

30/100

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

M.P-213/96 ordered sheet Pg-1 to 3 INDEX

Disposed Date-11/12/96

O.A/T.A No. 263/96.....

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

E.P/M.A No. 213/96.....

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2. Judgment/Order dtd. 07/7/97..... Pg..... N.O. ~~Supreme order~~ withdraw
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11. Memo of Appearance.....
12. Additional Affidavit.....
13. Written Arguments.....
14. Amendment Reply by Respondents.....
15. Amendment Reply filed by the Applicant.....
16. Counter Reply.....

SECTION OFFICER (Judl.)

14.11.96 also within 15 days from today and they have been so provided the service the applicants shall not be terminated without leave of this Tribunal.

filed company
immediately
M 14/11/96

nkm

AV
14/11

Mem

11.12.96 Vide order today in M.P.213/96 the interim order dated 14.11.96 has modified the order dated 14.11.96.

dated 14.11.96.

AV
19/12

6
Member

pg

Service Reports are still awaited.
Statement has not been filed.

31-12-96

Learned counsel Mr.S.Sarma for the applicant. Mr.S.Ali, Sr.C.G.S.C. for the respondents.

Written statement has not been submitted. List for written statement and further order on 22-1-96.

Written Statement
has not been filed.

AV
21/11/96

1m

6
Member

22.1.97

Mr S. Sarma, learned counsel for the applicant, is present. Mr S. Ali, learned Senior Central Government Standing Counsel, pray for further time till 12.2.97 for filing written statement. Prayer allowed.

List for written statement and further orders on 12.2.97.

2-92
DS filed by the Respondents.

6
Member

JB
Vice-Chairman

nkm

AV
22/1

Service Reports are still awaited.
Statement has not been filed.
Statement has not been filed.

12.2.97

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

6-3-97

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

1) NO rejoinder has been filed.

2) Memo of appearance not yet filed pg
av
6/3

6
Member

Vice-Chairman

10.3.97

Let the case be listed on 21.4.1997 for hearing.

6
Member

Vice-Chairman

trd

W
12/317-4-97
Ready for Hearing.

21.4.97

Let the case be listed for hearing on 2.6.97.

6
Member

Vice-Chairman

Memo of appearance not yet filed.

pg
22/4

30/5/97 -

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 he comes to know about the scheme it will be difficult for ^{him} us and for that purpose Mr. Sharma prays for time till the scheme is notified. Mr. M.K.Gupta, learned Addl. C.G.S.C. submits that the scheme will be notified very soon, may be within three weeks. Mr. S.Ali, learned Sr. C.G.S.C. and Mr. M.K.Gupta, learned Addl. C.G.S.C. also agreed that the matter should be heard after the publication of the scheme.

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

68
Member

JK
Vice-Chairman

pg

*g
3/b*

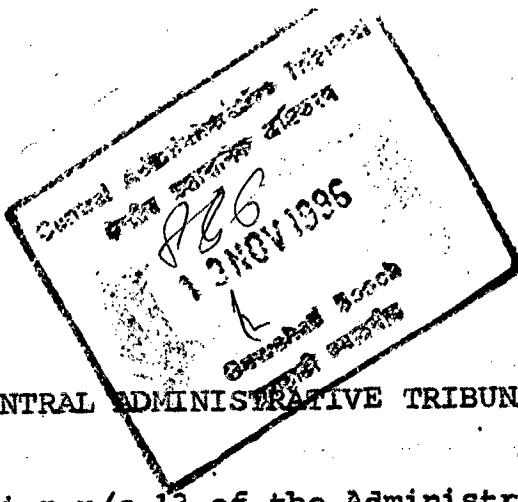
7.7.97

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.

68
Member

JK
Vice-Chairman

trd



BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL GUWAHATI BENCH

(An application u/s 13 of the Administrative Tribunal
Act, 1985)

Title of the Case : O.A. No. 263 of 1996.

Md. Mirkashim Ali & Ors. Applicants

- Versus -

Union of India & Ors. Respondents

I N D E X

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Date of filing :- 13.11.96

Designation :- OA 263/16

Signature

Registrar

Received 109
Sav. SCS
14/11/96

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL: GUWAHATI BENCH

O.A. No. 263/96

BETWEEN:

1. Md. Mirkashim Ali (61)
2. Md. Edul Haque (60)
3. Dinabandhu Mahanta (1)
4. Atul Ch. Nath. (45)
5. Narayan Ch. Das (44)
6. Jogeshwar Pathari (25)
7. Hem Kanta Loing (22)
8. Mongla Loing (32)
9. Hemaram Morang (33)
10. Suren Morang (31)
11. Niranjan Kalita (77)
12. Mohidhar Das (36)
13. Md. Firuz Ali (26)
14. Umesh Gagan (20)
15. Pabitra Medhi (37)
16. Chandru Kanta Phukan (21)
17. Phanidhar Kakata (6)

All the applicants are working under Central Water Commission and their respective places of postings are reflected in the Annexure A to the O.A.

..... Applicants.

-And-

1. Union of India, represented by the Secretary to the Govt of India, Ministry of Water Resources, Shram Shakti Bhawan, New Delhi.
2. The Chairman, Central Water Commission, Seva Bhawan, R.K. Puram, New Delhi.
3. The Executive Engineer, Middle Brahmaputra Division, Central Water Commission, Guwahati-7 (Rajgarh Road).

..... Respondents

Contd/...P

DETAILS OF THE APPLICATION

1. PARTICULARS OF THE ORDERS AGAINST WHICH THE APPLICATION HAS BEEN MADE :

The instant application is not made against any particulars 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, along with seniority etc.

2. JURISDICTION OF THE TRIBUNAL :

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

3. LIMITATION :

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

5. FACTS 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 guaranteed 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-~~re~~ regularisation of their services as Gr.'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 Gr.'D' posts on 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 regarding to regularisation of their services under the respondents. All the applicants have been working under the respondents on casual basis for the last several years without any hope of regularisation of their services. They have not been granted temporary status under the scheme formulated by the Govt. of India. The service particulars of the applicants are reflected in ANNEXURE-A 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 made in this application instead of repeating the said contention.

4.4. That the applicants state that, as is reflected in Annexure-'1' statement annexed in this O.A., they

have been working under the respondents since 1991, 1991, 1993, 1993, 1993, 1982, 1982, 1982, 1986, 1986, 1983, 1983, 1982, 1982, 1982, 1985, 1985, 1985, 1985 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/- Rs. 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 appointed for a further period. Thus, this process is going on since the time of their appointments 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 which the applicants are still deprived of the same benefit. 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 sometimes they are also required to work beyond the prescribed period in the appointment letter on casual basis.

Their such appointments are not in dispute and thus instead of annexing all the appointments letters

pertaining to their services, the applicants beg to annexed one such of their appointments letters and the same are annexed as ANNEXURE-2

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

4.6 That the applicants state that even after rendering years of service as Gr. 'D' casual employees, their service have not been regularised and their services are being taken by the respondents in exploitative terms. As pointed out above, their services are utilised for a particular period in a year and after that their services are terminated and again in the next year they are appointed for another period. This process has been going on since the days of their respective employments. 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 Gr. 'D' employees, their services are being utilised every year for a particular period as work charged season khalasi. Till date their services are not regularised and they have not been conferred with temporary status as in required to be conferred to under the relevant scheme formulated by the Govt. of India.

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

4.7 That the applicants state that some of the Gr.'D' employees of the Central Mater Commission similarly situated at with that of the applicants had approached the Principal Bench of this Hon'ble Tribunal, New Delhi by way of filing various O.A.s wherein same kind of grievances have been raised as in the instant case were raised. The Principal Bench of this Hon'ble C.A.T. by its common judgement dt. 10.2.94 in O.A. No. 273/92, 804/92, 1601/92 and 2418/92 allowed the said O.As with the following directions (i)

(i) The respondents shall produce a scheme for retention 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 completed, new scheme are lunched every year and assessment of regular post that can be created on the basis should be made, for regularisation all those who ha e completed 240 days service in two consecutive years, should be given priority in accordance with their length of their services.

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

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

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

"There shall be no order as to costs".

A copy of the said judgement is annexed herewith and marked as Annexure-3.

4.8 That the applicants state that the said judgements was carried on review by the respondents therein but the same was dismissed by the Hon'ble Tribunal by its order and judgement dated 9.5.91.

A copy of the same judgement dated 9.5.94 is annexed herewith and marked as Annexure-4.

4.9 That persuant to the said judgements the applicants therein have been granted temporary status and to the knowledge of the applicants, all the applicants therein have been continuing in their service without any interruption and break and they are enjoying the consequence of granting the temporary status. One of the applicant treansferred to shillong and he has been continuing as Gr.'D' employees on conferment of temporary status with all consequential benefits.

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

4.10 That the applicants state that the respondents instead of being a model employer has envisagas 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 way of hope of future propapects. Thus the applicants have attained a stage under which they can neither go for other employment nor they can abandon their present empoyement. 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 same subject matter of employment for Gr.'D' employees, there is no earthly reason as to why the benefit of the said judgement should not 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 their Tribunal.

4.12 That the applicants state that in view of the facts and circumstances stated above they are compelled to some under the protective hands of this Hon'ble Tribunal again. Further it is stated that by further it is stated that by the petitioners that the respondents have acted illegally and have acted in direct confrontation with the Hon'ble Tribunals order.

4.13 That the applicants further state that some similarly situated persons like that of the applicants belongs to same department has approached this Hon'ble Tribunal before their termination and this Hon'ble Tribunal was pleased to pass interim order directing the respondents not to terminate their service without the leave of this Hon'ble Tribunal. The applicants respectfully submit that due to some unavoidable circumstance beyond their contrl, they could not approach this Hon'ble Tribunal before ^{their} this termination. Again the applicants were posted at very remote areas and they were not been able to leave the service before their termination because of shortage of man power in their respective sites, at least to obtain legal aid for approaching this Hon'ble Tribunal before hand. Be that as it may, on similar circumstances the Hon'ble High Court in

regard to some employees under state Govt, has protected their service even after their termination. The applicants crave leave of this Hon'ble Tribunal to produce a copy of orders passed by the Hon'ble Gauhati High Court at the time of hearing of this OA. This Hon'ble Tribunal has also passed similar orders in respect of CNC work-charged Khalasis like that of the applicants. A Copy of such orders are annexed as ANNEXURE - 5 and 6.

4.14 That inview of the above facts and circumstances it is crystal clear that the respondents have teated them differently. The law in settled that, if some benefit is given to some particular set of employees, than automatically the other similarly situated employees should also be given the said benefit without requiring them to approach the court of law.

4.15 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 this it is a fit case for an interim order directing the respondents not to terminate the services of the applicants till disposal of this instant O.A. It is further stated that by the applicants that the respondents have under taken several other project works and there are post still lying vacant in the Department and hence therein no earthly reason as to why the services of the applicant should not be continued. Again on the ither hand the respondents have undertaken to prepare scheme to absorb the casual labour 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. 'D' posts.

5. GROUNDS FOR RELIEF WITH LEGAL PROVISIONS :

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

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

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

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

5.5 For that the benefit of the scheme of regularisation and conferment of temporary status have not been extended to the other similarly situated employees, there is no earthly reasons as to why the some treatment should not be meted out to the applicants.

5.6 For that the applicants have been treated differently and thus is violation of article 14 and 16 of the Constitution of India.

: 12 :

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 has they being over aged 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 the applicants services and they cannot be utilised the same in exploitative terms in violation of provision mandate and the laws framed thereunder.

6. DETAILS OF REMEDIES EXHAUSTED :

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

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

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

8. RELIEF SOUGHT FOR :

In view of the facts and circumstances stated above, it is most respectfully prayed that the instant

application be admitted records be called for and on perusal of the same and upon hearing the parties on the cause or causes that may be shown be pleased to grant the following reason.

8.1 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.

8.2 To direct the respondents to extend the benefits of Annexure-3 judgement and order of the Principal Bench of the Hon'ble C.A.T. New Delhi.

8.3 To direct the respondents not to terminate the service of the applicants and to allow them to continue in their services through out the year till such time their services are regularised.

8.4 The cost of the application.

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

9. INTERIM ORDER PRAYED FOR :

Under the facts and circumstances stated above the applicants prayed for an interim order directing the respondents to allow them to continue in their services without any interruption.

: 14 :

10. The application has been filed through Advocate.

11. Particulars of the I.P.O

I.P.O No. :- 09 - 349167

Date :- 6 - 11 - 96

Payable at:- G.P.O Gauhati.

12. LIST OF ENCLOSURES :

As stated in the Indix.

Verification.....

: 15 :

VERIFICATION

I, Shri Edul Haque S/O Rafik Haque aged about 23 years, resident of North Jalukbari P.O. & P.S. Jaluk Bari, Assam do hereby solemnly affirm and verify that the statements made in paragraphs 1 to 4 and 6 to 12 of the accompanying application are true to my knowledge and those made in paragraph 5 are true to my legal advice, and I have not suppressed any material facts.

And I am the applicant No.2 of the instant O.A. and as such I am competent to swear this verification, which I signed on this the 12th day of Nov. 1996. at Gauhati.

Md. Edul Haque

Signature of the applicant

SERVICE PARTICULARS OF THE APPLICANTS

SL No:	Name	Age	Last place of posting	No. of days worked	Working since
1.	Md. Mirkashim Ali (61)	24	Guwahati Sub-Divn. at Guwahati		1.7.91 to 15.10.96
2.	Md. Edul Hoque (60)	23	-do-		-do-
3.	Sri Dinabandhu Mahanta(1)	26	Manas Sub-Divn. Bahalpur		15.5.93 to 15.10.96
4.	Sri Atul Nath (45)	27	Pandu		-do-
5.	Sri Narayan Ch.Das(44)	30	-do-		-do-
6.	Sri Jogeswar Pathari(28) (S.T)	37	Nagaon Sub-Divn. B & D Site No.75 Golaghat		15.5.82 to 15.10.96
7.	Sri Hemkanta Loing(22) (S.T)	36	-do-		-do-
8.	Sri Mongla Loing(32) (S.T)	37	-do-		-do-
9.	Sri Hemaram Morang(33) (S.T)	39	-do-		15.5.86 to 15.10.96
10.	Sri Suren Morang(31) (S.T)	38	-do-		-do-
11.	Sri Niranjan Kalita(77)	27	M.B.Sub-Divn. Guwahati.		15.5.93 to 15.10.96.

contd...


 12.11.96

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ANNEXURE-1

12. Sri Muhidhar Das(36)	26	D.S.Kapili Sub-Divn.	15.5.83 to 15.10.96
13. Skx Md Firuj Ali(26)	36	-do-	15.5.82 to 15.10.96
14. Sri Umesh Gogoi(20)	37	-do-	-do-
15. Sri Pabitra Medhi(37)	36	-do-	-do-
16. Sri Chandra Kanta Phukan(21)	35	-do-	15.5.85 to 15.10.96
17. Sri Phanidhar Kakoti(6)	27	BSD, Silchar, Amarpur.	15.5.92 to 15.10.95 (For the seasonal year 1996 he was sick due to accident and now declared fit).

*amited
B.S.K.
Adrodc
12.11.96*

NO. MED/WC/ESTT-24(A)/96/2 S.S.A-662 Dated the 5th May, 1996.

MEMORANDUM

The undersigned is hereby offered 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.	Guwahati 951/93	P.P. Sub-Divn., CwC, Nalbari.	
2.	Shri Hamen Ch. Baishya Vill. Amiyapur P.O. Jangay Dist. Nalbari.	Nalbari 5281/86	-do-	
3.	Shri Labanya Kalita P.O. Sandha Vill. Sandha Dist. Nalbari.	Nalbari 368/79	-do-	
4.	Shri Bidya Ram Haloi P.O. Barbari Vill. Jaymangules Dist. Nalbari.	Nalbari 1158/80	-do-	
5.	Shri Hitesh Sharma P.O. Sandha Vill. Sandha Dist. Nalbari.	Nalbari 3584/86	Pagladia N.T. Road King.	
6.	Md. Chirajuddin Ahmed C/O Khairat Ali P.O. Deharkalakuchi Vill. Kumarikata Dist. Nalbari.	Guwahati 921/93	-do-	
7.	Shri Nripen Kalita P.O. Amdha Vill. Sagalshari Dist. Nalbari.	Nalbari 977/89	Chowki	
8.	Shri Rameswar Kalita P.O. Sandha Vill. Sandha Dist. Nalbari.	Nalbari 469/80	Notungā site	
9.	Shri Narottam Barman Vill. Balkona Dist. Nalbari.	Nalbari 861/81	Suklai site.	
10.	Shri Kashi Ram Deka Vill. Satarkuchi P.O. Balilecha Dist. Nalbari.	Nalbari 336/84	Puthimari	

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

*Amresh
Bimal
Atharbi
12-11-96*

no.	Name & address of the candidate	Employment Exchange Reqd. No.	Date of posting	Remarks
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. Balsor P.O. Bogurihati Dist. Nalbari.	Nalbari 3588/79	D.R.I. site	
16.	Md. Gulzar Ali Vill. Salmara P.O. Balsor Dist. Nalbari.	Nalbari 1438/89	-do-	

D(S)-Kopili Sub-Divn., CwC, Nagaon.

17.	Shri Chitra Rajkhowa Vill. Hujkhutali. P.O. Jus Rançacara Nagaon.	Nagaon 4582/85	D(S)-K Sub-Divn., CwC, Naguon.
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	Kheronighat
20.	Shri Umesh Ch. Gogoi Vill. Nagagaon P.O. Golaghat Dist. Golaghat.	Golaghat 28/87	Kampur
21.	Shri Chandra Kanta Phukan Chowkana P.O. Kachupathar Dist. Golaghat.	Golaghat 5047/86	Jacibhakatgaon
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. Boçoriguri Nagaon.	Nagaon 2966-82	Dharamtul
24.	Shri Rajen Kalita Tehiabarjoha P.O. Hoibargaon Nagaon.	Nagaon 1612/86/82	Gelatill Seasonal site.

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

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B. Ch.
A. Mohan
12.11.96

1. 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.	Nagaon 822/82/89	Gelabill Seasonal site.	
26.	Md. Firuj Ali Islamtpatty P.O. Golaghat Dist. Golaghat.	Golachat 4852/86	-do-	
27.	Shri Golap Saikia Vill. Godarbari P.O. Chakulaghat Dist. Nagaon.	Nagaon 8941/82/80	Kheronichat	
28.	Shri Jogeswar Pathari Vill. Gutung P.O. Bihuwamukh Dist. Golaghat.	Golachat 811/85	w/T Station Bokajan.	
29.	Md. Imran Hussain Vill. Mission patty, P.O. Golaghat.	Golachat 4852/86	-do-	
30.	Shri Dhani Ram Nath P.O. Dighaldari Vill. Dighaldari Dist. Nagaon.	Nagaon 4592/95/84	Jacibhakatgaon	
31.	Suren Morang Vill. Bonkual P.O. Bonkual Dist. Golaghat.	Golachat 2418/85	Gao Site, Golaghat.	
32.	Shri Mongla Loing P.O. Bonkual Vill. Barika Dist. Golaghat.	Golachat 78/87	w/T station Numaligaph	
33.	Shri Hemram Morang Vill. Bartika P.O. Bonkual Dist. Golaghat.	Golachat 1979/93	-do-	
34.	Shri Durga Ram Dekadoloi Vill. Laophulabari P.O. Bogoriburi (Dicholiate) Dist. Nagaon, P.S. Raha.	Nagaon 8541/82/83	Kampur site	
35.	Shri Hari Har Das Vill. Harimukh P.O. Raha Dist. Nagaon.	Nagaon 1227/85/84	Dharamtul site	
36.	Shri Mihidhar Das Vill. Kuarigaon P.O. Raha Dist. Golaghat.	Golachat 5035/86	Golachat W.T. station.	
37.	Shri Pabitra Medhi Vill. Nayabali Ward No. 1 P.O. Golaghat Dist. Golaghat.	Golachat 2637/82	Gao Site Golaghat	
38.	Shri Suresh Ch. Jha C/O Binod Ch. Jha Vill. Dakhipat P.O. Baligaon Dist. Nagaon.	Nagaon 4471/92	Varapani under D(s)-KSD, CnC, Nagaon.	

Contd.... P/4...

Amrit
S. D. K. Adhikari
12/11/76

S.l.	Name & address of no. of the candidate	Employment Exchange Recd. No.	Place of posting	Remarks
<u>Manas Sub-Division, CwC, Barpeta Road.</u>				
39.	Shri Kanak Ch. Das Vill. Sundardia P.O. Sundardia Dist.	Barpeta 1918/78	Lekhi	
40.	Shri Jaleswar Roy Vill. Mowatary P.O. Chapper Dist. Dhubri.	Kokrajhara 279/	Saralpara	
41.	Shri Subhash Narzary Vill. Mainamata Pathar P.O. Mainamata Dist. Barpeta.	Barpeta 5176/86	Panbari	
42.	Shri Dilip Kumar Sarker Vill. Dewrikuchi Dist. Barpeta	Barpeta 27 250/83	Kokrajhara	
43.	Shri Kishore Kr. Talukdar Vill. Lalan P.O. Akaya Dist. Barpeta Road	Barpeta 3247/49	Panbari	
44.	Shri Narayan Ch. Das C/O D.C. Das M.B. Divn., CwC, Ghy.-7.	Guwahati 4211/82	Dhubri	
45.	Shri Atul Ch. Nath Vill. Barpalaha P.O. Kamalpur (Assam).	Guwahati 3038/92	Dhubri	
46.	Mrs. Arifa Begum C/O Taijuddin Ahmed Vill. Muslimpatty P.O. Barpeta.	Barpeta 957/83	Manas sub-Divn., CwC, Barpeta Rd.	
47.	Shri Madhu Kumar Sarker Vill. Barartari P.O. Sra Lamundi Barpeta.	Barpeta 3794/84	-do-	
48.	Shri Dilip Kr. Nath Vill. North Barpeta Road P.O. Barpeta.	Barpeta 3121/82	Lijini site	
49.	Shri Monoj Kr. Sarker Vill. Dewrikuchi Dist. Barpeta.	Barpeta 5526/84	Manas N.H. Ring	
50.	Shri Hemanta Kr. Medhi Vill. Demriya P.O. Ehoakami, Via. Patshala, Barpeta.	Barpeta 2104/80	Lijini site	
51.	Shri Rajib Kali Vill. Munipatty Ward No.5 P.O. Dhubri.	Dhubri 3554/84	Saralpara	
52.	Shri Dayal Ch. Doimari Vill. Khutalpara P.O. Senefuly Barpeta.	Barpeta 1308/80	Mathanguri	

Opined
Advocate
12/11/96

Sl. no.	Name & address of the candidate	Employment Exchange Regd. No.	Place of posting	Remarks
53.	Shri Bandi Ram Nath Vill. Anandapur P.O. Nityananda Barpeta.	Barpeta 5450/79	Menap N.H. Xing.	
54.	Shri Anil Boro Vill. Nizarapar P.O. Chandmari Guwahati-3.	Guwahati 1520/90	Site	
55.	Shri M.R. Lasumatary Vill. Cheechapani P.O. Magurmar Kokrajhar.	Barpeta 898/79	Kokrajhar	
<u>M.B. Sub-Division, CWC, Guwahati-3.</u>				
56.	Shri Niranjan Das Vill. Goral Barapara, P.O. Bhattapara Dist. Kamrup (Assam).	Guwahati 611/84	M.B. Sub-Divn. CWC, 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.C. Laihipur Dist. Goalpara.	Goalpara 9131/80	-do-	
60.	Md. Edul 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.C. 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. Malaykari P.O. Malaykari Dist. Kamrup.	Guwahati Nil	M.B. Sub-Divn CWC, Guwahati	
64.	Shri Lendhab Kalita C/O S.R. Kalita, M.B. Sub-Divn., CWC, Rajgarh Rd., Guwahati.	Guwahati 1036/83	-do-	

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Iowa
12-11-86

Name & Address of the candidate	Employment Exchange Regd. No.	Date of posting
65. Shri Abdul Pathak C/O Shri D.B.Chetry, H.O. Circle, CWC, Nabin Nagar, Jnanpath, Guwahati-24.	Guwahati 8580/83	D.C. Court Guwahati.
66. Shri Karuna Kumar Barishya C/O Madhab Ch. Nath Chandmari Colony Guwahati-3.	Guwahati 1947/89	Goalpara
67. Biren Choudhury Vill. Kandrapara P.O. Bajaj (Tini Ali) Sonitpur.	Tezpur 6121/82	Seppa Site
68. Shri Lakshi Neog Vill. Kaliagaoon P.O. Bihuguri Sonitpur.	Tezpur 1020/82	Banasite
69. Shri Hem Ch. Das Vill. Kaibarta Chuburi P.O. Bokergaoon Dist. Sonitpur.	Tezpur 1655/87	Seppa Site
70. Jyotish K. Das Vill. Patalar Chak P.O. Jamugurighat & Sonitpur.	Tezpur	Seppa Site
71. Shri Siba Charan Nath Vill. Cowan Chak P.O. Wendikes Sonitpur.	Tezpur 1379/89	Jiabharali
72. Md. Abdul Hakim Socighopa Ferrichat Goalpara.	Goalpara 1026/81/87	Goalpara
73. Shri Lalen Ch. Rava Vill. Baripara P.O. Singra Dist. Kamrup.	Guwahati 2785/84	Caitandha
74. Shri Rajsekhar Basumatari Vill. Chapaguri P.O. Chapaguri Dist. Sonitpur.	Tezpur 5081/91	W/I S tation Tezpur
75. Shri Bijoy Kumar Sarma Vill. Bawriagon P.O. Katakibari Dist. Sonitpur.	Tezpur 137/89	-do-
76. Shri Seni Ram Rora Vill. Sugoli Chuburi Bhomeraguri, Sonitpur.	Tezpur 4891/85	Bhomeraguri
77. Shri Niranjan Kalita. Vill. Bhurepara (Kaliapara) C/O Krishna Kanta Kalita Bijoy Nagar, Kamrup.	Guwahati 6741/90	-d o-
78. Shri Nam Ram Nath Vill. Kumar Chuburi P.O. Thelamra, Dist. Sonitpur.	Tezpur 4043/80	Eana Site

Contd..... p/7...

*Amritas
B. D. D.
Advocate
12.11.96*

no.	Name & address of the candidat	Employment Exchange Regd. NO.	Place of posti ng	Remarks
79.	Shri Dharanidhar Kalita P.O.Sandha Vill. Sandha Dist. Nalbari.	Nalbari 1448/69	Bana Site	30
80.	Shri Khagen Ch. Kumar, G/O M.N. Kumar Bapuji School Ulukari, 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.	

M.B. Division, CWC, Guwahati-7.

83.	Shri Kanak Sharma C/O K.C. Sarma 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 4197/88	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 Karman C/O Bongshi Kalita Chanikuthi Hill site Silpukhuri, Guwahati-3.	Guwahati 5073/	H.O. Circle, CWC, Guwahati-24.
89.	Shri Madhab Ch. Das Vill. Katakibari P.O. Boramboi Dist. Kamrup (Assam).	Guwahati 5668/87	A.E. (Wireless)
90.	Shri Uddhab Ch. Das C/O Padma Ch. Das, Vill. Barahtola (Majuli)	Guwahati 8244/45	Met Section
91.	Miss. Srikha Bhattacharjee C/O E.B. Kar P.O. & Vill. Kahilipara Guwahati-18.	Guwahati 459790	M.B. Sub-Divn. Guwahati
92.	Shri Dipul Deka Railway Colony, Samunimaidan, Guwahati-21.	Guwahati 7294/85	-d o-

Contd.....p/8....

Mashal
12.11.96

SEN 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. Shriv 5/16
(V.P. Shriv)

EXECUTIVE ENGINEER

Copy forwarded for information and necessary action to:-

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

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Amstel
for Dr
Adcock
12.11.96

26

Government of India
Central Water Commission
Middle Brahmaputra Division
Rajbari Road, Guwahati - 781007.

No. RWD/NC/lett-24(A)/96/ 2738-2803 Dated the 10/5/1996.

M A M O R A D B U M

The undersigned is hereby offers appointment to the following persons as "Workcharged Seasonal Khalsei" in the workcharged establishment in the pay scale of Rs.750-12-870-24-14-940/- per month with usual allowances as admissible as per rules from time to time.

Sl. No. of the Candidate	Employment exchange Regd. No.	Place of posting	Remarks
1. Shri Dineshbandhu N. Ghentsa C/o. Jayin Ch. Mukanta P.O. Chameria Satra Vill. Chameria Satra	Guwahati 4926/66	Behulpur	
2. Shri Duddi Ram Nath Vill. Barpahala P.O. Barpahala Dist. Kamrup.	Guwahati 5947/68	Met Section	

The appointment is on "Ad-hoc" basis and is purely temporary and upto 15.10.96 (A.M) 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 13.5.96 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.G.
9.5.96
(V.P. G.S.I.V)
EXECUTIVE ENGINEER

Copy forwarded for information and necessary action to:-

1. The Assistant Executive Engineer, Dunes Sub-Division, CWC, Darrpeta Road.
2. The E.A.D. (R.D.), Met Section, R.B.Divn., CWC, Guwahati-7.
3. The Employment Officer, Guwahati-1.
4. Associate Branch, R.B.Division, CWC, Guwahati-7.
5. Person concerned.

Amritpal
Asst. Secy
12.11.96

CENTRAL ADMINISTRATIVE TRIBUNAL

MUNICIPAL BENCH

NEW DELHI

O.A. No. 223, 001, 160, 22.02.8, 2410 of 1992

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

HON'BLE MR JUSTICE S.K.DHAI, VICE CHAIRMAN
HON'BLE MR B.M.DHONIYAL, MEMBER(A).

O.A. No. 223 of 1992

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

... Applicants.

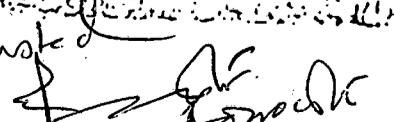
O.A. No. 084/1992

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 Sidhpur Lora
P.O. Bahadur Garh,
District Rohtak(Haryana).
3. Nand Kumar
S/O Shri Vishal Chaudhary
R/O S 27/B-303, Railway Colony,
Gughlakabad,
New Delhi.

... Applicants.
vs.

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

Amended


 12-11-96

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

(through Mr. Jag Singh, Advocate).

O.A. No. 1601 of 1992

Siri Rajesh Kumar Saini
 S/o Siri Veer Singh Saini
 Workcharged Khalasi
 under Executive Engineer
 Central Stores Division
 Central Water Commission
 West Block No. 1, Ring No. 4,
 2nd Floor, R.K. Puram,
 New Delhi. Applicant.
 (through B.S. Maline, Advocate).

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

(through B.S. Maline, Advocate).
O.A. 2418 of 1992

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

2. Siri Raju Kashyap, S/O
 Siri Nikka Ram;
3. Siri Daya Ram S/O Ganga Ram.
4. Siri Dali Singh S/O Bhup Singh.
5. Siri Giri Raj S/O Mishri Singh
6. Siri Birendra S/O Totu Ram.
7. Siri Ram Kumar Rai S/O Hardev Rai.
8. Siri 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. Maline, Advocate).

vs.

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

..... Respondents
 (In all three above O.A.s
 through Mr. Jag Singh in 1601 and 2245/92 and
 through Mr. P.P. Khurana in O.A. No. 2418 of 1992).

Ambedkar
 12-11-96

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1-3-1

ORDERB.N.DHONDIYAL, MAHARAJA

The applicants, in all the above-mentioned O.A.s have been working as Khalasis, Carpenters, Mistries, Motor Mechanics, Drivers and Electricians under the Executive Engineer, Central Water Commission, R.K.Dham, 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.2410/92. 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.A.s, 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

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 200 days in all the three years.

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

Sir B. S. Maini, 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. Raja Singh and others, 1992(3) Vol.45 S.C.R.24:

"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

Ambedkar

2/11/96

- 24 - 25

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;

(11) 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.Bhandardar)
Member(A)

(S. K. Bhau)
Vice Chairman

CEMETERY
REGISTRATION
SECTION OFFICE
REGISTRATION
SECTION OFFICE

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12.11.86

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- 34 -

CENTRAL ADMINISTRATIVE TRIBUNAL,
PRINCIPAL BENCH,
NEW DELHI.

Faridkot House
Copernicus Marg,
New Delhi-1.

Dt. 31/5/94

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

1. Sh. Jag Singh
counsel for the applicant In RA
1100, Prakash Deep, 7, Vileshwar Marg,
New Delhi.

Verous'

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

3. Sh. Raju Khushiyup S/o Sh. Nikka Ram.

4. Sh. Daya Ram S/o Sh. Ganga Ram.

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

6. Sh. Niraj Singh S/o Sh. Niraj Singh

7. Sh. Bijendra S/o Sh. Tota Ray

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

Secty. Min. Water Resources

Applicants

RA 172/94 in
U.A. No. 2414/92

VS
Rajender Sharma & Ors.

Respondents

I am directed to forward herewith a copy of Judgment/Order dt.
31/5/94 passed by this Tribunal in the above mentioned case
information and necessary action, if any.

Opposed
Parshant
2.11.94

Yours faithfully,

(G)
SECTION OFFICER (D-II)

21 34
- 32 -
Administrative Tribunal
of Delhi, New Delhi.

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

New Delhi the 17th day of May, 1994.

Hon'ble Mr. Justice S.K. Dhawan, Vice-Chairman (O)
Hon'ble Mr. B.N. Dhandiyal, Member (A).

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

1. The Secretary,
Ministry of Water Resources,
Ghansham 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.

Respondent in RA/
Applicant in OA.

(through Sh. Jai Singh)

RA-165/94 in RA-2246/92 v/s

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

Respondent in RA/
Applicant in OA.

RA-171/94 in RA-1001/92

Shri Rajesh Kumar Joshi,
S/o Shri Veer Sain Joshi,
Workchargee Khilasi,
under Executive Engineer,
Central Stores Division,
Central Water Commission
West Block No.1, Wing No.4,
2nd floor, R.K. Puram,
New Delhi.

Respondent in RA/
Applicant in OA.

RA-172/94 in RA-2418/92

1. Shri Rajendra Sharma,
S/o S. K. Sharma,
Clerk, Central Stores Divn.,
Central Water Commission,
West Block No.1, Wing No.4,
2nd floor, R.K. Puram,
New Delhi.

3. Sh. Raju Kashyap,
S/o Shri Nikku Ram.

3. Sh. Darya Ram,
S/o Sh. Ganga Ram.

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

5. Shri Giriraj,
S/o Shri Mishri Singh.

6. Shri Bishendra,
S/o Sh. Totu Ram.

7. Sh. Ram Kumar,
S/o Sh. Hymji Ram.

8. Sh. Uday Kumar,
S/o Shri Kurukul.

Respondents in RA/
Applicants in DA.

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

ORDER (BY CIRCUMSTANCES)
delivered by Hon'ble Mr. D.N. Bhushan, Mumbai (A)

These various applications have been filed
by the respondents against the same. Judgment delivered
on 10.02.94 in C.A. Nos. 223, 884, 1601, 2206 & 2418 of
1992. The following directions were given:-

(i) The respondents shall prepare a scheme
for retention and regularization 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 regularization, all
those, who have completed 240 days service
in two consecutive years, should be given
priority in accordance with their length
of service;

(ii) Those, who have completed 120 days of service
should be given temporary status in 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
regularization;

Amritpal Singh

Advocate
12.11.94

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(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 statement shall be submitted by the transports for scrutiny of the 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 constraints and completion of works in hand U/C staff under different categories from both Central Stores 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 sanctioned 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 regularization 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 Dptt. 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

12/1
6/6

Established principle.

We, therefore, hold that no writ or amendment, in the face of judgement, has been brought out in the review applications, which are hereby dismissed. It is remitted that a scheme - prepared in the light of these directions, shall be presented for scrutiny to this Bureau within the stipulated time.

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

(S. N. DUCHEMIN)
MEMBER (A)

(S. N. DUCHEMIN)
Vice Chairman

1/1/

Chirikar
S. N. DUCHEMIN

Member (A)

1/1/ 77

CC : S. N.

C. N. D. B.

AM. D. B.

Quesad

Adm. 125/11/76

CC : S. N.

1/1/ 77
Section Officer
S. N. D. B.

Kuruna Kanta Saikhyu & Ors.

Applicants.

Union of India & Ors.

Versus

Respondents.

- PRESENT -

THE HON'BLE SHRI G.L.SANGLYINE, MEMBER(A)
For the Applicants : Mr.B.K.Sharma,

Mr.R.Mehta & Mr.S.Sharma, Advocates.

For the Respondents: Mr.S.Ali, Sr.C.G.S.C.

31-10-96 : Learned counsel Mr.B.K.Sharma for the applicants. Learned Mr.S.C.G.S.C. Mr.S.Ali for the respondents.

Heard Mr.B.K.Sharma for Admission.

The applicants were Seasonal Khalasi of the Central Water Commission working under the Middle Brahmaputra Division. They have prayed for allowing them to join in this single application. Permission for joining in this application is allowed to the applicants in terms of Rule 4(5) (a) of the Central Administrative Tribunal (Procedure) Rules 1987 as the terms and conditions mentioned therein are fulfilled.

Perused the contents of the application and relief sought. Application is admitted. Issue notice on the respondents by registered post. Written statement within six weeks. List for written statement and further order on 16-12-96.

Mr.B.K.Sharma prays for an interim order. The services of these applicants stood terminated in the afternoon on 15.10.96.

contd/-

Attest

Advocate
12.11.96

11-10-96. The claimant submits that the applicant could not approach this Tribunal in time due to unavoidable circumstances beyond their control as they were posted in remote areas and could not leave their duties to take legal action in time. He has also submitted that the applicants are similarly situated as those other Seasonal Khalasis under the Central Water Commission who had approached this Tribunal in time and in whose case the respondents were directed by this Tribunal to finalise the scheme of regularisation within three months from 15-10-96. In those cases the respondents were further directed to take sympathetic view and to provide work to the applicants pending finalisation of the scheme and that their services should not be terminated pending finalisation of this scheme without leave of this Tribunal. In this connection he refers to the order dated 15-10-96 in M.F. 153/96 to 161/96. Therefore, he submits that the applicants in this case are entitled to be granted similar reliefs. Mr. S. Ali, Sr.C.O.S.C submits that the services of the applicants had ended on 15-10-96 (i.e.) and oppose grant of interim relief. Mr. S. Ali, Sr.C.O.S.C. Heard counsel of both sides, opines that the applicants in this case are similarly situated with the other seasonal Khalasis of the Central Water Commission except that they did not approach this Tribunal in time, the competent authorities of respondents are hereby directed to take a sympathetic view and provide works to the present applicants also within 15 days from to-day and after they have been so provided the



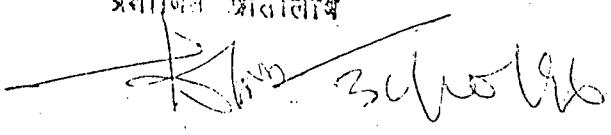
*Original
Copy
Adarsh
12-11-96*

31-10-96. Service of the application shall not be terminated without leave of this Tribunal.

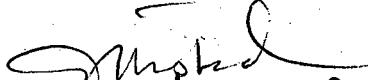
Sd/- MEMBER

Certified to be true Copy

प्रसापित अतिथियि


 COURT OFFICER
 अधिकारी
 Central Ad. Tribunal
 केन्द्र अधिकारी बोर्ड
 Guwahati Branch, Guwahati-8
 गुवाहाटी ब्रांच, गुवाहाटी-8

31/10


 Mohan

 B. K. Baruah
 11-11-96

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CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

ANNEXURE - 6

CA No. 2584 M

P. R. Ray & Ors. Applicant(s)
- Versus -

Commissioner of Land Revenue Respondent(s)

Mr. B.K. Sonowal, B. Mukherjee & K. Talukdar - Advocates for Applicant(s)
S. Sonowal -

Advocates for Respondent(s)

Office Notes - - - - - Date - - - - - Court's Orders - - - - -

This application is in
form and within time
C. P. of Rs. 50/-

Deposited vide
IPO-BD No 349/66
Dated ... 6.11.96

Dr. Sonowal
U.T. Registrar 11/11/96
11/11/96

12.11.96

Learned counsel Mr G.K. Thakuria
for the applicants. Learned Sr. C.G.S.C.
Mr S. Ali for the respondents.

Heard Mr G.K. Thakuria for
admission.

The applicants have sought
permission to join together in this single
application in terms of Rule 4(5)(a) of
the Central Administrative Tribunal
(Procedure) Rules, 1987. Since the conditions
mentioned therein are fulfilled the 12
applicants are allowed to join in this
single application under the aforesaid
rule.

Perused the contents of the
application and reliefs sought. The applica-
tion is admitted. Issue notice on the
respondents by Registered Post.

List for written statement and
further orders on 16.12.96.

Heard counsel for the parties
on the interim relief prayer. The applicants
are similarly situated as the seasonal
Khalasis in O.A.No.253/96 as they have
not approached the Tribunal in time.
Therefore, in this case also the competent
authority of the respondents are directed
to take a sympathetic view and provide

Amited
for
Advocate
17.11.96

12.11.96

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works to the present applicants also within 15 days from today and after they have been so provided the services of the applicants shall not be terminated without leave of this Tribunal.

Pl. comply
immediately.

12/11/96:

nkm

M
12/11

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Member

6/2
u/p
FILED COPY
Central Govt.
(MD. SHAUKAT ALI)
Central Administrative Tribunal
Guwahati Bench, Guwahati

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH AT GUWAHATI

In the matter of

O.A. No. 263 of 1996
Md. Mirkashim Ali & 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:-

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 working under the Respondents on casual basis" is not correct. The Respondents further beg to state that presently all the applicants except Shri Phanidhar Kakati (Applicant no. 17) 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 ~~are~~ that they ~~are~~ being engaged upto 15th October, 1996. 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 the alleged scheme referred thereto is not applicable in the facts and circumstances 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.

The scheme of 1993 is not applicable to the casual/ adhoc Khalasis/ 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 thereafter of 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 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 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. As per the knowledge of the Respondents, no applicant was engaged during the intervening period. It is further stated that accordingly the last column of Annexure 1, submitted by the applicants needs correction, which shows their continuance engagements without any break.

4.7 to 4.9 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 for flood forecasting activities for a limited period during monsoons every year for specific work. It is further stated that the seasonal Khalasis are not adhoc employees. The Respondents further beg to state they are not aware of any seasonal Khalasi/ who has got the benefit of the above judgment and posted to Shillong. The Respondents further beg to state that applicants may indicate the name and his earlier designation of the seasonal Khalasi, who is stated to have been posted to Shillong. It is respectfully stated that the judgment of this 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 hereinabove 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.

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. After 15th October there is no work 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 the Respondents have highest regard for the majesty of the Hon'ble Tribunal.

4.13 to 4.15 That with regard to statement made in para 4.13, 4.14 and 4.15 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 of 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 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.

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 facts and as such the application is liable to be dismissed.

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

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

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

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

Verification

I, V.P.Shiw, 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. Legal submission made therein are true upon legal advice received and believed to be correct. I sign this verification on this 16th day of February, 1997 at Guwahati.

V.P.Shiw
DECLARANT