

50/600

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

8

(DESTRUCTION OF RECORD RULES, 1990)

**INDEX**

M.P- 312/98 order sheet pg-1 to 2  
Disposed date- 05/1/99  
M.P- 172/97 order sheet pg-1 to 2  
Dismissal date- 19/6/97

O.A/T.A No... 34/1996  
R.A/C.P No.....  
E.P/M.A No... 312/1998

1. Orders Sheet... OA-34/96 .....Pg... 1 .....to... 6 .....
2. Judgment/Order dtd. 04/8/1998 .....Pg... 1 .....to... 3 Disposed
3. Judgment & Order dtd.....Received from H.C/Supreme Court
4. O.A..... 34/96 .....Pg... 1 .....to... 32 .....
5. E.P/M.P. 312/98 .....Pg... 1 .....to... 8 .....
6. R.A/C.P. M.P- 172/97 .....Pg... 1 .....to... 5 .....
7. W.S.....Pg... 1 .....to... 4 .....
8. Rejoinder.....NIL .....Pg.....to.....
9. Reply.....NIL .....Pg.....to.....
10. Any other Papers.....NIL .....Pg.....to.....
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.....

Additional W.S- pg-1 to-3

W.S. . pg-1 to-4

SECTION OFFICER (Judl.)



FIGE NOTE

DATE.

ORDER.

2822-96

post. The applicant has stated that he belongs to backward class of Yogi Caste which is recognised as OBC in the State of Assam. We see no reason as to why the applicant <sup>should be</sup> had denied the benefit of the policy guidelines and the various regularisation schemes which have been formulated by the Government. We do not know whether the applicant has not been found eligible for regularisation within the frame work ~~an~~ of the policy and the scheme. We therefore, think that it is ~~xxxx~~ a fit case to be considered by the respondents through their appropriate department particularly as it appears that the applicant have <sup>has</sup> filed representation on 2-3-95 and 4-12-95 which have not been replied. The decision taken in the matter shall be conveyed to this Tribunal. The respondents are directed not to terminate the service of the applicant <sup>until</sup> only further orders. Liberty to the respondents to apply if any variation is necessary in this directions.

O.A. is admitted. Issue notice to the respondents. 8 weeks for written statement. Adjourned for orders to 10th April 1996. Directions as above

Member

Vice-Chairman

lm

Order dt. 28.1.96  
to all concerned vide  
no. 521-524 dt. 11.3.96.

LMB

Requisites are read  
on 12-3-96 & issued  
vide no. 578-80 dt. 18.3.96.

LM  
15/3

10-4-96

Adjourned to 30/5/96

Dr MDR

B/S

OFFICE NOTE

DATE

ORDER

30.4.96

30.5.96

Mr S. Ali, learned Sr. C.G.S.C., for the respondents. Written statement has been submitted.

*W/S submitted by the Replt. 1, 2 & 3. At page 31-36.*

List for hearing on 3.7.96.

*[Signature]*  
Member (A)  
*[Signature]*  
Member (J)

*D Service of notices on sdn - omitted*

nkm

3.7.96

Mr K.Choudhury for the applicant. Adjourned for hearing to 31.7.96.

*[Signature]*  
Member

5.6.96

*Notice duly served on Replt No. 2, 3.*

pg

31.7.96

Mr Q.S.Kutubuddin for the applicant. Mr S.Ali, Sr.C.G.S.C for the respondents seeks one month time to enable him to file additional written statement.

Hearing adjourned to 29.8.96. Mr Ali may submit additional written statement with copy to the counsel of the opposite party.

*[Signature]*  
Member

*Add. w/s submitted. has not been filed.*

pg

29.8.96

Mr Q.S.Kutubuddin for the applicant. Mr S.Ali, Sr.C.G.S.C for the respondents.

Mr Ali has submitted additional written statement and copy of the same has been served on the counsel of the applicant.

List for hearing on 26.9.96.

*[Signature]*  
Member

30.8.96

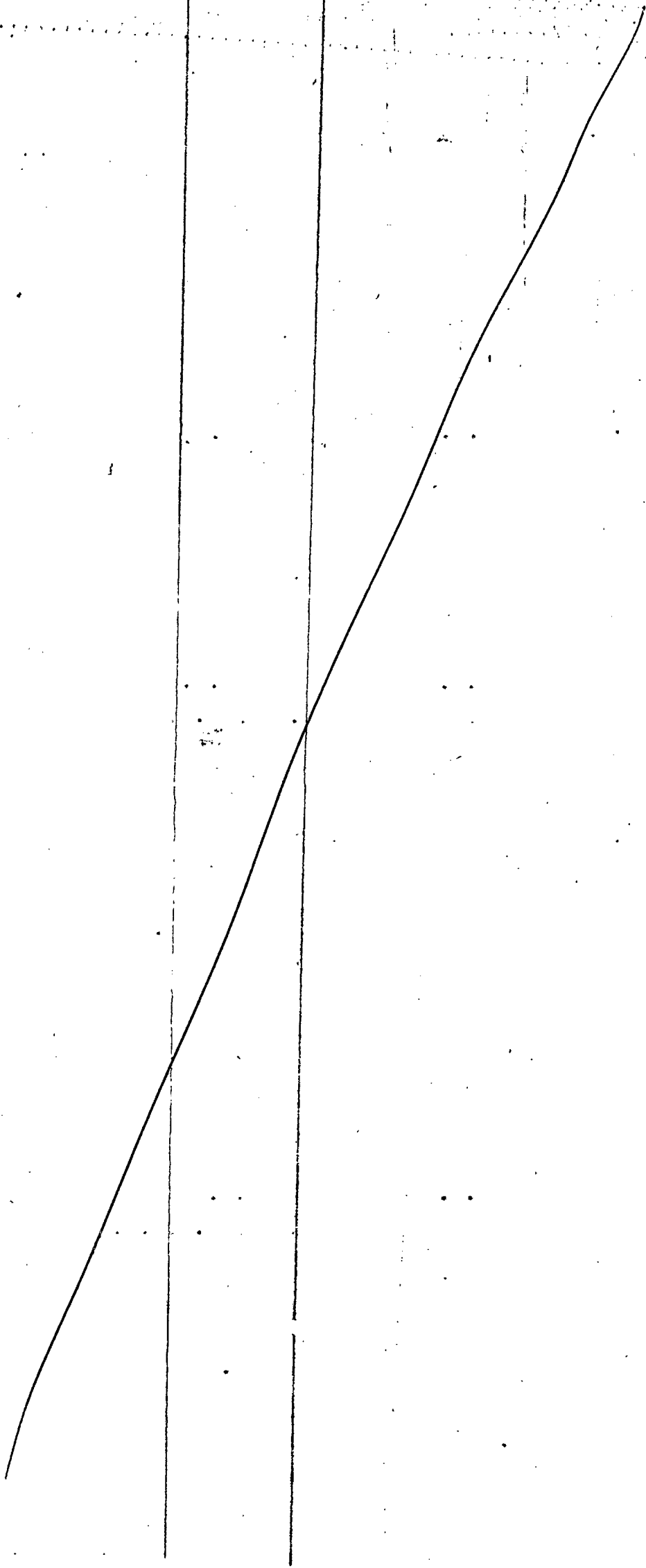
*Add. W/S filed by R. No. 1, 2 & 3.*

pg

OFFICE NOTE

DATE

ORDER



(4)

O.A. 34 of 1996

1) Notice duly served on OP. No. 2 & 3.  
2) w/ statement & Addl. w/ statement - has been filed.

26.9.96

Mr. Q.S. Qutubuddin for the applicant.

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

List for hearing on 14.11.1996.

*ba*  
Member

trd  
m/27/9

14.11.96

None for the applicant.

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

List for hearing on 13.12.1996.

*ba*  
Member

1) Notice duly served on OP. No. 2 & 3.  
2) w/ statement & Addl. w/ statement - has been filed.

nkm  
m/14/11

8.4.97

Mr S. Ali, learned Sr. C.G.S.C is present for the respondents.

List for hearing on 26.5.1997.

*ba*  
Member

*LB*  
Vice-Chairman

1) w/ statement & Addl. w/ statement - has been filed.  
2) Notice duly served on OP. No. 2 & 3.

pg  
m/9/14

20/5/97

Mr S. Ali, submits that the case relates to Tripura and it will be convenient if the case is taken up at Agartala. Let the case be heard at Agartala whenever we sit there. The next date of hearing will be notified later.

Member

Vice-Chairman

23/5

*ba*

9

26.5.97

Mr G.K. Bhattacharyya is not the counsel for the applicant as shown in the cause list. However, Mr K. Choudhury is one of the counsel appearing on behalf of the counsel for the applicant in this case. He is not present. The case is dismissed for default.

*ba*  
Member

*SB*  
Vice-Chairman

nkm

19-6-97

In view of the order passed in Misc. Petition No.172/97 the Original Application is restored to file.

Let this case be listed for hearing on 31-7-97.

Member

*SB*  
Vice-Chairman

lm

31-7-97

Left over. List on

*By order*

21-8-97

Memo of appearance has been filed.

11-9-97

Case is ready for hearing. Case is adjourned till 8-1-98 for hearing.

*ba*  
Member

*SB*  
Vice-Chairman

lm

8.1.98

Let the case be listed for hearing on 30.3.98.

Member

Vice-Chairman

pg

pg

19/11

30.3.98

Let this case be listed for hearing on 1.7.98.

Member

Vice-Chairman

pg

19/11

6.6.97

Copy of the order

has been sent to the d/Sec. for insertion same to the L/Ads. of the parties.

vide NO. 2049 & 2050

dated 10-6-97.

*W/S and Addl. W/S has been filed.*

*30/7*

*21/8/97*

*W/S and Addl. W/S has been filed.*

*10/9*

*W/S and Addl. W/S has been filed.*

*7/11*

The case is nearly for hearing as regard Service & W/S

*The case is ready for hearing as regards Service, W/S, Addl. W/S*

| Notes of the Registry  | Date  | Order of the Tribunal  |
|--|---|--|
| <p>A copy of this order shall be furnished to Mr S. Ali, learned Sr. C.G.S.C.</p> <p>By Order<br/><i>[Signature]</i><br/>17/7/98</p>   | <p>1.7.98<br/>15</p> <p>nkm</p> <p><i>ns</i><br/><i>2/7</i></p> | <p>The Principal, State Forest College, Burnihat, shall appear before this Tribunal on 17.7.98 in view of the stand taken in the written statement and the additional written statement.</p> <p><i>[Signature]</i><br/>Member</p> <p><i>[Signature]</i><br/>Vice-Chairman</p>  |
| <p><u>3.7.98</u><br/>Copy of order dtd. 1.7.98 issued to the Mr. S. Ali, Principal, State Forest College by Regd/Post on.</p> <p><u>Bon</u><br/>W/S and Add. W/S has been filed.</p> <p><i>ns</i><br/><i>16/7</i></p> <p>Pl. comply order dtd 17.7.98.</p> <p><i>ns</i><br/><i>20/7-</i></p> | <p>17-7-98</p> <p>lm</p> <p><i>ns</i><br/><i>20/7</i></p>       | <p>In spite of issuance of notice the Principal has not turned up. We also gave order to furnish a copy of the order dated 1-7-98 to Mr.S.Ali, to take immediate steps. The Principal has not present to-day.</p> <p>Issue notice to the Principal why appropriate steps shall not be taken. Notice is returnable by 2 weeks. Office to send by registered post. List it on 4-8-98 for hearing.</p> <p><i>[Signature]</i><br/>Member</p> <p><i>[Signature]</i><br/>Vice-Chairman</p> |
| <p><u>21.7.98</u><br/>Notice issued to the principal, Burnihat Forest College, by Regd/Post vide P.O.</p> <p><u>Bon</u></p>  | <p>4.8.98</p> <p>nkm</p>  | <p>Heard the learned counsel for the parties. Hearing concluded. Judgment delivered in open court, kept in separate sheets. The application is disposed of. No order as to costs.</p> <p><i>[Signature]</i><br/>Member</p> <p><i>[Signature]</i><br/>Vice-Chairman</p>   |
| <p><u>28.8.98</u><br/>Copies of the judgment have been sent to the office for supply to the parties. One to the parties. Through Regd with A.D.</p> <p><u>Bon</u></p>  |   |  |

4

| Notes of the Registry  | Date | Order of the Tribunal |
|--|------|-----------------------|
| <p>written statement filed<br/>on behalf of the respondents<br/>No-2. Copy of the<br/>same not yet served<br/>by the opposite party.</p> <p><math>\frac{24}{3}</math> 3.8.98.</p> <p>Copies of the Judgment<br/>has been served &amp; return<br/>vide nos. No. 2544 &amp; 2545<br/>dt. 11.9.98</p> |      |                       |

ESC. N. L.

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH :: GUWAHATI-5.

O.A.No. 34 of 1996

DATE OF DECISION... 4.8.1998 .....

!! Shri Bichitra Nath (PETITIONER(S))

Mr Q.S. Kutubudhin ADVOCATE FOR THE  
PETITIONER(S)

VERSUS

Union of India and others RESPONDENT(S)

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

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

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

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

Judgment delivered by Hon'ble Vice-Chairman



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

Original Application No.34 of 1996

Date of decision: This the 4th day of August 1998

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

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

Shri Bichitra Nath,  
Casual Worker in the  
Office of the Principal,  
State Forest Service College,  
Burnihat, Assam.

.....Applicant

By Advocate Mr S. Kutubudhin.

- versus -

1. The Union of India, represented by the Secretary to the Government of India, Ministry of Environment, Forest and Wildlife, New Delhi.
2. The Principal - Shri Debjyoti Mitra, IFS, State Forest Service College, Burnihat, Assam.
3. The Secretary, Labour and Employment, Department, Government of Assam, Dispur.

.....Respondents

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

.....

O R D E R

BARUAH.J. (V.C.)

In this application the applicant has prayed for certain directions to the respondents. The facts are:

In the year 1986 the applicant and four others were engaged as casual workers in the State Forest Service College, Burnihat. Out of the five casual workers, four had already been regularised. In the year 1996 the Principal of the college assured the applicant that he would also be regularised within three to four months. However, the



applicant's case has not yet been considered and he is still a Casual worker. Hence the present application.

2. In due course the respondents have entered appearance and filed written statement. In their written statement the respondents have admitted that it was assured that the applicant's case would be considered within three to four months. The respondents have also filed an additional written statement. In the first sub-para of para 1 of the said written statement the respondents have stated thus:

"as in the case of Sri Ananda Talukdar and 4 others in O.A.No.32/91, no vacancy is available in the State Forest Service College, Burnihat accommodated to the applicant who is casual daily labourer and therefore, a Supernumerary post has to be created for the applicant, Sri Bichitra Nath. This will, however, required approval of the Hon'ble Minister of Environment and Forest and the Minister of Finance. This is a time taking process and it requires a minimum of 3 - 4 months time to complete the process.

The Respondents further beg to state that, the case of the applicant will be definitely considered for regularisation. It is only a matter of time."

Though it was categorically stated that the applicant will be regularised, till now nothing has been done.


31. We have heard Mr G.S. Kutubudhin, learned counsel for the applicant and Mr S. Ali, learned Sr. C.G.S.C. Mr Kutubudhin submits that there is total non-action on the part of the department even though assurance was given to the applicant which reflected in the written statement. Mr Ali also does not dispute that the department wanted to regularise the applicant. However, for certain reasons it could not be done. Mr Ali has also drawn our attention to the fact that the case was dismissed for default and after few months it was restored. This also, in all probability, hampered the earlier decision. Today, the Principal of the college.....


*B*

college, Shri B.K. Singh, is present in the Tribunal. He also submits before us that the applicant deserves similar treatment like the other four persons and it was also assured by the department that the applicant would be regularised soon. However, for certain reasons the final order could not be passed because of the non-receipt of approval from the higher authority. Mr Singh further submits that they hope to receive such approval within a short time.

4. On hearing the learned counsel for the parties and also the Principal of the college, we dispose of this application with direction to the respondents to regularise the service of the applicant like the other four casual workers as early as possible, at any rate within a period of four months from the date of receipt of this order.

5. The application is accordingly disposed of. Considering the facts and circumstances of the case we, however, make no order as to costs.

  
( G. L. SANGLYINE )  
MEMBER (A)

  
( D. N. BARUAH )  
VICE-CHAIRMAN

Central Administrative Tribunal  
केन्द्रीय प्रशासनिक अपीलस्थल  
27 FEB 1996  
Gawalhati Bench  
गुवाहाटी प्रशासनिक

F O R M - I

( D and E Rule - 4 )

OA 34/96

Application under Section 190 F the Administrative Tribunal Act, 1985

Date of filing : 2.2.96

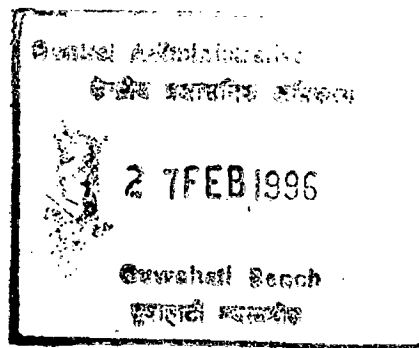
- Or -

Date of Receipt of Post : By hand

Registration No. : OA 34/96

Signature

Registrar



Filed by  
-the Applicant  
through R.S. Kishore  
Advocate.  
12/1/96

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH : GUWAHATI

O A 34/96

B E T W E E N

Shri Bichitra Nath.

... Applicant.

- A N D -

The Union of India and Others.

... Respondents.

1. Particulars of the Applicant :

i) Name of the Applicant :

Shri Bichitra Nath,  
S/o Late Bhogi Ram Nath.

Permanent resident of :  
Village - Niz Juluki,  
P.O. Barama,  
P.S. Nalbari,  
Dist. Nalbari (Assam)

...2

Handwritten signature or initials in the top right corner.

Present address :  
C/o. Shri Rabindra Chandra Bey,  
Resident of village - Tamuli Kuchi,  
P.O. Bornihat,  
Dist. East Khasi Hills, Meghalaya.

ii) Designation and Office  
in which employed :

Office of the Principal,  
State Forest Service  
College,  
Bornihat, Assam.

iii) Office address :

Shri Bichitra Nath,  
C/o. office of the Principal  
State Forest Service College,  
Bornihat, Assam.

2. Particulars of the  
Respondents.

1) Names and  
Designations of  
Respondents :

1. Union of India.

Represented by the Secretary,

16  
H  
A  
R  
I  
Y  
A  
V  
A  
R  
A  
N  
B  
H  
A  
V  
A  
N

Government of India, The  
Ministry of Environment and  
Forest, Department of Environment,  
Forest and Wildlife,  
Pariyavaran Bhavan,  
C.G.O., Complex, Lodi Road,  
New Delhi-110 003.

2. Principal - Shri Debjyoti Mitra, IFS,  
State Forest Service College,  
Bornihat - 783 101, Assam.
3. Secretary, Labour and Employment  
Department, Government of Assam,  
Dispur, Guwahati-781006, Assam.

ii) Office address  
of the Respondents :

Same as above.

3. 1) Particulars of the  
Order against which  
the application is  
made :

This application is made to give  
effect or to implement the  
following orders -

- a) Regularisation of Post of Master  
Roll labourers who have been

Handwritten signature/initials in the top right corner.

working since the year 1986 in the office of the State Forest Service College Bornihat, Assam, who is entitled/eligible for regularisation in <sup>pursuant</sup> present to the Circular of the Deptt. of the Personnel and AROM No.49014/19/84/Estt(C), dated 26.10.1984 and Deptt. of Personnel and Training O.M. No. 49014/18/84-Estt(C), dated 7.5.1995 and also, vide Circular dated 14.4.1978 under O.M. No. 49014/3/78 Estt(C) forwarded to the Deptt. of Forest by the Ministry of Agriculture and Irrigation.

- b) The benefit/benefits with retrospective effect either from the date of appointment or from the Circular dated 11.1.1988 issued by the Deputy Registrar, Forest Research Institute and College, Dehradun forwarded to the Deptt. of Personnel and the Deptt. of Personnel & Training under the Memo referred above to regularise Casual Workers/Labourers in Group 'D' posts to avoid termination of services which will cause undue hardships to them.

File by file

ii) The particulars of  
the Orders sought  
to be implemented :

Non-implementation of the Order under Circular dated 11.1.1988 circulated by the Deputy Registrar, Forest Research Institute and College, Dehradun which was forwarded to all concerned Deptt. of Personnels, for regularisation of services of Muster Roll Casual workers, who have been working in the office of the Principal, State Forest Service College, Bornihat, Assam, under the Ministry of Environment and Forest, Deptt. of Environment, Forest and Wildlife, Pariyavaran Bhavan, C.G.O. Complex, Lodi Road, New Delhi-110 003, to be considered for regular appointment to Group 'D' posts.

iii) Subject in brief :

Non-regularisation of the post of the applicant working under Muster Roll, as casual worker since 1986 in the office of the principal, State Forest Service College, Bornihat, when similar workers of

Handwritten signature

identical casual workers working in the same office, services have already been regularised vide Order dated 17.1.1994 passed in O.A. No. 32 of 1991.

4. Jurisdiction of the Tribunal :

The applicant declares that the subject matter of the order sought to be implemented or give effect are within the jurisdiction of the Hon'ble Tribunal.

5. Limitation :

The applicant further declares that the application is within the limitation prescribed in Section 21 of the Administrative Tribunal Act, 1985.

6. Facts of the case :

a) The applicant is a citizen of India and permanent resident of village - Niz Juluki of the State of Assam and at present residing in the village - Tamuli Kuchi, under P.S. Bornihat, within the District of East Khasi Hills, Meghalaya, and is working since 1986 in the State Forest Service College, Bornihat, Assam.

b) The applicant is working on a daily wage basis since

20  
TAKEN BY  
JER

1986 as a Casual Labour/ worker in the Muster Roll.

- c) The applicant has been working in the office of the Principal State Forest Service College, Bornihat, Assam since last 9/10 years as Casual Labour under Muster Roll till date and working in the various capacities such as Operator of Pump Set, Generator, attached with the Departmental vehicles and in the field tours for Refreshers Course and also with other works etc.

The copy of the applicant's experience Certificate issued by the Principal, State Forest Service College, Bornihat, Assam is Annexed herewith and marked as Annexure No.1 of this petition.

- d) The applicant is from very poor family and has to maintain his family, his old ailing mother, sisters, etc. Besides, all these, the applicant has to maintain his <sup>two</sup> & establishments with his meagre income after putting more than 9/10 years of services.
- e) The applicant, after putting his valuable services for several years to the esteemed organisation, and prayed to the concerned authorities to regularise his services, to which the authorities turned a deaf ear, and never replied, either in positive, or negative, regarding regularisation of his services.

f) The applicant further begs to state and submit that the services of the applicant deserves to be regularised considering his long and continuous working in the said Department as casual worker/ labour under Muster Roll and also in view of the Circular circulated by the Forest Research Institute and College, Dehradun, vide copy forwarded to the Department of Personnel and AROM No. 49014/19/84-Estt.(C) dated 26.10.1984 and Department of Personnel and Training O.M. No. 49014/18/84-Estt(C) dated 7.5.85 and vide Circular dated 11.1.1988 and also Circular dated 8.6.1978 the under Secretary, Govt. of India, forwarded copy of O.M. No. 49014/3/78-Estt(C) dated 14.4.1978 from Deptt. of Personnel and Administrative Reforms to all Ministries/Departments, etc. of the Govt. of India that whenever there is a regular and continuous work in existence, against which casual workers have been employed for a long numbers of years, appropriate steps may be taken to creat regular posts in accordance with the prescribed procedures for creation of posts in the relaxation of the lean.

The casual workers, who have rendered two years of continuous services as casual workers with 206 days of services ~~as~~ during each year as against the usual 240 days of service may be regularised in Group 'D' category, therefore, as per aforementioned circulars the services of the applicant be regularised with

22  
Handwritten signature/initials

immediate effect and full benefit/benefits as admissible under the Rules and also other allowances may be given either from the date of appointment or from aforementioned circular dated 11.1.1988.

The copies of the circular mentioned above dated 11.1.1988 and 8.6.1978 are annexed herewith and marked as Annexure No. 2 and 3 of this petition.

- g) The applicant has been working in the office of the Principal State Forest Service College, Bornihat, Assam since last 9/10 years and his services has not yet been regularised till date though the other casual workers working in the similar post and discharging identical duties/work have already been regularised vide order dated 17.1.1994 passed in O.A. of 1991. The Hon'ble Tribunal vide above order directed to regularise the services of the applicant whose services have thereupon been regularised and are working in the regular posts at present.

The present applicant, who was also working in the same category alongwith those applicant of the above O.A. No. 31 of 1991, his services have not yet been considered for regularisation by the Respondents authority in view of the aforementioned order dated 17.1.1994 passed O.A. No.32 of 1991. The present applicant is, therefore, still working as casual worker/labour.

The copy of the aforementioned order dated 17.1.1994 passed in the O.A.No. 31 of 1991 is annexed herewith and marked as Annexure No. 4 of this petition.

- h) The applicant belongs to the other Backward Classes of Yogi caste/community recognised as other Backward classes by the State Government of Assam and as such his regularisation of services may be given preferential consideration.

The copy of the other Backward classes certificate issued by the Secretary, Nalbari District O.B.C. Association is annexed herewith and marked as Annexure No. 5 of this petition.

- i) The applicant, who was supposed to be regularised in view of the order dated 17.1.1994 passed in O.A. No. 32 of 1991 is still remaining as a casual labour/worker and his regularisation of services had/have not been considered by the Respondent authorities till filing of this application. The applicant prays that the respondent authorities may be directed not to <sup>oust</sup> ~~quest~~ your applicant from his services till disposal of this present application as he had already submitted several representations alongwith those applicant of O.A. No. 32 of 1991, whose services have already been regularised.

FILED  
24

The present applicant due to his personal difficulties/problems could not approach the Hon'ble Tribunal earlier and hence this application is filed to consider his case for regularisation of his services as the other applicants working in the similar post identical to his work have already been regularised.

- j) The applicant begs to state and submit that his services may be regularised with immediate effect and full benefit/benefits as admissible under the Rules and also other allowances may be given to him from the date of his appointment or circular dated 11.1.1988. Copy forwarded to the Department of personnel and AROM No. 49014/19/84-Estt.(C) dated 26.10.1984, and also copy forwarded to the Department of Personnel and Training, O.M. No. 49014/18/84-Estt.(C) dated 7.5.1985 by which the termination of casual workers' services was discouraged and in order to protect them from undue hardships, and therefore it was decided as one time measure to regularise the Group 'D' posts employees if they were recruited otherwise than through the Employment Exchange. The aforementioned circular dated 8.6.1978 is very clear and specific which directed all the Ministries/Departments, etc. that appropriate steps may be taken to create the regular posts in accordance with the prescribed procedures to give employment of the casual labours, who have been in regular and continuous work against the existing continuous works where the casual workers have been employed for a long number of years.

25  
FILE BY BUREAU

k) The applicant begs to state and submit that several applications/representations have already been submitted without any effect before the respondent No.2 to consider the case of the applicant for regularisation of his services by giving him appointment in the regular post in view of the order dated 17.1.1994 passed by the Hon'ble Tribunal in O.A. No. 32 of 1991 and also the Order dtd. 29.8.1994 passed in C.P.No. 17/1994 (O.A. No.32/91).

(The some of the copies of such applications dated 2.3.1995 and 4.12.1995 which were submitted before the Respondent No.2 are annexed herewith and marked as Annexure No. 6 and 7 respectively of this petition).

7. Relief Sought :

In view of the facts mentioned above, the applicant prays for following reliefs :-

i) That your lordship would be pleased to admit this application, call for the records and after hearing the parties would be pleased to direct the Respondent authorities to issue the appointment order - regularising the services of the applicant, who is working in the office of Principal, State Forest Service College, Bornihat, Assam.

ii) That, the applicant may not be ousted from his services till disposal of this application.

iii) That the applicant's services may be regularised in view of the order dated 17.1.1994 passed O.A.No.32 of 1991 and also order dated 29.8.1994 passed in the C.P.No.17/1994 (O.A.32/91) which was made final vide order dated 30.8.1994.

(The copy of the order dated 29.8.1994 and 30.8.1994 are annexed herewith and marked as Annexure No. 8 and 9 of this petition respectively.)

iv) That the applicant's appointment may be

regularised with benefit/benefits with retrospective effect either from the date of appointment or from the Circular dated 11.1.1988 (The Hon'ble Tribunal, vide order dated 26.2.1991 in M.P. 105/92 (O.A.32/91) clarified that in case of success of the applicants in the O.A. No.32/1991 the petitioner will get all arrears and therefore the present applicant is entitled to the benefit/benefits since the time of his appointment).

8. G R O U N D S :

- A. For that the applicant is an experienced worked and has put his services for last several years to the satisfaction of his superiors and has been found suitable by the authorities.
- B. For that the applicant has submitted the documents/papers which are relevant to this application and the same may be perused.
- C. For that the applicant has put his sincere services in the place of his posting for the last several years as daily labours/ casual workers with great hardships but the authority never cared to regularise his services in this days of his hardships.
- D. For that the members of such casual workers have

been regularised in the different posts in India and also the belongs to the other Backward Communities.

- E. For that valuable right of the applicant have already <sup>acckued</sup> ~~occured~~ to the past and the Respondent authorities have denied of the same and is misinstitutional, arbitrary and in violation of Principles of Natural Justices.
- F. For that the circulars stated in the facts of the case are very clear by dint of which the Respondent authorities could have regularised the services of the applicant.
- G. For that the applicant's services could have been regularised as the similar and identical services of the casual co-workers and applicants of O.A. No.32 of 1991 have already been regularised.
- H. For that in any view of the matter the applicant is entitled to be appointed on regular basis.
9. Interim Order Preferred :

Pending final decision of the application, the applicant seeks the following interim orders :-

- i) That, the Respondent authorities may be directed to appoint and regularise the applicant in his post under the facts and

circumstances of the case.

- ii) That, the Respondent authorities may be directed not to qust the applicant from his services till disposal of this application.

10. The details of remedies exhausted :

The applicant declares that he has exhausted all the remedies available to him under the Service Rule.

11. Matter not pending with any other Courts :

The applicant further declares that the matter regarding which this application has been made is not pending before any other Court of law or authority or any other Bench of the Tribunal.

12. Particulars of Postal Order in receipt of the Application Fees :

- i) Number of I.P.O. - 09 311308 (one)  
ii) Name of P.O. - G.P.O.  
iii) Date of issue - 12-1-96  
iv) P.O. at which payable - Gunwahet

13. Details of the Index :

Index in Triplicate containing the details of the

document to be relied upon is enclosed.

29  
FILED BY  
29

14. List of Enclosures :- Enclosed.

Details of Index.

|     |  |                   |
|-----|--|-------------------|
| 1.  | Particulars of the Applicant                                 | - 1               |
| 2.  | Particulars of the Respondents                               | - 3               |
| 3.  | Particulars of the Orders                                    | - 3               |
| 4.  | Jurisdiction of Tribunal                                     | - 4               |
| 5.  | Limitation   | - 5               |
| 6.  | Fact of the Case   | 6                 |
| 7.  | Relief Sought  | 7                 |
| 8.  | Interim Order  | 9                 |
| 9.  | Remedies Exhaust   | 10                |
| 10. | Matter not pending in any other Court                        | 11                |
| 11. | Postal Order   | 12                |
| 12. | Annexure No.1 at Page.....                                   | 18                |
| 13. | Annexure No.2 at page.....                                   | 19                |
| 14. | Annexure No.3 at page.....                                   | 21, 22            |
| 15. | Annexure No.4 at page.....                                   | 23, 24, 25, 26    |
| 16. | Annexure No.5 at page.....                                   | 27                |
| 17. | Annexure No.6 at page.....                                   | 28, <del>29</del> |
| 18. | Annexure No.7 at page.....                                   | 29                |
| 19. | " " No.8 " "   | 30, 31            |
| 20. | " " No.9 " "   | 32                |
|     | Postal Order for Rupees... 50/-..... being I.P. No. 809..... |                   |
|     | .3.11.30.8..... dated..12/11/96... of Guwahati G.P.O.        |                   |
|     | Vokalatnama .....  | 1                 |
|     | Envelope .....   | 4 Nos.            |
|     | Copy of the application .....                                | 1 No.X4           |

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

I, Shri Bichitra Nath, son of Late Bhogi Ram Nath, permanent resident of village - Niz Juluki, P.O. Barama, under P.S. - Nalbari, District - Kamrup (Assam), working as Casual worker in the Office of the principal, State Forest Service College, Bornihat, Assam, do hereby solemnly affirm and declare that contents of the accompanying application for para 1 to 14 are true to my personal knowledge and belief and that I have not suppressed any material facts.

And, I sign this Verification on this 12th day of January, 1996, at Guwahati.

Place : Guwahati

Date : 12/1/96

শ্রী বিচিত্র নাথ

১২/১/৯৬

Signature of the Applicant.

Government of India  
Ministry of Environment & Forests  
Department of Environment, Forest and Wildlife,  
Office of the Principal, State Forest Service College  
Burnihat :::::: Assam

31

.....

TO WHOM IT MAY CONCERN

THIS IS TO CERTIFY THAT Shri Bichitra Nath,  
Son of Shri Bhagi Ram Nath, Village - Nitjuluki,  
P.O. Boroma, Dist-Nalbari working in this Institute as  
Muster Roll Labour since August, 1986.

He has possessed a good moral Character.  
I wish him success in life.

(0-8-95)  
PRINCIPAL (S. N. SAHUA)  
STATE FOREST SERVICE COLLEGE  
BURNIHAT  
Principal  
State Forest Service College  
Burnihat-783101

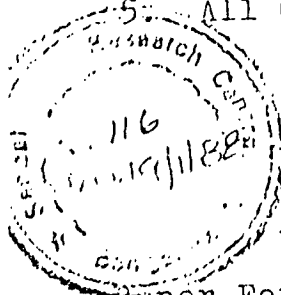
.....

*attested*  
*Q.S. K...*  
*2/1/86*

Dated the 11-1-1988.

A copy of the undermentioned paper is forwarded for information, guidance & necessary action to:-

1. All Directors/Coordinators/Convener of Forests/B.O's.
2. All D.D.O's, F.R.I & Colleges, Dehra Dun.
3. P.A. to P.R.I / Registrar, F.R.I & Colleges, Dehra Dun.
4. All Head of Sections, F.R.I & Colleges, Dehra Dun.
5. All Outlying Units.



(S.S.Pani)  
Deputy Registrar  
Forest Research Institute & Colleges.

Paper Forwarded

1. Copy of Dept. of Personnel & A.R.O.M.No.49014/19/84-Estt.(C), dated the 26th October, 1984.

Casual Labour in five day week offices.

It has been decided that in the organisations observing five day week, casual workers may be considered for regular appointment to Group 'D' posts, if otherwise eligible, if they have put in two years of service as casual workers, with 206 days of service during each year as against the usual 240 days.

- II. Deptt. of Personnel & Training, O.M.No.49014/18/84-Estt.(C) dated the 7th May, 1985.

Regularisation of services of casual workers, not recruited through employment exchange before 7-5-1985, in Group 'D' posts.

The services of casual workers may be regularised in Group 'D' posts in various Ministries/Departments etc. subject to certain conditions, in terms of the general instructions issued by this Department. One of these conditions is that the casual workers concerned should have been recruited through the employment exchange. Sponsorship by the employment exchange being a basic and essential condition for recruitment under the Government, it has repeatedly been brought to the notice of the various administrative authorities that recruitment of casual workers should always be made through the employment exchange. It has, however, come to the notice of this Department that in certain cases these instructions were contravened and casual workers were recruited otherwise than through the employment exchange. Though these persons may have been continuing as casual workers for a number of years, they are not eligible for regular appointment and their services may be terminated any time. Having regard to the fact that casual workers belong to the weaker section of the society and termination of their services will cause undue hardship to them, it has been decided, as a one time measure, in consultation with the Director General, Employment and Training,

Cont,....2:

Accepted  
Q.S. Kishore  
dt. 2/1/96

33

that casual workers recruited before the issue of these instructions may be considered for regular appointment to Group 'D' posts, ~~the~~ terms of the general instructions, even if they were recruited otherwise than through the employment exchange, provided they are eligible for regular appointment in all other respects.

It is once again reiterated that no appointment of casual workers should be made in future otherwise than through the employment exchange. If any deviation in this regard is committed, responsibility should be fixed and appropriate departmental action taken against the official concerned.

-----

No. 11-1/78-Admn. Coord.  
Government of India  
Ministry of Agriculture & Irrigation  
(Department of Agriculture)

Ax. No. 3  
21  
24

New Delhi, the 8th June, 1978

A copy of the undermentioned papers is forwarded to:-

1. All Attached & Subordinate Offices.
2. All Admn./Estt. Sections in the Department of Agri.
3. Director (A/Cs), Fert. Divn., Super Bazar, New Delhi.
4. A/Cs Officer, Principal A/Cs Office, Akbar Road  
Hutments, New Delhi.
5. Members (Staff Side), Office Council.

for information, guidance and necessary action.

*Hindi version will follow.*

*SSS*

(Ghan Shyam Singh)

for Under Secretary to the Govt. of India

*7/26/78*

List of paper forwarded:-

Copy of O.M. No. 4 9014/3/78-Estt(C) dated 14th April, 1978  
from Department of Personnel & Administrative Reforms to  
all Ministries/Departments etc. etc. of the Govt. of India.

.....

Subject: Employment of Casual Labour against regular posts.

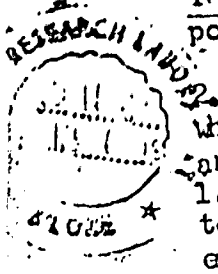
.....

The undersigned is directed to say that the Staff Side of the National Council (JCM) had represented that casual labour was being employed continuously for a number of years in various Ministries/ Departments and field offices, in some cases without being changed from office to office or project to project. They have, therefore, suggested that a formula be evolved whereby the lot of casual labour employees who were continuously employed for long periods will be improved. The entire matter was considered by a Committee of the National Council (JCM) set up to consider the item. During the meeting of the Committee, the Staff Side suggested that wherever there was regular and continuous work in existence against which casual employees had been employed for a long number of years, a review should be made to ascertain the number of regular posts required and that action should be taken to create those posts, if necessary even by relaxing the ban on creation of posts.

The matter has been carefully examined. The IInd Pay Commission who had examined the policy relating to the employment of casual labour and the terms and conditions of their employment, recommended that casual labour should be restricted to work of truly casual nature and in order to ensure that this is done, there should be a general review of the existing position. The recommendation was accepted by the Government and instructions were accordingly issued by the Ministry of Finance (Department of Expenditure) vide their O.M. No. 8(2) Est(Spl/CO) dated the 24th January, 1961. The same policy, namely, that casual labour

.....2/-

*attested  
Q. S. K. ...  
2/1/96*



...:2:..

should be restricted to work of a truly casual nature and that no such person should be appointed to posts borne on the regular establishment has been reiterated from time to time. It appears that these instructions, as pointed out by the Staff Side of the National Council (JCM) are not being followed by the various Ministries/Departments of the Government of India. It has, therefore, been decided that Ministry Of Commerce etc. should review the entire policy relating to deployment of casual labourers and wherever there is regular and continuous work in existence, against which casual workers have been employed for a long number of years, appropriate steps may be taken to create regular posts to the extent considered necessary, in accordance with the proscribed procedures for creation of posts in relaxation of the ban.

\*\*\*\*\*

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH : GUWAHATI

Ax-25.4

DESPATCH NO. 610

DATED GUWAHATI, THE 11/2/94

ORIGINAL APPLICATION NO. : 32/91  
MISC. CASE NO. :  
CONTEMPT CASE NO. :  
REVIEW APPLICATION NO. :  
TRANSFER APPLICATION NO. :

Ananda Ch. Kalita & Ors. APPLICANT (S) /  
PETITIONER (S)  
VERSUS  
Union of India & Ors. REPENDENT (S)

To

Shri R.S. Kutubuddin,  
Advocate,  
Assam High Court,  
Guwahati.

Sir,

I am directed to forward herewith a copy of Judgment/Order dated 17.1.94 passed by the Bench of this Tribunal comprising of Hon'ble Justice Shri S. Haque Vice-Chair-man and Hon'ble Shri G.L. Sanglyine Member, Administrative in the above noted case, for information and necessary action, if any.

Please acknowledge receipt.

Yours faithfully,

Encl.: As above.

11/2/94  
DEPUTY REGISTRAR (JUDL.)

Recd.  
11/2/94

Recd.  
Q.S. Kutubuddin  
Advocate  
dt. 7/1/96

11/2/94

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH

Original Application No. 32 of 1991.

Date of Order : This the 17th Day of January, 1994.

Justice Shri S.Haque, Vice-Chairman.

Shri G.L.Sanglyine, Member (Administrative)

1. Shri Ananda Chandra Kalita,
2. Shri Kameswar Das,
3. Shri Pradip Dey,
4. Shri Prafulla Terang and
5. Shri Basistha Ram Boro.

All are working in the office of the  
Principal, State Forest Service College,  
Burnihat, Assam.

. . . Applicants

By Advocate Shri J.S.Kutubuddin.

- Versus -

1. Union of India represented by the  
Secretary to the Govt. of India,  
Ministry of Environment and Forest,  
Paryavaran Bhawan, C.G.O.Complex, Lodhi Road,  
New Delhi.
2. Principal Shri Ivan Roy, IFS  
Ministry of Environment and Forest,  
Govt. of India, Regional Office,  
Shillong.
3. Shri Sanatan Talukdar, IFS  
Lecturer and Principal-in-Charge,  
State Forest Service College,  
Burnihat - 793101 (Assam)
4. Secretary, Labour and Employment  
Department, Govt. of Assam,  
Dispur, Guwahati.



. . . Respondents

By Advocate Shri A.K.Choudhury, Addl.C.G.S.C.

O R D E R

The five applicants (1) Shri Ananda Chandra Kalita,  
(2) Shri Kameswar Das, (3) Shri Pradip Dey, (4) Prafulla  
Terang and (5) Shri Basistha Ram Boro are casual workers  
serving in the office of the Principal, State Forest Service

W  
17.1.94

58

College, Burnihat, Assam under the Ministry of Environment and Forest, Department of Environment, Forest and Wildlife, Government of India. Applicants No.1 to 4 are serving since before 7.5.1985 and the applicant No.5 Shri Basantha Ram Boro is serving since July, 1986 and all of them were paid minimum wages for five days in a week. Applicant No.5 had been appointed in July, 1986 through Employment Exchange. They have filed this application under Section 19 of the Administrative Tribunals Act 1985 for regularisation of their services with the department with all consequential benefits.

2. Learned counsel Mr J.S.Kutubuddin submits that the applicants No.1 to 4 are serving as Casual Workers since before 7.5.1985 and applicant No.5, Shri Basantha Ram Boro, recruited through Employment Exchange is also working since July, 1986 and they all became eligible/entitled for regularisation pursuant to Circulars of the Department of Personnel and A.R. O.M.No.49014/19/84-Estt.(C) dated 26th October, 1984 and Department of Personnel and Training O.M. No.49014/19/84-Estt(C) dated 7th May, 1985 circulated vide letter dated 11.1.1988(Annexure-10). These circulars/O.Ms had discourage termination of casual workers' services in order to protect them from undue hardship and therefore it was decided, as an one time measure, in consultation with the Director General, Employment and Training that casual workers recruited prior to 7th May, 1985 be regularised to Group-D posts even if their recruitment were not

17.1.84



contd... 3/-

through the Employment Exchange. Principles of the above two O.Ms have been made applicable for the purpose of regularisation of services of casual workers recruited after 7.5.1985 through Employment Exchange. Learned Addl. C.G.S.C Mr A.K.Choudhury submits that he has nothing to comment in view of the policy contained in the above two O.Ms (Annexure-10). All the five applicants are serving continuously/without break from May, 1985 (applicants No. 1-4) and from July, 1986 (applicant No.5) as Casual Workers.

3. Upon hearing counsel of the parties and in view of the policy contained in the office Memorandums referred to above, the applicants are entitled for regularisation in their services in the department.

4. This application is allowed. The respondents are directed to regularise the services of the applicants within 45 (forty five) days from the date of receipt copy of the judgment/order. We make no order as to cost.

5. Inform all concerned immediately for implementation.



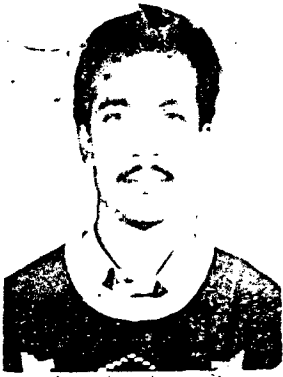
Sd/- S. Haque  
VICE CHAIRMAN

Sd/- G.L.Sanglyine  
MEMBER (ADMN)

**TRUE COPY**

*W2 chf 29*  
Section officer (Judicial)  
Central Administrative Tribunal  
Guwahati Bench, Guwahati.

*[Signature]*  
9/2/97



# ALL ASSAM OTHER BACKWARD CLASSES' Association

Registered under the Society Registration Act XXI 1260 and recognised by the state Govt. of Assam vide

MEMO NO. TAD MISC/112/76/13/3rd March 1976

Regd. No. : 890

S. K. Barua Road, GUWAHATI-781006

Date - 9/12/99

Certified that Shri/Shrimati Bichitra Nath  
Son/daughter/wife of Shri/late Bhagj Ram Nath  
of Wij Juluki Village/Town/T. E. under Barama  
P./S. Naibari Sub-Division in the District of Naibari

Assam belongs to Yogi Caste/Community/Tribe  
which is recognised as Other Backward Class/~~More Other Backward Class~~ by the  
State Government of Assam.

Generally He/She is residing at Wij Juluki Village/Town/  
~~T. E.~~ under Barama P./S. in the District of Naibari Assam

5567  
12/12/99

*Handwritten signature*

Counter Signature of

Deputy Commissioner

DC/SDO

12/12

*Handwritten signature and date: 12/12/99*

*Handwritten signature and date: 9/12/99*

President/Gen. Secy./Joint Secy.

( Authorised Person )

All Assam Other Backward Classes' Association

SECRETARY

Naibari Dist. O.B.C. Association  
NAIBARI

Hargauri Printers : Nalbari

To,

The Principal,  
State Forest Service College,  
Bornihat - 783 101,  
Assam.

Dated Bornihat the 2nd March, 1995

Sub : An application praying to regularise the services of the Applicant.

Sir,

With due respect and humble submission I beg to state that the services of my fellow workers, who have been working as casual workers/labourers, have already been regularised as they have filed an application before the Hon'ble Central Administrative Tribunal, Guwahati Bench.

That Sir, I also being a casual worker of similar nature doing the identical work as of the applicants of O.A.No. 32 of 1991 who were ordered vide order dated 17.1.1994 to regularise their services and as such I am also entitled to ~~be~~ be regularised in my services.

I, therefore, pray your honour to regularise my services after giving all the benefits of my services since the date of my appointment.

*Attended  
Q.S. Kumbhakar  
at 2/1/96*

Yours faithfully,

*B. NATH*

( BICHITRA NATH )  
Casual Worker,  
State Forest Service College,  
Bornihat - 783 101,  
Assam.

- 29 -

Assam No. 4  
42

To,

The Principal,  
State Forest Service College,  
Bornihat - 783 101,  
Assam.

Dated Bornihat the 4th December, 1995.

Sir,

With reference to my application dated 2-3-95  
March, 1995, I beg to inform you that my services have  
not been regularised till to-day.

Sir, the services of other applicants of C.P.  
No. 17/1994 (O.A. 32/91) have also been regularised by now  
and, therefore pray your honour to regularise my services  
and to give all the benefits of services from the date  
of my appointment, i.e. since 1986.

Yours faithfully,

*A. Hejra*  
*A.S. Khatun*  
*Advocate*  
*12/1/96*

B. NATH

( BICHITRA NATH )  
Casual Worker,  
State Forest Service College,  
Bornihat-783 101,  
Assam.

43

C.T.17/94 (C. 2/A1)

Ministry of Ind. (C.S.) ..  
Vs. ..  
Min. of Ind. (C.S.) ..

1984

HON'BLE MR. JUSTICE K.S. CHAUDHURY, Vice-Chief Justice  
HON'BLE MR. C.L. SARKAR, JUDGE (A)

For the applicant : Mr. A.K. Choudhury, Addl. C.G.S.C.  
For the respondent : Mr. A.K. Choudhury, Addl. C.G.S.C.

3.8.94

(Contd)

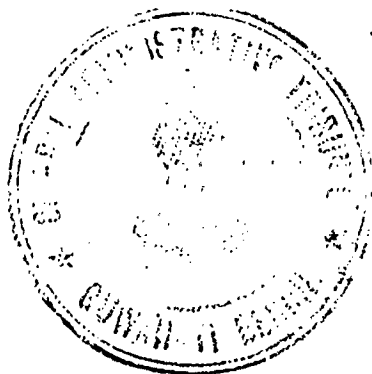
29-8-94

Mr. A.K. Choudhury Addl. C.G.S.C.

for the respondents. Pursuant to our directions dated 11-8-94 the respondent No.2 Shri Surendra Nath Kalita, State Forest Service College, Bornihat, Assam appears in person. Learned advocate for the applicant is not present, possibly because to-day is restricted Holiday here.

on Mr. Choudhury places record a copy of the letter received from the Government of India, Ministry of Environment & Forests dated 25-8-94 together with a telegram received from the Joint Secretary of the said department.

From the letter it appears that out of the 5 original applicants, one has already been regularised but others could not be regularised due to non-availability of post. It further appears that a Special Leave Petition against the judgment of this Tribunal was filed in the Supreme Court which has been dismissed on 19-8-94. In paragraph 6 of the letter which is signed by the Under Secretary, Government of India the respondent have tendered an unqualified apology on behalf of the Ministry for the delay in implementing the order of this Tribunal. By the telegram and letter time for implementing the orders is sought. It appears that additional post in Group 'B' will have to be created for the purpose of regularisation of the remaining four applicants. In these circumstances we accept the unqualifying apology tendered and would discharge the Contempt Application in these circumstances pointed out in the letter. We think further time of three months from to-day should be given



*Accepted  
Q.S. K. Subudhan  
H. 3/1/96*

contd/-

44

C.P.17/94(O.A. 32/91)

OFFICE NOTE

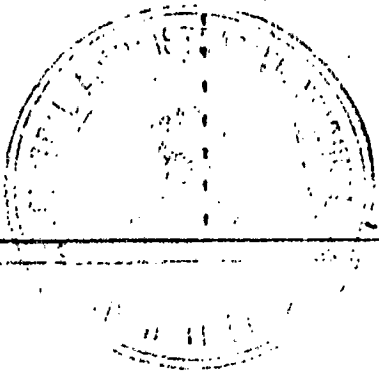
DATE

CONTENTS ORDER

29-8-94

to the respondents to comply with the original order, <sup>as reversed</sup> Copy of the letter and telegram <sup>and</sup> are taken on record <sup>from</sup> shall <sup>from</sup> part of this application.

We withhold the passing final order in <sup>above</sup> terms until to-morrow to enable the counsel of the applicant to remain present. respondent No.2 need not appear in person to-morrow.



Sd/- M.G.CHAUDHARI  
VICE CHAIRMAN

Sd/- G.L.SANGLYINE  
MEMBER (ADMIN)

TRUE COPY

सत्यप्रति

Section Officer (J)

Central Administrative Tribunal  
Lucknow  
C.A.T. Building, G-5, Sector-5  
Gwalior Road, Lucknow

*[Handwritten signature]*  
27/9/94

Ax. No. 9

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

44

G.P. 17/91 (OA 32/91)

Kameswar Das & Ors. .. Applicants  
Vs. Union of India & Ors. .. Respondents.

PRESENTS

HON'BLE MR JUSTICE M G CHOUDHARY, VICE CHAIRMAN  
HON'BLE SRI G L SANGLYINE, MEMBER(A)

For the applicant : Mr. Q.S. Kutubuddin, Adv.  
For the respdts. : Mr. A.K. Choudhury, Addl. CGSC.

30.8.94

ORDERS

Neither the applicants nor their advocate Mr. K.S. Kutubuddin is present. Mr. A.K. Choudhury, for the respondents. The order was ~~dictated~~ dictated yesterday is now made final and pronounced. A copy of the order be supplied to the learned counsel for the respondents Mr. A.K. Choudhury,



Sd/- Vice-Chairman

Sd/- Member(A)

Memo.No. 3832

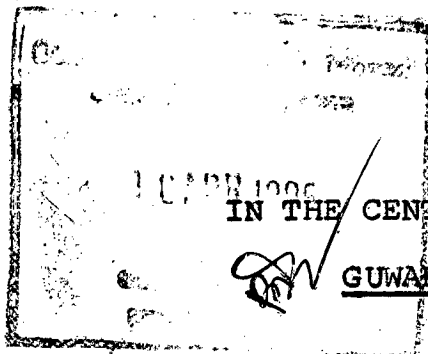
dt. 5/9/94

Copy to :-

- ✓ 1. Mr. Q.S. Kutubuddin, Adv, High Court, Guwahati.
- 2. Mr. A.K. Choudhury, Addl. CGSC, CAT. Guwahati.

*Accepted Kutubuddin  
Q.S. Kutubuddin  
at 2/9/96*

*2/9/94*  
SECTION OFFICER(J)  
*103/13*



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH AT GUWAHATI

33

46

Filed by:

*Shaukat Ali*  
23/4/96

( MD. SHAIKAT ALI )  
Central Govt. Standing Counsel/  
Central Administrative Tribunal  
Guwahati Bench, Guwahati

O.A. No. 34/96

Sri Bichitra Nath

-Vs.-

Union of India & Ors.

-AND-

In the matter of :

Written Statements submitted by the  
Respondent Nos 1,2 and 3.

Written Statement

The humble Respondents submit their  
Written Statements as follows :

1. That with regard to statements made in paragraphs 1,2,3, and 4 and 5 of the Application the Respondents have no comments.
2. That with regard to statements made in paragraphs 6(a), 6(b), 6(c), 6 (d), of the Application the respondents have no comments. The same being matters of record.
3. That with regard to statement made in paragraph 6(e) the respondents beg to state that the Director of Forest Education, Ministry of Environment and Forests was

Contd...P/2

Recd the copy  
9/5/96  
Advocate for the applicant

requested by the Principal, State Forest Service College, Burnihat vide letter No. SFSC/BHT/15-145/1424-25 dated 26.12.94 to request appropriate authorities for creation of supernumery post of Mazdoor so that the applicant can be appointed as Mazdoor in the College.

A photocopy of the letter dated 26.12.94 as mentioned above is annexed herewith as Annexure-R<sub>2</sub>.

4. That with regard to statements made in paragraphs 6(f) and 6(g) of the Application, the Respondents beg to state that Under Secretary to the Govt. of India, Ministry of Environment & Forests has been requested by the Director of Forests Education vide letter No. 18-7/91-DFSE dated 2.2.95 to create one post to regularise the service of the applicant. In the meantime the applicant has filed a representation dtd. 2.3.95 requesting for regularisation of his service. Necessary action to regularise his service and appoint the applicant has been taken vide letter No. SFSC/BHT/15-145/1424-25 dated 26.12.1994. The Principal, State Forests Service College Burnihat again request the Director of Forests Education, Ministry of Environment and Forests vide letter No. SFSC/BHT/15-147/350 dated 21.3.96.

Photocopy of such letters as mentioned above are annexed herewith and the same are marked as Annexures-R<sub>2</sub> and R<sub>3</sub> respectively.

Contd. ..P/3

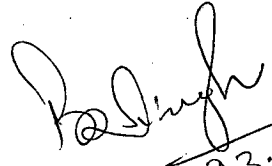
5. That with regard statement made in paragraph 6 (A) of the Application the respondents have no comments as the same being matters of records.
6. That with regard to statement made in paragraphs (i) and 6 (j) of the application the respondents beg to state that in the earlier case the applicant was not a party and as such he could not be regularised in service. The respondents further beg to state that the higher authorities have already been requested for creation of a post to regularise the service of the applicant vide letter No. SFSC/BHT/15-124/261-62 dated 30.3.95 addressed to the Under Secretary, Govt. of India, Ministry of Environment & Forests.
- A photocopy of the letter dated 30.3.95 is annexed herewith and the same is marked as Annexure - R<sub>3</sub>.
7. That with regard to statement made in paragraph 7 of the application regarding Reliefs sought for the respondents beg to state that if a similar direction is given in this case like that of O.A. No. 32 of 1991 the respondents will definitely consider his case for regularisation of the applicant's service.
8. That with regard to grounds of the applicant's application in paragraph 8 the respondents beg to state that they have no comments.
9. That with regard to statements made in paragraphs 9-14 of the application the respondents have no comments.

36  
49

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

I, Sri P.R. Singh, Lecturer, State Forests Service College, Burnihat as authorised do hereby solemnly declare that the statements made in this Written Statement are true to my knowledge, belief and information.

And I sign this verification on this the 23<sup>rd</sup> day of April, 96 at Burnihat.

  
DECLARENT 23.4.96.

Filed in Court  
on 29-8-96  
Hon. Court Master

Central Administrative Tribunal  
30 AUG 1996  
Guwahati Branch  
গুৱাহাটী শাখা

37

Guwahati  
26/8/96  
C.A.T. Guwahati  
Central Administrative Tribunal  
Guwahati Branch

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL;

GUWAHATI BRANCH: GUWAHATI.

IN THE MATTER OF:

D. A. No. 34/96

Sri Bichitra Nath

-Versus-

The Union of India & Urs.

- AND -

IN THE MATTER OF:

Additional Written Statements  
submitted by the Respondents No.  
1, 2 and 3 .

WRITTEN STATEMENTS

The humble Respondents  
submit their Written Statements as  
follows :-

(Contd.)

Recd. the copy  
29/8/96  
Admitted for the App. cont.

1) That the Respondents beg to state that, after the submission of the O.A. No. 34/96 by the Applicant and, the Respondents have submitted all the documents and informations necessary for consideration and for regularisation of applicants service including the higher authorities. His case is now under consideration of the Govt. of India for regularisation.

The Respondents further beg to submit that as in case of Sri Ananda Talukdar and 4 others in O.A.No. 32/91, no vacancy is available in the State Forest Service College, Burnihat accommodated to the applicant who is casual daily labourer and therefore, as a Supernumerary post has to be created for the applicant, Sri Bichitra Nath. This will, however, required approval of the Hon'ble Minister of Environment and Forest and the Minister of Finance . This is a time taking process and it requires a minimum of 3 - 4 months time to complete the process .

The Respondents further beg to state that , the case of the applicant will be definitely considered for regularisation . It is only a matter of time .

... Verification.

29  
3  
52

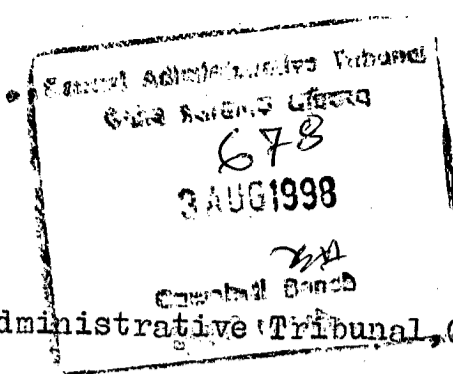
VERIFICATION

I Sri D.J.Mitra, IFS, Principal, State Forest Service College, Durnihat, Assam to file Supplementary Counter-affidavit to CAT petition No.34/96 - Shri Bichitra Nath Vs Union of India and others.

And I sign this verification on this the day of August at Durnihat.

*Debjyoti Mishra*  
Declarant 20/8/96.

I



In the Central Administrative Tribunal, Guwahati  
Bench, Guwahati.

O.A.No.34/96

Shri Bichitra Nath

Vs.

Union of India

and others.

*Filed by  
A. Chatterjee  
Sr. C.G.S.C.  
3/8/98*

In the matter of:-

Written statement submitted by the Principal,  
State Forest Service College, Burnihat. Respondent No.2.  
in response to copy of the order dated 1-7-98 passed  
by the Hon'ble Tribunal in O.A. 34/96 directing the  
Principal to appear on 17-7-98 and the order dated  
17-7-98 passed by the Hon'ble Tribunal and notice  
dated 21-7-98 to the Principal, State Forest Service  
College, Burnihat,

*Prithvi Singh  
3.8.98*

Written statement

The humble Respondent No.2 the Principal,  
State Forest Service College, Burnihat, most respectfully  
submits his written statements as follows:-

1. That the above case was dismissed for default  
by the Hon'ble Tribunal vide order dated 26-5-97 copy  
of which was sent on 30-7-97 to the Respondent No.2  
by Mr. S.Ali, Sr.C.G.S.C., CAT, Guwahati for information  
alongwith his bill.

2. That there after, the Respondent No.2. did  
not get any information regarding restoration of the  
case by the Hon'ble Tribunal from Mr.S.Ali, Sr.C.G.S.C.

Contd..... 2.

3. That a copy of the order dated 1-7-98 was sent to the Respondent No.2. by the Hon'ble Tribunal Registry vide Memo No.1833 dated 6-7-98 for his appearance before the Hon'ble Tribunal on 17-7-98, but unfortunately, the copy of the Hon'ble Tribunals' order was received on 22-7-98 and as such the Respondent could not appear before Hon'ble Tribunal.

4. That the Respondent No.2 on receipt of the Hon'ble Tribunal order dated 17-7-98 wrote to the Section Officer on 22-7-98 requesting him to fix another date for hearing of the O.A. 34/96 and intimated the Respondent.

Annexure-I is the photo copy of the letter dated 22-7-98 written by the Respondent No.2.

5. That the copy of the order dated 17-7-98 passed in O.A. 34/96 was communicated to the Respondent vide letter dated 21-7-98 by the Deputy Registrar, CAT, Guwahati asking him to file a reply alongwith documents in support of his reply, in the Hon'ble Tribunal after serving a copy of the same to the advocate of the applicant, and to appear in person or through a Legal Practitioner/Presenting Officer, appointed by him, and accordingly the Respondent No.2 has filed this written statement.

6. That your Respondent submits that he has no intention to disobey the orders of the Hon'ble Tribunal. The Respondent has not flouted the order of the Hon'ble Tribunal but because of delay in receiving the copy of the orders dated 17-7-98 he could not appear before the Hon'ble Tribunal on the date fixed for his appearance but he has intimated the reasons for his non-appearance on that date.

*Poojit Singh* 3-8-98

12  
3.8.98

Prithvi Raj Singh

7. That the Respondent No.2 begs to state that, he has not disobeyed any direction or orders issued by the Hon'ble Tribunal and so he may be excused.

A F F I D A V I T

I, Prithvi Raj Singh, Principal, State Forest Service College, Burnihat, do hereby solemnly affirm and state as follows:-

1. That I am the Principal of State Forest Service College, Burnihat, and as such I am fully acquainted with the facts and circumstances of the case.
2. That the statements made in paras 2, 3, 4, and 5 are true to my knowledge and those made in paras 1, in the written statements are true to my information and the rests are my humble submissions before the Hon'ble Tribunal.

And I set my hand here unto this affidavit on this 3rd day of August, 1998 at Guwahati.

*Prithvi Raj Singh*  
Declarant 3.8.98.

Solemnly affirmed before me by the deponent, Shri Prithvi Raj Singh, who is identified by Md. Shaukat Ali, Advocate on this 3rd day of August, 1998 at Guwahati.

*The deponent is identified by Md. Shaukat Ali, Advocate 3/8/98*

affirmed before me on 3rd day of August 1998

*Prithvi Raj Singh*  
Registrar  
Central Administrative Tribunal,  
Guwahati Bench. 3/8/98

दूरभाष/Phones: { 81246 (O)  
81247 (R)

तार / Grams:

टेलिक्स / Talex:

भारत सरकार

पर्यावरण एवं वन मंत्रालय

राज्य वन सेवा महाविद्यालय

बर्णिहाट, पिन-793101

GOVERNMENT OF INDIA  
MINISTRY OF ENVIRONMENT & FORESTS  
STATE FOREST SERVICE COLLEGE  
BURNIHAT, PIN-793101

दिनांक

Dated

22/7/98

ANNEXURE - I

BY SPECIAL DELIVERY



सत्यमेव जयते

No. SFSC/BHT/15-147/847-848

To

The Section Officer,  
Central Administrative Tribunal,  
Guwahati Bench, Guwahati:-5.

Sub:- OA.No.34/98 Sri B.Nath Vs Union of India and others.

Ref:- Hon'ble CAT order dated 1-7-98 memo No.1833(2) dated 6-7-98.

Sir,

With reference to memo No. cited on the above subject. It is to inform you that the said memo/letter was received in this Office on 22nd July, 1998. Therefore, it is requested that another date fixed for hearing the matter may kindly be communicated to this Office at an early date.

Encl:- Photo copy of the  
order dated 1-7-98.

Yours faithfully

(P.R.Singh) 22.7.98  
Principal

State Forest Service College  
Burnihat, Assam.

Copy to:-

Shri S.Ali, Senior C.G.Sc. CAT Guwahati Bench for information with  
reference to CAT's memo No.1833 (1).

(P.R.Singh) 22.7.98  
Principal

State Forest Service College  
Burnihat, Assam.