96.

[Signature]
Member

*Rejoinder submitted
by the applicant. at
12-9-81*

lm

Mr 2/10

18.3.97

The case is ready for hearing. List it for hearing on 2.5.97.

[Signature]
Member

[Signature]
Vice-Chairman

14.5.97

*Memo of appearance
not yet filed.*

nkm

2.5.97

Left over. List on 18.6.1997 for hearing.

[Signature]
Member

[Signature]
Vice-Chairman

*in 14/5
1/8 and rejoinder has
been served*

trd

Mr 5/5

19/6

9

O.A. 11/96

19-6-97

Learned counsel Mr.M.Chanda submits that Mr.J.L.Sarkar counsel for the applicant was in-charge of this case is indisposed and therefore, he prays for short adjournment. Mr.G.Sarma Addl. C.G.S.C. has no objection, if short adjournment is granted. **Prayer allowed.**

List on 1-7-97 for hearing.

30/6/97.

Memo of appearance not yet filed.

ba
Member

JB
Vice-Chairman

30/6

lm
23/6

14-7-97

1-7-97

Left over. List for hearing on

25-8-97.

Memo of appearance filed by Mr.G.Sharma Addl. C.G.S.C.

ba
Member

JB
Vice-Chairman

21-8-97

lm
21/8

The case is ready for hearing.

11-9-97

Case is otherwise ready for hearing. Let this case be listed for hearing on 11-12-97.

msf
21/8/97

ba
Member

JB
Vice-Chairman

lm
17/9

W/s and before hand has been filed

11-12-97

Case is ~~ok~~ ready for hearing. Let this case be listed for hearing on 16-2-98.

10/12

ba
Member

JB
Vice-Chairman

17-2-98

There was a holiday on eve of Parliament Election on 16-2-98. Therefore, placed the order for F.O.A.

lm
12/12

4

18.2.98

The case is otherwise ready for hearing. List it for hearing on 28.5.98.

[Signature]
Member

[Signature]
Vice-Chairman

nkm

28.5.98

Let this case be listed for hearing alongwith other similar matters on 4.6.98.

[Signature]
Member

[Signature]
Vice-Chairman

nkm

[Signature]
29/5

w/s and Refrainder has been filed
[Signature]
27/5

w/s and Refrainder has been filed
[Signature]
3/6

w/s and Refrainder has been filed
[Signature]
8/6

4.6.98
18

Adjourn to 26.6.98
By order

26.6.98

Mr M.Chanda, learned counsel for the applicant prays for a short adjournment Mr G.Sarma, learned Addl.C.G.S.C has no objection. Prayer allowed. List on 3.7.98 for hearing.

[Signature]
Member

[Signature]
Vice-Chairman

pg

[Signature]
29/6

w/s and Refrainder has been filed
[Signature]
2/7

3.7.98

On the prayer of Mr G. Sarma, learned Addl. C.G.S.C., the case is adjourned for two weeks. Mr J.L. Sarkar, learned counsel for the applicant, has no objection. List it on 21.7.98.

[Signature]
Member

[Signature]
Vice-Chairman

nkm

[Signature]
8/7

w/s and Refrainder has been filed
[Signature]
20/7

7

Notes of the Registry Date Order of the Tribunal

21.7.98

On the prayer of the Mr J.L. Sarkar, learned counsel for the applicant, this case is adjourned till 28.7.98.


Member


Vice-Chairman

nkm

MS
22/7

28.7.98

On the prayer of Mr M.Chanda, learned counsel for the applicant the case is adjourned to 17.8.98.


Member


Vice-Chairman

pg

MS
30/7

17.8.98

On the prayer of Mr. S.Ali, learned Sr.C.G.S.C. this case is adjourned till 31.8.98.

List on 31.8.98.


Member


Vice-Chairman

trd

MS
19/8

31.8.98

On the prayer of Mr G.Sarma, learned Addl.C.G.S.C the case is adjourned to 14.9.98 for taking instructions.


Member


Vice-Chairman

pg

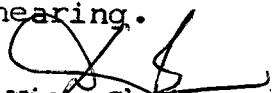
MS
2/9

14.9.98

Mr G.Sarma, learned Addl.C.G.S.C submits that ~~the~~ ^{an} attempt shall be made to settle the matter and prays for adjournment.

List on 2.11.1998 for hearing.


Member


Vice-Chairman

pg

14.8.98
Case is ready for hearing.

Boo

Case is ready for hearing.

MS
28/8

The case is ready for hearing as requested service.

MS
11.9

1

O.A. No = 11/96

8

Notes of the Registry	Date	Order of the Tribunal
<p>w/s and rejoinder has been filed. 24/11/98</p>	<p>2.11.98</p>	<p>Division Bench is not available. List on 25.11.98 for hearing.</p> <p><i>ba</i> Member</p>
<p>30-11-98 w/s and rejoinder has been filed. 30/11/98</p>	<p>25.11.98</p>	<p>Present: Hon'ble Mr Justice D.N. Baruah Vice-Chairman Hon'ble Mr G.L. Sanglyine, Administrative Member</p> <p>On the prayer of Mr J.L. Sarkar, learned counsel for the applicant the case is adjourned till 1.12.98.</p> <p><i>ba</i> Member</p> <p><i>DLB</i> Vice-Chairman</p>
<p>24-12-98 Written statement and rejoinder has been filed. 24/12/98</p>	<p>1.12.98</p>	<p>On the prayer of Mr. J.L.Sarkar, learned counsel appearing on behalf of the applicants the case is adjourned till 28.12.1998.</p> <p>Fix it on 28.12.98.</p> <p><i>ba</i> Member</p> <p><i>DLB</i> Vice-Chairman</p>
<p>5-1-99 Written statement and rejoinder has been filed. 5/1/99</p>	<p>28.12.98</p>	<p>On the prayer of Mr G. Sarm learned Addl. C.G.S.C. the case adjourned till 6.1.1999.</p> <p><i>ba</i> Member</p> <p><i>DLB</i> Vice-Chair</p>

pg

nkm

MS 26/11

trd

MS 2/12/98

nkm

MS 29/12/98

A


6.1.99

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

18.1.99

Copies of the judgement have been sent to the D/Sec. for issuing the same to the parties through Regd. with App.


Member


Vice-Chairman

trd

Issued vide despatch No. 116 to 120 dt. 18.1.99

5.2.99

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH : GUWAHATI-5

O.A. No. 11 of 1996

Date of decision 6.1.1999

North Eastern Region Atomic Minerals
Workers' Union & Ors.

PETITIONER(S)

Mr. M.Chanda

ADVOCATE FOR THE
PETITIONER(S)

VERSUS

Union of India & Ors.

RESPONDENT(S)

Mr. B.C.Pathak, Addl.C.G.S.C.

ADVOCATE FOR THE
RESPONDENT(S)

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

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

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

Judgement delivered by Hon'ble Vice-Chairman.



CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH

Original Application No. 11 of 1996.

Date of Decision: This the 6th day of January, 1999.

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

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

1. North Eastern Region Atomic Minerals Workers' Union, Regd. No. 79 dated 19.5.92, Affiliated to Regional Co-ordination Committee, A.M.D. Complex, P.O. Assam Rifles, Nongmynsong, Shillong-793011.
2. Shri Nandan Shah, S/o Late Tara Shah, resident of Nongmynsong, General Secretary, North Eastern Region Atomic Minerals Workers' Union, A.M.D. Complex, P.O. Assam Rifles, Nongmynsong, Shillong.
3. Sri Gopal Rai, Son of late Tiken Rai resident of Nongmynsong, President, North Eastern Region Atomic Minerals Workers' Union, A.M.D. Complex, P.O. Assam Rifles, Nongmynsong, Shillong ...Applicants

By Advocate Mr. M. Chanda.

-versus-

1. Union of India, through the Secretary to the Govt. of India, Deptt. of Atomic Energy, New Delhi.
2. The Chairman, Atomic Energy Commission, Bombay
3. The Chief Administrative and Accounts Officer, Deptt. of Atomic Energy, Atomic Minerals Division, Hyderabad-6.



Contd.....

4. The Regional Director,
Govt. of India,
Deptt. of Atomic Energy,
Atomic Minerals Division,
North Eastern Region ,
Shillong

Respondents

By Advocate Mr. B.S. Basumatary, Addl. C.G.S.C.

O R D E R

BARUAH J.(V.C.)

This application has been filed by an Association, namely, North Eastern Atomic Mineral Workers' Union alongwith the President of the said Union and one affected person.

2. The grievance of the applicants is that the applicant Nos. 2 and 3 had been transferred to Hyderabad not in the interest of public service but for an oblique purpose. In paragraph IV of the written statement the respondents have stated that the transfer was necessary as certain projects had already been closed down and there was dearth of casual worker and in order to help these applicants some of the members of the applicants Union have been transferred to Hyderabad. However, the same has been disputed by the counsel of the applicant.

3. We have heard Mr. Chanda, learned counsel appearing on behalf of the applicant and Mr. B.C.Pathak, learned Addl. C.G.S.C. Mr. Chanda submits that the transfer was by way of punishment. In fact, immediately after the transfer of the applicants, certain workers of casual nature had been brought in their place from


Handwritten signature


Contd...

other region. According to Mr. Chanda, it is sufficient to indicate that the transfers had been made for oblique purpose. On the other hand Mr. Pathak submits that this is not true. In fact, certain projects have been closed and the labourers working there became surplus, instead of retrenchment of those workers they have been accommodated by way of transfer.

. On hearing the counsel for the parties we dispose of this application with a direction if a representation is filed within 15 days from today giving details of their grievances to the respondents, the respondents shall consider the same and dispose of the same by a reasoned order within two months thereafter. It is also directed that if the applicants seek any personal hearing, that may also be granted by the respondents before taking any decision. The respondents shall also consider the claim of the applicants for TA/DA as per rules.

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


(G.L.SANGLYNE)
Administrative Member


(D.N.BARUAH)
Vice-Chairman

Central Administrative Tribunal
 18 JAN 1996
 Guwahati Bench
 18/1

Filed by the applicant
 through M. Chanda

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
 GUWAHATI BENCH

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

O.A. No. 11 / 1996
 N. E. R. A. M. W. Union &
 Sri Gopal Rai & Ors.

Vs.

Union of India & Ors.

I N D E X.

Sl.No.	Annexure	Particulars	Page No.
1	-	Application	1-13
2	-	Verification	-14-
3	1	O.M. dated 8.6.95	-15 to 17-
4	2a, 2b, 2c & 2d	Representation dt. 13/1/93 & 5/1/96 Order dt. 20.12.95	- 18 to 26 27 to 30
5	4d.		
6	W/8/8/96		31-73

Recd Gop
 Gopal Sarma
 Addl JC
 CAT
 Guwahati
 18.1.96 at 3:35 pm

Filed by :
 Manik Chanda
 Advocate

G. Rai
 North Eastern Regional Atomic
 Minerals Workers Union
 (Regd. No. 79)
 Nonqmunsong, Shillong- 79301

46

1. Particulars of the Applicants :

1. North Eastern Region Atomic Minerals Workers Union,
Regd. No. 79 dated 19.5.92,
Affiliated to Regional Co-Ordination Committee
A.M.D. Complex,
P.O. Assam Rifles, Nongmynsong
Shillong-793011
2. Sri Nandan Shah
S/o Late Tara Shah
resident of Nongmynsong
General Secretary
North Eastern Region Atomic Mineral Workers Union,
A.M.D. Complex,
P.O. Assam Rifles, Nongmynsong,
Shillong.
3. Sri Gopal Rai,
Son of late Tiken Rai
resident of Nongmynsong
President, North Eastern Region Atomic Mineral Workers Union,
A.M.D. Complex, P.O. Assam Rifles,
Nongmynsong,
Shillong

... . Applicants

2. Particulars of the Respondents

1. Union of India, through the Secretary to the Govt. of India,
Deptt. of Atomic Energy, Ministry of
New Delhi

Contd...P/3

Or. Ray

2. The Chairman
Atomic Energy Commission
Bombay
 3. The Chief Administrative and Accounts Officer,
Govt. of India, Deptt. of Atomic Energy,
Atomic Minerals Division
Hyderabad-6
 4. The Regional Director,
Govt. of India
Deptt. of Atomic Energy
Atomic Minerals Division,
North Eastern Region
Shillong
- Respondents

3. Particulars for which this application is made.

This application is made against the Office Order issued under letter No. AMD-19/15/93-95 - Adm.IV (Vo. III) dated 20.12.95 whereby 5 members of the Association who are working as casual Labourer (temporary status) are being transferred to Atomic Minerals Division (in short AMD), AMD Complex, Begumpet, Hyderabad for further assignment in C II Group ^{without} ~~with~~ stating any details as regard the new assignment at Hyderabad and also without stating any details as regard the terms and conditions of service in the new assignment and also without stating any details regarding what would be seniority position in the new assignment in the event of transfer is effected and ~~also~~

Contd...P/4

CR. Ray

DB

also against the clause II of the order dated 20.12.95 where it is stated that no travelling allowance ~~xxxxxx~~ is ~~xxx~~ entitled to the members of the Association who are now under order of Transfer for further assignment at Hyderabad from the AMD Shillong.

4. Limitation

That the applicants declare that this application is within the limitation prescribed under Section 21 of the Administrative Tribunals Act, 1985.

5. Jurisdiction

That the applicants declare that the subject matter of this application is within the jurisdiction of this Hon'ble Tribunal.

6. Facts of the case

6.1 That the applicants are citizens of India and as such, they are entitled to all the rights, protections and privileges as guaranteed under the Constitution of India.

6.2 That ~~the~~ applicant No. 1 is the Registered Union of casual Labourers (Temporary Status) serving under the Govt. of India, Deptt. of Atomic Energy, Atomic Minerals Division, Shillong. They are altogether 123 members of the said Association/Union. The applicant No. 2 is the President of the said Association/Union and serving as casual Labourer (temporary status) and applicant No. 3 is the General Secretary of the said Association/Union who is also serving as casual labourer (temporary status) under the Department

Contd...P/5

Cr. Ray

of Atomic Energy, Atomic Minerals Division, Shillong. That all the members of the said association are serving as casual labourers (temporary status) and posted in different places in the North Eastern Region ^{since} 1980 onwards and they joined on different dates in the department of Atomic Energy, Atomic Minerals Division, Shillong. The said Association/Union was formed ^{with} ~~to~~ the object to look after the service conditions and welfare of the casual labourers serving under the department of Atomic Energy, Atomic Minerals Division. The said association/Union ~~was~~ is registered under the relevant Trade Union Act, in the year 1992.

6.3 That members of the Association/Union are entrusted ~~with~~ different permanent nature of jobs and they are working for a considerably long period continuously without any break and they are granted temporary status in terms of the scheme issued by the Department of Personnel, ~~and Training,~~ Govt. of India under Office Memorandum No. 41015/2/90-Estt(C) dt. 10.9.93 and the temporary status is granted with effect from September 1993 to all the members of the aforesaid association/union and they are also granted regular pay scale of Rs. 750-940 with the benefit of increments and other allowances.

A copy of the O.M. No. AMD/Accts/VII/93-95 dt. 8.6.95 whereby the payments and other terms and conditions of the casual labourers (temporary status holders) regulated is annexed as Annexure-1.

6.4 That while the applicants are serving under the Department of Atomic Energy, Atomic Minerals Division, Shillong and posted in different places in the North Eastern

Contd...P/6

Dr. Ray

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after granting of temporary status all of a sudden the Chief Administrative Officer, Govt. of India, Department of Atomic Energy, Atomic Minerals Division, Hyderabad under the impugned letter No. AMD/19/15/93-Adm.IV(Vol.III) dt. 20.12.95 are directed to report for further assignment to the Assistant Personnel Officer (Admn.-IV) Atomic Minerals Division (AMD) Complex, Begumpet, Hyderabad if the applicants are interested to continue in the Atomic Energy, Atomic Minerals Division as casual labourers (temporary status) and it is also further stated in the said impugned order that if they are interested they should contact for further assignment under C II Group, AMD within 22nd January, 1996 in terms of Clause 1 of temporary status. ~~xxxxxx~~ This impugned order is issued in respect of 5 members of the said association namely;

- | | |
|--------------------------|-------------------------------------|
| 1. Sri Gopal Rai, | <u>Date of initial appointment.</u> |
| 2. Sri Joseph Murmu | 31-6-91. |
| 3. Sri Parimal Dutta | May 1989. |
| 4. Sri Sunil Mahato | June 1990. |
| 5. Sri Bipin Kumar Singh | 9-2-1989 |
| | 20-12-1990 |

Although the order is issued in respect of the 5 members of the Association who are serving as casual labourers (temporary status) but it is apprehended that the respondents is likely to issue ~~transfer order~~ in respect of other members of the said Association. Be it stated that works for which initially they were engaged are still available under the Atomic Mineral Division, Shillong, there is no chance of ~~exhaustion~~ exertion of the said work. But most surprisingly it is

Contd...P/7

C. Ray

stated in the impugned order that (due to reduction in workload) in the North Eastern Region there is no gainful employment in that area therefore they are to report for further assignment in Atomic Minerals Division, Hyderabad. The impugned order also issued in respect of the President North Eastern Region Atomic Minerals Workers Union, who is the Chief Executive (office bearer) of the said Association. In this connection it may be stated that the said Association has been pressing hard for regularisation of their services since the date of their appointment vide their charter of demands issued under No. AMD/NER/1/173/92-Adm dt. 13.1.92 (Annexure 2) followed by several subsequent reminders, the latest of which is dated 5.1.96 annexed as (Annexure-3) but the respondents instead of mitigating their genuine demands, unlearned unfair means with an ulterior motive to frustrate the Union activities and carefully adopted the present vindictive nature repressive measures by resorting to transfer the casual labourers from one region to another region without any prior notice and it is also apprehended by the applicants that some more members of the said association in same manner are also likely to be transferred from this region to other regions on the alleged ground of 'reduction of workload! Therefore the impugned order of transfer is liable to be set aside in the interest of justice. It is further stated here that the impugned orders were received by the applicants on 10.1.96 like a bolt from the blue.

6.5 That most surprisingly the respondents have added the cause in the impugned order dt. 20.12.95 where it is stated that the member of the association who are now directed to report for further assignment at Hyderabad are not entitled to T.A. for joining the new place of posting including the joining time. The relevant portion of the letter dated 20.12.95 is quoted below :

C. Jay Contd...P/8

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"Due to reduction in workload at North Eastern Region, there is no gainful employment in that area where you are posted at as Casual Labourer (Temporary Status), you are advised to proceed and report to Assistant Personnel Officer, Begumpet, Hyderabad for further assignments in CII Group AMD (Camp :K.K. Thanda) immediately but in no case later than 22.1.96 in terms of clause (i) of your temporary status letter No. AMD/19/15/93-Adm.IV dated 04.10.1993.

2. You are not entitled for T.A. for joining the new place of posting. Transit period will be treated as leave due and admissible".

Therefore the clause incorporate in 2nd paragraph of the impugned order dated 20.12.95 with the sole intention to deprive the legitimate claim and benefits of Travelling Allowance to the applicants which they are legally entitled for in the event of their transfer and posting to a different Station/Region in the public interest. Moreover the applicant are a very low paid casual labourers, it is very difficult on their part even to carry out the transfer and posting order without drawing the advance of T.A.

6.6 That the applicant however beg to state that the casual labourers who are recruited locally are not liable to be transferred to any other station/region as they are recruited on the basis of local requirement of work. However if the work is not actually available in that event the applicants are ready to carry out the order of transfer and posting to other region but in the instant case work is available in the N.E. region but the applicants are being

Contd..P/9

Cr. Ray

transferred to other region due to these legitimate demands of regularisation of services. Therefore the decision of the respondents is whimsical, illegal, arbitrary and unfair.

Copies of the impugned orders dt. 20.12.95 are annexed as Annexure ^{4,} 4a, 4b, 4c, 4d respectively.

6.7 That the respondents have intentionally did not give reasonable time to the members of the association who are directed to report to Hyderabad for their joining for further assignment. Be it stated that all the applicants are working in the lowest cadre in the grade of casual workers and they are having number of dependents. Therefore the decision of transfer to a different region is highly arbitrary and unfair when the works are available in the N.E. Region. The respondents also ought to have given a reasonable time if there is actually dearth of availability of work in the N.E. Region.

6.8 That the applicants beg to state that they are serving as Casual labourers with a meagre income therefore it is extremely difficult on their part to move on transfer to any other place other than NER and it is also difficult to maintain ~~to maintain~~ two separate establishments with this meagre income. Therefore the respondents be directed to allow them to continue in the existing place of duties till their regularisation and the impugned order of transfer be set aside and quashed.

Contd...P/10

C. N. Ray

24

6.9 That the applicants beg to state that is not specifically stated in the impugned order if they are transferred and posted to Hyderabad in that event whether the seniority of the originating ^{Station} would be maintained or not and the respondents have also kept the applicant in dark as regard the status and terms and conditions in the proposed new assignment at Hyderabad. Therefore this is also required to be clarified by the respondents in the event of their transfer and posting to Hyderabad is implemented.

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

7. Reliefs sought for :

Under the facts and circumstances as stated above, the applicants pray for the following relief :

1. That ~~this~~ the impugned order issued under letter No. AMD-19/15/93-Adm.IV (Vol.II) dated 20.12.95 (Annexure-4) be set aside and quashed.
2. That the respondents be directed to retain the 5 members of the association who are now under order of transfer to Hyderabad in terms of order dated 20.12.95 and to allow to continue as casual labourer (Temporary Status) in their present place of posting.
3. That ~~the xxx transfers and posting xxx to~~ the Hon'ble Tribunal be pleased to declare that the 5 members of the Association are entitled to draw T.A. in the event of their transfers and posting to Hyderabad.

Contd..P/11

CR. Ray

25

4. That ~~the~~ if the Hon'ble Tribunal hold that the applicants are required to be transferred and posted at Hyderabad in terms of order dated 20.12.95 in that event a reasonable time for joining at Hyderabad to be granted including joining time.
5. To pass any other order or order as deemed fit and proper on the facts and circumstances stated above.

above

The ~~following~~ reliefs are prayed on the following amongst other

-G R O U N D S-

1. For that the applicants are casual labourer with temporary status and their engagements ~~are~~ is made on the basis of local requirement therefore transfer out of NER is not permissible under the law.
2. For that sufficient work is available under the Atomic Mineral Division in the NER therefore decision of transfer and posting of the applicants to Hyderabad in terms of order dt. 20.12.95 is arbitrary, whimsical, illegal and unfair.
3. For that transfer from one region ^{to} another region in the cadre of casual labourers with temporary status are entitled to to T.A and other transfer benefits.

Contd..P/12

C. Ray

4. For that transfer of casual labourers with temporary status from one region to another region causes great financial hardships therefore order of transfer and posting dt. 20.12.95 is bad in law.
5. For that casual labourers serving in other region are being regularised and posted in NE region in the existing vacancies. Therefore the plea of reduction of workload is not based on the factual position.
6. For that it is difficult for the applicants to maintain double establishment as casual labourers with the meagre income.
7. For that no reasonable time or opportunity is given to the 5 members of the association for the transfer and posting to Hyderabad.
8. For that it is not stated in the impugned order dated 20.12.95 ^{how} the seniority and status would be maintained in the new assignments at Hyderabad.
9. For that the office bearers is not liable to be transferred to other region.
10. For that arbitrary decision of transfer and posting of the 5 association members is taken with the sole intention to frustrate the repeated legitimate claims of applicant for regularisation of their services.

11. FOR THAT NO formal notice was given to the applicant

8. Interim Relief sought for :

During the pendency of the application the applicants pray for the following interim relief :

Contd..P/13

C. Ray

1. That the impugned order issued under letter No. AMD-19/15/93-Adm.IV(Vol.II) dated 20.12.95 be stayed till final disposal of this application.

The above interim relief is prayed on the above grounds explained in paragraph 7 of this application.

9. That the applicants declare that there is no remedy under any rule and the Hon'ble Tribunal is the only remedy.

10. That the applicants declare that they have not filed any other application/case against the impugned order to any other Court or Tribunal.

11. Particulars of I.P.O.

Postal Order No. : 328889.
Date of Issue : 2-11-95.
Issued from : G.P.O. Guwahati
Payable at : G.P.O. Guwahati

12. An Index showing particulars of the enclosures is enclosed.

13. Documents

As per Index.

C. Ray

278

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

I, Sri Gopal Rai, son of late Tiken Rai, resident of Nongmynsong, Shillong and the President of the Registered Association of Casual labourers in the Atomic Minerals & Division, NER, Shillong, /one of the applicants in this application and I am competent to swear this verification do hereby solemnly affirm and declare that the statements made in paragraphs 1 to 13 are true to my knowledge and those made in paragraphs 1 to 13 are the matters of records derived therefrom which I believe to be true and I have not suppressed any material fact.

And I sign this verification on this the 18th day of January, 1996.

C. Jay.
Signature

PRESIDENT
North Eastern Regional Atomic
Minerals Workers Union,
(Regd. No. 74)
Nonumunson (Ph. No. 79301)

1-10-153-156, Begumpet,
Hyderabad - 500 016

No:AMD/Accts/VII/03/95

June 8, 1995

Sub: Payment of wages to Casual Labourers on
Temporary status - Reg.

34#

In pursuance of instructions contained in O.M.No.5106/2/90-Estt.(C) dated 10.9.93 of Ministry of Personnel, P.G. and Pensions (Department of Personnel and Training), casual labourers of AMD have been conferred with temporary status. Conferment of temporary status on casual labourers entitles certain benefits such as (i) wages at daily rates w.r.t. minimum of the pay scale of a Group 'D' official including DA, HRA, CCA & IR (ii) increments (iii) leave (iv) advances (v) counting of 50% of service etc. This has necessitated maintenance of proper records. However, it is observed that records in respect of casual labourers engaged in field units have not been maintained properly.

2. In order to ensure proper maintenance of service records and to achieve uniformity in the matter of payment of wages to casual labourers (temporary status), it is necessary to define the functions of Accounts, Administration and Officers-Incharge of field units. The following procedure shall be followed in respect of temporary status casual labourers posted in field units.

3. Duties and Responsibilities of Officers-incharge of Field Units under whom the temporary status casual labourers are employed:

3.1 The casual labourers even after conferment of temporary status continue to be casual labourers only. Their attendance should be marked in a separate register instead of on muster rolls.

3.2 The casual labourers may be given one day paid weekly off after six days continuous work. The labourers will be paid for this PRD unlike in the case of Daily Rated Casual Workers. Absence on leave, absence otherwise, holidays (except 3 national holidays i.e. 26th January, 15th August and 2nd October) will constitute a break for this purpose. In other words PRD will not be granted if the labourer goes on leave or is absent on a holiday other than 3 national holidays intervenes the continuous work of six days.

Attended
Chandra
Adh (1)

3.3 The Accounts will arrange to despatch DDs, wage bills and acquittance rolls in time to the controlling officers(OIC) of the respective casual labourers. A specimen acquittance roll is enclosed (Annexure-I). The payment to the casual labourers may be restricted to the days on which they actually performed the duty, number of days for which leave is sanctioned and number of PRDs (duty days + leave sanctioned + PRDs). Disbursement of the wages should be made after deducting the wages for the period of absence, calculated as per the per-day wage rate indicated in the wage bill to avoid overpayment. It may be noted that the amount payable after deduction may be rounded off to the nearest rupee, i.e., fifty paise and above rounded to the next higher rupee and less than fifty paise ignored. The deducted amount shall be remitted to the Accounts alongwith acquittance every month.

3.4 After disbursement, the OIC shall furnish a monthly attendance record of all the temporary status casual labourers working under him to the Accounts Section by 10th of every month positively. The record will contain the details of no. of days present, absent, leave and PRD. A specimen "Monthly Attendance Record" is enclosed (Annexure-II). This is an extract of the attendance register maintained by the Incharge of the unit. A copy of the monthly attendance record shall also be sent to the Administration for issue of leave orders and maintenance of service records.

3.5 The casual labourers shall apply for the leave due and admissible to them, for the days of absence and it will be regularised by grant of leave, by the competent authority. In case, any labourer applies for leave for a short period and does not return for duty, the OIC shall not release the wages. If the labourer continues to be absent for more than 7(seven) days, the OIC shall return the wages to the concerned SPO/AAO. The wages will be paid only after the regularisation of his absence. Thus the OIC shall ensure that no over-payment is made.

4. Duties and Responsibilities of Accounts Section:

4.1 The Accounts Section shall prepare the wage bills of the temporary status casual labourers by 20th of every month on par with regular employees posted in the field units.

4.2 Rates of wages shall also be indicated in the wage bills. The per-day wage rate shall be 1/31 or 1/30 or 1/28 or 1/29 (depending upon the number of days of the month) of the gross wages per month of the concerned labourer.

4.3 Recoveries, if any, pertaining to the previous month, shall be effected in the wage bill based on the attendance record received from the OIC. Accounts shall maintain wage bill register in the PER format indicating the details of payment, leave, absence etc., based on the monthly attendance record furnished by the OIC.

*A Heated
@m/ha
ADW*

-17-
(B)

91

4.4. Demand drafts towards payment of wages to the labourers shall thereafter be sent to the field units alongwith a copy of the wage bill and acquittance in duplicate well in advance so that disbursement of wages takes place on the first working day of the following month.

4.5. Accounts shall also watch receipt of leave orders from Administration, attendance record, acquittance rolls etc. from the field units and maintain month-wise records for reference.

5. Duties and Responsibilities of Administration:

5.1. Administration shall maintain service records (including leave records) and issue leave orders, annual increment certificates and sanctions for payment of advances whenever applied for by the temporary status casual labourers. The service book and leave account will be maintained in the format prescribed for regular employees.

5.2. Administration shall also furnish particulars of leave at credit of all labourers of each unit to the OIC by 20th of every month for record and reference. This will help the OICs in granting leave to the temporary status casual labourers.

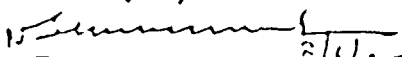
5.3. On receipt of a copy of monthly attendance record from field units, administration shall issue leave orders forthwith so as to reach Accounts by 20th of every month positively.

6. In so far as payment of wages to temporary status casual labourers posted in the AMD Headquarters, Hyderabad and Regional Headquarters is concerned, there will be no change in the existing procedure for preparation of muster rolls and payment of wages, i.e., payment will be made after checking muster rolls in Accounts. However service records, leave account etc. by Administration, and wage bill register etc. by Accounts, in respect of temporary status casual labourers posted in AMD Hqrs as well as Regional Headquarters will have to be maintained.

7. This arrangement will come into force w.e.f. June, 1995.

This issues with the approval of Director, AMD.

Encl: Annexures I & II.


(N. Srinivasa Rao) 2/6/95
Chief Administrative &
Accounts Officer

To
As per Mailing List

Assisted
@
A.W. (1)

1849 Annexure 2

NORTH EASTERN REGION ATOMIC

MINERALS WORKERS UNION

Regd. No. 79 Dated 19.5.92.

AFFILIATED TO REGIONAL CO-ORDINATION COMMITTEE

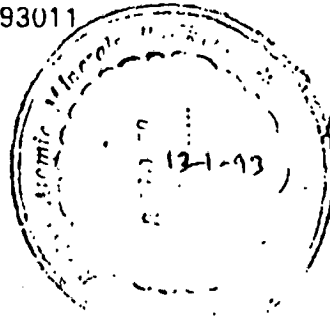
A. M. D. COMPLEX

P.O. - ASSAM RIFLES, NONGMYNSONG.

SHILLONG - 793011

Ref No. . AMD/NER/1/173/92 - Adm.

Communication
Address :-



Date : 13.1.93

To
The Chairman,
Atomic Energy Commission, Borhay.

Sub:- FORWARDING OF CHARTER OF DEMANDS ADOPTED IN THE ANNUAL GENERAL BODY MEETING OF THE NER ATOMIC MINERALS WORKERS UNION, SHILLONG HELD ON 21.12.92

Respected Sir,

Kindly refer to the above subject.

Sir, as directed, I on behalf of the all Member of the NER Atomic Minerals Workers Union, Shillong submit the following DEMANDS before you for your kind attention and early solution, by our various reminders, of the problems of the Casual workers of this Department. This Charter of Demands was prepared after a threadbare discussion on the various problems as faced by the Casual Workers in various cadres working in the AMD, NER in the last Annual General Body Meeting of our Union which was held on 21.12.92

DEMANDS

1. Immediate Regularisation of all casual workers in regular posts in the respective cadre as they are working.
2. Immediate payment of Arrear Wages & D.A. w.e.f. 2.5.1986 on the basis of Hon'ble Supreme Court Judgment as "Equal Pay for Equal Work" dated 27/10/88 and (writ petition No.370) also implementation of various circular issued by the Govt. of India (Finance Department) and the Deptt. i.e. OM-13017/2/88, dt.21/11/ (n.t.o.).

A H. 27/11/93
@
Adm.

NORTH EASTERN REGION ATOMIC

MINERALS WORKERS UNION

Regd. No. 79 Dated 19-5-92.

AFFILIATED TO REGIONAL CO-ORDINATION COMMITTEE

A. M. D. COMPLEX

P.O. - ASSAM RIFLES, NONGMYNSONG.
SHILLONG, 793011

33

Ref No.

Date

Communication
Address :-

-/2/-

86 & DCF No.45/95/87-FB-1, dt.27/10/87 and AMD/66/3/87-Vir/19148, dt.3/10/89 respectively.

3. Extension of Special Duty Allowance to all Casual Workers
4. Immediate implementation of this Departmental Circular No.AMD/66/3/87/Vir.19143, dt.3/10/89 on classification of category of highly skilled/skilled/semi-skilled workers according to service records of the workers.
5. Granting of Night Duty Allowance to Casual workers.
6. Immediate supply of liveries to all casual workers as like regular Group 'C' & 'D' employees.
7. Medical Leave and Medical Re-imbursment facilities to be given to all Casual workers.
8. Govt. Holidays as enjoying by the regular employees of the AMD/NER may also be allowed to enjoy by all the casual workers as paid Holiday & Holiday Declared by the Govt. of India under N.I.Act may also be declared as paid holiday for all categories of casual workers

A. H. K. S. D.
AV

Annexure - 2

20 -

NORTH EASTERN REGION ATOMIC

MINERALS WORKERS UNION

Regd. No. 79 Dated 19.5.92.

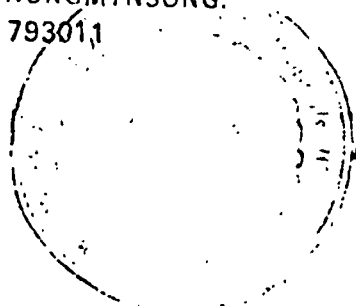
AFFILIATED TO REGIONAL CO-ORDINATION COMMITTEE

A. M. D. COMPLEX

P.O. - ASSAM RIFLES, NONGMYNSONG,
SHILLONG - 793011

No.

Communication
RES :-



Date

-13/-

9. Academic Qualification and percentage of Marks should be relaxed to those Temporary workers who have completed minimum 5 years service at the time of Regularisation in their respective cadre.
10. To minimise the financial hardship, all Interview/Test etc. for Regularisation of Group 'C' and 'D' posts should be held at AMD/NER, HRS i.e. at Shillong only.
11. The HRS. of this Union is located at Shillong and it is duly registered by the Meghalaya State Labour Commissioner under Indian T.U. Act and as such Union should be allowed to carry out its day to day function as like other Union are functioning in various Central Govt. Establishment. For smooth functioning of the Union Works, this Union should be provided with a Union Room by the AMD at Shillong and permission should be accorded to display a Notice Board inside the Office Complex.
12. No Office-bearers of the Union should be transferred from HRS to other Station for day to day smooth functioning of the Union Works.

*Attended
@ Shillong
Adv.*

-21-

Annexure - 2
35

NORTH EASTERN REGION ATOMIC

MINERALS WORKERS UNION

Regd. No. 79 Dated 19.5.92.

AFFILIATED TO REGIONAL CO-ORDINATION COMMITTEE

A. M. D. COMPLEX

P.O. - ASSAM RIFLES, NONGMYNSONG.

SHILLONG - 793011

Ref No.

Date

Communication
Address :-

-/4/-

Copy to :-

1. The Director, AMD, Hyderabad.
2. The Chief Administrative & Accounts Officer, AMD/DAE, HYDERABAD.
3. The Regional Labour Commissioner, NER, Guwahati (Central).
4. The Union Labour Minister, Govt. of India, New Delhi.
5. The Regional Labour Commissioner, NER, Guwahati (Central).
6. The Regional Director, AMD/NER, Shillong.
7. The Labour Commissioner, Meghalaya, Shillong.
8. The Secretary General, A.I.A.E.E., Co-ordination Committee, Bombay.
9. The Secretary General, Confederation of Central Govt. Employees & Workers, New Delhi.
10. The General Secretary, ECC, CONS, NER, Shillong.
11. The General Secretary, C-O-C, C.G.Es, Meghalaya, Shillong.
12. The Convener, Sponsoring Committee of T.U. Meghalaya, Shillong.
13. The General Secretary, JCTU & A, Shillong.

13.1.93

(ISHOR KUMAR CHATTERJI)

ASSTT GENERAL SECRETARY
North Eastern Regional Atomic
Minerals Workers Union,
(Regd. No. 79)
Nongmunsong, Shillong- 793011

Approved
Atul
A.S.

NORTH EASTERN REGION ATOMIC³

MINERALS WORKERS UNION

Regd. No. 79 Dated 19.5.92.

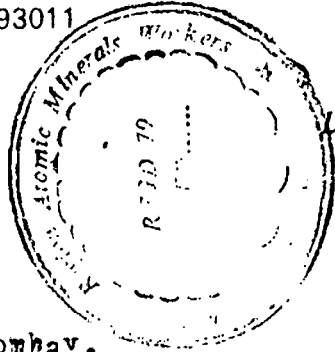
AFFILIATED TO REGIONAL CO-ORDINATION COMMITTEE

A. M. D. COMPLEX

P.O. - ASSAM RIFLES, NONGMYNSONG.

SHILLONG - 793011

Ref No. ^{even} 96/96



Date ... 5/11/96

Communication
Address :-

To
The Chairman,
Atomic Energy Commission, Bombay.

Sub:- FORWARDING OF CHARTER OF DEMANDS ADOPTED IN THE ANNUAL GENERAL BODY MEETING OF THE NER ATOMIC MINERALS WORKERS UNION, SHILLONG HELD ON 12/03/1995.

Ref:- Our letter No. NERAMWD/95, dated 30/11/95.

Respected Sir,

Kindly refer to the above subject.

Sir, as directed, I on behalf of the all Member of the NER Atomic Minerals Workers Union, Shillong submit the following DEMANDS before you for your kind attention and early solution, by our various reminders, of the problems of the Casual workers of this Department. This Charter of Demands was prepared after a threadbare discussion on the various problems as faced by the Casual Workers in various cadres working in the AMD, NER in the last Annual General Body Meeting of our Union which was held on 12.03.1995.

DEMANDS

1. Immediate Regularisation of all casual workers in regular posts in the respective cadre as they are working.
2. Immediate payment of Arrear Wages & D.A. w.e.f. 2.5.1986 on the basis of Hon'ble Supreme Court Judgement as "Equal Pay for Equal Work" dated 27/10/88 and (writ petition No.370) also implementation of various circular issued by the Govt. of India (Finance Department) and this Deptt. i.e. OM-13017/2/88, dt.21/11 (n.t.o.).

*Attached
on file
SD*

NORTH EASTERN REGION ATOMIC

MINERALS WORKERS UNION

Regd. No. 79 Dated 19-5-92.

AFFILIATED TO REGIONAL CO-ORDINATION COMMITTEE

A. M. D. COMPLEX

P.O. - ASSAM RIFLES, NONGMYNSONG,
SHILLONG - 793011

Ref No.

Date

Communication
Address :-

-/2/-

86 & DCF No.45/95/87-SPB-1, dt.27/10/87 and AMD/66/3/87-Vig/19148, dt.3/10/89 respectively.

3. Extension of Special Duty Allowance to all Casual Workers (Temp. Status).
4. Immediate implementation of this Departmental Circular No.AMD/66/3/87/Vig.19143, dt.3/10/89 on classification of category of highly skilled/skilled/semi-skilled workers according to service records of the workers.
5. Granting of Night Duty Allowance to Casual workers.
6. Immediate supply of liveries to all casual workers as like regular Group 'C' & 'D' employees.
7. Medical Leave and Medical Re-imbusement facilities to be given to all Casual workers.
8. Govt. Holidays as enjoying by the regular employees of the AMD/NER may also be allowed to enjoy by all the casual workers as paid Holiday & Holiday Declared by the Govt. of India under N.I.Act may also be declared as paid holiday for all categories of casual workers (Temporary Status).
9. Immediate instruction of 5 days/week in the case of Temporary Status workers (Saturday and Sunday should be declared as paid holiday) as per circular No.SPB-1, dated 5.6.91 and AMD/19/15/93-Adm. dt.4/10/93.

*Attested
Adv.*

(p.t.o.).

24 - Annexure 3

NORTH EASTERN REGION ATOMIC

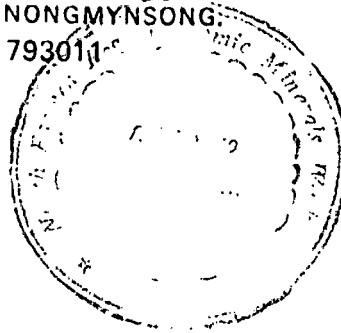
MINERALS WORKERS UNION

Regd. No. 79 Dated 19.5.92.

AFFILIATED TO REGIONAL CO-ORDINATION COMMITTEE

A. M. D. COMPLEX

P.O. - ASSAM RIFLES, NONGMYNSONG
SHILLONG - 793011



Ref No.

Date

Communication

Address :-

-/3/-

10. Academic Qualification and percentage of Marks should be relaxed to those Temporary workers who have completed minimum 5 years service at the time of Regularisation in their respective cadre.
11. To minimise the financial hardship, all Interview/Test etc. for Regularisation of Group 'C' and 'D' posts should be held at AMD/NER, HRS i.e. at Shillong only.
12. The HRS. of this Union is located at Shillong and it is duly registered by the Meghalaya State Labour Commissioner under Indian T.U. Act and as such Union should be allowed to carry out its day to day function as like other Union are functioning in various Central Govt. Establishment. For smooth functioning of the Union Works, this Union should be provided with a Union Room by the AMD at Shillong and permission should be accorded to display a Notice Board inside the Office Complex.
13. No Office-bearers of the Union should be transferred from HRS to other Station for day to day smooth functioning of the Union Works.
14. For the interest of the Department, if any Temporary Status Workers is to be transferred from one Station to another, the AMD should provide all facilities to him.
15. Kulang Village is one of the field area operation of the AMD/NER in the West Khasi Hills and the area is Malaria prone and the workers should be given treatment and provide with all safety measures.

*Attested
@
Adv.*

(p.t.o.)

NORTH EASTERN REGION ATOMIC

MINERALS WORKERS UNION

Regd. No. 79 Dated 19.5.92.

AFFILIATED TO REGIONAL CO-ORDINATION COMMITTEE

A. M. D. COMPLEX

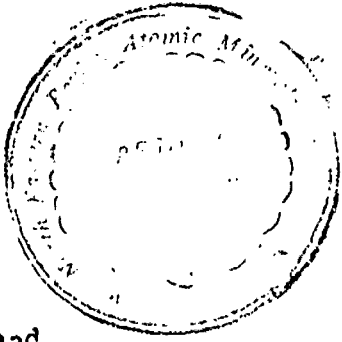
P.O. - ASSAM RIFLES, NONGMYNSONG.

SHILLONG - 793011

Ref No.

Date

Communication Address :-



-/4/-

Copy to :-

- ✓ 1. The Director, AMD, Hyderabad.
- ✓ 2. The Chief Administrative & Accounts Officer, AMD/DAE, HYDERABAD.
- ✓ 3. The Regional Labour Commissioner, NER, Guwahati (Central).
- ✓ 4. The Union Labour Minister, Govt. of India, New Delhi.
- ✓ 5. The Regional Labour Commissioner, NER, Guwahati (Central).
- ✓ 6. The Regional Director, AMD/NER, Shillong.
- ✓ 7. The Labour Commissioner, Meghalaya, Shillong.
- ✓ 8. The Secretary General, A.I.A.E.E., Co-ordination Committee, Bombay.
- ✓ 9. The Secretary General, Confederation of Central Govt. Employees & Workers, New Delhi.
- ✓ 10. The General Secretary, ACC, CONS, NER, Shillong.
- ✓ 11. The General Secretary, C-O-C, C.G.Es, Meghalaya, Shillong.
- ✓ 12. The Convener, Sponsoring Committee of T.U. Meghalaya, Shillong.
- ✓ 13. The General Secretary, JCTU & A, Shillong.
- 8/1/96 ✓ 14. The Editor, Shillong Times;
- 8/0/96 ✓ 15. The Editor, The Sentinel, Guwahati;
- 8/2/96 ✓ 16. The Editor, Nal Bhart; Taines.
- 7/9/96 ✓ 17. The Editor, Telegraph, Calcutta;
- 7/7/96 ✓ 18. The Editor, The Guardian, Shillong;
- 7/5/96 ✓ 19. The Editor, The Statesman, Calcutta

Bhanganah, Guwahati 781005
 for favour of publication.
 Sahibabad Industrial Area,
 Ghaziabad 201 010 UP
 700001 (West Bengal)

Attested
 [Signature]
 Adm

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NORTH EASTERN REGION ATOMIC

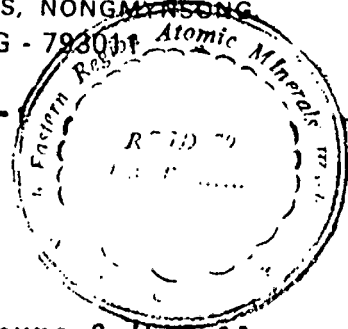
MINERALS WORKERS UNION

Regd. No. 79 Dated 19-5-92.

AFFILIATED TO REGIONAL CO-ORDINATION COMMITTEE

A. M. D. COMPLEX

P.O. - ASSAM RIFLES, NONGMYNSONG
SHILLONG - 793011



Ref No. ⁹⁶ 6/1/96

-18-

Date 5/11/96

Communication
Address :-

Thanking you.

Yours faithfully,

Nandan Shah

5/11/96

(NANDAN SHAH)
GENERAL SECRETARY,
NER MTU.

North Eastern Regional Atomic
Minerals Workers Union,
(Regd. No. 79)
Nongmynsong, Shillong - 793011

O/C

Received
5.11.96

Asst. Secy
@ Shillong
Adv.

(Contd).....

27-

Annexure - 4a

Government of India
Department of Atomic Energy
Atomic Minerals Division

AMD Complex,
Begumpet,
Hyderabad-16

No.AMD-19/15/93-Adm.IV (Vol.III)

December 20, 1995

Due to reduction in workload at Northeastern Region, there is no gainful employment in that area where you are posted at present. If you are interested to continue in this Department as Casual Labourer (Temporary Status), you are advised to proceed and report to Assistant Personnel Officer, Administration-IV, Atomic Minerals Division, AMD Complex, Begumpet, Hyderabad for further assignments in CII Group, AMD (Camp: K. K. Thanda) immediately but in no case later than 22-1-1996 in terms of clause(i) of your temporary status letter No.AMD-19/15/93-Adm.IV dated 04.10.1993.

2. You are not entitled for T.A. for joining the new place of posting. Transit period will be treated as leave due and admissible.

3. Your Headquarters will be Hyderabad.

4. In case you fail to report for duty at the new place as indicated above, it will be construed that, you are not interested to continue as Casual Labourer in this Department and accordingly your name will be struck off from the Muster Rolls of this Division. Alternatively, please treat this letter as one month's notice for dispensation of your services in terms of clause (xi) of this Department's O.M. dated 04.10.1993 cited above. The notice period will be operative from the date of receipt of this letter.


(N. Srinivasa Rao)

Chief Administrative & Accounts Officer

To

1. Shri Gopal Rai
S/O Shri Tekan Rai
Casual Labourer

Through: Regional Director,
NER, AMD, Shillong.


Attested

20/12/95

- 18 - 19 -

Annexure - 36
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Government of India
Department of Atomic Energy
Atomic Minerals Division

AMD Complex,
Begumpet,
Hyderabad-16

No.AMD-19/15/93-Adm.IV (Vol.III)

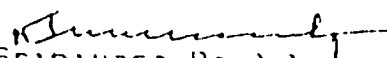
December 20, 1995

1. Due to reduction in workload at Northeastern Region, there is no gainful employment in that area where you are posted at present. If you are interested to continue in this Department as Casual Labourer (Temporary Status), you are advised to proceed and report to Assistant Personnel Officer, Administration-IV, Atomic Minerals Division, AMD Complex, Begumpet, Hyderabad for further assignments in CII Group, AMD (Camp: K. K. Thanda) immediately but in no case later than 22-1-1996 in terms of clause(i) of your temporary status letter No.AMD-19/15/93-Adm.IV dated 04.10.1993.

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(N. Srinivasa Rao) 20
Chief Administrative & Accounts Officer

To

✓ 1. Shri Joseph Murmu
S/O Shri Radional Murmu
Casual Labourer

Through: Regional Director,
NER, AMD, Shillong.


Attested
Chk
sdv

W3

Government of India
Department of Atomic Energy
Atomic Minerals Division

AMD Complex,
Begumpet,
Hyderabad-16

No.AMD-19/15/93-Adm.IV (Vol.III)

December 20, 1995

Due to reduction in workload at Northeastern Region, there is no gainful employment in that area where you are posted at present. If you are interested to continue in this Department as Casual Labourer (Temporary Status), you are advised to proceed and report to Assistant Personnel Officer, Administration-IV, Atomic Minerals Division, AMD Complex, Begumpet, Hyderabad for further assignments in CII Group, AMD (Camp: K. K. Thanda) immediately but in no case later than 22-1-1996 in terms of clause (i) of your temporary status letter No.AMD-19/15/93-Adm.IV dated 04.10.1993.

2. You are not entitled for T.A. for joining the new place of posting. Transit period will be treated as leave due and admissible.

3. Your Headquarters will be Hyderabad.

4. In case you fail to report for duty at the new place as indicated above, it will be construed that, you are not interested to continue as Casual Labourer in this Department and accordingly your name will be struck off from the Muster Rolls of this Division. Alternatively, please treat this letter as one month's notice for dispensation of your services in terms of clause (xi) of this Department's O.M. dated 04.10.1993 cited above. The notice period will be operative from the date of receipt of this letter.

(Signature)

(N. Srinivasa Rao)

Chief Administrative & Accounts Officer

To

1. Shri Parimal Dutta
S/O Shri Naresh Dutta
Casual Labourer

(Handwritten initials)
10/12/95

Through: Regional Director,
NER, AMD, Shillong.

*Attended
Chitra
Adv*

-30-

Annexure - 4d:

WY

Government of India
Department of Atomic Energy
Atomic Minerals Division

AMD Complex,
Begumpet,
Hyderabad-16

No.AMD-19/15/93-Adm.IV (Vol.III)

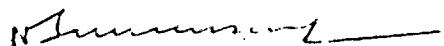
December 20, 1995

Due to reduction in workload at Northeastern Region, there is no gainful employment in that area where you are posted at present. If you are interested to continue in this Department as Casual Labourer (Temporary Status), you are advised to proceed and report to Assistant Personnel Officer, Administration-IV, Atomic Minerals Division, AMD Complex, Begumpet, Hyderabad for further assignments in CII Group, AMD (Camp: K. K. Thanda) immediately but in no case later than 22-1-1996 in terms of clause (1) of your temporary status letter No.AMD-19/15/93-Adm.IV dated 04.10.1993.

2. You are not entitled for T.A. for joining the new place of posting. Transit period will be treated as leave due and admissible.

3. Your Headquarters will be Hyderabad.

4. In case you fail to report for duty at the new place as indicated above, it will be construed that, you are not interested to continue as Casual Labourer in this Department and accordingly your name will be struck off from the Master Rolls of this Division. Alternatively, please treat this letter as one month's notice for dispensation of your services in terms of clause (xi) of this Department's O.M. dated 04.10.1993 cited above. The notice period will be operative from the date of receipt of this letter.


(N. Srinivasa Rao)

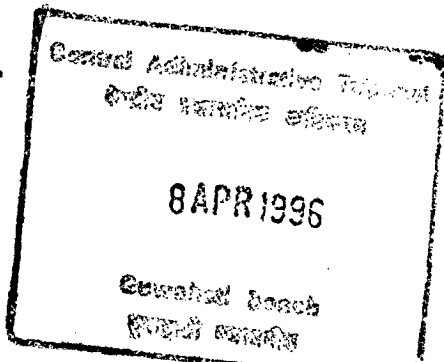
Chief Administrative & Accounts Officer

To

1. Shri Sunil Mahato
S/O Shri M.C. Mahato
Casual Labourer

Through: Regional Director,
NER, AMD, Shillong.


Assisted
@
Adv



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

31
4/13/96
Holey

Additional Central
Govt. Standing Counsel
Central Administrative Tribunal
Guwahati Bench
8/4/96

In the matter of :

O.A.No.11/96

North Eastern Region Atomic
Minerals Workers Union and
others Applicants.

-Versus-

Union of India
(Through the Secretary, Department
of Atomic Energy, Mumbai-39)
and others. Respondents.

-AND-

In the matter of :

Written Statement on behalf of
all the Respondents.

I, B.M.Swarnkar, son of Late Kacharumal,
aged about 55 years, working as Regional Director,
North Eastern Region, Atomic Minerals Division, Department
of Atomic Energy, Government of India and Respondent No.4
in the present application do hereby solemnly affirm
and declare as follows:-

Received
Adv.
30-5-96.

1. That a copy of the original application
alongwith an interim order dated 13.2.96 passed by this
Hon'ble Tribunal have been served upon the respondents
and.....

and myself being the Respondent No.4 and being duly authorised, I file this Written Statement on behalf of the other 3(three) respondents. That I am fully conversant with the facts of the case after perusal of the records concerning the same and assert categorically that save and except what is admitted in this Written statement, the rest of the allegation on the part of the applicants may be treated as totally denied by all the Respondents. Before I make para-wise comments I may be permitted to give a brief history of the case, which will constitute part and parcel of the written statement, as follows :

Brief History of the case

I. That the Atomic Minerals Division(AMD) is one of the constituent units of Department of Atomic Energy (DAE) under the Govt. of India. This Division has Headquarters at Hyderabad and seven Regional Offices located at Bangalore, Nagpur, Baroda, Khasmahal (Jamshedpur), Shillong, Jaipur and New Delhi and several field units working under the Regional offices throughout the country. The Atomic Minerals Division has been entrusted with the task of conducting survey and exploration for uranium and other atomic minerals required for the nuclear power programme of the country. The survey and prospecting work for atomic minerals involves carrying out field operations apread throughout the country.

II. The Regional Director, North Eastern Region has various field units under his jurisdiction and 113

temporary.....

temporary status conferred casual labourers are assisting the regular staff as and when required basis for setting up of field camps, geological and topographic surveys, sample collection, attending to drilling rigs, carrying survey equipments of the survey party for field camps/ drilling units.

III. That the temporary-status-conferred casual labourers from other Regional Offices such as Khasmahal, Nagpur, Bangalore and Baroda were posted and redeployed to other regions in view of the reduction of work in the respective regions.

Copies of the posting order and joining reports are enclosed herewith and same are marked as Annexure R.1(a) Annexure R.1(D).

The casual labourers have approached for payment of TA/DA through their Regional Directors upon transfer. It was informed that the casual labourers are not entitled for TA/DA under the Government rules. Hence they have joined at their own costs at their transferred place of engagement.

IV. The activities of Atomic Minerals Division, North Eastern Region, Shillong have been reduced very substantially as one of the projects i.e. Domiasiat Project, was closed. Hence the casual labourers of North Eastern Region have been found surplus. As there is a requirement of 20 casual labourers conferred with temporary status for the drilling programme at Central India Investigations at K.K.Thanda in Andhra Pradesh the Respondent No.3 has issued a telex message on 31.10.1995

to all.....

WPC
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to all Regional Directors of Northern Region, Eastern Region, Southern Region, Central Region, North-Eastern Region, North Western Region, Western Region to identify the availability of surplus casual labourers who can be spared from the respective Regions for the work at K.K.Thanda (Andhra Pradesh).

A copy of the telex dated 31.10.1995 is annexed herewith and marked as Annexure R.2.

Accordingly, the Regional Director of North Eastern Region, vide his letter No.AMD/NER/7/24/88/Adm/Vol.II/1722 dated 1.12.95 has identified the following casual labourers who have filed the present O.A. as surplus:-

1. Shri Gopal Rai, s/o Shri Tekan Rai (Applicant No.3)
2. Shri Joseph Murmu, s/o Shri Radional Murmu
3. Shri Bipin Kumar Singh, s/o Sundeswar Singh
4. Shri Sunil Mahato, s/o Shri M.C.Mahato, and
5. Shri Parimal Dutta, s/o Shri Naresh Dutta.

A copy of the letter referred to above is annexed herewith and same is marked as Annexure R.3 which is issued by Respondent No.4.

V. That in accordance with para clause (xi) of the order No.AMD-19/15/93-Adm.IV dated 4.10.1993 (Pursuant to GOI, DPT's O.M.No.51015/2/90-Estt. dtd.12.10.1993, as endorsed by DAE's Circular No.1/1(5)/93/SCs/393 dated 12.10.1993), issued by AMD to the applicants their services can be dispensed with by the Respondent No.3 by giving notice of one month in writing.

Copy of the same is annexed herewith and marked as Annexure R.4. Contd.....

In accordance with clause (i) of the offer of temporary status, the applicants can be deployed anywhere within the jurisdiction of Respondent No.3 scattered all over India or any other constituent unit of Department of Atomic Energy on the basis of availability of work. Instead of terminating the services of the applicants, as stated above, the respondent No.3 has redeployed their services keeping in view their length of casual services on humanitarian basis and issued a letter No.AMD-19/15/93-Adm.IV (Vol.III), dated 20.12.1995 (Annexure to the O.A.) with a direction to the applicants to report for duty to Assistant Personnel Officer, Administration-IV, Atomic Minerals Division, AMD Complex, Begumpet, Hyderabad for further assignments in CII Group, Atomic Minerals Division (Camp:K.K.Thanda) immediately in terms of clause (i) of conferment of Temporary Status letter No.AMD-19/15/92-Adm.IV of dated 4.10.1993 in case they are interested in continuing in the Department and do not want to treat the same as one month's notice in terms of clause (xi) of the letter dated 4.10.1993.

VI. That on receipt of the transfer order almost all the applicants have expressed their willingness to join and requested for extension of time upto 10.2.1996 which was agreed to by AMD.

Copies of representation submitted by the applicants are annexed herewith and marked as Annexure R.5(a) to Annexure R.5(e)

Contd.....

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VII. That almost all surplus casual labourers conferred with temporary status from various regions of India have complied with the transfer orders and joined their duty at their new places of engagement at their own costs as they are not eligible for TA/DA under Govt. rules.

A copy of letter No.AMD-19/15/93-Adm.IV(Vol.III) dated 9.2.1996 indicating the date of joining of the applicants at K.K.Thanda is enclosed as Annexure R.VI.

2. That with regard to the contents of paragraph 1 and 2 of the application, I beg to state that these are formal and I have nothing to comment.

3. That with regard to the contents made in paragraph 3 of the application, I beg to state that the applicants were posted from North Eastern Region to K.K.Thanda in accordance with clause (i) of the temporary status conferred order issued to them. It is further stated that due to their posting, their seniority position is not affected.

4. That with regard to the contents of paragraphs 4,5 and 6.1 of the application, I beg to state that these are formal and hence nothing to comment.

5. That with regard to the contents of paragraph 6.2, I beg to state that these are formal. The so called self-styled.....

self styled Association of Union is not recognised by the respondents. Therefore, the other contentions made in this paragraph are irrelevant.

6. That with regard to the contents of paragraph 6.3, I beg to state that these are formal and hence nothing to comment.

7. That with regard to the contents made in paragraph 6.4 of the application, I beg to state that the applicants were found surplus at North Eastern Region, Shillong and due to exigencies of work at K.K.Thanda in Andhra Pradesh, they were posted from North Eastern Region, Shillong to K.K.Thanda in Andhra Pradesh in accordance with clause (i) of the conferment of temporary status order issued by AMD to the applicants which reads as under :

"You may be deployed anywhere within Atomic Minerals Division or any other constituent unit of Department of Atomic Energy on the basis of availability of work".

Therefore the averments made by the applicants in the present O.A. that they were posted since they are members of the Association is absolutely baseless and far from truth. The other allegations made in this paragraph are baseless and devoid of merits.

8. That with regard to the contents made in paragraph 6.5 of the application I beg to state that these are denied.

Contd.....

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9. That with regard to the contents of paragraph 6.6 of the application I beg to state that the applicants were transferred as they are found surplus and instead of terminating their services the Respondents have taken recourse of clause (i) of the conferment of temporary status order issued to them and accordingly they were posted from North Eastern Region, Shillong to K.K.Thanda (A.P.) vide order dated 20.12.1995, with an intention to keep them in casual service. It is further stated that under clause (xi) of the offer of appointment, the services of the applicants could have been terminated by giving one month's notice. The intention of the Respondents is to accommodate the surplus casual labourers to help them on humanitarian grounds. Hence the allegations made in this paragraph are imaginary and far from truth.

10. That with regard to the contents of paragraph 6.7 of the application, I beg to state that the applicants were given more than one month's time to join new place of engagement at their option, which is evident from the order dated 20.12.1995. It is further stated that later on the applicants have sought extension of time vide their letter dated nil upto 10.2.1996 for joining duty at K.K.Thanda. In fact extension of time as requested by them upto 10.2.1996 was granted. Meanwhile all the applicants have utilised the extended time for resorting to litigation against the Respondents instead of joining duty at their new place of engagement.

Contd.....

11. That with regard to the contents of paragraph 6.8 of the application, I beg to state that as and when the work load of any Region is decreased or increased the Respondents make such transfers to accommodate them keeping in view their casual service on humanitarian basis. Accordingly, the Respondents have transferred the applicants in accordance with clause (i) of conferment of temporary status order issued to the applicants.

12. That with regard to the contents of paragraph 6.9 of the application, I beg to state that the seniority of the applicants will be maintained.

13. That with regard to the contents of paragraph 6.10 of the application, I beg to state that the applicants have filed the present application with ulterior motive with a view to avoid transfer from one Region to other Region on the pretext that they are Union/Association leaders.

14. That with regard to the contents of paragraph 7.1 of the application, I beg to state that the issuance of letter No.AMD-19/15/93-Adm.IV(Vol.II) dated 20.12.1995 is fully justified and it is well within the jurisdiction of the Respondents.

15. That with regard to the averments of paragraph 7.2, I beg to state that the applicants have complied with the direction contained in the transfer order dated 20.12.1995 and they have joined at K.K.Thanda(AP) on 9.2.1996.

Contd.....

16. That with regard to the contents of paragraph 7.3 of the application, I beg to state that the applicants are not entitled for TA/DA in terms of Govt. orders since they are holding casual status only.

17. That with regard to the contents of paragraph 7.4 and 7.5 of the application, I beg to state that the applicants have been granted sufficient time upto 10.2.1996 and they have joined at K.K.Thanda (A.P.) on 9.2.1996. The applicants are not eligible for joining time since they are holding casual status.

18.1. That with regard to the contents of para-1 of Grounds of the application, I beg to state that in accordance with clause (i) of the conferment of temporary status the applicants services are liable to be transferred anywhere in India in the exigencies of work. If the applicants are not willing to undertake the casual assignments, their services are liable to be terminated as per clause(xi) of the conferment of temporary status by giving one month's notice. It is, therefore, stated that order dated 20.12.1995 issued by the Respondent No.3 is well within the jurisdiction of the Respondents.

18.2. That with regard to the contents of para-2 of Grounds of the application, I beg to state that the applicants do not have any right to question the validity of the.....

41

of the transfer order of the Respondents. It is reiterated that there is no sufficient work available in North Eastern Region to accommodate the applicants. The transfer order is fully justified and well within the powers of the Respondents. The other averments made in this para are not tenable and devoid of merits.

18.3. That with regard to the contents of paragraph 3 & 4 of Grounds of the application, I beg to state that the service conditions are regulated in accordance with conferment of temporary status issued to the applicants. The applicants are not entitled for TA/DA on posting since they are holding casual status.

18.4. That with regard to the contents of paragraph 5 & 6 of Grounds of the application, I beg to state that whenever any regular vacancy exists the casual labourers will be considered subject to fulfilment of recruitment norms, if they apply for the post. The selected candidates will be posted in various Regions based on the vacancies available. The other contentions made in these paragraphs are without any substance.

18.5. That with regard to the contents of paragraph 7 of Grounds of the application, I beg to state that the applicants have been granted sufficient time as requested by them, i.e. upto 10.2.1996 and they have in fact reported for duty at K.K.Thanda. It is further stated that the contentions made in this para are absolutely baseless and far from truth.

Contd.....

18.6. That with regard to the contents of paragraph 8 of Grounds of the application, I beg to state that the seniority of the applicants will be maintained even after posting from one place to another place.

18.7. That with regard to the contents of paragraph 9 of the Grounds of the application, I beg to state that these are not maintainable as the Applicant's Association or Union is not recognised by the Respondents.

18.8. That with regard to the contents of para-10 of Grounds of the application, I beg to state that the casual labourers from various Regions have been posted from one Region to another Region as stated in the brief history of the case and they complied with the transfer orders issued to them without claiming TA/DA except the present applicants. Therefore, the contentions of the applicants are not correct and hence denied.

19. That with regard to the contents of para-8 of the application, I beg to state that the posting order No.AMD-19/15/93-Adm.IV (Vol.II), dated 20.12.1995 issued by the Respondents is just and proper under the circumstances.

20. That with regard to the contents of paragraph 9 of the application, I beg to state that having agreed to the offer of appointment issued to the applicants there is no case in their pleading.

21. That with regard to the contents of paragraph 10 and 11 of the application, I beg to state that these are formal

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formal and hence nothing to comment.

22. That the present application is ill-conceived in law and mis-conceived on facts. Hence it is liable to be dismissed summarily.

23. That the present application is liable to be dismissed solely on the ground that if it is allowed, there will be unending litigation of other casual labourers who had already been posted and joined duty and likely to be posted in future from one Region to other Region scattered all over India.

24. That the present application is liable to be rejected on the ground that the posting order dated 20.12.1995 issued by the Respondents posting the applicants from North Eastern Region, Shillong to K.K.Thanda (A.P.) is well within the jurisdiction of the Respondents.

25. That the applicants have failed to make out even a prima facie case in the present application and hence the same is liable to be dismissed.

26. That there being no any cause of action the present application is liable to be dismissed in limine.

27. That the present application is not at all maintainable in view of the fact that the applicants have not exhausted all the remedies available to them.

Contd.....

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28. That the prayer for certain relief including the interim relief being not legal the same are liable to be rejected.

29. That the present application being a prematured one, is not at all entertainable.

30. That the Respondents crave leave of this Hon'ble Tribunal for filing any additional Written Statement, if this Hon'ble Tribunal so directs.

31. That this Written Statement is filed bonafide and in the interest of justice.

32. That in view of the above submissions the present application deserves to be dismissed with costs.

VERIFICATION

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15 → (45)

VERIFICATION

I, B.M.Swarnkar, son of late Shri Kacharumal, aged about 55 years working as Regional Director, North Eastern Region, Atomic Minerals Division, Department of Atomic Energy, Shillong do hereby solemnly affirm and declare that the contents of paragraph.1 are true to my knowledge and those made from paragraph 2 to 21 including the Brief History of the case in-corporated in this Written Statement are derived from records which I believe to be true and those made from paragraph 22 to 31 are my humble submissions before this Hon'ble Tribunal.

AND I sign this Verification on this 9th day of April, 1996 at Shillong.

DEPONENT

B.M. Swarnkar
04/4/96

क्षेत्रीय निदेशक/Regional Director
उत्तर पूर्वी क्षेत्र/N. E. Region
परमाणु खनिज प्रभाग
Atomic Minerals Division
परमाणु ऊर्जा विभाग
Dept. of Atomic Energy
शिल्लोंग Shillong

Government of India
Department of Atomic Energy
Atomic Minerals Division

AMD Complex,
Begumpet,
Hyderabad-16.

No.AMD-19/15/93-Adm.IV (Vol.II)

June 05, 1995

In pursuance of this office letter No.AMD-19/15/93-Adm.IV, dated 16/5/1995, the following temporary status casual labourers of Eastern Region have reported for duty at AMD Hqrs. Hyderabad on the forenoon of 5th June, 1995 and they are posted to the sections as per details given below:

S.No.	Name	Father's name	Place of posting	Hqrs.
1.	S/Shri Rabindra Das (CMC No.4103)	S/Shri Abhino Das	CII Group	Hyderabad
2.	Shyam Sunder Bharati (CMC No.4130)	Rameshwar Giri	Accounts Section	Hyderabad
3.	Abiram Mahato (CMC No.4131)	Chandra Mohan	Drilling Group. (Truck Khalasi)	Hyderabad
4.	Shyam Nandan Prasad (CMC No.4129)	Ram Prasad	O/o Incharge B.S.O.I. Hyd.	Hyderabad

(K.K.K. SINGH)
(K.K.K. SINGH)
Assistant Personnel Officer

Copy to:

1. Deputy Director (K), AMD, Hyderabad.
2. Incharge, PMSG, AMD, Hyderabad.
3. Incharge, CII Group, AMD, Hyderabad.
4. Incharge, Drilling Group, AMD, Hyderabad.
5. Incharge, BSOT, AMD, Hyderabad.
6. Deputy Controller of Accounts, AMD, Hyderabad.
7. Administrative Officer-III, AMD, Hyderabad.
8. APO, Admin.I/II, AMD, Hyderabad.
9. Asstt. Accounts Officer (Bills), AMD, Hyderabad.

Altealed

S.K. Chakrabarti
S. K. CHAKRABARTI

Assistant Personnel Officer
ATOMIC MINERALS DIVISION (NER)
DEPARTMENT OF ATOMIC ENERGY
Government of India
SHILLONG-793 011

Government of India
Department of Atomic Energy
Atomic Minerals Division

AMD Complex,
Begumpet,
Hyderabad-500 016

No. AMD-19/15/93-Adm.IV

May 16, 1995

The Survey/Drilling activities of Atomic Minerals Division in STB area have decreased considerably. Since there is no gainful employment in STB area, if you are interested to continue in this Department as Casual Labourer (Temporary status), you are advised to proceed and report for duty to Asstt. Personnel Officer, Admin.IV, AMD Complex, Begumpet, Hyderabad for further assignments immediately, but in no case later than 16th June, 1995 in terms of clause (i) of your temporary status letter No. AMD-19/15/93-Adm.IV Dt. 13/10/1993.

2. You are not entitled for T.A. for joining the new place of posting. Transit period will be treated as leave due and admissible.

3. Your Headquarters will be Hyderabad.

4. In case you fail to report for duty at the new place as indicated above, it will be construed that, you are not interested to continue as Casual Labourer in this Department and accordingly your name will be struck off from the Muster Rolls of this division. Alternatively, please treat this letter as One month's notice for dispensation of your services in terms of clause (xi) of this Department's O.M. dated 13/10/93 cited above. The notice period will be operative from the date of receipt of this letter.

(N. Srinivasa Rao)
Chief Administrative &
Accounts Officer

To

Shri. (As per details overleaf)
Casual Labourer,

Through : RD, ER, AMD, Calcutta.

P.T.O

Copy to:

1. Dy. Director (B), AMD, Hyderabad.
2. Regional Director, ER, AMD, Calcutta.
3. Dy. Regional Director, ER, AMD, Jamshedpur.
4. Administrative Officer-III, AMD, Hyderabad.
5. Sub-Pay Officer, ER, AMD, Calcutta.
6. Asstt. Accounts Officer (Bills), AMD, Hyderabad.
7. APO, Admin.II, AMD, Hyderabad.
8. SRO, AMD, Hyderabad.

Attested

mehta 2/4/96.
S. K. CHAKRABARTI

Assis. ant Personnel Officer
ATOMIC MINERALS DIVISION (NER)
DEPARTMENT OF ATOMIC ENERGY
Government of India
SHILLONG-793 011

561/
19.5.95

O.No.	CWC No.	Name	Father's name
		S/Shri	
1.	4103	Rabindra Das	Abhino Das
2.	4129	Shyam Nandan Prasad	Ram Prasad
3.	4137	Subhesh Chandra Mondal	Abadhut Mondal
4.	4141	Sushil Kumar Behara	Kuladhar Behara
5.	4131	Sibram Mahato	Chandra Mohan
6.	4130	Shyam Sunder Bharti	Rameshwar Giri

18 / Annexure-I(b) 48 63

Government of India
Department of Atomic Energy
Atomic Minerals Division

AMD Complex,
Begumpet,
Hyderabad - 16

No. AMD-19/15/93-Adm. IV (Vol. 11)

July 28, 1995

In pursuance of this office letter No. AMD-19/15/93-Adm. IV dated 16/5/1995, the following casual labourers of NER, Shillong have reported for duty at B.S.O.I. Visakhapatnam on the forenoon of 12th June, 1995 and posted to BSOI, Visakhapatnam:

Handwritten notes:
Please refer to
1/6/95

S.No.	Name	Date of joining	Posted to	Hqrs.
	S/Shri			
1.	PRASANNA KUMAR DAS S/O BRANDAVAN DAS	12/06/95 (FN)	BSOI, Visakhapatnam	HYD.
2.	N. VENU S/O V.D. NARAYAN	12/06/95 (FN)	-do-	-do-

Handwritten signature:
(K.K.K. SINGH) 28/07/95
Assistant Personnel Officer

Copy to:

1. Dy. Director (B), AMD, Hyderabad.
2. Incharge, PMSG, AMD, Hyderabad.
3. Incharge, BSOI, AMD, Hyderabad.
4. Incharge, BSOI, Visakhapatnam.
5. Dy. Controller of Accounts, AMD, Hyderabad.
6. Dy. Chief Security Officer, AMD, Hyderabad.
7. APO, Admin-I/II, AMD, Hyderabad.
8. AAO (Bills), AMD, Hyderabad.

Attested

Handwritten signature:
S. K. CHAKRABARTI 4/8/96
Assistant Personnel Officer
ATOMIC MINERALS DIVISION (NER)
DEPARTMENT OF ATOMIC ENERGY
Government of India
SHILLONG-793 011

19
49

64

Government of India
Department of Atomic Energy
Atomic Minerals Division

AMD Complex,
Begumpet,
Hyderabad-500 016

No. AMD-19/15/93-Adm.IV

May 16, 1995

Due to closure of Killung Test Recovery Plant at Domiasiat, Shillong, there is no gainful employment in Killung area. If you are interested to continue in this Department as Casual Labourer (temporary status), you are advised to proceed and report for duty to Shri R. Gajapathi Rao, Incharge, BSOI-Visakhapatnam, Door No. 39-B-20, Murali Nagar, Industrial Estate P.O., Visakhapatnam - 530 007, immediately but in no case later than 16th June, 1995 in terms of clause (i) of your temporary status letter No. AMD-19/15/93-Adm.IV dated 01/10/1993.

2. You are not entitled for T.A. for joining the new place of posting. Transit period will be treated as leave due and admissible.

3. Your Headquarters will be Hyderabad.

4. In case you fail to report for duty at the new place as indicated above, it will be construed that, you are not interested to continue as Casual Labourer in this Department and accordingly your name will be struck off from the Muster Roll of this Division. Alternatively, please treat this letter as One month's notice for dispensation of your services in terms of clause (xi) of this Department's O.M. dated 4/10/93 cited above. The notice period will be operative from the date of ~~receipt of this letter.~~

(H. Srinivasa Rao)
Chief Administrative &
Accounts Officer

To

1. Shri N. Venu S/o Shri V.D. Narayan, Casual Labourer.
2. Shri Prasanna Kumar Das S/o Shri Brandavan Das, C. Labourer.

Through: Regional Director, NER, AMD, Shillong.

- Copy to:
1. Dy. Director (B), AMD, Hyderabad.
 2. Regional Director, NER, AMD, Shillong.
 3. Administrative Officer-III, AMD, Hyderabad.
 4. Sub-Pay Officer, NER, AMD, Shillong.
 5. Asstt. Accounts Officer (Bills), AMD, Hyderabad.
 6. APO, Admin. II, AMD, Hyderabad.
 7. SRO, AMD, Hyderabad.
 8. Shri R. Gajapathi Rao, Incharge, BSOI, Visakhapatnam - with a request to intimate the joining report of the above two casual labourers to this office.

Attested

S. K. Chakrabarti
S. K. CHAKRABARTI 4/4/96
Assistant Personnel Officer
ATOMIC MINERALS DIVISION (NER)
DEPARTMENT OF ATOMIC ENERGY
Government of India
SHILLONG-793 011

20 Annexure-R-I(c) 34/1- (2) 6550
Government of India
Department of Atomic Energy
Atomic Minerals Division

AMD Complex,
Begumpet,
Hyderabad-16

No. AMD-19/15/93-Adm. IV, Vol. III,

December 07, 1995

In pursuance of this office letter No. AMD-19/15/93-Adm. IV (Vol. III) dated 2/11/1995 the following 4 (four) casual labourers (Temporary Status) have reported for duty at BSOI, Trivandrum on transfer from Southern Region on the dates mentioned against each:

S.No.	Name and Father's name	Joined on	Posted to	Hqrs.
1.	S/Shri Gopal T. Gowda S/o Shri Tammanna Gowda	27.11.95 (F.N)	BSOI Trivandrum	Trivandrum
2.	R. Ramamurthy S/O Krishnamurthy	28.11.95 (F.N)	-do-	-do-
3.	K.P. Manoj Kumar S/O Narayanan Kutty Nair	28.11.95 (F.N)	-do-	-do-
4.	B. Suryanarayana S/O Satyanarayana	28.11.95 (F.N)	-do-	-do-

(K.K.K. SINGH)
ASSISTANT PERSONNEL OFFICER

Distribution:

1. Deputy Director (B), AMD, Hyderabad.
2. Regional Director, SR, AMD, Bangalore.
3. Incharge, PMSG, AMD, Hyderabad.
4. Incharge, BSOI, AMD, Hyderabad.
5. Incharge, BSOI, Trivandrum.
6. Administrative Officer-III, AMD, Hyderabad.
7. AFG, Admin. I/H, AMD, Hyderabad. — together with joint reports
8. Sub-Pay Officer, SR, AMD, Bangalore.

97c
11/11/95
Attested

S. K. CHAKRABARTI
Assistant Personnel Officer
ATOMIC MINERALS DIVISION (NER)
DEPARTMENT OF ATOMIC ENERGY
Government of India
9/12/95

-21-57

10

Government of India
Department of Atomic Energy
Atomic Minerals Division

AMD Complex,
Begumpet,
Hyderabad-16

No.AMD-19/15/93-Adm.IV (Vol.III)

November 02, 1995

Due to reduction in workload at Tummalapalle/Lakkireddipalle/Bangalore, there is no gainful employment in that area where you are posted at present. If you are interested to continue in this Department as Casual Labourer (Temporary Status), you are advised to proceed and report to Shri S. Krishnan, Incharge, BSDI-T.N.&Kerala, "Lekshmi" TC-17/406(1), Poojapura, Thiruvananthapuram- 695 012 for further assignments immediately but in no case later than 30-11-1995 in terms of clause(i) of your temporary status letter No.AMD-19/15/93-Adm.IV dated 13.10.1993.

2. You are not entitled for T.A. for joining the new place of posting. Transit period will be treated as leave due and admissible.

3. Your Headquarters will be ~~Bangalore~~ Trivandrum.

4. In case you fail to report for duty at the new place as indicated above, it will be construed that, you are not interested to continue as Casual Labourer in this Department and accordingly your name will be struck off from the Muster Rolls of this Division. Alternatively, please treat this letter as one month's notice for dispensation of your services in terms of clause (xi) of this Department's O.M. dated 13.10.1993 cited above. The notice period will be operative from the date of receipt of this letter.

(N. Srinivasa Rao)

Chief Administrative & Accounts Officer

To

1. Shri B. Suryanarayana S/o Shri Satyanarayana, C.Labourer.
2. Shri R. Ramamurthy S/o Shri Krishnamurthy, Casual Labourer.
3. Shri K.P.Manoj Kumar S/o Shri Narayanan Kutty Nair, C.Labourer.
4. Shri Gopal T. Gowda S/o Shri Tammanna Gowda, C.Labourer.

Through: Regional Director,
SR, AMD, Bangalore.

P.T.O.

Attested

mubharti 4/5/96
S. K. CHAKRABARTI

Assistant Personnel Officer
ATOMIC MINERALS DIVISION (NER)
DEPARTMENT OF ATOMIC ENERGY

Government of India

CHILLONG 702 011

रजिस्ट्रार अकाउंट्स
Reg. Section

अकाउंट्स, बंगलूर

अकाउंट्स, बंगलूर

11/11/95

Copy to:

1. Dy. Director (B), AMD, Hyderabad.
2. Regional Director, SR, AMD, Bangalore.
3. Incharge, PMSG, AMD, Hyderabad.
4. Incharge, BSOI Group, AMD, Hyderabad.
5. Shri S. Krishnan, Incharge, BSOI-T.N.&Kerala,
"Lekshmi" TC-17/406(1), Poojapura,
Thiruvananthapuram-695 012 - with a request
to forward the joining reports of the above
casual labourers to this office.
6. Administrative Officer-III, AMD, Hyderabad.
7. APO, Admin I/II, AMD, Hyderabad.
8. Sub-Pay Officer, SR, AMD, Bangalore.

N. Srinivasa Rao

(N. Srinivasa Rao)
Chief Administrative & Accounts Officer

22/52

68

Government of India
Department of Atomic Energy
Atomic Minerals Division

AMD Complex,
Begumpet,
Hyderabad-16

No.AMD-19/15/93-Adm.IV (Vol.III)

December 20, 1995

Due to reduction in workload at Northeastern Region, there is no gainful employment in that area where you are posted at present. If you are interested to continue in this Department as Casual Labourer (Temporary Status), you are advised to proceed and report to Assistant Personnel Officer, Administration-IV, Atomic Minerals Division, AMD Complex, Begumpet, Hyderabad for further assignments in CII Group, AMD (Camp: K. K. Thanda) immediately but in no case later than 22-1-1996 in terms of clause (i) of your temporary status letter No.AMD-19/15/93-Adm.IV dated 04.10.1993.

2. You are not entitled for T.A. for joining the new place of posting. Transit period will be treated as leave due and admissible.

3. Your Headquarters will be Hyderabad.

4. In case you fail to report for duty at the new place as indicated above, it will be construed that, you are not interested to continue as Casual Labourer in this Department and accordingly your name will be struck off from the Muster Rolls of this Division. Alternatively, please treat this letter as one month's notice for dispensation of your services in terms of clause (xi) of this Department's O.M. dated 04.10.1993 cited above. The notice period will be operative from the date of receipt of this letter.

(N. Srinivasa Rao)

Chief Administrative & Accounts Officer

To

- | | |
|---------------------------|--------------------------------------|
| 1. Shri Joseph Murmu | S/O Shri Radional Murmu, C.Labourer |
| 2. Shri Bipin Kumar Singh | S/O Shri Sundeswar Singh, C.Labourer |
| 3. Shri Sunil Mahato | S/O Shri M.C. Mahato, C.Labourer |
| 4. Shri Gopal Rai | S/O Shri Tekan Rai, C.Labourer |
| 5. Shri Parimal Dutta | S/O Shri Naresh Dutta, C.Labourer |

Through: Regional Director,
NER, AMD, Shillong.

Attended

P.T.O.

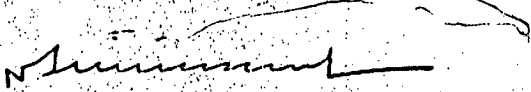
S. K. CHAKRABARTI

Assistant Personnel Officer
ATOMIC MINERALS DIVISION (NER)
DEPARTMENT OF ATOMIC ENERGY
Government of India

→ RD, NER

S. K. CHAKRABARTI
4/4/96

- Copy to:
1. Dy. Director (B/J), AMD, Hyderabad.
 2. Regional Director, NER, AMD, Shillong.
 3. Head, CII Group, AMD, Hyderabad.
 4. Incharge, PMSG, AMD, Hyderabad.
 5. Incharge, Drilling Group, AMD, Hyderabad.
 6. Dy. Controller of Accounts, AMD, Hyderabad.
 7. Administrative Officer-III, AMD, Hyderabad.
 8. APO, Admin.I/II, AMD, Hyderabad.
 9. Sub-Pay Officer, NER, AMD, Shillong.
 10. AAO (Bills), AMD, Hyderabad.


(N. Srinivasa Rao)
Chief Administrative & Accounts Officer

Annexure-R-I(d) 23
5

Government of India
Department of Atomic Energy
Atomic Minerals Division

AMD Complex,
Begumpet,
Hyderabad-16

No. AMU-19/15/93-Adm. IV (Vol. III);

January 02, 1996 ✓

In pursuance of this Office letter No. AMD-19/15/93-Ad. IV (Vol. III) dated 17.11.1995, the following casual labourers (Temp. Status) have reported for duty at Camp: K.K. Thanda, CII Group on transfer from Southern Region on the dates mentioned against each;

S.No.	Name S/Shri	Date of joining	Place of work	Home.
1.	Ch. Krdali	05.12.95 (A.N)	K.K.Thanda	HYD.
2.	C. Narayana	05.12.95 (A.N)	K.K. Thanda	HYD.
3.	Bayyapu Reddy	05.12.95 (A.N)	K.K.Thanda	HYD.
4.	P. Oulesh	05.12.95 (A.N)	K.K.Thanda	HYD.
5.	Y. Gangaraju	05.12.95 (A.N)	K.K.Thanda	HYD.
6.	M. Ramachandra	05.12.95 (A.N)	K.K.Thanda	HYD.
7.	Ch. Gangi Reddy	05.12.95 (A.N)	K.K.Thanda	HYD.
8.	Yengamuni	05.12.95 (A.N)	K.K.Thanda	HYD.
9.	M. Krishnaiah	05.12.95 (A.N)	K.K.Thanda	HYD.
10.	D. Mastan	05.12.95 (A.N)	K.K.Thanda	HYD.
11.	M. Ram Babu Naik	05.12.95 (A.N)	K.K.Thanda	HYD.
12.	Shaik Mastan	08.12.95 (A.N)	K.K.Thanda	HYD.

(G. Koteswara Rao) 2/1/96
Administrative Officer-III

Distribution:

1. Deputy Director (B), AMD, Hyderabad.
2. Head, CII Group, AMD, Hyderabad.
3. Regional Director, SR, AMD, Bangalore.
4. Incharge, PMSG, AMD, Hyderabad.
5. Incharge, Drilling Group, AMD, Hyderabad.
6. Incharge, Camp: K.K. Thanda, PG: Peddapuram, Dist. Nalgonda.
7. Dy. Controller of Accounts, AMD, Hyderabad.
8. Administrative Officer-III, AMD, Hyderabad.
9. Dy. Chief Security Officer, AMD, Hyderabad.
10. APO, Admin. I/II, AMD, Hyderabad.
11. AAO (Bills), AMD, Hyderabad.

9c

Attested

S. K. CHAKRABARTI 4/1/96
Assistant Personnel Officer

ATOMIC MINERALS DIVISION (NER)
DEPARTMENT OF ATOMIC ENERGY
Government of India

24/54
A
SPEED POST

Government of India
Department of Atomic Energy
Atomic Minerals Division

AMD Complex,
Begumpet,
Hyderabad-500 016

No.AMD-19/15/93-Adm.IV (Vol.III)

November 17, 1995

Due to reduction in workload at Southern Region, there is no gainful employment in the area where you are posted at present. If you are interested to continue in this Department as Casual Labourer (Temporary Status), you are advised to proceed and report to Incharge, Camp: K.K. Thanda, PO: Peddavoora, District Nalgonda, A.P. for further assignments immediately but in no case later than 04-12-1995 in terms of clause (i) of your temporary status letter No.AMD-19/15/93-Adm.IV dated 13.10.1993.

2. You are not entitled for T.A. for joining the new place of posting. Transit period will be treated as leave due and admissible.

3. Your Headquarters will be Hyderabad.

4. In case you fail to report for duty at the new place as indicated above, it will be construed that, you are not interested to continue as Casual Labourer in this Department and accordingly your name will be struck off from the Muster Rolls of this Division. Alternatively, please treat this letter as one month's notice for dispensation of your services in terms of clause (xi) of this Department's O.M. dated 13.10.1993 cited above. The notice period will be operative from the date of receipt of this letter.

(N. Srinivasa Rao)
Chief Administrative &
Accounts Officer

To

As per list overleaf

Through: RD/SR/Bangalore.

Attested

Contd...2/-

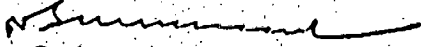
S. K. Chakrabarti
4/4/96

S. K. CHAKRABARTI
Assistant Personnel Officer
ATOMIC MINERALS DIVISION (NER)
DEPARTMENT OF ATOMIC ENERGY
Government of India
SHILLONG-793 011

9
11-95

Copy to:

1. Deputy Director (B), AMD, Hyderabad.
2. Regional Director, SR, AMD, Bangalore.
3. Head, CII Group, AMD, Hyderabad.
4. Incharge, PMSG, AMD, Hyderabad.
5. Incharge, Drilling Group, AMD, Hyderabad.
6. Incharge, Camp: K.K. Thanda, PO: Peddavoora, District Nalgonda - with a request to obtain joining reports from the casuals and forward to this office.
7. Dy. Controller of Accounts, AMD, Hyderabad.
8. Dy. Chief Security Officer, AMD, Hyderabad.
9. Administrative Officer-III, AMD, Hyderabad.
10. APO/SPO, SR, AMD, Bangalore.
11. APO, Admin. I/II, AMD, Hyderabad.
12. AAO (Bills), AMD, Hyderabad.

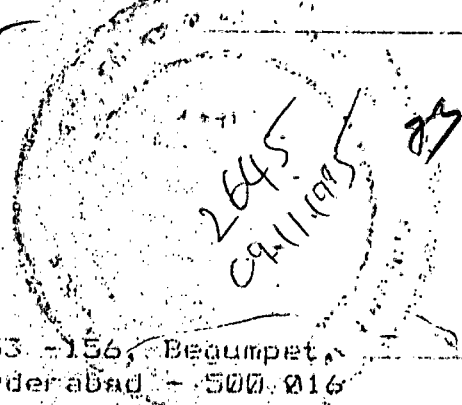

(N. Srinivasa Rao)
Chief Administrative &
Accounts Officer

LIST OF CASUALS TRANSFERRED TO CII GROUP

<u>S.No.</u>	<u>Name and Father's name</u>
	S/Shri
1.	Ch. Kodali S/o Obulesh
2.	C. Narayana S/o Obulesh
3.	Bayyapu Reddy, M. S/o M. Krishna Reddy
4.	P. Obulesh S/o Ganganna
5.	Y. Gangaraju S/o Achelli
6.	M. Ramachandra S/o Ganganna
7.	Ch. Gangi Reddy S/o Mallaiiah
8.	Yengamuni S/o Pullanna
9.	M. Krishnaiah S/o Malli Reddi
10.	O. Mastan S/o C. Babulu
11.	M. Ram Babu Naik S/o Ramu Naik
12.	Shaik Mastan S/o Nabi S.A.

Annexure-R-11

25/58



Government of India
Department of Atomic Energy
Atomic Minerals Division

1-10-153-156, Begumpet,
Hyderabad - 500 016

No: AMD-20(9)/88-FMSG / 21/44

October 31, 1995

TELEX MESSAGE

FROM : INCHARGE FMSG AND HYDERABAD
FOR : REGIONAL DIRECTOR NR/ER/SR/CR/NER/WR/NWR AND N DELHI
BANGALORE / JAMSHEDPUR / NAGPUR / SHILLONG / BARODA /
JAIPUR

THERE IS A REQUIREMENT OF 20 CASUAL LABOURERS (TEMPORARY STATUS) FOR THE DRILLING PROGRAMME AT CENTRAL INDIA INVESTIGATIONS (.) DIRECTOR, AMD DESIRES THAT YOU MAY KINDLY INDICATE MAXIMUM NUMBER OF TEMPORARY STATUS CASUAL WORKERS WHO CAN BE SPARED FROM YOUR REGION FOR THE ABOVE PURPOSE BY RETURN FAX / TELEX (.) REGARDS

N.T.T.

copy 06/11/95 we have already replied

[R. Mohanty] 31/10/95
Incharge
Planning and Management Services Group

Copy by post in confirmation to:

The Regional Director, NR/ER/SR/CR/NER/WR/NWR, AMD, New Delhi
Jamshedpur/Bangalore/Nagpur/Shillong/Baroda/Jaipur.

Copy to:

- The Deputy Director (B), AMD, Hyderabad.
- The Deputy Director (R), AMD, Hyderabad.
- The Deputy Director (J), AMD, Hyderabad.

Shrinu 31/10/95

[R. Mohanty] 31/10/95
Incharge
Planning and Management Services Group

Attested

8

S.K. Chakrabarti
S.K. CHAKRABARTI 4/4/96
Assistant Personnel Officer

ATOMIC MINERALS DIVISION (AMD)

De

Government
SHILLONG-793 011

Annexure-2-III

26/56

Confidential

Government of India
Department of Atomic Energy
Atomic Minerals Division
North Eastern Region

24

A.M.D. Complex
P.O. Assam Rifles
Shillong-793 011

No. AMD/NER/7/24/88-Adm/Vol.II/

Date : 01.12.1995

Sub:- Transfer of Casual Labourers(on T.S.)

This has reference to a telex No. Nov/206 dated 22.11.1995 received from Administrative Officer-III, AMD, Hyderabad regarding the transfer of five Casual Labourers(on Temporary Status) from NER, AMD to Central India Investigations, Hyderabad. It has been intimated by A.P.O. Admn.IV, AMD, Hyderabad that the Temporary Status Casual Labourers may be transferred on the basis of "last come-first go". Accordingly the following five names from the bottom of the seniority list of Casual labourers are suggested for consideration of transfer to C.I.I., Hyderabad.

S/Shri

1. Ferdinan Paliar, 2. Sunil Mahato,
3. Bipin Kumar Singh, 4. Joseph Murmu,
5. Shimborlin Kharsaw.

2. It may be seen from the above names that S/Shri Ferdinan Paliar and Shimborlin Kharsaw are originating from local tribes. If local tribes are not considered for a transfer from NER, then the names of S/Shri Parimal Dutta and Gopal Rai may be considered in the list of suggested 5(five) casual workers which starting from junior most in the seniority list, becomes as under:

S/Shri

1. Joseph Murmu, 2. Bipin Kumar Singh,
3. Sunil Mahato, 4. Gopal Rai, 5. Parimal Dutta.

3. The Seniority list of the Casual labourers(on T.S.) is also enclosed herewith for ready reference and necessary action.

Encl: As above

B.M. Swarnkar

(B.M. Swarnkar)
Regional Director

11/12/95

Deputy Director(J),
Atomic Minerals Division, D.A.E.,
1-10-153-156 AMD Complex, Begumpet,
HYDERABAD - 500 016.

Attached

NGK/mns
11295

ATOMIC MINERALS DIVISION

D. No. 1722

Date 11/12/95

Initials

S.K. Chakrabarti
4/4/86

S. K. CHAKRABARTI
Atomic Minerals Division (NER)
DEPARTMENT OF ATOMIC ENERGY
Government of India
SHILLONG-793 011

27/57 Annexure-R-IV (a)

Government of India
Department of Atomic Energy
Atomic Minerals Division

1-10-153-156, Begumpet,
Hyderabad-500 016.

No.AMD-19/15/93-Admn.IV

October 6, 1993.

In pursuance of G.M.No.51015/2/90-Estt(C) dated 10.9.1993 of Ministry of Personnel, P.G. and Pension, Govt. of India, Department of Personnel & Training, you have been conferred the temporary status with effect from September 1, 1993 subject to the following terms and conditions:

TEMPORARY STATUS:

- i) 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. You may be deployed anywhere within Atomic Minerals Division or any other constituent unit of Department of Atomic Energy on the basis of availability of work. At present your headquarters will be Northeastern Region, Shillong.
- ii) The temporary status will not however be brought on to the permanent establishment unless you are selected through regular selection process for Group-D posts.
- iii) Wages at daily rates with reference to the minimum of the pay scale of Rs.750-12-870-EB-14-940 including D.A., H.R.A., and C.C.A.
- iv) Benefit of increments at the same rate as applicable to a Group D employee would be taken into account for calculating pro-rata wages for every one year of service subject to performance of duties for atleast 240 days (206 days in administrative offices observing 5 days week) in the year from the date of conferment of temporary status.
- v) Leave entitlement will be on a pro-rata basis at the rate of one day for every ten days of work. Casual or any other kind of leave, except maternity leave will not be admissible. You will also be allowed to carry forward the leave at your credit on your regularisation. You will not be entitled to the benefit of encashment of leave on termination of service for any reason or on your quitting service.

S.K. Chakrabarti
4/4/96
S. K. CHAKRABARTI

Assistant Personnel Officer
ATOMIC MINERALS DIVISION (SR)
DEPARTMENT OF ATOMIC ENERGY
Government of India
SHILLONG-786001

2858 34

- v) Maternity leave for lady casual labourers as admissible to regular Group D employees will be allowed.
- vii) 50% of service rendered under Temporary Status would be counted for the purpose of retirement benefits after your regularisation.
- viii) After rendering three years' continuous service after conferment of Temporary Status, you 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/Flood Advance on the same conditions as are applicable to Temporary Group D employees, provided you furnish two sureties from Permanent Govt. Servants of Atomic Minerals Division.
- ix) Until you are regularised, you would be entitled to productivity linked bonus/adhoc bonus only at the rates as applicable to Casual Labourers.
- x) No benefits other than those specified above will be admissible to you with Temporary Status.
- xi) Despite conferment of Temporary Status, your services may be dispensed with by giving a notice of one month in writing.. You 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 you are engaged on work.
- xii) You are required to fill up the enclosed biodata form and attestation forms and forward to this office immediately.

N. Srinivasa Rao

(N. Srinivasa Rao)
Chief Administrative & Accounts Officer

To

Shri/~~Smt.~~ Gopal Rai
Casual Labourer
Through: Regional Director
NER, AMD, Shillong

Copy to

1. Deputy Director (T)/(S)/(B)/(R)/(P), AMD, Hyderabad.
2. Regional Director, NR/NER/ER/CR/NUR/SR/WR, AMD, New Delhi/Shillong/Calcutta/Nagpur/Jaipur/Bangalore/Baroda.
3. Deputy Controller of Accounts, AMD, Hyderabad.
4. APO, Adm. I/II/III, SRO (Adm.V), AMD, Hyderabad.
5. AAO, Pay/PF/Scale Audit/Budget, AMD, Hyderabad.
6. APO/SPO, SR/CR/WR/ER/NER/NR/NUR, AMD, Bangalore/Nagpur/

Shillong
2

Attested
S. K. Chakrabarti
4/4/96.
S. K. CHAKRABARTI
Assistant Personnel Officer
ATOMIC MINERALS DIVISION (NER)
DEPARTMENT OF ATOMIC ENERGY
Government of India

27-59 (b)

Government of India
Department of Atomic Energy
Atomic Minerals Division

1-10-153-156, Begumpet,
Hyderabad-500 016.

No.AMD-19/15/93-Admn. IV

October 4, 1993.

In pursuance of G.O.No.51015/2/90-Estt(C) dated 10.9.1993 of Ministry of Personnel, P.G. and Pension, Govt. of India, Department of Personnel & Training, you have been conferred the temporary status with effect from September 1, 1993 subject to the following terms and conditions:

TEMPORARY STATUS:

- i) 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. You may be deployed anywhere within Atomic Minerals Division or any other constituent unit of Department of Atomic Energy on the basis of availability of work. At present your headquarters will be Northeastern Region, Shillong.
- ii) The temporary status will not however be brought on to the permanent establishment unless you are selected through regular selection process for Group-D posts.
- iii) Wages at daily rates with reference to the minimum of the pay scale of Rs.750-12-870-EB-14-940 including D.A., H.R.A., and C.C.A.
- iv) Benefit of increments at the same rate as applicable to a Group D employee would be taken into account for calculating pro-rata wages for every one year of service subject to performance of duties for atleast 240 days (206 days in administrative offices observing 5 days week) in the year from the date of conferment of temporary status.
- v) Leave entitlement will be on a pro-rata basis at the rate of one day for every ten days of work. Casual or any other kind of leave, except maternity leave will not be admissible. You will also be allowed to carry forward the leave at your credit on your regularisation. You will not be entitled to the benefit of encashment of leave on termination of service for any reason or on your quitting service.

Alt to
substantive
S. K. CHAKRABARTI 4/4/96

Assistant Personnel Officer
ATOMIC MINERALS DIVISION (NER)
DEPARTMENT OF ATOMIC ENERGY
Government of India
SHILLONG-781 001

36-60

72

- i) Maternity leave for lady casual labourers as admissible to regular Group D employees will be allowed.
- vii) 50% of service rendered under Temporary Status would be counted for the purpose of retirement benefits after your regularisation.
- viii) After rendering three years' continuous service after conferment of Temporary Status, you 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/Flood Advance on the same conditions as are applicable to Temporary Group D employees, provided you furnish two sureties from Permanent Govt. Servants of Atomic Minerals Division.
- ix) Until you are regularised, you would be entitled to productivity linked bonus/adhoc bonus only at the rates as applicable to Casual Labourers.
- x) No benefits other than those specified above will be admissible to you with Temporary Status.
- xi) Despite conferment of Temporary Status, your services may be dispensed with by giving a notice of one month in writing. You 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 you are engaged on work.
- xii) You are required to fill up the enclosed biodata form and attestation forms and forward to this office immediately.

N. Srinivasa Rao

(N. Srinivasa Rao)

Chief Administrative & Accounts Officer

To

~~xxx~~ **Sunil Mahato,**
 Shri/Smt. _____
 Casual Labourer.
 Through: Regional Director
NER, AMD, Shillong.

Copy to

1. Deputy Director (T)/(S)/(B)/(R)/(P), AMD, Hyderabad.
2. Regional Director, NR/NER/ER/CR/NWR/SR/WR, AMD, New Delhi/Shillong/Calcutta/Nagpur/Jaipur/Bangalore/Baroda.
3. Deputy Controller of Accounts, AMD, Hyderabad.
4. APO, Adm. I/II/III, SRO (Adm. V), AMD, Hyderabad.
5. AAO, Pay/PF/Scale Audit/Budget, AMD, Hyderabad.
6. APO/SPG, ~~SR/CR/WR/ER/NER/NR/NWR~~, AMD, Bangalore/Nagpur

Shillong

2

Attested

mehanti
4/4/96

S. K. CHAKRABARTI
 Assistant Personnel Officer
 ATOMIC MINERALS DIVISION (NER)
 DEPARTMENT OF ATOMIC ENERGY
 Government of India

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©
79

Government of India
Department of Atomic Energy
Atomic Minerals Division

1-10-153-156, Begumpet,
Hyderabad-500 016.

No. AMD-19/15/93-Admn. IV

October 4, 1993.

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S.K. Chakrabarti
S. K. CHAKRABARTI
Assistant Personnel Officer
ATOMIC MINERALS DIVISION (NER)
DEPARTMENT OF ATOMIC ENERGY
Government of India
SHILLONG-793 011

- 3262
- vii) Maternity leave for lady casual labourers as admissible to regular Group D employees will be allowed.
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- xii) You are required to fill up the enclosed biodata form and attestation forms and forward to this office immediately.

N. Srinivasa Rao
(N. Srinivasa Rao)

Chief Administrative & Accounts Officer

To

Shri/ ~~Smt~~ Bipin Kumar Singh
Casual Labourer
Through: Regional Director
NER, AMD, Shillong

Copy to

1. Deputy Director (T)/(S)/(B)/(R)/(P), AMD, Hyderabad.
2. Regional Director, NR/NER/ER/CR/NUR/SR/WR, AMD, New Delhi/Shillong/Calcutta/Nagpur/Jaipur/Bangalore/Baroda.
3. Deputy Controller of Accounts, AMD, Hyderabad.
4. APO, Adm. I/II/III, SRO (Adm.V), AMD, Hyderabad.
5. AAO, Pay/PF/Scale Audit/Budget, AMD, Hyderabad.
6. APO/SPO, ~~SR/CR/UR/ER/NER/NR/NUR~~, AMD, ~~Bangalore/Nagpur/~~ Shillong.

2

Attested
mehbarta
4/4/96
S. K. CHAKRABARTI
Assistant Personnel Officer
ATOMIC MINERALS DIVISION (NER)
DEPARTMENT OF ATOMIC ENERGY
Government of India

2363 (d) 31

Government of India
Department of Atomic Energy
Atomic Minerals Division

1-10-153-156, Begumpet,
Hyderabad-500 016.

No. AMD-19/15/93-Admn. IV

October 4, 1993.

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Attested
S.K. Chakrabarti 4/11/96
S. K. CHAKRABARTI
Assistant Personnel Officer
ATOMIC MINERALS DIVISION (NER)
DEPARTMENT OF ATOMIC ENERGY
Government of India
SHILLONG-793 011

34 64

82

vii) Maternity leave for lady casual labourers as admissible to regular Group D employees will be allowed.

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xiii) You are required to fill up the enclosed biodata form and attestation forms and forward to this office immediately.

(Signature)

(N. Srinivasa Rao)

Chief Administrative & Accounts Officer

To

Shri ~~Mr.~~ **Joseph Murmu**
Casual Labourer
Through: Regional Director
NER, AMD, Shillong

Copy to

1. Deputy Director (T)/(S)/(B)/(R)/(P), AMD, Hyderabad.
2. Regional Director, NR/NER/ER/CR/NWR/SR/WR, AMD, New Delhi/Shillong/Calcutta/Nagpur/Jaipur/Bangalore/Baroda.
3. Deputy Controller of Accounts, AMD, Hyderabad.
4. APO, Adm. I/II/III, SRO (Adm.V), AMD, Hyderabad.
5. AAO, Pay/PF/Scale Audit/Budget, AMD, Hyderabad.
6. APO/SPO, SR/CR/WR/ER/NER/NR/NWR, AMD, Bangalore/Nagpur

Shillong

Attested
S.K. Chakrabarti
9/4/96
S. K. CHAKRABARTI
Assistant Personnel Officer
ATOMIC MINERALS DIVISION (NER)
DEPARTMENT OF ATOMIC ENERGY
Government of India
SHILLONG-793 011

Government of India
Department of Atomic Energy
Atomic Minerals Division

1-10-153-156, Begumpet,
Hyderabad-500 016.

No. AMD-19/15/93-Admn. IV

October 4, 1993.

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Attest

S. K. CHAKRABARTI 4/4/96

Assistant Personnel Officer
ATOMIC MINERALS DIVISION (NER)
DEPARTMENT OF ATOMIC ENERGY
Government of India
SHILLONG-793 01

2/5/66 84

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N. Srinivasa Rao
(N. Srinivasa Rao)

Chief Administrative & Accounts Officer

To

Shri/~~xxx~~ Parimal Dutta
Casual Labourer
Through: Regional Director
NER, AMD, Shillong

Copy to

1. Deputy Director (T)/(S)/(B)/(R)/(P), AMD, Hyderabad.
2. Regional Director, NR/NER/ER/CR/NWR/SR/WR, AMD, New Delhi/Shillong/Calcutta/Nagpur/Jaipur/Bangalore/Baroda.
3. Deputy Controller of Accounts, AMD, Hyderabad.
4. APO, Adm. I/II/III, SRO (Adm.V), AMD, Hyderabad.
5. AAO, Pay/PF/Scale Audit/Budget, AMD, Hyderabad.
6. APO/SPO, SR/CR/WR/ER/NER/NR/NWR, AMD, Bangalore/Nagpur/

Shillong
2

Attested
Mehrotra
9/4/96
S. K. CHAKRABARTI
Assistant Personnel Officer
ATOMIC MINERALS DIVISION (NER)
DEPARTMENT OF ATOMIC ENERGY
Government of India
SHILLONG-793 011

To

The Regional Director,
Atomic Minerals Division,NER,
Shillong-793 011.

(Through Proper Channel)

Sub:- Request for-extension of Joining Time
upto 10.02.1996 on transfer to AMD, Hyderabad

Sir,

As per the letter No. AMD-19/15/93-Adm.IV(Vol.III) dated 20.12.1995 from C. A. & A.O., AMD, Hyderabad I have been transferred to AMD, CII Group, Hyderabad and asked to report at Hyderabad before 22.01.1996. As Hyderabad is very far from Shillong and it is very difficult to get Railway tickets for the above date. The transfer order was received by me on 10.01.1996. So I kindly requesting you to grant extension of Joining time upto 10.02.1996.

Yours faithfully,

E. Ray
(Gopal Rai)
Casual Labourer(T.S.)
AMD,NER

Attended

S. K. Chakrabarti
S. K. CHAKRABARTI 4/4/96
Assistant Personnel Officer
ATOMIC MINERALS DIVISION (NER)
DEPARTMENT OF ATOMIC ENERGY
Government of India
SHILLONG-793 011

Annexure-R.V(9)

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11/1/96
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Annexure-R.V (b)
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To
The Regional Director,
Atomic Minerals Division,NER,
Shillong-793 011.

(Through Proper Channel)

Sub:- Request for extension of Joining Time
upto 10.02.1996 on transfer to AMD, Hyderabad

Sir,

As per the letter No. AMD-19/15/93-Adm.IV(Vol.III) dated 20.12.1995 from C. A. & A.O., AMD, Hyderabad I have been transferred to AMD, CII Group, Hyderabad and asked to report at Hyderabad before 22.01.1996. As Hyderabad is very far from Shillong and it is very difficult to get Railway tickets for the above date. The transfer order was received by me on 10.01.1996. So I kindly requesting you to grant extension of Joining time upto 10.02.1996.

Yours faithfully,

Joseph M. M. M.
(Joseph M. M.)
General Labour, T.S.

Attested

S. K. Chakrabarti

S. K. CHAKRABARTI 4/4/96
Assistant Personnel Officer
ATOMIC MINERALS DIVISION (NER)
DEPARTMENT OF ATOMIC ENERGY
Government of India
SHILLONG-793 011

Annexure = R-V (C)

39/69

Shillong
Dt. 10.01.1996

To,
Chief Administrative &
Accounts Officer
Atomic Minerals Division
AMD Complex, Begumpet
Hyderabad - 500 016

THROUGH PROPER CHANNEL

Sir,

Received today the order intimating me to report to Asst. Personnel Officer, Administration-VI, AMD, Hyderabad by 22.01.96. I wish to say that I willingly agree to this transfer.

I humbly request you to postpone my reporting date from 22.01.96 to 10.02.96 as it is very difficult to get Railway Ticket from here so soon. Sir, I have to proceed to Guwahati for my tickets and I am trying my best to book my tickets so as to reach on or before 10/02/96. Please consider the case and do the needful in this matter.

Thanking you,

Yours sincerely,

SK
(Sunil Kumar Mahato)
Casual Labourer on Temporary Status.
WD/NER/Shillong.

RD may please see before forwarding
mehta
11/1/96

RD
mehta
11/1/96

Attested

mehta
S. K. CHAKRABARTI 11/4/96
Assistant Personnel Officer
ATOMIC MINERALS DIVISION (NER)
DEPARTMENT OF ATOMIC ENERGY
Government of India
SHILLONG-793 011

405
70
Annexure-R.V(d)

To

The Regional Director,
Atomic Minerals Division,NER,
Shillong-793 011.

(Through Proper Channel)

Sub:- Request for extension of Joining Time upto 10.02.1996 on transfer to AMD, Hyderabad

Sir,

As per the letter No. AMD-19/15/93-Adm.IV(Vol.III) dated 20.12.1995 from C. A. & A.O., AMD, Hyderabad I have been transferred to AMD, CII Group, Hyderabad and asked to report at Hyderabad before 22.01.1996. As Hyderabad is very far from Shillong and it is very difficult to get Railway tickets for the above date. The transfer order was received by me on 10.01.1996. So I kindly requesting you to grant extension of Joining time upto 10.02.1996.

Yours faithfully,

(Parimal Dutta)
Casual Labour, T.S.

Attested

S. K. Chakrabarti
S. K. CHAKRABARTI 4/4/96.

Assistant Personnel Officer
ATOMIC MINERALS DIVISION (NER)
DEPARTMENT OF ATOMIC ENERGY
Government of India
SHILLONG-793 011

405
11/1/96
→ Acc

To
The Regional Director
AMD-NBR, Shillong
through proper channel
Sub - Request for extension of joining up to 10th Feb 96

Sir,

With reference to order No. AMD/19/15/93 Adm-4(3) Dec. 20.1995. I was supposed to report to HPO Administration for AMD Hyderabad by 22.1.96 but due to receiving of this order dated 17.1.96 to me at Kulap Camp I could not arrange my ticket and other work. So that I will request to give me permission to join duty up to 10th Feb-96

Thanking you

Yours faithfully

To, the Incharge project
Mahadicks

Forwarded

1
Gupta
19/1/96

(RASESH GUPTA)

Bipin Kumar Singh
Casual Labour
AMD NBR, SHILLONG

15-1-96

APD
21/1/96

Attested

S. K. CHAKRABARTI
Assistant Person. Officer
ATOMIC MINERALS DIVISION (NFR)
DEPARTMENT OF ATOMIC ENERGY
Government of India
SHILLONG-793 011

72

Government of India
Department of Atomic Energy
Atomic Minerals Division

AMD Complex,
Begumpet,
Hyderabad-16

No.AMD-19/15/93-Adm.IV (Vol.III)

February 09, 1996

In pursuance of this office letter of even number dated 20/12/1995, the following casual labourers (Temp.Status) have reported for duty at CII Group on transfer from N.E.R., Shillong on the date mentioned below and have been posted to work at Camp: K.K.Thanda:

Sl. No.	Name	Date of joining	Place of work	Hqrs.
S/Shri				
1.	Joseph Murmu	09.02.96 (FN)	K.K.Thanda	Hyderabad
2.	Bipin Kumar Singh	09.02.96 (FN)	K.K.Thanda	Hyderabad
3.	Sunil Kr. Mahato	09.02.96 (FN)	K.K.Thanda	Hyderabad
4.	Gopal Rai	09.02.96 (FN)	K.K.Thanda	Hyderabad
5.	Parimal Dutta	09.02.96 (FN)	K.K.Thanda	Hyderabad

K.K.K. SINGH
(K.K.K. SINGH) 157456
Assistant Personnel Officer

Distribution:

1. Deputy Director (B/J), AMD, Hyderabad.
2. Regional Director, NER, AMD, Shillong.
3. Head, CII Group, AMD, Hyderabad.
4. Incharge, PMSG, AMD, Hyderabad/Incharge, Drilling Group, AMD, HYD.
5. Dy. Controller of Accounts, AMD, Hyderabad.
6. Dy. Chief Security Officer, AMD, Hyderabad.
7. Administrative Officer-III, AMD, Hyderabad.
8. Coordinator, K.K. Thanda Camp, PO: Ieddavoora, Nalgonda District.
9. APO, Admin-I/II/AMD, Hyderabad.
10. AAO (Bills), AMD, Hyderabad.

K.K.K. SINGH
(K.K.K. SINGH) 157456
Assistant Personnel Officer

Attended

S.K. Chakrabarti
S. K. CHAKRABARTI
Assistant Personnel Officer
ATOMIC MINERALS DIVISION (NER)
DEPARTMENT OF ATOMIC ENERGY
Government of India
SHILLONG-735 011

382
19.2.96

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

O.A. No. 11/96

North Eastern Region Atomic
Minerals Workers Union & Ors.

-versus-

Union of India & Ors.

-And-

~~India~~

In the matter of :

Rejoinder submitted by the
applicants.

The above named applicants
MOST HUMBLE AND RESPECTFULLY state as under :

1. That the applicant deny the correctness of the statement made in paragraphs 2,3,4,5,6 and 7 with reference to the brief history of the case and further beg to state that all casual workers i.e. member of the association of the Atomic Minerals Workers Union are represented with regular nature of job which is admitted by the respondents in their official correspondences and now they cannot make any departure to frustrate the legitimate demand of the applicants for regularisation of their services and also against their grievances against irregular and illegal transfer

Filed by the applicant
through M. Chandra
Date: 12.01.96

Of casual workers from the office of the Regional Director, AMD, Shillong to Hyderabad. Therefore the statement of the respondents that the casual labourers are recruited for assisting the regular staff as and when required basis is categorically denied. The 5 members of the aforesaid association were transferred from the office of the Regional Director AMD, Shillong to the AMD at Hyderabad with an ulterior motive to harass the members of the aforesaid association although works are available in the NER Atomic Minerals Division. However they were transferred even ^{without} with TA/DA and the respondents are duty bound to pay the travelling allowance and Dearness Allowance, when the five members of the Association are transferred to Hyderabad on public interest.

The applicants further categorically deny the statement made in paragraph IV of the written statement that the activities of Atomic Minerals Division have been reduced very substantially as one of the project Domiasiat has been closed but in fact all machineries and equipments are still in the project site and Domiasiat and the casual workers posted in the Domiasiat are working in the site. Be it further stated that it is again now decided by the Headquarter, Hyderabad that the Domiasiat project for which the five members of the Association were transferred to Hyderabad is now going to be re-opened very shortly.

Contd..P/3

Moreover although the Domiasiat project was closed another project namely Kulang Timrang (New Project) has started functioning. Therefore the statement made by the respondents in the written statement is misleading and deliberate. Therefore the five members who have sought to be declared surplus in fact they are not surplus rather now more work is available in the NER due to opening of New Project like Kuling and Tinang. In this connection it may further be stated that Shri Gopal Rai who is president of the North Eastern Regional Atomic Mineral Worker's Union is also transferred ~~in the~~ only because the aforesaid Union has ^{represented} ~~pressurised~~ the authorities for regularisation of the services of the casual workers who are members of the aforesaid Association and it is an attempt made by the respondent to frustrate the legitimate demand of the association by transferring the office bearers of the Union in other region.

The applicant, further begs to state that the statement made in paragraph 5,6,7 are not correct and further begs to state that the transfer is made not in public interest as because work, are very much available in the North Eastern Region but five members of the Association were transferred to Hyderabad, headquarters, with an ulterior motive even the authorities before transferring the members of the association at Hyderabad did not finalise their seniority position and also did not indicate what would be the position and status in the new office at Hyderabad and even they were not paid TA/DA

for joining in the new place of posting. Therefore the regularisation of the 5 members who have been transferred to Hyderabad has now become very uncertain as their seniority and other service condition before their posting at Hyderabad has not been finalised and it is also not finalised what would ^{be} their status in the new office at Hyderabad whether they will be treated senior or junior to the other/^{casual}workers who are already posted in the new project at K.K.Thanda at Andhra Pradesh. If there was genuing shortage of works under the ~~project~~ office of the Regional Director, NER in that event there would not have been any grievance for the applicant for joining in the new project at Andhra Pradesh but when works are available and two new projects has already been started functioning namely Kulung and Tihang Projects therefore transfer and posting of the 5 members to K.K.Thanda Project in Andhra Pradesh is malafide and arbitrary and especially when the Damia ^{is not} project has decided to reopen therefore the 5 members of the Association are liable to be posted back in the office of the Regional Director, AMD, Shillong. So that they may continue to enjoy their seniority position and status as casual worker under the Regional Director, AMD, Shillong.

2. That with regard to the statement made in paragraphs ~~3, 5 and 7~~ 3, 5 and 7 of the written statement are categorically denied by the applicants and further beg to stated that the mere statement of the respondents that their seniority position is not affected due to posting at

K.K.Thanda Project in Andhra Pradesh cannot be taken for granted and the authorities require to make declaration protecting the rights and interests and also seniority position of the 5 members who were transferred and posted at K.K.Thanda Project at Hyderabad. The aforesaid Association is registered under the Trade Union Act and affiliated to Regional Coordination Committee therefore it cannot be said self styled Association or Union. Moreover the aforesaid Union has submitted all the relevant papers before the Regional Director, AMD, Shillong long back since 1992 for recognition but the authorities even did not feel like to make any communication as regard the recognition of the Association. Therefore the Association cannot be held responsible if the same is not recognised by the authorities due to the wilful negligence of the respondents. Normally the casual worker are being recruited on the basis of local requirement however casual workers may also be transferred only in the public interest if the works are not available in the projects where they were initially recruited. But in the instant case although works are available and two new projects have started functioning in the North Eastern Region, although one project namely ^{Romik Licit} Damiacia was closed for a very short period and again the authorities of the department have decided to reopen the Damiacia Project therefore the transfer of the 5 members of the aforesaid Association ^{were} are not in public interest to K.K.Thanda Project at Arunachal Pradesh. Therefore the Hon'ble Tribunal be pleased to direct the authorities to bring back the 5 members of the Association who are posted at K.K. Thanda Project at Arunachal Pradesh on transfer from AMD, Shillong. In this connection it may also be

stated that the casual workers are very low paid Group 'D' employees and therefore it is very difficult on the part of the casual workers to maintain double establishments one at Andhra Pradesh and another at North Eastern Region even the attitude of the respondents is so harsh that they even did not grant TA/DA for joining at the new project namely at K.K.Thanda Project at Andhra Pradesh.

3. That with regard to statement made in paragraphs 8, 9, 10, and 11 of the written statement the applicants deny the correctness of the same and further beg to state that as the transfer is made when sufficient works are available under the Regional Director, AMD, the opinion of the respondents as stated in paragraphs 9, 10 of the written statement to accommodate the surplus casual labourer to help them on humanitarian ground were transferred cannot be agreed to because nearly 40% of the pay of applicant has been reduced immediately after filing of the Original Application before this Hon'ble Tribunal to the members of the Association although it is very categorically stated in various official correspondences that the casual workers who are members of the Association are recruited for regular nature of job and now the same respondents on the plea ^{of} financial crunch reduced the pay of the members of the Association to the extent of 40% and the extension for joining time granted by the authorities for joining at the new place of posting i.e. the project at Andhra Pradesh was absolutely necessary and justified as they were not granted even TA/DA for joining in the new project in K.K.Thanda Project at Andhra Pradesh in the public interest so the kindness or humanitarian consideration shown on written statement cannot be agreed with.

4. That the applicants deny the correctness of the statements made in paragraphs 13,14,16,17,18.1, 18.2, 18.3, 18.4, 18.5, 18.7 and 18.8 and further beg to state that the transfers were made with an ulterior motive and forced the Union to file the Original Application before this Hon'ble Tribunal for ends of justice and the applicants/members of the Association who are transferred to K.K.Thanda Projcet are entitled to TA/DA. It is further reiterated that the applicants are entitled to TA/DA for joining on transfer to K.K. Thanda Project. The statement made in paragraph 18.1 and 18.2 is misleading that the association is in full agreement with regard to the statement that if there is exigencies of work even the casual worker are also liable to be transferred anywhere in India but in the instant case sufficient works are available due to opening of ~~K~~ulung and Tirang project therefore their transfers to Andhra Pradesh is not in public interest but only with an ulterior motive to harass the applicants.

5. That with regard to the statement made in paragraphs 19,20,21,22,23,24,25,26,27,28,29,31, and 32 of the written statement are categorically denied by the applicants and further beg to state that when sufficient works are available in the NER under the Regional Director, AMD, Shillong particularly in the circumstances when two new projects namely Kulung and Tirang has not been opened and when the authorities have further decided to reopen the Damiaciat Project

particularly under the circumstances the casual workers who are recruited on the basis of local recruitment liable to be ~~posted~~ repatriated in the office of the Regional Director, AMD, Shillong and under circumstances the Application is deserves to be allowed with costs.

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

I, Shri Nandan Shah, son of late Tara Shah resident of Nongmynsong, Shillong, General Secretary of the Mineral Works Union, applicant in this O.A. 11/96 and am duly authorised by all the members of the Association to verify this rejoinder to the aforesaid O.A. and declare that the statements made in this rejoinder are true to my knowledge and belief.

I sign this verification on this the 12th day of September 1996.

Nandan Shah
Shah
General Secretary

North Eastern Regional Atomic
Minerals Workers Union,
(Regd. No. 79)
Nongmynsong, Shillong- 79301

SIGNATURE

Central Administrative Tribunal
কেন্দ্রীয় প্রশাসনিক
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4 JUL 1997
Guwahati Bench
গুৱাহাটী বেঞ্চ

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V A K A L A T N A M A

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL GUWAHATI BENCH
GUWAHATI.

Original Application No. 11/96

Sri Gopal Rai & Ors Applicant

- VS -

Union of India & Ors. . . . Respondents

I have entered appearance in the above case on behalf
of the Union of India and Respondents No.
on this . . 14 . . th day of . July of 1997

Golap Sarma -
(GOLAP SARMA)
Addl. Central Govt. Standing Counsel
Central Administrative Tribunal
Guwahati Bench.