

50/600

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CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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O.A/T.A No. 2247/96.....

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SECTION OFFICER (Judl.)

balh
31.11.98

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

PT No. 247/96

B C Das & Co

VS-

MDA Co.

Applicant(s)

Respondent(s)

Mr B C Sarma B Meha
S. Sarma

Advocates for the applicant(s)

Mr. S Ali & Co

Advocates for the Respondent(s)

Office Notes

Date

Courts' Orders

15.10.96

Mr. S. Sarma for the applicants.

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

Mr. Sarma submits that he may be allowed to move this application unlisted on the ground of urgency as the engagement of the applicants will stand terminated today(AN). Allowed.

Heard Mr. Sarma for admission. Prayer of the applicants to allow them to join in a single application is allowed in terms of Rule 4 (5) (a) of the Central Administrative Tribunal (Procedure) Rules, 1987, as the conditions mentioned therein are fulfilled.

Perused the contents of the application and the reliefs sought. The application is admitted. Issue notice on the respondents by registered post.

List for written statement and further order on 26.11.96.

Mr. Sarma submits for interim order. Mr. Ali opposes the grant of interim relief prayer. Heard counsel of both sides. The respondents are directed not to terminate the service of the applicants without permission of this Tribunal.

Member

This application is in
form and within time
C. F. of Rs. 50/-
deposited vide
15/10/96
Dated 15/10/96

Dy. Registrar
15/10

This has been placed
with the permission
to day on 15.10.96.

S. Sarma
15/10

16.10.96

Copy of order dtd. 15.10.96
issued to the concerned
parties.

Notice Received Respondent

No. 1.2.3

19/11/96
(S.C. Basumatary)
C. W. C.
Rajgarh. Rm. 607-7

trd 15/10

2 OA 247/96

✓

w/ statement has not been
b/w

22/11

26.11.96

Mr. S.Sarma for the applicants.

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

Written statement has not been
submitted.

List for written statement and
further orders on 30.12.1996 as requested by
Mr. Ali.

Member

trd
26/11

18.12.96

Vide order passed today in M.P.
225/96 the interim order dated 15.10.
96 has been modified.

Member

17-1-97

Written statement
has not been filed.

26/11
17-1

pg

30-12-96

Mr.S.Sarma for the applicants.
Mr.S.Ali, Sr.C.G.S.C. for the respon-
dents.

Written statement has not been
submitted.

List for written statement and
further orders on 20-1-97.

Member

1) Memo of appearance has not
been filed by Mr. S. Ali, Sr. C.G.S.C

pg

2) Notice duly served on
Respondent no 1-3

20.1.97

Written statement has not been
filed. List for written statement and
further orders on 12.2.97.

Member

3) w/ statement - has not been
b/w

11/2

pg
20/11

12-2-97

Mr.B.K*Sharma learned counsel appearing on behalf of the applicant submits that similar cases are pending in this Tribunal.

Let this case be listed for hearing alongwith other similar cases.

Member

Vice-Chairman

pg

19.2.97
15/2

10.3.97

Let the case be listed on 21.4.1997 for hearing.

Member

Vice-Chairman

6-3-97

trd

12/3

21.4.97

Let the case be listed for hearing on 2.6.97.

Member

Vice-Chairman

pg

17.4.97
2-6-97

The respondents have filed an affidavit in Misc.Petition No.94/97 stating inter alia that the scheme has since been approved and it is likely to be notified. In view of the above Mr.B.K.Sharma, learned counsel appearing on behalf of the applicant submits unless the scheme is notified and we come to know about the scheme it will be difficult for him and for that purpose Mr.Sharma prays for time till the scheme is notified. Mr.M.K.Gupta, learned Addl.C.G.S.C. submits that the scheme will be notified very soon, may be within 3 weeks. Mr.S.Ali learned Sr.Counsel

③ ④

CA 247/96

2-6-97

and Mr. M.K. Gupta, learned Adl. J., also agreed that the matter should be heard after the publication of the scheme.

Considering the submissions of the learned counsel for the parties we adjourned the case to 7-7-97.



Member


Vice-Chairman

pg

7.7.97

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


Member


Vice-Chairman

trd

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL::GUWAHATI.5

AN APPLICATION UNDER SECTION 19 OF THE ADMINISTRATIVE TRIBUNAL ACT, 1985)

Stamp: 788, 15 OCT 1996, Guwahati Bench, Central Administrative Tribunal

Title of the Case O.A.No. 247 of 1996.

Sri Bhabesh ch. Das & ors . . Applicant.
vrs.

U.C.I. & ors . . Respondents.

I N D E X

<u>Sl.No.</u>	<u>Particulars of the documents</u>	<u>PAGE No.</u>
1.	Application	
2.	Verification	
3.	Annexure 1	
4.	Annexure 2	
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6.	Annexure -4.	

FOR USE IN TRIBUNAL OFFICE

Received copy.
Sd/-
Sr. CGSC
15/10/96

7
BENCH
Filed by
J. H. Van
15-10-26

O.A.N. 247/96

- Filed by
William J. J. J.
15-10-26

Applicants:

AND:

4. XTWAXXSGXZXBQXGAXXNAXXAX

Respondents.

DETAILS OF THE APPLICATION

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

The instant application is not made against any particular order, but has been made seeking a relief towards regularisation of their services. Presently they are under casual employment under the respondents and as per the scheme prevalent, they are entitled to be granted with temporary status with further regularisation of their services.

2. JURISDICTION OF THE TRIBUNAL

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

3. Limitation

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

4. FACT OF THE CASE

4.1. That the applicants are all citizen of India and as such they are entitled to all the rights and privileges que anteed by the constitution of India and the laws framed thereunder.

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

4.3. That the applicants are all similarly situated, their grievances are petitioner to their service under the respondents. All the applicants have been working under the respondents on casual basis for the last several years without any hope of regularization of their services. They have not been granted temporary status under scheme formulated by the Govt. of India. The service particulars lars of the applicants are reflected in Annexure-I to the instant O.A. In the said annexure, the applicants have given their service particulars in details and crave leave of the Hon'ble Tribunal to refer to the same in support of their contention amde in this application instant of repeating the said contentions.

4.4. That the applicants state that as is reflected in Annexure-I statement annexed in this O.A., they have been working under their respondents since 1985, 1982, 1983, 1991, 1988, 1990, 1989 and 1993 respectively. They were so appointed in Gr-D employment on casual basis after their names were sponsored through Employment Exchange and they were selected for the post of work-charged casual khalasi. Their appointments are continuing from year to year and each year they are issued with appointment letters under which they are to work in Gr-D posts as work charged seasonal khalasi in the definite scale of pay, presently they are given pay scale of Rs. 750-940/- which is the prescribed pay scale of Gr. 'D' employees. However, their services are terminated and/or they are kept in employment for a definite period and therefore, they are no longer engaged for the rest of the period in the year. Again in the next year, they are appointed for a further period. Thus this process is going on since the time of their appointment and in spite of the fact that the Govt. of India has formulated a policy decision for grant of temporary status to the casual employees but the applicants are still deprived of the same benefits. Their services are rather being terminated from time to time.

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

That such appointment are not in dispute and thus instant of annexing all the appointment letters pertaining to all the orders, the applicants beg to annex one such of their appointment letters and the same is annexed as ANNEXURE-I.

The applicants crave leave of this Hon'ble Tribunal to produce all the appointment letters pertaining to their employment in Gr-D posts as casual basis right from the respective date of their appointment as the time of hearing of the instant application. It is the bonafide belief of the applicants that their such employment will not be disputed by the respondents.

4.5. That the applicants state that even after rendering years of service as Gr.'D' casual employees, their services have not been regularised and their respective service are being taken by the respondents in exploitative services are being taken terms. As pointed out above, their services are utilised for a particular period in a year and after that their service are terminated and again in the next year, they are appointed for another period. This process has been going on since the days of their respective employment. Further, sometime during the intervening period, they are also given casual employment like that of any other Gr.'D' casual employee.

Thus, the case of the applicants stand thus all of them are duly sponsored by the employment Exchange and selected by the respondents for being appointed as casual and selected by the respondents for being appointed as Casual Gr.'D' employees, their services are being utilised every year for a particular period as work charged season khilasi. Till date their services are not regularised and they have not been conferred with temporary status as is required to be conferred to under the relevant scheme formulated by the Govt. of India.

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

4.6. That the applicants state that some of the Gr.'D' employees of the Central Water Commission similarly situated with that of the applicant had approached the Principal Bench of this Hon'ble Tribunal, New Delhi by way of filing various O.A. wherein same kind of grievances have been raised in the ~~instant application~~ ^{Hon'ble} common judgment. The Principal Bench of this Tribunal by its common judgment dated 10.2.94 in O.A. Nos. 273/92, 804/92, 1601/92 and 2418/92 allowed the said O.A.s with the following directions:

"(I) The respondents shall prepare a scheme for retention of and regularisation of the casual labour employed by them. This scheme should take into account the regular post, that can be created taking into account the fact that even if a particular scheme is implemented, new scheme are launched every year and assessment of a regular post can be created on the basis, should be made for regularisation all those who have completed 240 days service in two consecutive years, should be given priority.

~~in accordance with their length~~

in according with their length of services.

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

III) Adhoc/temporary employees should not be replaced by other adhoc/temporary employees and should be retained in reference to their juniors and outsiders.

IV) Such a scheme shall be submitted by the respondents for scrutiny of this Hon'ble Tribunal within a period of 3 months from the date of communication of this order the petitioner to them.

There shall be no order as to cost.

A copy of the said judgment is annexed herewith and marked as ANNEXURE-2

4.7. That the applicants state that the said judgment was carried revised by the respondents therein but the same dismissed by the Hon'ble Tribunal by its order and judgment dated 9.5.94.

A copy of the said judgment dated 9.5.94 is annexed herewith as ANNEXURE-3.

4.8. That pursuance to the said judgment the applicants therein have been granted temporary status and to the knowledge of the applicants all the applicants therein have been continuing as Gr.'D' employees on conferment of temporary status with all consequential benefit. After the aforesaid judgment there has been no occasion to terminate the service of the applicants therein and they are enjoying the benefits of temporary status as per the scheme. The Central Water Commission has formulated and adopted the scheme as was formulated by the Government of India, Ministry of Personnel and Public Grievances with a single modification here and there. More particularly as regards the number of working days. The respondents may be directed to produce a copy of same formulated by them under which the applicants are entitled to be conferred with temporary status with all consequential benefits.

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- 6 -

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

4.11. That the applicants state that in view of the aforesaid judgement of the Principal Bench pertaining to the said Department and some subject matter of employment for Gr. 'D' employees, there is no earthly reason as to why the benefit of the said judgement should not be extended to the present applicants. The respondents of their own ought to have extended the benefit of the said judgement to the applicants instead of making them to come under the protective hands of this Hon'ble Tribunal

4.12. That the applicants state that in view of the facts and circumstances stated above they are compelled to come under the protective hands of this Hon'ble Tribunal. Further it is stated that by

Contd...

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Further it is stated that by the petitioners that the respondents have acted illegally and have acted in direct confrontation with the Hon'ble Tribunal's orders

4.13. That the applicants state that it is their reasonable apprehension that since they have come under the protective hands of this Hon'ble Tribunal, their services may not be continued and thus it is a fit cause for an interim order directing the respondents not to terminate the service of the applicants till disposal of this instant application. It is further stated that by the respondents have undertaken several other projects works and there are post still lying vacant in the Department and hence there is not earthly reason as to why the services of the applicants should not be continued. Again on the other hand, the respondents have under taken to prepare scheme to absorb the casual labours like that of the applicants, the applicants pray before this Hon'ble Tribunal further to pass appropriate interim order directing the respondents to allow the applicants in any Gr.'9' posts.

5. GROUND FOR RELIEF WITH LEGAL PROVISIONS.

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

5.2. For that the applicants have been continued in the employment under the respondents for the last several years, their services are required to be regularised with all consequential benefits.

Cegtd....

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5.3. For that there being a judgement holding the filed pertaining to the same department and the same subject matter the departments and the respondents are duty bound to apply the principle laid down there in in case of the applicants also without requiring them to approach this Hon'ble Tribunal again and again.

5.4. For that the constitutional mandate demands that the services of the applicants be regularised and their service could not be utilised in an expicitative terms as and has been sought to be done by the respondents in the instant case.

5.5. For that the benefit of the scheme of regularisation and conforment of temporary status has been extended to the other similarly situated employees. there is no earthly reason as to why the same treatment should not be given to the applicants.

5.6. For that the applicants have been treated differently and thus is violative of the articles 14, 16 and 311 of the Constitution of India.

5.7. For that the applicants have been continued under the respondents for the last several years and in the process they have lost their chances of employment elsewhere as they being averaged to be absorbed elsewhere.

5.8. For that the respondents are duty bound to give weightage to the services rendered by the applicants towards regularisation of their services and they cannot be

Contd...

utilised in exploitative terms in violation of the provisions of constitutional mandates and laws framed thereunder.

6. DETAILS OF REMEDIES EXHAUSTED.:

The applicants declare that they have no other alternative remedy except by way of filing this application.

7. MATTERS NOT PREVIOUSLY FILED OF PENDING BEFORE ANY OTHER COURT.

The applicants further declare that they have not previously filed any application, writ petition or suit regarding the subject matter in respect of which this application has been made, before any court of law or any other authority and/ or other Benches of the Hon'ble Tribunal and / or any such application, writ petition or suit is pending before any of them.

8. RELIEFS SOUGHT:

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

- (i) To direct the respondents to regularise the services of the applicants with retrospective effect i.e. the respective dates of their appointments with all consequential benefits including arrear salary and seniority.

Contd....

- 16
- (b)
- (ii) To direct the respondents to extend the benefits of Annexure-3 Judgement and Order of the Principal Bench of the Hon'ble CAT, New Delhi.
- (iii) To direct the respondents not to terminate the services of the applicant and to allow them to continue in their services through out the year till such time their services are regularised.
- (iv) Cost of the application.
- (v) Any other relief or reliefs to which the applicants are entitled

9. INTERIM ORDER PRAYED FOR:-

Under the facts and circumstances stated above the applicants pray for an interim order directing the respondents not to terminate the services of the applicants with further direction to allow them to continue in their services without any interruption, pending disposal of this application.

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11. PARTICULARS OF THE I.P.O.

- (i) I.P.O. No. :- 444000
- (ii) Dated :- 15-10-96
- (iii) Payable at :- Guwahati.

12. LIST OF ENCLOSURES.

As stated in the Index.

Verification....

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- 11 -

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

I, Shri Bhabesh Ch. Das, son of Late Shri K.R.Das.
aged about 34 years, presently working under Guwahati Sub-Division.
do hereby solemnly affirm and verify that the statements made
in paragraphs 1 to 4 and 6 to 12 are ~~true~~ true to my knowledge
those made in paragraph 5 are true to my legal advice and I have not
suppressed any material fact. I am also duly competent and
authorised to sign this verification on behalf of all the
applicants.

And I sign this verification on this the 15th day
of October 1996 at Guwahati.

Sri Bhabesh ch. Das

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ANNEXURE-1-

<u>Name.</u>	<u>Place of work.</u>	<u>Working since</u> <u>(May 15 to October 15).</u>
1. Shabesh Ch. Das.	C.W.C.	1985
2. Sanaram Nath.	Middle Bn Divn.	1982
3. Mazibur Rahman.	-de-	1983
4. Abdul Rajak.	-de-	1991
5. Ramu Sharma.	-de-	
6. Haren Kakati.	-de-	
7. Gul Zar Ali.	-de-	1989
8. Robin Kalita.	-de-	1988

Alur

GRAM : "FORECAST"
GUWAHATI

TELE : 560445
541071

No. M3D-II/CB/Estt-II/96/646-701
Government Of India
Middle Brahmaputra Division
Central Water Commission
Rajgarh Road, Guwahati - 7,

Dated Guwahati, the 6/5/96,

MEMORANDUM

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

S/N	Name & Address of candidates	Employment, Exchange, Regd. No.	Place of posting	Remark
(1)	(2)	(3)	(4)	(5)
1.	Sri Arun Rajbongshi, C/O Sri B.C.Das, M.Sub-Divn., CWC, Guwahati.	2726/86	G&D site, Sonapur under MSD, Guwahati.	
✓ 2.	Sri Harish Ch. Borman, C/O Mech. Sub-Divn., CWC, Guwahati-22.	1509/80	G&D site, Kulsi, under MSD, Guwahati.	
3.	Sri Chandi Ram Das, C/O Mech. Sub-Divn., CWC, Guwahati-22.	6607/89	G&D site, Dudhnai under MSD, Guwahati.	
4.	Sri Ananta Kr. Rabha, C/O Sri Innus Rabha, Vill-Kamarpara, P.O - Daraduri, Goalpara.	726/82	G&D site, Dudhnai, under MSD, Guwahati.	
5.	Sri Putul Khoond, Vill-Borkuna, P.O-Gear- uabari (Biswanath Charali), Dist-Sonitpur, Pin-784176.	1071/84	G&D site, Kulsi under MSD, Guwahati.	
6.	Sri Dinesh Ch. Das, C/O Smt. Karani Bala Das, Dhankar Nagar, A.T.Road, Panbazar, Guwahati-1.	3220/79	G&D site, Dudhnai under MSD, Guwahati.	
7.	Sri Dilip Ch. Khatanar, Vill-Barjohu Bhatikur, Dist-Nowgoan.	987/85	MSD, CWC, Guwahati-22.	
8.	Sri Bipin Rabha, C/O Mech. Sub-Divn., CWC, Khanapara, Guwahati-22.	518/93	G&D site, Kulsi under MSD, Guwahati.	
9.	Sri Rohini Kr. Roy, C/O Sri Banamali Roy, Vill-Charaimari, P.O.- Amjonga, Goalpara, Assam.	1718/79	G&D site, Dudhnai under MSD, Guwahati.	

Contd.... 2/-

(1) (2) (3) (4) (5)

10. Sri Jaynal Ch. Rabha, 854/82 G&D site, Dudhnai, under MSD, Guwahati. Vill-Borpathar, P.O.-Chatmatia, Dist.-Goulpara.
11. Sri Pratap Ch. Sharma, 9178/82 G&D site, Kulsi, under MSD, Guwahati. C/O Sri Tarun Ch. Sharma, Arunadoy Press, Sil-pukhuri, Guwahati-3.
12. Sri Ramu Sharma, 8040/92 Mech. Work-shop, Guwahati-22. Ulubari, Guwahati-7.
13. Sri Gadadhar Bharali, 3768/90 Guest House at MBD-II Guwahati-22. Daranda, Panjabari Road, Guwahati-22.
14. Sri Promod Ch. Deka, 3064/76 Mech. Sub-Divn., C&C, Guwahati-22 (G&D site-Sonapur). Six mile, Guwahati-22.
15. Smt. Mira Das, 4928/91 MSD, Guwahati (Compilation & checking of GDS data). Six mile, Khanapara, Guwahati-22.
16. Miss Purnima Das, W/184/83 Data Cell under MSD, (Compilation of Data) C&C, Guwahati-22. C/O Sri Pranab Das, Kamakhya Colony, Guwahati-12.
17. Sri Dina Ram Gogoi, 13158/91 -do- -do- Daranda, Panjabari Road, Six mile, Khanapara, Guwahati.
18. Sri Dharmeswar Das, 4408/82 G&D site, Kulsi under MSD, Guwahati-22. Six mile, Khanapara, Guwahati-22.
19. Md. Rahmat Ali, 2053/82 G&D site, Dudhnai, under MSD, Guwahati-22. Vill-Bhagat Kuchi, P.O-Rangia, Dist.-Kamrup, Assam.

The appointment is on ad-hoc basis to be effective from 15-5-96 (FN) and is purely temporary and up to 15-10-96 (AN) or completion of work whichever is earlier without further notice.

The appointee should produce before joining the post a Certificate of physical fitness from a competent authority.

No travelling allowances will be allowed for joining the above appointment.

All the person concern may please report to their respective site between 15-5-96 to 31-5-96.

V.P. Shiv
6.5.96
(V. P. SHIV)
EXECUTIVE ENGINEER

Cont..... 3/-

4/5/96

Government of India
Central Water Commission
Middle Brahmaputra Division
Rajgarh Road : Guwahati-781007

NO. HED/WC/ESTT-24(A)/96/2559-662. Dated the 6th May/1996.

MEMORANDUM

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

Sl. no.	Name & address of the candidate	Employment exchange Regd.No.	Place of posting	Remarks
<u>P.P. Sub-Division, CWC, Nalbari.</u>				
1.	Md. Taizuddin Ahmed C/O Asman Ali P.O. & Vill. Belsor Dist. Nalbari.	<u>Guwahati</u> 951/93	P.P. Sub-Divn., CWC, Nalbari.	
2.	Shri Hamen Ch. Baishya Vill. Amiyapur P.O. Jangay Dist. Nalbari.	<u>Nalbari</u> 5281/86	-do-	
3.	Shri Lebanya Kalita P.O. Sandha Vill. Sandha Dist. Nalbari.	<u>Nalbari</u> 368/79	-do-	
4.	Shri Eidiya Ram Haloi P.O. Barbari Vill. Jaymangules Dist. Nalbari.	<u>Nalbari</u> 1158/80	-do-	
5.	Shri Hitesh Sharma P.O. Sandha Vill. Sandha Dist. Nalbari.	<u>Nalbari</u> 3584/86	Pagladia N.T. Road King.	
6.	Md. Chirajuddin Ahmed C/O Khairat Ali P.O. Deharkalakuchi Vill. Kumarikata Dist. Nalbari.	<u>Guwahati</u> 921/93	-do-	
7.	Shri Nripen Kalita P.O. Andha Vill. Jagalshari Dist. Nalbari.	<u>Nalbari</u> 977/89	Chowki	
8.	Shri Rameswar Kalita P.O. Sandha Vill. Sandha Dist. Nalbari.	<u>Nalbari</u> 1469/80	Motunga site	
9.	Shri Narottam Barman Vill. Balkona Dist. Nalbari.	<u>Nalbari</u> 861/81	Suklai Site.	
10.	Shri Kashi Ram Deka Vill. Satarkuchi P.O. Balilecha Dist. Nalbari.	<u>Nalbari</u> 336/84	Puthimari	

Contd....P/2....

Sl. no.	Name & address of the candidate	Employment Exchange Recd. No.	Place of posting
---------	---------------------------------	-------------------------------	------------------

11. Shri Deepak Das
Vill. Udaypur
P.O. Nalbari
Dist. Nalbari.

Nalbari
684/84

Suklai Site

12. Md. Hussain Ali
Vill. North Jalukbari
P.O. Jalukbari
Guwahati-14.

Guwahati
2023/83

Puthimari

13. Shri Kumud Deka
Vill. Nalicha
P.O. Jagra
Dist. Nalbari.

Nalbari
51851/79

Suklai site

14. Shri Haren Ch. Das
C/O Prafulla Kr. Das
Arun Uday Press
Silpukhuri, Guwahati-3.

Guwahati
9125/82

Motunga site

15. Shri Suchil Ch. Sharma
Vill. Baisor
P.O. Bogurihat
Dist. Nalbari.

Nalbari
3588/79

D.R.I. Site

16. Md. Gulzar Ali
Vill. Salmara
P.O. Belsor
Dist. Nalbari.

Nalbari
1438/89

-do-

D(S)-kopili Sub-Divn., CWC, Nagaon.

17. Shri Chitra Rajkhowa
Vill. Hujkhutali
P.O. Jus Rangara
Nagaon.

Nagaon
4582/85

D(S)-K Sub-Divn.,
CWC, Nagaon.

18. Shri Babul Das
P.O. Kalangpar
Halowagaon
Nagaon.

Nagaon
8234/82/85

-do-

19. Shri Jiban Bhuyan
P.O. Kalangpar
Halowagaon
Nagaon.

Nagaon
6884/84

Kheronihat

20. Shri Umesh Ch. Gogoi
Vill. Nagaon
P.O. Golaghat
Dist. Golaghat.

Golaghat
28/87

kampur

21. Shri Chandra Kanta Phukan
Chowkana
P.O. Kachupathar
Dist. Golaghat.

Golaghat
5047/86

Jagibhakatgaon

22. Shri Hem Kanta Loing
Vill. Mission Patty
P.O. Golaghat.

Golaghat
1979/83

Golaghat
W.T. Station

23. Shri Manu Prasad Kalita
Vill. Dighliate
P.O. Bogoriguri
Nagaon.

Nagaon
2966-82

Dharamtul

24. Shri Rajen Kalita
Tahisarjona
P.O. Hoibargaon
Nagaon.

Nagaon
1612/86/82

Gelatill
Seasonal site.

Contd...P/3.....

Sl. no.	Name & Address of the candidate	Employment Exchange Regd. No.	Place of posting	Remarks
25.	Shri Mukut Borah Vill. Khatikatia, Kolong par P.O. Haiborgaon Nagaon.	<u>Nagaon</u> 822/82/89	Gelabill Seasonal site.	
26.	Mr. Firuj Ali Islampatty P.O. Golaghat Dist. Golaghat.	<u>Golaghat</u> 4852/86	-do-	
27.	Shri Golap Saikia Vill. Godarbari P.O. Chakulaghat Dist. Naga-on.	<u>Nagaon</u> 8941/82/80	Kheronighat	
28.	Shri Jogeswar Pathari Vill. Gutung P.O. Mchuwamukh Dist. Golaghat.	<u>Golaghat</u> 811/85	w/T Station Bokajan.	
29.	Mr. Imran Hussain Vill. Mission patty, P.O. Golaghat.	<u>Golaghat</u> 4852/86	-do-	
30.	Shri Dhani Ram Nath P.O. Dighaldari Vill. Dighaldari Dist. Nagaon.	<u>Nagaon</u> 4592/95/84	Jajibhakatgaon	
31.	Suren Morang Vill. Lonkual P.O. Bonkual Dist. Golaghat.	<u>Golaghat</u> 2418/85	G&D Site, Golaghat.	
32.	Shri Mongla Loing P.O. Bonkual Vill. Barika Dist. Golaghat.	<u>Golaghat</u> 78/87	w/T Station Numaligarh	
33.	Shri Hemram Morang Vill. Bartika P.O. Bonkual Dist. Golaghat.	<u>Golaghat</u> 1979/93	-do-	
34.	Shri Durga Ram Dekadolo Vill. Laophulabari P.O. Bogoriguri (Dicholiote) Dist. Nagaon, P.S. Roha.	<u>Nagaon</u> 8541/82/83	Kampur site	
35.	Shri Hari Har Das Vill. Harimukh P.O. Raha Dist. Nagaon.	<u>Nagaon</u> 1227/85/84	Dharamtul site	
36.	Shri Mihidhar Das Vill. Kuarigaon P.O. Nating Dist. Golaghat.	<u>Golaghat</u> 5035/86	Golaghat w.T. Station.	
37.	Shri Pabitra Medhi Vill. Nayabali Ward No.1 P.O. Golaghat Dist. Golaghat.	<u>Golaghat</u> 2637/82	G&D Site Golaghat	
38.	Shri Suresh Ch. Jha C/O Binod Ch. Jha Vill. Dakhipat P.O. Baligaon Dist. Nagaon.	<u>Nagaon</u> 4471/92	Barapani under D(S)-KSD, CWC, Nagaon.	

Contd....P/4...

Sl. No.	Name & address of the candidate	Employment Exchange Reqd. No.	Place of posting	Re-Mark
<u>Manas Sub-Division, CWC, Barpeta Road.</u>				
39.	Shri Kanak Ch. Das Vill. Sundardia P.O. Sundardia Dist.	<u>Barpeta</u> 1918/78	Eeki	
40.	Shri Jaleswar Roy Vill. Mowatary P.O. Chapper Dist. Dhubri.	<u>Kokrajhar</u> 279/	Saralpara	
41.	Shri Subhash Narzary Vill. Mainamata Pathar P.O. Mainamata. Dist. Barpeta.	<u>Barpeta</u> 5176/86	Panbari	
42.	Shri Dilip Kumar Sarker Vill. Dewrikuchi Dist. Barpeta	<u>Barpeta</u> 527/250/83	Kokrajhar	
43.	Shri Kishore Kr. Talukdar Vill. Lalan P.O. Akaya Dist. Barpeta Road	<u>Barpeta</u> 3247/49	Panbari	
44.	Shri Narayan Ch. Das C/O D.C. Das M.B. Divn., CWC, Ghy.-7.	<u>Guwahati</u> 4211/82	Dhubri	
45.	Shri Atul Ch. Nath Vill. Barpalaha P.O. Kamalpur (Assam).	<u>Guwahati</u> 3038/92	Dhubri	
46.	Mrs. Arifa Begum C/O Tajuddin Ahmed Vill. Muslimpatty P.O. Barpeta.	<u>Barpeta</u> 957/83	Manas sub-Divn., CWC, Barpeta Rd.	
47.	Shri Madhu Kumar Sarker Vill. Erartari P.O. Era Lamundi Barpeta.	<u>Barpeta</u> 3794/84	-do-	
48.	Shri Dilip Kr. Nath Vill. North Barpeta Road P.O. Barpeta.	<u>Barpeta</u> 3121/82	Bijini site	
49.	Shri Monoj Kr. Sarker Vill. Dewrikuchi Dist. Barpeta.	<u>Barpeta</u> 5526/84	Manas N.H. Xing	
50.	Shri Hemanta Kr. Medhi Vill. Demriya P.O. Ehoakami, Via. Patshala, Barpeta.	<u>Barpeta</u> 2104/80	Bijini site	
51.	Shri Rajib Kali Rz Munipatty Ward No.5 P.O. Dhubri.	<u>Dhubri</u> 3554/84	Saralpara	
52.	Shri Dayal Ch. Doimari Vill. Khutalpara P.O. Beneiuly Barpeta.	<u>Barpeta</u> 1308/80	Mathanguri	

Sl. no.	Name & address of the candidate	Employment Exchange Regd. No.	Place of posting	Remarks
53.	Shri Dandi Ram Nath Vill. Anandapur P.O. Nityananda Barpeta.	Barpeta 5450/79	Manas N.H. Xing.	
54.	Shri Anil Boro Vill. Nizarapar P.O. Chandmari Guwahati-3.	Guwahati 1520/90	Aie Site	
55.	Shri M.R. Dasumatary Vill. Cheechapani P.O. Magurmeri Kokrajhar.	Barpeta 898/79	Kokrajhar	
<u>M.B. Sub-Division, C.C. Guwahati-3.</u>				
56.	Shri Niranjan Das Vill. Goral Baruapara, P.O. Bhattapara Dist. Kamrup (Assam).	Guwahati 611/84	M.B. Sub-Di vn., C.C. Guwahati.	
57.	Shri Bhabesh Ch. Das Vill. Amingaon Upper Bari, P.O. Amingaon, Guwahati.	Guwahati 4306/83	Pancharatna	
58.	Shri Sona Ram Nath Vill. Choudhuryghat P.O. Choudhuryghat Dist. Kamrup.	Guwahati 9322/83	-do-	
59.	Md. Mujibur Rahman Vill. & P.O. Lakhipur Dist. Goalpara.	Goalpara 9131/80	-do-	
60.	Md. Abdul Haque C/O Md. Rafiq Haque North Jalukbari Guwahati-14.	Guwahati 3733/87	Pandu site	
61.	Md. Mir Kashim Ali C/O Md. Aziz Ali Vill. North Jalukbari P.O. Jalukbari, Guwahati-14.	Guwahati 1205/93	Pandu site	
62.	Md. Nur Hussain Vill. Katia Dolong P.O. Jalukbari, Guwahati-14.	Guwahati 3733/89	D.C. Court, Guwahati.	
63.	Shri Rabin Kalita Vill. Malaybari P.O. Malaybari Dist. Kamrup.	Guwahati Nil	M.B. Sub-Divn , C.C. Guwahati.	
64.	Shri Landhab Kalita C/O S.R. Kalita, M.B. Sub-Divn., C.C., Rajgarh Rd., Guwahati.	Guwahati 1056/83	-do-	

no.	the candidate	Exchange Recd. No.	Place of posting
65.	Shri Akhil Pathak C/O Shri D.B. Chettry, H.O. Circle, CWC, Nabin Nagar, Janapath, Guwahati-24.	Guwahati 8580/83	D.C. Court Guwahati.
66.	Shri Karuna Kumar Baishya C/O Madhab Ch. Nath Chandmari Colony Guwahati-3.	Guwahati 1947/89	Goalp ara
67.	Biren Choudhury Vill. Kandrapara P.O. Babaja (Tini Ali) Sonitpur.	Tezpur 6121/82	Seppa Site
68.	Shri Lakshi Neog Vill. Kaliagaon P.O. Bihuguri Sonitpur.	Tezpur 1020/82	Banasite
69.	Shri Hem Ch. Das Vill. Kaibarta Chuburi P.O. Dekargaon Dist. Sonitpur.	Tezpur 1655/87	Seppa Site
70.	Jyotish Kr. Das Vill. Patalar Chak P.O. Jamugurighat R Sonitpur.	Tezpur	Seppa Site
71.	Shri Siba Charan Nath Vill. Cowan Chak P.O. Wendikes Sonitpur.	Tezpur 1579/89	Jiabharali
72.	Ed. Abdul Hakim Jogighopa Ferrighat Goalpara.	Goalpara 1026/81/87	Goalpara
73.	Shri Helen Ch. Rava Vill. Baripara P.O. Singra Dist. Kamrup.	Guwahati 2785/84	Gaitandha
74.	Shri Rajsekhar Basumatari Vill. Chapaguri P.O. Chapaguri Dist. Sonitpur.	Tezpur 5081/91	W/T 3 tation Tezpur
75.	Shri Bijoy Kumar Sarma Vill. Dewrigaon P.O. Katakibari Dist. Sonitpur.	Tezpur 137/89	-do-
76.	Shri Beni Ram Bora Vill. Sugoli Chuburi Dhomoraguri, Sonitpur.	Tezpur 4891/85	Dhomoraguri
77.	Shri Niranjan Kalita Vill. Bhurapara (Kaliapara) C/O Krishna Kanta Kalita Bijoy Nagar, Kamrup.	Guwahati 6741/90	-d o-
78.	Shri Ram Ram Nath Vill. Kumar Chuburi P.O. Thelemara, Dist. Sonitpur.	Tezpur 4043/80	Bana Site

Contd.....P/7...

Sl. no.	Name & address of the candidat	Employment Exchange Regd. No.	Place of posting	Remarks
79.	Shri Dharanidhar Kalita P.O. Sandha Vill. Sandha Dist. Nalbari.	Nalbari 1448/69	Bana Site	
80.	Shri Khagen Ch. Kumar O/O M.N. Kumar Bapuji School Ulukbari, Guwahati-7.	Guwahati 186/87	Pandu site	
81.	Shri Haren Ch. Kakati P.O. Loch Vill. Dhulara Dist. Kamrup.	Guwahati 3761/90	M.B. Sub-Divn., CWC, Guwahati.	
82.	Md. Mainul Haque Vill. Dharapur (Majali) P.O. Dharapur, Guwahati-17.	Guwahati 18446/83	D.C. Court Guwahati.	
<u>M.B. Division, CWC, Guwahati-7.</u>				
83.	Shri Kanak Sharma C/O K.C. Sharma Vill. Titkushi Kamrup.	Guwahati 3410/87	Met Section	
84.	Shri Sankar Mahanta Vill. Rajaduwar P.O. Guwahati-30 Kamrup (Assam).	Guwahati 2023/83	Data Cell	
85.	Shri Sagar Cho. Dey, C/O Deben Das Near S.P. Bhattacharjee Kacharibasti Guwahati.	Guwahati 806/93	A.E. (Wireless)	
86.	Md. Jalil Ali C/O Md. Akbar Ali (Professor) S.K. Bhuyan Road, Guwahati-1.	Guwahati 4197/83	A.E. (Wireless)	
87.	Md. Abdul Rajak C/O Md. Lalan Sheikh Vill. & P.O. Jalukbari, Guwahati-14.	Guwahati 5592/89	Met Section	
88.	Shri Gobinda Barman C/O Longshi Kalita Chanikuthi Hill site Silpukhuri, Guwahati-3.	Guwahati 5073/	H.O. Circle, CWC, Guwahati-24.	
89.	Shri Madhab Ch. Das Vill. Katakibari P.O. Eoramboi Dist. Kamrup (Assam).	Guwahati 5668/87	A.E. (Wireless)	
90.	Shri Uddhab Ch. Das C/O Padma Ch. Das, Vill. Lorahtola (Majo)	Guwahati 8244/45	Met Section	
91.	Miss. Sikha Bhattacharjee C/O E.B. Kar P.O. & Vill. Kahilipara Guwahati-18.	Guwahati 459/90	M.B. Sub-Divn. Guwahati	
92.	Shri Dipul Deka Railway Coloney, Bamunimaidan, Guwahati-21.	Guwahati 7294/85	-d o-	

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

The appointment is on "Ad-hoc" basis and is purely temporary and upto 15.10.96 (A.N.) or completion of work whichever is earlier without further notice.

The person concerned are hereby directed to report for his duties to the place of posting as mentioned above between 15.5.96 to 31.5.96 positively, otherwise the offer will be automatically treated as cancelled.

No T.A./D.A. etc. will be admissible for joining the above mentioned appointment.

V.P. SHIV
6.5.96
(V.P. SHIV)

EXECUTIVE ENGINEER

Copy forwarded for information and necessary action to:-

1. The Assistant Executive Engineer/Assistant Engineer, Manas Sub-Division, C.C. Barpeta Road/D(S)-Kopili Sub-Divn., C.W.C., Nagaon/P.P. Sub-Division, CWC, Nalbari/M.E. Sub-Divn., C.W.C., Guwahati-3/A.E. (Wireless)/Met Section/Dat a Cell.
2. The Employment Officer, District Employment Exchange Barpeta/Dhubri/Kokrajhar/Nalbari/Tezpur/Nagaon/Goalpara/Guwahati/Coldghat.
3. Accounts Branch, M.B. Division, CWC, Guwahati-7.
4. Person concerned.

ar

Attested.

Advocate.

- 24 - 23

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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

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

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

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

O.A. No. 223 of 1992

1. Vinod Kumar
S/O Shri Raman Singh
R/O F-25, Transit Camp,
Khichari Pur,
Delhi.
2. Ram Kumar
S/O Shri Ratan Singh,
RZ-139, X - Block-11,
New Roshan Pura, Najafgarh,
New Delhi.
3. Yash Pal Singh
S/O Shri Devi Singh,
RZ-288, Vill. & P.O. Naraina,
New Delhi.
4. Parmod Kumar
S/O Shri Bijli Singh
No. 421, Sewa Nagar,
New Delhi.
5. Narendra Paswan,
B-50, Naharpur, Sector 7,
Rohini, Delhi.

.. .. Applicants.

(through S.N. Shukla, Advocate).

O.A. No. 884/1992

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

.. .. Applicants.

(through S.N. Shukla, Advocate).

vs.

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

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

(through Mr Jog Singh, Advocate).

Q.A.No.1601 of 1992

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

.. .. Applicant.

(through B.S.Maine, Advocate).

Q.A.No.2245 of 1992

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

.. .. Applicant.

(through B.S.Maine, Advocate).

Q.A.2418 of 1992

1. Sri Rajender Sharma
S/O Sri Bhagwan Sharma
Carpenter, Central Stores Divn.,
Central Water Commission,
West Block No.1, Wing No.4,
2nd Floor, R.K.Puram,
New Delhi.
2. Sri Raju Kashyap, S/O
Sri Nikka Ram;
3. Sri Daya Ram S/O Ganga Ram.
4. Sri Dali Singh S/O Bhup Singh.
5. Sri Giri Raj S/O Mishri Singh
6. Sri Bijendra S/O Tota Ram.
7. Sri Ram Kumar Rai S/O Hardev Rai.
8. Sri Ujai Kumar S/O Sh.Kurukul.

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

..... Applicants.

(through B.S.Maine, Advocate).

vs.

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

..... Respondents

(in all three above Q.As)

(through Mr Jog Singh in 1991 and 2245/92 and
through Mr. P.P.Khurana in Q.A.No.2418 of 1992).

[Handwritten signature]

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- 1-3-1

ORDER

B.N.DHOUJLIYAL, MEMBER(A)

The applicants, in all the above-mentioned O.As have been working as Khalasis, Carpenters, Mistries, Motor Mechanics, Drivers and Electricians under the Executive Engineer, Central Water Commission, R.K. Puram, New Delhi. One of them, Shri Jayant Kumar Pathak, was engaged as Casual Labourer on 2.1.1987 but claims to have been working against the post of regular electrician w.e.f. 7.12.1987. The date of engagement of the applicants ranges between 1.10.1982 to 5.9.1988. In case of O.A.No.223/92, between 15.4.1986 to 26.10.1987. In case of O.A.No.884/92, between 6.1.1987 to 7.9.1990 in case of O.A.No.2418/92. Shri Rajesh Kumar Saini (applicant in O.A.No.1501/92) was engaged on 19.2.1988 and Shri Jayant Kumar Pathak (applicant in O.A.No.2246/92) was engaged on 2.1.1987. In some of the O.As, prayer has been made for issuance of a direction to the respondents to prepare a scheme on rational basis for absorption of Casual Labourers and for not disengaging the applicants till such a Scheme is prepared. In all the cases, interim orders were passed by this Tribunal, restraining the respondents from terminating the services of all the applicants. They are continuing till date.

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

Signature

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

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

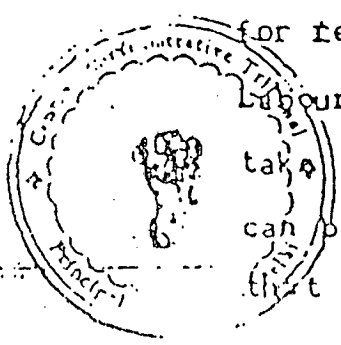
"The proper course would be that each State prepares a scheme, if one is not already in vogue, for regularisation of such employees, consistent with its reservation policy and if a scheme is already framed, the same may be made, consistent with our observations herein so as to reduce avoidable litigation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

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

Always on

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

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



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

Attw / m

-6-

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

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

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

5. There shall be no order as to costs.

(B.N.Dhondiyal)
Member(A)

(S.K.Dhaon)
Vice Chairman

RECEIVED

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Section Officer

2. for regularisation of service

Seen 9/11/77

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35
CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI.

Faridkot House
Copernicus Marg,
New Delhi-1.

DL. 30/5/94

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

To
1. Sh. Jog Singh
counsel for the applicant in RA
1100, Prakash Deep, 7, Tolstoy Marg,
New Delhi.

Versus

2. Sh. Rajender Sharma, Carpenter Central
Stores Divi., Central Water Commission
West Block No 1, Wing No 4, 2nd Floor,
R.K. Puram New Delhi.
 3. Raju Kashyap S/o Sh. Nikka Ram
 4. Sh. Daya Ram S/o Sh. Ganga Ram
 5. Sh. Duli Singh S/o Sh. Bhup Singh
 6. Sh. Hiri Raj S/o Sh. Mishri Singh
 7. Sh. Bijendra S/o Sh. Tota Ram
- (Serial No. 2 To 6 working in Central Stores
Divi. Central Water Commission, R.K. Puram,
New Delhi.)

Sacy. Mini. Water Resources Applicants

VS

Rajender Sharma & Ors.

Respondants

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

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

Yours Faithfully,

(A) 3
SECTION OFFICER (J-II)

37-36 30

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Administrative Tribunal
New Delhi.

RA-165/94 in CA-2246/92, RA-171/94 in CA-1001/92
and RA-172/94 in CA-2418/92.

New Delhi the 9th day of May, 1994.

Hon'ble Mr. Justice S.K. Dheen, Vice-Chairman (J)
Hon'ble Mr. S.M. Ohoundiyal, Member (A)

RA-165/94 in CA-2246/92 RA-171/94 in CA-1001/92 &
RA-172/94 in CA-2418/92.

1. The Secretary,
Ministry of Water Resources,
Shram Shakti Bhavan,
New Delhi.

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

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

Review Applicant -/
respondents in CA.

(through Sh. Jyoti Singh)

RA-165/94 in CA-2246/92 vs: s/o

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

Respondent in RA/
Applicant in CA.

RA-171/94 in CA-1001/92

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

Respondent in RA/
Applicant in CA

RA-172/94 in CA-2418/92

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

Attn: Mr.

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

Respondents in RA/
Applicants in OA.

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

ORDER (BY CIRCULATION)

delivered by Hon'ble Mr. B.N. Dhoundiyal, Member (A)

These review applications have been filed
by the respondents against the order judgement delivered
on 10.02.94 in O.A. Nos. 223, 884, 1631, 2246 & 2418 of
1992. The following directions were given:-

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

Approved

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

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

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

There is nothing in these directions which forces the review applicants to regularise casual workers in the absence of any post. They can take into account the latest position regarding the projects which are continuing and reach the conclusion that no more regular post can be created. The second direction only relates to implementation of the decision of the Deptt. of Personnel regarding temporary status being given to casual workers who have worked for 127 days. Certainly, it cannot be accepted that the applicants will not implement their own orders. The direction No.3 is based on a well

(7)

established principle.

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

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

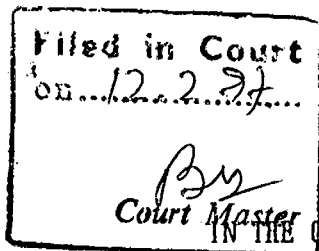
(S.N. SUNDARAYAN)
MEMBER (A)

(S.K. MOHAN)
VICE-CHAIRMAN

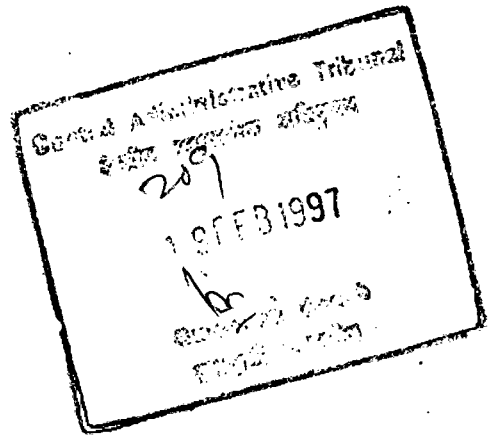
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Section 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(34)



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH :: GUWAHATI-5

In the matter of

O.A. No. 247/96.

Shri Bhabesh Chandra Das & Ors

Vs

Union of India & Ors.

In the matter of
Written statement submitted by the
respondents No. 1 to 3

I N D E X

S.No	Description of documents	Page Nos.
1.	Written statement on behalf of Petitioners.	1 to 7.
2.	Annexure R-1 order dated 25.10.95	8
3.	Annexure R-2, copy of the letter dated 16.12.95.	9
4.	Annexure R-3, extracts of para 8 of O.A. No.208/95.	10

Guwahati
Dated 11th Feb., 1997.

Shaukat Ali
(MD. SHAUKAT ALI) 11/2/97
Sr. Central Govt. Standing Counsel
Central Administrative Tribunal,
Guwahati Bench, Guwahati.

12/2

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH AT GUWAHATI

In the matter of

O.A. No. 247 of 1996

Shri Bhobesh Ch. Das & Ors.

Vs

Union of India & Ors.

In the matter of:-

written statement submitted by the
respondents No. 1 to 3

The humble respondents submit their
written statements as follows:-

PRELIMINARY OBJECTIONS

1. That the present O.A. is an instance of gross abuse of the process of law. It is submitted that the applicant No. 5 i.e. Shri Ramu Sharma had earlier filed O.A. No. 208/95 before this Hon'ble Bench for the prayer:- that the department be directed to regularise his service, temporary status be conferred etc. and the said O.A. was disposed of vide order dt. 25.10.95 with certain directions. It is stated that in compliance to the said directions issued vide order dt. 25.10.95 were complied with and the applicant No. 5 was informed about the same vide letter dt. 16.12.95. It is respectfully submitted that the said material & vital facts have been suppressed by the applicants & as such they are guilty of concealing these material facts. The copies of the order dt. 25.10.95, letter dt. 16.12.95 & extracts of para 8 of O.A. No. 208/95 are annexed hereto & marked as Annexure R-1 to R-3

Filed by:

(MD. SHAUKAT ALI) 11/12/97
Sr. Central Govt. Standing Counsel
Central Administrative Tribunal
Guwahati Bench, Guwahati

respectively.

REPLY ON MERIT:-

1. That with regard to statements made in paragraph 1 of the application, the Respondents beg to state that the statement made by the applicants that "presently they are under casual employment under the respondents" is not correct. The respondents further beg to state that all the applicants were engaged as seasonal Khalasis for a fixed period from 15th May 1996 to 15th October 1996 and it was specifically indicated in their engagement letters. They were engaged for assisting in collection and handling of hydrological data from respective rivers for the purpose of flood forecasting during monsoon. The Respondents further beg to state that among all the applicants Shri Ramu Sharma applicant at S.No. 5 used to attend some times minor repair works of electrical fault in the inspection vehicles etc. The Respondents further beg to state that the alleged scheme referred thereto is not applicable in the facts and circumstance of the present case.

It is further stated that the scheme of 1993 was specifically meant for casual workers and persons on daily wages against the regular establishment in the various departments of the Govt. of India. Those who are engaged on workcharged establishment like the present case are not covered by the said scheme. Workcharged staff are employed on the actual execution of specific work or sub-work.

37 3

The scheme of 1993 is not applicable to the casual/ adhoc Khalasi/seasonal Khalasis of workcharged establishment and for those categories, a separate scheme as per the direction of Central Administrative Tribunal Calcutta Bench has already been drafted by C.W.C. and Ministry of Water Resources and is being circulated to concern Ministries and departments for their comments/ observations within a fixed time frame and immediately thereof the cabinet approval would be sought as per transaction of Business rules. It is further stated that as and when the said scheme is approved, the individual applicant's case would be considered.

2 & 3 Paras 2 & 3 require no reply.

4.1 Contents of 4.1 requires no reply.

4.2 to 4.6 (In the application after para 4.5 the next para has also been numbered as para 4.5 . Actually it should have been numbered as para 4.6). That with regard to statements made in the para 4.2, 4.3, 4.4, 4.5 and 4.6, the Respondents beg to state that the statement made by the applicants that they are holders of Group 'D' posts on casual basis is not correct. The applicants are seasonal Khalasis engaged in workcharged establishment. The respondents further beg to state that as mentioned in para 1 hereinabove the 1993 scheme is not applicable to the seasonal Khalasis engaged in workcharged establishment. The Respondents further beg to state that as mentioned in para 1, the seasonal Khalasis are engaged in workcharged establishment for a specific purpose i.e. for assisting in collection.

28 4

and handling of hydrological data for flood forecasting from respective rivers during monsoon from 15th May to 15th October every year. Accordingly they are engaged every year and same kind of letters are issued every year. This fact is always mentioned in their engagement letters. Sometimes, ^{some of} the applicants were engaged during intervening period due to exigency of work.

4.7 to 4.9 (In the application these are para 4.6 to 4.8 which is typing error as para 4.5 has been numbered two times). Contents of para 4.7 to 4.9 are not correct and denied. Respondents beg to state that the judgment referred to here pertains to those who have been working as Khalasis, Carpenter, Mistries, Motor Mechanics, Drivers and Electricians on adhoc basis and not to the seasonal Khalasis engaged in work-charged establishment who works for a limited period for a specific work. It is further stated that the seasonal Khalasis are not adhoc employees. It is respectfully stated that the judgment of the Hon'ble Tribunal, Principal Bench, as referred, is not applicable in the facts & circumstances of the present case. It is further stated that 1993 scheme is also not applicable. It is further stated that as submitted herein above the scheme for grant temporary status and regularisation of seasonal Khalasis is not yet finalised, the case of individual applicant would be considered on finalisation of the scheme.

39 5
4.10

That with regards to statement made in para 4.10 of the application, the respondents beg to state that as per nature of job the seasonal Khalasis are engaged during monsoon period i.e. from 15th May to 15th October every year for the purpose of flood forecasting. All the applicants are well aware of this fact that after 15th October they will be disengaged, they have accepted the job being fully aware of this fact. The allegation regarding alleged exploitation by the respondents, therefore, is not correct. All the applicants are free to choose any other job suitable to them.

4.11

That with regards to statements made in paragraphs 4.11 of the applications, the respondents beg to state that the judgment referred in the paragraph was specifically meant for the employees who have been working as Khalasis, Carpenter, Mistries, Motor Mechanics, Drivers and Electricians on adhoc basis and not to the seasonal Khalasis engaged on workcharged establishment for a specific purpose and for specific period. It is further stated that the seasonal Khalasis are not adhoc employees. As such the said judgment is not applicable in the facts and circumstances of the present case.

4.12

Contents of para 4.12 are wrong & denied. It is denied that the Respondents have acted illegally, as alleged. It is further denied that they have acted in direct confrontation with the Hon'ble Tribunal's order, as alleged. It is stated that

6

the Respondents have highest regard for the majesty of the Hon'ble Tribunal.

4.13 That with regard to statement made in para 4.13 of the application, the respondents beg to state that the interim order passed by the Hon'ble Tribunal has already been modified. The Respondents further beg to state that the scheme for grant of temporary status and regularisation of the services .. seasonal Khalasis has already been drafted by C.W.C. and Ministry of Water Resources and at present is being circulated to concern Ministries and Department for their comments/observations within a fixed time frame and immediately thereof the cabinet approval would be sought as per transaction of business rules. It is further stated that as and when the said scheme is approved, the individual applicant's case would be considered.

5. That with regard to statements made in paragraph 5 of the application the Respondents beg to state that regarding grounds for relief with Legal Provision the respondents beg to state that none of the grounds are maintainable in law as well as in fact and as such the application is liable to be dismissed.

6. That with regard to statement made in paragraph 6 of the application, the Respondents have no comments on them.

7. Contents of para 7 are denied for want of knowledge.

U/ 7
8 & 9 That with regards to statement made in para 8 & 9 of the application regarding relief sought for, the Respondents beg to state that in view of the facts and circumstances stated above the applicants are not entitled to any of the relief sought for and as such their application is liable to be dismissed.

10 & 12 That with regard to statements made in paragraph 10, 11 & 12 of the application, the Respondents have no comments.

That the Respondents submit that the application is devoid of merits and hence liable to be dismissed.

VERIFICATION

I, V.P. Shiv, Executive Engineer, Middle Brahmaputra Division, C.W.C., Rajgarh Road, Guwahati-7 and Respondent No. 3, do hereby solemnly declare that the statement made above are true to my knowledge, belief and information based on official records, Leggt: submission made therein are true upon legal advice received and believed to be correct. I sign this verification on this11th.....day ofFeb.....1997 at Guwahati.

V.P. Shiv
DECLARANT

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH : : : GUWAHATI.

O.A.No. 200 268/95.

Ramu Sharma.....
vs.

Applicant.

U.O.I. & Ors.....

Respondents.

For the applicant:- Mr.M.K.Choudhury,
Mr. B.K.Baishya. Advs.

For the Respondents:- Mr.A.K.Choudhury, Adl.CGSC.

B E F O R E :-

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

Date.
25.10.95

O R D E R.

Mr B.K.Baishya for the applicant.

Mr S.Alli, Sr.C.G.S.C for the respondents
Heard. Facts are similar to O.A.206/95.

For the same reasons given in the order
on that O.A. similar order is fit to be
passed. Hence following order :-

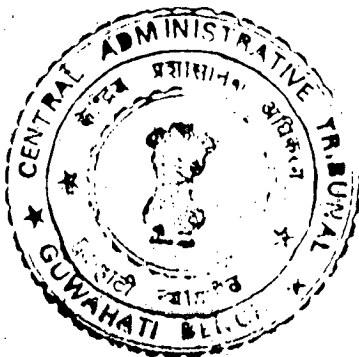
Under the circumstances the Executive
Engineer is directed to consider the
question as to whether the applicant can
be given the benefit of the above mentioned
scheme, and grant him the same if eligible
and not to terminate the temporary engage-
ment of the applicant till such decision
is taken and communicated to the applicant.

With the above directions the
application is disposed of at admission
stage. No order as to costs.

① 'Carnal Habours (Grant of -
Temporary Status and -
Regularisation) Scheme of -
Govt of India 1993. & h.

Sd/- VICE CHAIRMAN

Sd/- MEMBER (ADVN)



Certified to be true Copy

प्रमाणित प्रतिलिपि

[Signature] 2/11/25

COURT OFFICER

न्यायालय अधिकारी

Central Administrative Tribunal

केन्द्रीय प्रशासनिक न्यायालय

9-ANNEX-R-2

6246-95

No.MBD/Gau/WC/Estt-54(CAT)/95/

Government of India

Central water Commission

Middle Brahmaputra Division

Rajgarh Road, Guwahati-781007

Dated the 16/12/1995.

To
Shri Ramu Sharma,
Ulubari Chariali,
Near STATPED,
P.O. Ulubari, Guwahati-781007.

Subject: CAT case No. U.A.No.208 of 1995 in the matter of
Shri Ramu Sharma
Vs
U.C.I. & Ors.

With reference to the Hon'ble CAT direction in the case No.OA 208/1995 I am to inform you that the undersigned has considered your case sympathetically and regrets to inform you that you are not covered by the scheme of casual labourer (Grant of temporary status and regularisation) referred in the case.

As there is no work during non-monsoon season your services is no longer required as work-charged Seasonal Khalasi with effect from the afternoon of 16th December, 1995.

A separate scheme for "Grant of Temporary status and Regularisation" for these categories is under preparation in consultation with Ministry of Water Resources and when the scheme will be available for implementation your case will be considered sympathetically as per seniority cum fitness basis depending upon the availability of regular vacancy.

*Alleged,
Shankarab
Sr. CCSC
14/12/95*

24/12/95
O/c (V. P. SHIV)
EXECUTIVE ENGINEER
16/12/95

Copy to :-

1. Accounts Branch, M.B.Divn., CWC, Guwahati-7.
2. The Asstt. Engineer, Mechanical Sub-Divn., CWC, Guwahati-22. He is directed to prepare pay bill upto 16th Dec., 1995 beyond monsoon season.

24/12/95
O/c (V. P. SHIV)
EXECUTIVE ENGINEER
16/12/95

Copy forwarded for favour of kind information to :-

1. The Chief Engineer, B.B.Basin, CWC, Amir Mansion, Nongshilliang, Shillong-14.
This is as per Commission's letter No.C-18014/11/95- Estt. All dt. 27.11.95 and written opinion on the judgement in above cases received from Md.S.Alli, Sr.CCSC, CAT, Guwahati Bench, Guwahati (Copies Enclosed)
2. The Superintending Engineer, H.O. Circle, C.W.C., Nabinagar, Janapath, Guwahati-24.

24/12/95
O/c (V. P. SHIV)
EXECUTIVE ENGINEER
16/12/95

8. RELIEFS SOUGHT :

On the facts and circumstances, the applicant prays for the following reliefs :

- (i) A direction to the respondents to regularise the services of the applicant giving him the benefit of regularisation from date of his initial appointment on work charged basis with all consequential benefits.
- (ii) A declaration that the applicant earned temporary status from 10.9.93.
- (iii) Any other relief or reliefs to which the applicant is entitled under law and equity.
- (iv) Cost of the application.

Contd...P/11.

