

50/600

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

6

(DESTRUCTION OF RECORD RULES, 1990)

- (1) MP 98/96 order page 142 B10 98/96
- (2) MP 155/96 order page 1
- (3) MP 228/96 order page 123 dt 18-12-96

INDEX

O.A./T.A No. 51/96

R.A./C.P No.

E.P./M.A No.

1. Orders Sheet..... BAPg. 1to 5

2. Judgment/Order dtd. 7.7.97Pg. Xto no. sup. court order
MP 155/96 order dt 15.10.96Pg. 1to withdrewn & P 155/96

3. Judgment & Order dtd.Received from H.C/Supreme Court

4. O.A. 51/96Pg. 1to 36

5. E.P./M.P. 25/96Pg. 1to 12

6. R.A./C.P.Pg.to

7. W.S.Pg. 1to 4

8. Rejoinder.....Pg.to

9. Reply.....Pg.to

10. Any other Papers.....Pg.to

11. Memo of Appearance.....Pg.to

12. Additional Affidavit.....Pg.to

13. Written Arguments.....Pg.to

14. Amendment Reply by Respondents.....Pg.to

15. Amendment Reply filed by the Applicant.....Pg.to

16. Counter Reply.....Pg.to

SECTION OFFICER (Judl.)

Salita
21/1/18

CENTRAL ADMINISTRATIVE TRIBUNAL : GUWAHATI BENCH
GUWAHATI

ORIGINAL APPLN.NO. 51 OF 1995/96
 TRANSFER APPLN.NO. OF 1995
 CONTEMPT APPLN.NO. OF 1995 (IN CA NO.)
 REVIEW APPLN. NO. OF 1995 (IN CA NO.)
 MISC. PETN. NO. OF 1995 (IN CA NO.)

..... Hitesh Saranah & ors APPLICANT(S)

-vs-
 V.O. 1 & ors RESPONDENT(S)

FOR THE APPLICANT(S) ...MR. B.K. Sharma
 MR. S. Sarma
 MR.
 MR.

FOR THE RESPONDENTS ...MR. A.K. Choudhury,
 Addl. C.G.S.C.

OFFICE NOTE	DATE	ORDER
<p>Application is in but not in Application Petn. not Rs. 50/- No IPO No. 345075 dt. 27.2.96</p> <p><i>[Handwritten signatures and initials]</i></p>	<p>22.3.96</p>	<p>This application has been moved by learned counsel Mr S.Sarma unlisted on the ground of urgency. He is allowed. Learned Addl.C.G.S.C Mr A.K.Choudhury is present for the respondents.</p> <p>The applicants in this application were seasonal employees under the Central Water Commission in the office of the Assistant Engineer, CFF/Sub-Division, C.W.C., Nalbari. They seek to join together in this application under Rule 4(5)(a) of the Central Administrative Tribunal (Procedure) Rules 1987. Their cause of action and reliefs sought for are common. The prayer is allowed.</p> <p>Perused the statements of grievances and reliefs sought for in this application. Application is admitted. Issue notice on the respondents by registered post. Six weeks for written statement.</p> <p>List on 6.5.1996 for written statement and further orders.</p> <p>Mr Sarma seeks for interim order. The interim relief as prayed for i.e., to allow them to continue in their</p>

CENTRAL ADMINISTRATIVE TRIBUNAL : GUWAHATI BENCH
GUWAHATI

ORIGINAL APPLN.NO. OF 1995
 TRANSFER APPLN.NO. OF 1995
 CONTEMPT APPLN.NO. OF 1995 (IN O.A NO.)
 REVIEW APPLN. NO. OF 1995 (IN O.A NO.)
 MISC. PETN. NO. OF 1995 (IN O.A NO.)

..... APPLICANT(S)

..... RESPONDENT(S)

FOR THE APPLICANT(S) ...MR.

MR.

MR.

MR.

FOR THE RESPONDENTS ...MR.

MR.

OFFICE NOTE

DATE

ORDER

22.3.96

respective post without break pending disposal of this O.A. is not admissible to be granted as the services of the applicants had stood terminated on 15.10.95. However, Mr Sarma seeks that same direction as in M.P.10/96(O.A.214/95) and M.P.11/96(O.A.215/95) be issued. The applicants were the employees under the same department as the applicants in the above mentioned two O.As. They are likely to resume their service again for the season starting May,1996. It is understood that a scheme for regularisation of Seasonal employees is being finalised. Pendency of this application shall not be a bar for the respondents to examine the case of the applicants in this O.A. also in the same manner as they will examine the case of the applicants in O.A.214/95 and O.A.215/95 and it is hoped that the respondents will make the scheme, when finalised, applicable to the applicants also.

Requisites are sent & issued vide no. 666/69 of 29.3.96.

*19.4.96
 MS submitted by
 the respondents No.1,2,3 and 4.*

Asst

Member

(2)

OFFICE NOTE

DATE

ORDER

5.6.96

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

Written statement has been submitted and served on Mr S.Sarma today. Case ready for hearing.

List on 17.6.96 for hearing.

P/101 G

Member

pg

17-6-96

This case is ready for hearing. Adjourned to 12-7-96...

P/101 G

Member

lm

12.7.96

None present for the applicant. Leave note of Mr. S.Ali, Sr.C.G.S.C.

S.C.

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

List for hearing on 9.8.96 along with M.P. 85/96.

Member

trd

9.8.96

Learned counsel Mr B.K. Sharma for the applicant. Mr S. Ali, learned Sr. C.G.S.C. and Mr A.K. Choudhury, learned Addl. C.G.S.C, for the respondents.

List for hearing on 9.9.96.

Member

nkm

50.5.96.

Notice duly received at receipt No. 1, 2

Boo

of statement has been
b/w
SD
of statement has been
b/w
elg

(4)

OFFICE NOTE

DATE

ORDER

9.9.96

None for the applicant. Mr S. All,
Sr.C.C.S.C for the respondents.
List for hearing on 9.10.96.

[Signature]
Member

pg

[Signature]
27/10/96

9-10-96

Learned counsel Mr.S. Sarma for
applicant. List for hearing on 27-11-96.

[Signature]
Member

lm

[Signature]
9/17

18.12.96

Vide order today in M.P.228/96
the interim order dated 15.10.96 in
M.P.155/96 has been modified.

Member

pg

9.5.97

Learned counsel for the parties
submit that the case is ready for hearing.
List on 2.6.97 for hearing.

[Signature]
Member

[Signature]
Vice-Chairman

pg

w/sterling - his bank
5/10

30/5/97
30/5

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.

ba

Member

SB

Vice-Chairman

pg
2
3/6

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.

ba

Member

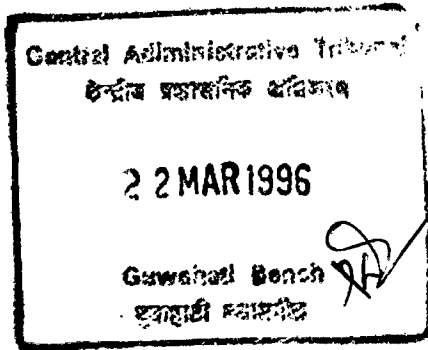
SB

Vice-Chairman

trd

w/s. As per K.V.

1/7



7

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL: GUWAHATI BENCH

(An application under section 19 of the Administrative Tribunal Act, 1985).

Title of the Case : O.A. NO. 51 OF 1996

Shri Hitesh Sarma & Ors Applicants

-Vs-

U.O.I. & Ors. Respondents

INDEX


<u>Sl.No.</u>	<u>Particulars of the documents</u>	<u>Page No.</u>
1.	Apparition	1 to 13.
2.	Verification.....	14.
3.	Annexure - A.....	15 & 15A.
4.	Annexure B1 to B11.....	16 to 26
5.	Annexure-C.....	27 to 30
6.	Annexure-D.....	31 to 34
7.	Annexure-E1 & E2.....	35 to 36

For use in Tribunal's office

Date of filing : 22-3-96

Registration No: 51/96

Registrar



Filed by the applicant.
Sibbarina Grewar
Newari
29.3.96

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL : GUWAHATI BENCH

BETWEEN

O.A. No. 51 /96

- 1) Shri Hitesh Sarmah
- 2) Shri Labanya Kalita
- 3) Shri Sushil Chandra Sarmah
- 4) Shri Narottam Barman
- 5) Shri Bidya Ram Maloi
- 6) Shri Dipak Das
- 7) Shri Shri Hemen Chandra Baishya
- 8) Shri Kashi Ram Deka
- 9) Shri Shri Kumud Chandra Deka
- 10) Shri Rameshwar Kalita
- 11) Shri Nitpen Kalita

All the above named applicants are working under Central Water Commission, in the office of Assistant Engineer, CFF/Sub-Division CWC, Nalbari as reflected in Annexure-A to O.A.

.....Applicants

-AND-

- 1) U.O.I. represented by the Secretary to the Govt. of India, Ministry of Water Resources, Charam Shakti Bawan,
- 2) The Chairman, Central Water Commission, R.K. Puram, New Delhi.
- 3) The Executive Engineer, Middle Brahmaputra Division, C.W.C. Guwahati-7, (Rajgarh Road).

.....2/-

a

42)

2) The Assistant Engineer, CFF, Sub.Division,
C.W.C. Nalbari.

Respondents.

DETAILS OF APPLICATION

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

The instant application is not made against any particular order but has been made seeking a relief towards regularisation of the aforesaid applicants services. Recently they were / are under the Casual Employment/worked charged K_halasi under the respondents and as per the scheme prevalent as well as the verdict of the Apex Court, they are entitled to be granted with temporary status with further regularisation of the services.

2) LIMITATION

The applicants further declare that the application is made within the limitation period prescribed under section 21 of the Administrative Tribunal Act, 1965.

3) JURISDICTION OF THE TRIBUNAL

The 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.

4) FACTS OF THE CASE :-

4.1 That the applicants are all citizens of India & as

....3/-

and as such they are entitled to all the rights and privileges guaranteed by the Constitution of India and laws framed thereunder.

4.2 That the applicants have filed the instant applications before this Hon'ble Tribunal for redressal of their grievances towards non-regularisation of their services as Grade 'D' employees. The grievances of the applicants and the cause and the cause of ~~see~~ 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 holder of Gr. 'D' Post on casual basis and accordingly crave leave of this Hon'ble Tribunal to allow them to join together in this single application invoking the powers under Rule 4(5) (a) of the Central Administrative Tribunal (Procedure) Rules 1987.

4.3 That the applicants are all citizens similarly situated. Their grievances pertinent to the services under the respondents. All the applicants here have been working under the respondents as worked Charged Khalasi (Casual) basis for last several years and the hope of regularisation of their services. They have not even granted temporary status under the scheme formulated by the Government of India. ~~For~~ For better appreciation and to draw Your Lordships kind attention, the services particulars of the applicants are reflected in Annexure-1A to the instant application. In this said Annexure the applicants have given the respective services particulars

of the applicants. In this said Annexure the applicants have given the respective service particulars in details and the applicants crave leave of this Hon'ble Tribunal to refer the same in support of their contention made in this application instead of repeating the said contention and to minimise the cost of the application.

4.4. That the applicants state that as is reflected in Annexure 'A' Statement annexed to this O.A., they have been working under the respondents since 1986-87 respectively. They were so appointed in Grade 'D' employment as Worked Charged Khalasi after their names were selected for the post of Worked Charged Khalasi. Their appointment are continued from year to year. They are issued with appointment letters under which they were to work in Gr. 'D' Post as Work Charged Khalasi in a definite Khalasi in a definite scale of pay and some of them had their initial appointment letter as A/c Labour / Muster Roll Labour.

Presently they are given pay scale of ₹ 750/- to ₹ 940/- which is the prescribed scale of Gr. 'D' employees. However, the applicants services are terminated and/or they are kept in employment for a definite period and often they are engaged on casual basis for the rest of the period in the year. Again in the next year, they were appointed for a further period. Thus, the procedure is going on since the time of their appointments and inspite of the fact that Govt. of India has formulated a policy decision for grant of temporary decision. With the consequences of regularisation in due process. The applicants are still deprived of their benefit. Their services are rather being terminated from time to

are rather being terminated from time to time. All the applications have put on more than 240 days of working particulars so as to be entitled for grant of temporary status.

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

4. Their such appointments are not in dispute and thus instead of according all the appointments letters pertaining to all the orders, the applicants beg to annexe one each of their such appointments letters and the same are marked as ANNEXURE (B/1 to B/2).

The applicants crave leave of this Hon'ble Tribunal to produce all these appointment letters at the time of hearing of this instant application.

4.6 That the applicants state that even after rendering years of service as Grade 'D' Casual employees, their services have not been regularised and their services are being taken by their respondents in exploitative terms. As pointed out above their services are utilised on daily wage basis. This process have been going on since the days of their respective employees. During the intervening period they are often given casual employment like that of any other Gr. 'D' casual employee. This, the case of the

applicant stand thus all of them are duly sponsored by the Employment Exchange, declared by the respondents for being appointed as casual Gr. 'D' employee, their services are being utilised every year for a particular period as work charged/^{seasonal}khalasi, their services are yet to be regularised and till date, they have not been conferred with the temporary status, as is required to be conferred under the relevant scheme formulated by the Govt. of India.

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

4.7 That the applicants state that some of the Gr. 'D' employees of the Central Water Commission similarly situated like that of the applicants had moved the Principal Bench of the Hon'ble CAT, New Delhi, by way of filing various OAs wherein some kind of grievances as in the instant application were raised. The Principal Bench of the Hon'ble CAT by its judgement dated 10.2.94 in O.A No. 273/92, 604/92, 1601/92 and 2418/92 allowed the said O.As with the following directions:-

" (1) 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 schemes are launched every year. As assessment of the regular posts that can be created on the basis

should be made. For regularisation all those, who have completed 240 days service in two consecutive years, should be given priority in accordance with their length of service.

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

(iii) adhoc/temporary employees should not be replaced by other adhoc/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.

There should be no order as to costs."

A copy of the said judgement is annexed herewith and marked as

ANNEXURE-D.

4.8 That the applicants state that the said judgement was certified-b carried on review by the respondents therein but the same was dismissed by the Hon'ble Tribunal by its judgement and order dated 9.9.94.

A copy of the said judgement dated 9.5.94 is annexed herewith and marked as ANNEXURE-'D'

4.9 That pursuant to the aforesaid judgement, the applicants therein have been granted temporary status and to the knowledge of the applicants, all the applicants therein have been continuing in their services without any interruption and break and they are enjoying the consequences of granting the temporary status. One of the applicants in the aforesaid O.A. has been transferred to Shillong and he has been continuing as a Gr. 'D' employee on conferment of temporary status with all consequential benefit, after the said judgement there 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 by the Government, Ministry of Personnel & Public grievances with slight modification here and there.

4.10 That the applicants state that the respondents instead of being a model employer as envisages under the Consitution of India and as the laws framed thereunder

.....9/-

have been utilising the services of the applicants for the last several years in exploitative terms without giving them any ray of hope of future prospect. Thus the applicants have attained a stage under which they can neither go for other employment nor they can abandon their present employment. All of them have become overaged for any other Govt. job. Thus, with the meagre income they earn 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 Tribunal Bench, pertaining to the same department, there is no earthly reasons as to why the benefit of the said judgement should not be extended to the present applicants. The respondents of their own ought to have extended the benefit of the said judgement to the applicants instead of making them to come under the protective hands of this Hon'ble Tribunal.

4.12 That the applicants state that in view of the facts and circumstances stated above, they are entitled to be conferred with temporary status and thereafter regularisation of their service. The applicant further state that it is their reasonably apprehension that since they come under the protective hands of this Hon'ble Tribunal their services may need be continued and thus, it is a fit case for anfor an interim order directing, the respondents not to terminate the services of the applicants till disposal of the instant O.A. Their repeated representations have not

yet yielded any result.

A copy of the
is annexed herewith and marked as
ANNEXURE-E & E1.

5. GROUND 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 not continued in the employment of 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 field pertaining to the same department, the respondents are duty bound to apply the principle laid down therein in case of the applicants also without requiring them to approach the Hon'ble Tribunal again.

5.4 For that the consequential mandates demand that the services of the applicants be regularised and their services should 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 as well as the verdict of the Apex Court and confinement to temporary status have not been given to other. Similarly situated employees like as the instant application in the O.A. and their is no earthly reasons as to why

the same treatment should not be acted out to the applicant.

5.6 For that the applicants acted differently and thus, there is violation of Articles 14 and 15 of the Constitution of India.

5.7 For that the applicants have been continued under respondents for the last several years and is the proceeds having lost their chances of employment elsewhere and being overaged to be absorbed elsewhere, the Hon'ble Tribunal may direct the respondents to regularise the services of the applicants in the Grade 'D' posts.

5.8 For that the respondents are duty bound to give weightage to the services rendered by the applicants towards regularisation of their services and they cannot be utilised in exploitative terms in violation of the provisions of the constitutional rules and the laws framed thereunder.

5.9 For that in any view of the matter, the action/inaction of the part of the respondents are not sustainable.

1610

DETAILS OF REMEDIES EXHAUSTED

That the applicants state that they have not/

other alternative efficacious remedy except by way of approaching this Hon'ble Tribunal.

7. MATTER NOT PREVIOUSLY FILED OR PENDING BEFORE ANY COURT.

The applicants further declare that they have not previously filed any application writ petition or suit regarding the matter in respect of which the application has been made before any court of law, or other authority and/or other Bench of the Tribunal and/or any such application writ petition, or suit is pending before any of them. The applicants further beg to state that time to time in every year that have been making representatives to the authority concerned but till date no fruitful purpose have been served.

8. RELIEF SOUGHT

In view of the facts and circumstances stated above, it is most respectfully prayed that the instant application, be admitted, records be called for an on perusal of the same and upon hearing the parties on the cause/causes that may be shown, be pleased to grant the following Reliefs:-

1. To direct the responding to regularise the services of the applicants with retrospective effect i.e., the respective dates of their

appointment with all consequential benefits including arrear salary and seniority.

2. To direct the respondents to extend the benefit of Annexure 'C' Judgment and order of the Principal Bench of the Hon'ble CAT, New Delhi.
3. To direct the respondents not to terminate the services of the applicants and to allow them to work in their respective posts as per earlier scheme, pending disposal of this O.A.

9. INTERIM ORDER PRAYED FOR :

Under the facts and circumstances of the case as stated above, the applicants have prayed for an interim order at this stage directing the respondents to allow them to continue in their respective posts without any break pending disposal of this O.A.

10.

The application is filed through Advocate

11. PARTICULARS OF THE I.P.O. :

- | | | |
|------------------|---|-------------|
| (i) I.P.O. No. | : | 8 09 345073 |
| (ii) Date | : | 27/2/94 |
| (iii) Payable at | : | Guwahati. |

12. LIST OF ENCLOSURES :

As stated in the Index.

Verification.....

-14-

VERIFICATION

~~I, Shri Mani Ram Dasgupta, son of~~

I, Shri Hitesh Sharma, Son of Late
Lakshmi Nath Sarmah, Resident of Village and P.O.
Sandheli, Via - Gopal Bazar, District- Nalbari,
Assam aged about 27 years do hereby solemnly
affirm and verify that the statements made in
para 1 to 4 and 6 to 12 are true to my knowledge
and those made in para 5 are true to my legal
advice and I have not suppressed any material facts

And I am duly authorised by the applicants
in the instant O.A. to swear this verification.

And I sign this verification on this
22nd day of February, 1996 at
Guwahati.

Sri- Hitesh Sarmah
Unit Secretary
Nalbari Branch

Secretary

S. W. C.

22/2/96

Sl.No.	Name and address	Father's name	Date of Birth	Date of first joining & site	Continued up to and site	Remarks
1	2	3	4	5	6	7
1.	Shri Hitesh Sarmah Vill. & P.O. Sandheli Via - Gopal Bazar, Dist. Nalbari, PIN-781335	Late Lakshmi Nath Sarmah	1.3.69	1988 dtd.on 1.8.88 at Suklai Site	1995 dated on 15.5.95 site Metanga Mela Bazar.	
2.	Shri Labanya Kalita Vill. & P.O. Sondha, District Nalbari.	Late Lakhi Ram Kalita	31.3.60	1983 dt.on 15.5.83 posting at PP Sub- Division, Nalbari	1995 dated on 15.5.95 Site - Suklai	
3.	Shri Sushil Ch. Sarma Vill & P.O. Batsor Dist. Nalbari	Late Dharanidhar Sarma	11.1.60	1983 dtd.on 15.5.83 posting at D.R.F. Site	1995 dated on 15.5.95 at posting DRF Site.	
4.	Shri Narottam Barman Vill. Palla P.O. Sarthebari, District Baepeta	Late Bhabendra Barman	1.9.57	1982 dtd.on 15.5.82 posting at Suklai xsite	1995 dated on 15.5.95 site PP Sub-Divn, NLB	
5.	Shri Bidya Ram Haloi Vill. Jaymangla P.O. Barazara, Dist. Nalbari	Late Ganga Ram Haloi	1.1.62	1983 dt.on 15.5.83 posting at DRF site.	1995 dated on 15.5.95 site - PP Sub-Divn, NLB	
6.	Shri Dipak Das, Vill. Udaypur P.O. Milanpur, District Nalbari.	Sri Krishna Ram Das	1.1.63	1988 dt.on 1.8.88 at posting NLB Sub-Division	1995 dated on 15.5.95 site Puthimari	

7.	Shri Hemen Chandra Baishya Vill. Amayapur P.O. Janigog District Nalbari.	Sri Chabin Chandra Baishya	1.1.66	1988 dated on 1.8.88 at posting NLB Sub-Divn. Chowki	1995 dated on 15.5.95 site NLB Sub-Divn.
8.	Shri Kashi Ram Deka Vill. & P.O. Balilecha District Nalbari.	Late Maghu Ram	1.1.66	1988 Dated on 15.5.89 at site DRF	1995 dated on 15.5.95 site at Suklai
9.	Shri Kumud Ch. Deka Vill. Nalisha P.O. Jagara. District Nalbari.	Late Bhatat Ch.	31.1.61	1982 dated on 15.5.82 at site Puthimari	1995 dated on 15.5.95 site NLB Sub-Divn.
10.	Sri Rameswar Kalita Vill. Sandha P.O. Sandha Dist. Nalbari.	Late Gabinda	31.8.76	1988 dated on 1.8.88 at site Puthimari	1995 dated on 15.5.95 site Pagladia, N.T. Road.
11.	Sri Nripen Kalita Vill Sagalsari, P.O. Amdha, District Nalbari.	Eate Arun Kalita	30.12.66	1988 Dated on 1.8.88 as at site NLB Sub Division	1995 dated on 15.5.95 site Pagladiya N.T. Road.

....

A. K. S.

-16-

Government of India
Central Water Commission
Gauhati-7 for favour of information and necessary action as per
his verbal instruction camp at Nalbari dt. on 28/7/88. The necessary
approval may please be issued at an early.

N.W.P.S/NIB/Estt-1(A)/88/1141-43

Dated, 1/8/88

OFFICE ORDER.

The following candidates are hereby engaged as a ordinary labour on the basis of consolidate pay at the rate of Rs. 750/= (Rupees Seven hundred fifty) only per month with effect from 1.8.88 to 15.10.88

S/No.	Name	Regn.No.	Address.
1.	S/Shri Ramen Kalita.	4769/80	Vill. & P.O. Sandha. Dist. Nalbari (Assam)
2.	" Dipak Das.	684/84	Vill. Udaypur.P.O. Milan- pur Dist. Nalbari (Assam)
3.	" Hemen Bishya	5281/84	Vill. Amayapur.P.O. Aram Dist. Nalbari (Assam)
4.	" Jayanta Banerjee	3565/85	Vill. Udaypur.P.O. Milan- pur Sard. No. 10 Nalbari (Assam)
5.	" Achyut Choudhury.	6700/87	Vill. Barmurikona P.O. Balilecha. Dist. Nalbari
6.	" Hitesh Sarma.	3569/88	Vill. & P.O. Sandheli Dist. Nalbari (Assam)
7.	" Abani Sarma.	5887/87	Vill. & P.O. Bali. Dist. Nalbari.
7.	" Hitesh Sarma.	3569/88	Vill. & P.O. Sandheli Dist. Nalbari (Assam)

(K. C. HALDER) 1/8/88
ASSISTANT ENGINEER.

Copy forwarded to:-

The Executive Engineer, M.B. Division, Central Water Commission
Gauhati-7 for favour of information and necessary action as per
his verbal instruction camp at Nalbari dt. on 28/7/88. The necessary
approval may please be issued at an early.

Attested.

Advocate.

ASSISTANT ENGINEER.

P.T.O.

17
Pub-Sarania, Rajgarh Road,
Gauhati-781003;
Dated, Gauhati the 7/8-1983, 25

M E M O R A N D U M

Subject :- Appointment to temporary post of W/Charged

Shri. Laxmyn Ch. Kalita S/O.....
..... Employment Exchange Nalbari.

Registration No. 38/77..... is hereby inform that he has been selected for the post of Work-Charged Gauge data Khalasi in the scale of Rs. 196-3-220-LB-3-232/- with usual allowances at the rates admissible under rules and subject to the conditions laid down in the rules and orders governing in grant of such allowances in force from time to time.

The appointment is on adhoc basis and is purely temporary and will not continue beyond 15th. Oct. 1983 or completion of the works which ever is earlier without further notice.

If the candidate accepts the offer of appointment on the above terms, he should report himself for duty to Assistant Engineer, C.F.F. Sub-Division, C.W.C. at the place of posting viz. (F.N) positively. Otherwise this offer will be treated as cancelled.

* No. T.A is admissible to join the new appointment.

[Signature]
DEPUTY DIRECTOR
WR&FFD-1, C.W.C.
GAUHATI-3.

To

Shri Laxmyn Ch. Kalita
Vill & P.O. Ganda
Dist. Kamrup

Copy forwarded for information & necessary action to the Asstt. Engineer (E), E.A.D. (Met), WR&FFD-1, CWC, Gauhati/Asstt. Engineer, CFF, Sub-Division, CWC, Barpeta Road/Nalbari/Nowgong/Gauhati. Further posting order may be issued from his end under intimation to the Undersigned. The joining report in original may be sent to this Office. The pay of the incumbent is chargeable to R&M of

Copy to Accounts Branch, WR & FFD-1, CWC, Gauhati.

Copy to the Employment Officer, District/Sub-Divisional Employment Exchange Gauhati/Barpeta Road/Nalbari/Dhubri/Nowgong/Gauhati to be dealt with as per to his order.

Accepted.

Advocate.

DEPUTY DIRECTOR
WR&FFD-1, CWC, GAUHATI

18 True Copy

ANNEXURE- B 3

GOVERNMENT OF INDIA::
Central Water Commission:::::
Futhimari, Pagaldiya Sub- Division
Jail Road Milanpur Nalbari.

NO. PPS/NLB/Estt.1/(A) 33/89/41-45 Dated 12/1/89

O F F I C E O R D E R

The following person are here by engaged as Casual Labour (Skilled) at the consolidated pay of Rs. 750/- (Rupees Seven Hundred Fifty) Only per month with effect from 12-1-89 to 10-4-89.

1. Shri Kumud Deka.
2. Shri Narottam Barman.
3. Shri Dharanidhar Kalita.
4. Shri Sisil Baruah.

3d/- Illegible

(K.C. HALDER)
ASSISTANT ENGINEER.

Copy to :- The Ex. Engineer Middle Brahmaputra Division C.W.C. Guwahati-7 for favour of his information with reference to this office letter No. PPS/NLB/Esst-1(A)/ 88/2232 dated 18/10/88 He is also requested kindly to issue the final approval order against the above named persons as this office has faced a lot of troubles due to sortage of staff.

Allen
Inspector/AU II
of Cooperative Societies
Nalbari

Asstt. Engineer.
Nalbari.

₹₹₹ ₹₹₹

pe
₹₹₹

- 19 -

Government of India
Central Water Commission
Puthimari Pagladiya Sub-Division
Jail Road, Milanpur, Halbari.

No. PPS/MLD/Estt-1(A)/88-89/84-88

Dated, 8/2/88

To:

The Executive Engineer,
Middle Brahataputra Division
Central Water Commission
Gahati-7.

Sub:-

Appointment of 4 Nos. casual labour at consolidated
pay of Rs. 750/- per month.

Ref:-

Your letter No. ED/we/estt-24/89/956 dt. 8/2/89.

Sir,

With reference to letter cited above, the following
persons are hereby terminated with effect from 9.2.89 F.M.,
those were engaged from 12.1.89 as casual labour at the consol-
dated pay of Rs. 750/= per month.

1. Sh. Kunud Deka.
2. " Narottam Barman.
3. " Dharanidhar Kalita.
4. " Susil Ch. Sarma.

Further I would request your honour kindly to allot
the pay of the above persons with effect from 12.1.89 to 8.2.89
(for 28 days) please. The details may please be explained in
letter on.

Yours faithfully,

S.C/-

ASSISTANT ENGINEER.

✓ Copy to person concerned.

W. M. Dey 8/2/88
ASSISTANT ENGINEER

/B.B./

Attached.
/

Advocate.

No.CFF/WC/Estt-24/ 2758-60
Government of India
Central Water Commission
W.R.& Flood Forecasting Division No.I

28

Pub-Sarania, Rajgarh Road,
Guwahati- 781003
Dated the 11/5 1984.

MEMORANDUM

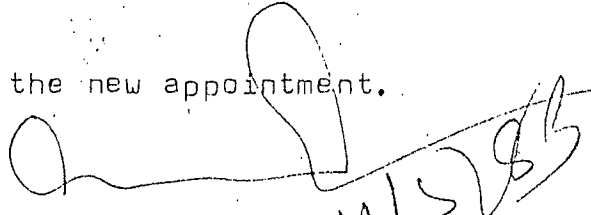
Subject:- Appointment to temporary post of W/Charged Khalasi.

Shri. Bidya Ram Haloi.....S/O.....
Employment Exchange Nalbari.....Registration No. 1151/80.....
is hereby informed that he has been selected for the post of
Work-charged Gauge data Khalasi in the scale of Rs.196-3-220-EB-
3-232/- with usual allowances at the rates admissible under
rules and subject to the conditions laid down in the rules and
orders governing in grant of such allowances in force from time
to time.

The appointment is on adhoc basis and is purely
temporary and will not continue beyond 15th October, 1984 or
completion of the works which ever is earlier without further
notice.

If the candidate accepts the offer of appointment
on the above terms, he should report himself for duty to Asstt.
Executive Engineer/Assistant Engineer, C.F.F. Sub-Division, CWC,....
Nalbari...../ at the place of posting viz.....
.....on 15-5-84.....(F.N) positively. Otherwise this offer
will be treated as cancelled.

No T.A. is admissible to join the new appointment.

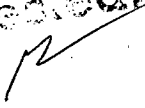

DEPUTY DIRECTOR 11/5/84
W.R.& F.F.Divn.I, CWC, GAUHATI

To Bidya Ram Haloi
Shri
Vill-Jay mangala
.....
P.O. Bara Bazar.
.....
Dist. Kamrup

Copy forwarded for information & necessary action to Assistant Ex.
Engineer/Asstt.Engineer(C), C.F.F. Sub-Division, CWC, Gauhati/Nowgong/
Barpeta Road/Nalbari and A.E. (E)/E.A.D. (Met), WR&FF Division-I, CWC,
Gauhati. Further posting order may be issued from his end under
intimation to the undersigned. The joining report in original may
be sent to this office, The pay of the incumbent is chargeable to
R&M of _____

Copy to the Accounts Branch, WR&FFD-I, CWC, Guwahati-3.

Copy to the Employment Officer, District/Sub-Divisional Employment
Exchange _____ with reference to his letter
No. _____

Accepted.

Advocate.

DEPUTY DIRECTOR
W.R.& F.F.Divn.I, CWC, GAUHATI.

Government of India
Central Water Commission
Fagladia Puthimari Su'-Division
Jail Road, Nalbari.

NO. WPS/MLD/Instt-1(A)/88/1141-48 Dated, Nalbari the 1/8/88

OFFICE ORDER

The following candidates are hereby engaged as a ordinary labour on the basis of consolidate pay at the rate of Rs.750/=(Rupees Sevenhundred fifty) only per month with effect from 1.8.88 to 15.10.88

S/No.	Name	Regn.No.	Address.
1.	S/Shri Rameswar Kalita.	4769/80	Vill. & P.O. Sandha. Dist. Nalbari (Assam)
2.	" Dipak Das.	624/84	Udaypur P.O. Milapour Vill. - XXXXXXXXXXXX Dist. Nalbari. (Assam)
3.	" Hemen Ch. Baishya	5281/84	Vill. Amayapur P.O. Arara. Dist. Nalbari (Assam)
4.	" Jayanta Kumarjee	3565/85	Vill. Udaypur P.O. Milapour Ward. No. 19 Nalbari. (Assam)
5.	" Achyut Choudhury.	6702/87	Vill. Barmurikona P.O. Balilecha. Dist. Nalbari.
6.	" Abani Sarma.	5387/87	Vill. & P.O. Dali. Dist. Nalbari.
7.	" Bitesh Sarma.	3529/88	Vill. & P.O. Sandhell. Dist. Nalbari. (Assam)

[Signature]
1/8/88
(K.C. HALDER)
ASSISTANT ENGINEER (C)

Copy forwarded to:-

The executive Engineer, H.B. Division, Central Water Commission Gauhati-7 for favour of information and necessary action as per his verbal instruction camp at Nalbari dt. on 28/7/88. The necessary approval may please be issued at an early.

Accd.
[Signature]
Advocate.

ASSISTANT ENGINEER (C)

- 22 -

30

GOVERNMENT OF INDIA
CENTRAL WATER COMMISSION
MIDDLE BRAHMAPUTRA DIVISION

3RD FLOOR, BARBARI ROAD, GUWAHATI-781007.

NO. MBD/WC/ESTT-24(A)/89/ 2607-10

DATED, GUWAHATI 2/5/89.

MEMORANDUM

The undersigned hereby offers appointed to the following persons as 'W/C Seasonal Knalesi' in the Work-charge 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 Regn. No.	Place of posting.	Remarks.
1.	Sh. Jayanta Venuz Joo Vill. Udaypur, P.O. Nilonpur Dist. Malbari.	Malbari 3385/86	Notunga ✓	
2.	Sh. Ganan Ch. Balaiah Vill. Udaypur, P.O. Jangag Dist. Malbari.	-do- 3281/86	H.T. Road ✓	
3.	Sh. Dipak Das Vill. Udaypur P.O. Malbari Dist. Malbari.	-do- 684/84	H.T. ✓	
4.	Sh. Chiranjit Anand Vill. & P.O. Anandi Dist. Malbari.	-do- 6825/86	Malbari Sub-Divn.	
5.	Sh. Nitish Barua Vill. & P.O. Sondoli Dist. Malbari.	-do- 3389/86	Sukdoi ✓	

Approved

Advocate.

P.T.O.

The appointment is on 'Ad-hoc' basis and is purely temporary and will not continue beyond 15.10.89(A.N.) or completion of work whichever is earlier without further notice.

The person concerned are hereby directed to report his duties to the place of posting as mentioned above under the Asstt. Engineer, P.P.Sub-Divn., Malbari immediately

no-15.5.89 (P.P.) positively otherwise the offer will be treated as cancelled.

No T.A., D.A. etc. will be allowed for joining the above mentioned appointment.

(A. RAJMAN)
EXECUTIVE ENGINEER

Copy forwarded for information and necessary action to:-

- 1) The Asstt. Engineer, P. P. Sub-Divn., Malbari.
The joining report of the person in original may also be sent to this office in time.
- 2) Person concerned.
- 3) The Employment Officer, District Employment Exchange, Malbari u.r.t. his No. 10D/15/89/2682-83 dt. 29.4.89.
- 4) The Accounts Branch, M.B.Divn., CWC, Suwasati.

A. Rajman

2/6/89

(A. RAJMAN)
EXECUTIVE ENGINEER

A. Rajman.

GOVERNMENT OF INDIA
CENTRAL WATER COMMISSION
MIDDLE BRAHMAPUTRA DIVISION
(POLLUTION CONTROL BOARD BUILDING)
3RD FLOOR, RAJGARH ROAD, GUWAHATI-781007.

NO. MBQ/WC/ESTT-24(A)/89/2615-79 DATED, GUWAHATI 2/5/88.

MEMORANDUM

The undersigned hereby offers appointed to the following persons, as 'W/C Seasonal Knalesi' in the work-charged 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 Regn. No.	Place of Posting.	Remarks.
1.	Md. Guljar Ali Vill. Salmara P.O. Reisor Dist. Malbari.	Malbari 1438/89	M.T. Road	
2.	Sh. Nripan Kalita Vill. Bokharapam P.O. Jalkhana Dist. Malbari.	-do- 897/87	Malbari Sub-Divn.	
3.	Sh. Kashi Ram Deka Vill. Suterkuchi P.O. Halilecha Dist. Malbari.	-do- 330/84	Potunga	

Attested.
[Signature]
Advocate.

The appointment is on 'Ad-hoc' basis and is purely temporary and will not continue beyond 15.10.89 or completion of work whichever is earlier without further notice.

The person concerned are hereby directed to report his duties to the place of posting as mentioned above under the A.E., P.P. Sub-Divn., CWC, Malbari immediately

on 15.5.89 (F.M.) (positively otherwise the offer will be treated as cancelled.

No T.A., D.A. etc. will be allowed for joining the above mentioned appointment.

(A. RAHMAN)
EXECUTIVE ENGINEER

Copy forwarded for information and necessary action to:-

- 1) The Asstt. Engineer, Malbari.
The joining report of the person in original may please be sent to this office in time.
- 2) person concerned.
- 3) The Employment Officer, District Employment Exchange Malbari u.r.t. No. 2597-98 dt. 21.4.89
- 4) No. 1262-83 dt. 20.4.89
The Accounts Branch, M.B. Divn., CWC, Guwahati.

A. Rahman

2/6/89

(A. RAHMAN)
EXECUTIVE ENGINEER

A. Rahman.

24
Government of India
Central Water Commission
Puthimari Bagladiya Sub-Division
Jail Road, Milanpur, Nalbari.


To Whom it may Concern.

Certified that Sree Kumud Ieka Son of Sree Bharat Chandra Ieka inhabitant of Village Nalidha in the District of Nalbari under P.S. Belser has been working under this Sub-Division as a seasonal workcharged khalasi since 1982 to 1991 during flood season under this period found him a hard working young man and sincere to his duty.

I wish him all the success in life.

~~11~~ 7.3.92
ASST. COMMISSIONER
Puthimari Bagladiya Sub-Division
Central Water Commission
NALBARI

Attes.ed.


Advocate.

Government of India
Central Water Commission
Pegledia Puthimari Sub-Division
Jail For : Halbari.

5

Dated, Halbari the 1/8/88

OFFICE ORDER

The following candidates are hereby engaged as a ordinary labour on the basis of consolidated pay at the rate of Rs. 750/= (Rupees Seven hundred fifty) only per month with effect from 1.8.88 to 15.10.88

S/No.	Name	Regn.No.	Address.
1.	S/Shri Rameswar Kalita.	4769/80	Vill. & P.O. Sandha. Dist. Halbari (Assam)
2.	" Dipak Das.	684/84	Udaypur P.O. Milanpur Vill. - ANAYAPUR P.O. ARARA. Dist. Halbari. (Assam)
3.	" Heman Ch. Baishya	5281/84	Vill. Anayapur P.O. Arara. Dist. Halbari (Assam)
4.	" Jayanta Choudhury	3565/85	Vill. Udaypur P.O. Milanpur. Ward No. 10 Halbari. (Assam)
5.	" Achyut Choudhury.	6702/87	Vill. Barnurikona P.O. Balilecha. Dist. Halbari.
6.	" Abanil Sarma.	5887/87	Vill. & P.O. Dali. Dist. Halbari.
7.	" Nitesh Sarma.	3559/88	Vill. & P.O. Sandheli. Dist. Halbari. (Assam)

(Signature)
1/8/88

(K. C. HALLER)
ASSISTANT ENGINEER (C)

Copy forwarded to:-

The Executive Engineer, M.B. Division, Central Water Commission (contd.) for favour of information and necessary action as per his verbal instruction camp at Halbari dt. on 29/7/88. The necessary approval may please be issued at an early.

Attes. ed.
(Signature)
Advocate.

ASSISTANT ENGINEER (C)

Government of India
Central Water Commission
Puthimari Pagladiya Sub-Division
Jail Road, Milanpur, Nalbari.

No.PPS/NLB/Estt-1(A)/88/ 1205-07

Dated, 4/8/88

OFFICE ORDER.

In continuation to this office order No.PPS/NLB/Estt-1(A)/88/1141-48 dt.1/8/88 Sh. Nripen Kalita is hereby engaged as a ordinary labour on the basis of consolidated pay @ B. 750/= (seven hundred fifty) only per month w.e. from 4.8.88 to 15.10.88.

ASSISTANT ENGINEER.

Copy to:-

- 1) The Executive Engineer, Middle Brahmaputra Division, C.W.C., Gauhati-7 for favour of information and requested kindly to issue the approval in his favour please.
- 2) Sh. Nripen Kalita, Regn.No.997/87 for information and necessary action.

ASSISTANT ENGINEER.

/B.B./

Attested.

Advocate.

27 - 29

37

ANNEXURE - C

REGD. AD/SPL MESSENGER
CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH : NEW DELHI

Faridkot House,
Colinicus Marg,
NEW DELHI - 110001

18/2/94

From

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

To

1. Shri S.M. Shukla,
Counsel for the applicant 454, Lawyers Chambers,
Eastern Wing, The Hazari Court, Delhi-54

OA 223/92 & 804/92

2.

Shri B.S. Malina,
Counsel for the applicant in OA 1601/92 & 2418/92
CAT, Bar Room, New Delhi.

3.

Shri J.S. Singh,
Counsel for the respondents in OA 804/92, 223/92 & 1601/92
CAT, Bar Room, New Delhi.

4.

Shri P.P. Khuzana,
Counsel for the respondents, in OA 2418/92
CAT, Bar Room, New Delhi.

9/c
BWA
22.2.94

1.

Shri Vinod Kumar & Ora
Shri Sank Ram & Ora.

OA 223/92
OA 804/92

2.

Shri Rajesh Kumar Saini

OA 1601/92

3.

Shri Rajinder Sharma & Ora.

OA 2418/92

4.

G.A.No.

Applicant (s)

VERSUS

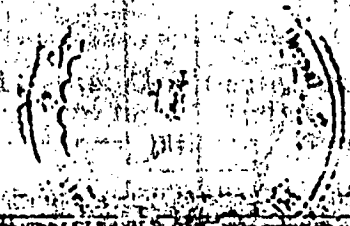
Union of India & Ora. Respondent(s)

Sir,

I am directed to forward to you with a copy of Judgment/Order
DE: 10/2/94 passed by this Tribunal in the above mentioned case
for information and necessary action, if any.

Your's faithfully,

A. Kes. Od.
Advocate.



SECTION OFFICER (C-11) (J-1)

- 28 - 25 -
- 20 -

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

Q. As No. 223, 884, 1601, 2246 & 2418 of 1992

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

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

Q. A. No. 223 of 1992

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

Q. A. No. 884/1992

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

vs.

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

Attended.

Advocate.

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

(through Mr Jog Singh, Advocate).

O.A.No.1601 of 1992

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

.. .. Applicant.

(through B.S.Mainee, Advocate).

O.A.No.2245 of 1992

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

.. .. Applicant.

(through B.S.Mainee, Advocate).

O.A.2418 of 1992

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

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

..... Applicants.

(through B.S.Mainee, Advocate).

vs.

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

..... Respondents

(in all three above O.As)

(through Mr Jog Singh in 1601 and 2245/92 and
through Mr. P.P.Khurana in O.A.No.2418 of 1992).

- 29 - - 27

- 25 -

- 1-3-1

ORDER

B.N.DHOUNDIYAL, MEMBER(A)

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

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

Advocate.

Stamp: B.N. DHOUNDIYAL, MEMBER (A)

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

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

Sri B.S.Mainee, learned counsel for the applicants has drawn our attention to the following observations made by the Hon'ble Supreme Court in case of

State of Haryana and others vs. Pijara Singh and others,
1992(3) Vol.45 S.C.R.34:

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

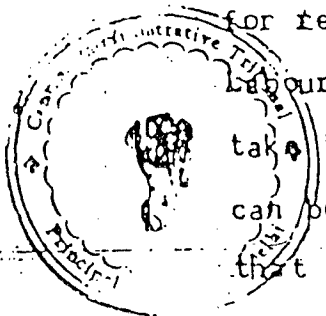
So far as the work-charged employees and casual labour are concerned, the effort must

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, though 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;

Ades.ed.
Advocate.



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

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

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

5. There shall be no order as to costs.

(B.N.Dhondiyal)
Member(A)

(S.K.Dhaon)
Vice Chairman

/sds/

RECEIVED
13/12/1977
Section Officer
13/12/77

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI.

Faridkot House
Copernicus Marg,
New Delhi-1.

Dt. 30/5/94

To

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

1. Sh. Jog Singh
counsel for the applicant in RA
1108, Prakash Deep, 7, Tolastot Marg,
New Delhi.

Versus

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

Soc. Mini. Water Resources Applicants

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

Vs.
Rajender Sharma & Ors. Respondants

Sir,

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

Attested.

Advocate.

Yours faithfully,

SECTION OFFICER (J-II)

- 32 -
Administrative Tribunal
1st Bench, New Delhi.

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

New Delhi this the 9th Day of May, 1994.

Hon'ble Mr. Justice S.K. Dhawan, Vice-Chairman (J)
Hon'ble Mr. B.M. Dhoundiyal, Member (A)

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

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

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

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

Review Applicant/
respondents in OA.

(through Sh. Jog Singh)

RA-165/94 in CA-2246/92 versus

Shri Jayant Kumar Pathak,
S/o Sh. Kushoshwar 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 CA-1001/92

Shri Rajesh Kumar Saini,
S/o Shri Veer Sain Saini,
Workcharged Khullasi,
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 CA-2418/92

Attest.
Advocate.

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

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

Respondents in RA/
Applicants in OA.

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

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

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

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

Advocate
Advocate.

- (iii) Adhoc/temporary employees should not be replaced by other ad hoc/temporary employees and should be retained in preference to their juniors and outsiders;
- (iv) Such a scheme shall be submitted by the respondents for scrutiny of this Tribunal within a period of three months from the date of communication of this order by the petitioner to them.

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

There is nothing in these directions which forces the review applicants to regularise casual workers in the absence of any post. They can take into account the latest position regarding the projects which are continuing and reach the conclusion that no more regular post can be created. The second direction only relates to implementation of the decision of the Deptt. of Personnel regarding temporary status being given to casual workers who have worked for 120 days. Certainly, it cannot be accepted that the applicants will not implement their own orders. The direction No.3 is based on a well-

24
17

established principle.

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

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

(S. N. CHANDRAN) MEMBER (A)

(S. K. SHARMA) VICE CHAIRMAN

/vv/

Original cases
...
Admitted for copy
...
9.5.74
CC (A)
S.A.T. P.B.
New Delhi



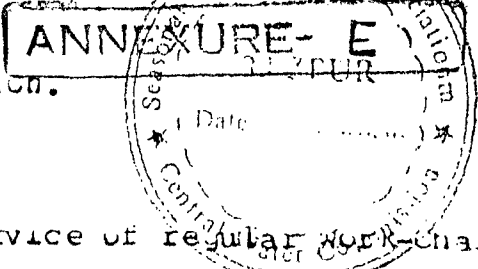
Section Officer
30/7/74

To,

The Chairman Central Water Commission.

K.K. Puram, Seva Bhawan.

New Delhi - 66.



-35-

E

Sub.: - Representation for Continous service of regular work-charged post from the seasonal work-charged Khalasi in the Department of Central Water Commission.

Ref. No. C.W.C./Tezpur/95/18-22.

Date:- 25/11/95.

Sir,

Most respectfully, we have approached to lay down before you the following our painfull matters for favour of your kind consideration and solution please.

That sir, we have been rendering up our service as seasonal work-charged "Khalasi" in the Department of Central Water Commission since 1982 On ward. But unfortunately none of us have been provided permanent post till this date end due to which we are facing lot of problem including financial hardship. The more painstaking is our problem that we are deprived from praying for other job or service vacant in any other state or Central Govt. department as our name were not forwarded repeatedly by the Employment Exchange to those concerning department. On the other hand the service age for most of us are about to cross, as we have spoilt our valuable time by serving in your department. It is a surprising matter that you department has not yet showed any sympathetic attitude by recruiting us as the work-charged Employees in your Department permanently.

So I would like to request you kindly to consider the above stated matters and arrange for regularisation of our post in the existing post for work-charged "Khalasi" in your department at an early date for which act. of kindness. We will be ever grateful to you.

Waiting for your kind reply.

Encl. :- 2nd list of seasonal work-charged Employees.

Yours faithfully,

(Hitesh Samah)

Unit Secretary.

Copy for information and necessary action :-

Seasonal work-charged association, Nalbari branch.

1) The chairman, C.W.C. R.K. Puram, New Delhi. - 66

2) The Chief Engineer (N.E. Regional) C.W.C. Shillong - 14.

3) The Superintending Engineer, Brahmaputra - Barak, Circle, C.W.C. Ghy-24.

4) The Executive Engineer, M.S. Division - C.W.C. Ghy-7.

5) Unit Secretary, Nalbari branch.

Attes.cd.

Advocate.

Sri Hema Ram Nath

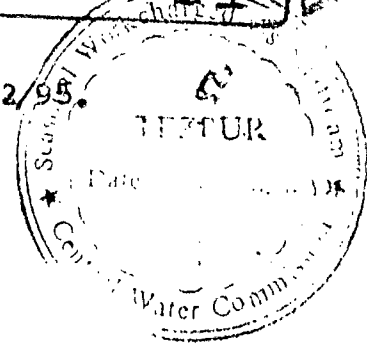
Secretary, 15/11/95

S. J. G. W. C. Work-Charged Association, Tezpur C.W.C. H.O. Tezpur.

P.O. Kalibukhuri, Tiniali.

Dist. Sonitpur, (Assam)

Letter No. S.W/C. Tez/95/22-25 Dtd : 29/12/95.



TO

The Chairman, Central Water Commission,
R.K. Puran, Seva Bhawan,
New Delhi-66.

sub.:- Representation for continuous service of regular work-Charged Post from the Seasonal Work-Charged Khalasi in the Department of Central Water Commission.

Ref, This Office Letter No, S.W/C. Tezpur/95/18-22.

Dated:- 25/11/95.

Sir,

In inviting reference to our letter No. and subject quoted above, I have the honour to draw your kind attention on the matter as depicted in the letter for early regularization of seasonal work-Charged employees by permanent recruitment in your department. But till this date no any favourable action has been taken from your end and neither any once intimation been given to us on such action. Again I would like to pray before you to think over the matter and make necessary arrangement to recruit us within one month, otherwise thinking about our dark future we may be compelled to take resort of legal Court advice.

This is our earnest request to fulfill our long standing demand.

An early and sympathetic action on the matter will be appreciated highly.

Copy for information and necessary action :-

1) The Chairman, S.W.C.
R.K. Puran, New Delhi-66.

2) ~~The Chief Engineer,~~
(N.E. Region) C.W.C.
Shillong-14.

3) The Superintending Engineer,
Brahmaputra-Barak-Circle, C.W.C..Ghy-24.

4) The Executive Engineer, M.S. Division
C.W.C. Ghy-7.

Yours faithfully,

(Signature)
(Nitesh Sarma)

Unit Secretary
Seasonal Work-Charged Association.
Nalbari Branch.

5) *(Signature)*
Unit Secretary (Nalbari)
Advocate.

(Signature)
Secretary
Seasonal Work-Charged Association
S.W.C. Tezpur.
P.O. Talipukhuri Tiniali.
Dist. Sonitpur (Assam)

Administrative Tribunal
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
GUWAHATI BENCH AT GUWAHATI :
18 APR 1996
Central Bench

37

Filed by
16/4/96

Central Govt Standing Council
Central Administrative Tribunal,
Guwahati Bench, Gauhati.

5

In the matter of : -

O.A. No. 51 of 1996

Sri Hitesh Sarmah and others

- Vs -

Union of India and others

- And -

In the matter of :-

Written statement submitted by

the Respondents Nos. 1, 2, 3 & 4

WRITTEN STATEMENTS :

The humble Respondents submit their

written statements as follows :-

1. Before submitting parawise replies of the application the respondents deem it necessary to give brief back ground of applicants case for proper appreciation of the facts and legal position of the applicants' case before the Hon'ble Tribunal. The brief background of the case has been given below:

The applicants have worked as seasonal khalasis w.e.f 15 th May 1995 to 15 th October 1995 under the respondents. The scheme mentioned here in this application is not applicable to the seasonal work- charged khalasis. However, a seperate scheme for grant of temporary status and

38/2

regularisation of workcharged employees is under active consideration and is being processed in Central Water Commission . On receipt of the above scheme for implementation, the respondents will take a sympathetic view to consider the demands according to their seniority cum fitness as and when vacancies will arise.

2. That with regard to statements made in paragraph 1 of the application, the respondents beg to state that recently the applicants have worked as seasonal khalasis w.e.f 15th May to 15th October 1995 under the respondents. The scheme mentioned here in this application is not applicable to the seasonal workcharged khalasis. However, a separate scheme for grant of temporary status and regularisation of workcharged employees is under active consideration and is being processed in Central Water Commission . On receipt of the above scheme for implementation, the respondents will take a sympathetic view to consider the demands according to their seniority cum fitness as and when vacancies will arise.

3. That with regard to statements, made in paragraphs 2,3,4.1 & 4.2 of the application the respondents have no comments on them.

4. That with regard to statements made in the paragraph 4.3 of the application the respondents beg to state that the applicants have worked as seasonal workcharged khalasis. The services of seasonal workcharged khalasis are required

390

for a very specific purpose i.e, the collection of Hydrological Data from the respective rivers during monsoon period normally (15 th May to 15th October) every year which is related to flood forecasting. This fact is always mentioned in their office memorandum.

The scheme mentioned here in this application is not applicable to the seasonal workchahrged khalasis. However, a seperate scheme for grant of temporary status and regularisation of workcharged employees is under active consideration as stated in Sl.No. 2.

5. That with regard to statements made in the paragraph 4.4 of the application the respondents beg to state as per nature of the job the applicants were engaged for a specific purpose for a particular period. Depending upon the temporary nature of work some of the applicants were engaged on casual basis/ daily wages also.

6. That with regard to statemts made in Paragraph 4.5 & 4.6 of the application, the respondents beg to state that the appointments are being issued every year from 15th May to 15th October as per actual execution of a specific nature of job for flood forecasting activitites.

As per records available in this office the respondents beg to state that as per nature of job the applicants were engaged for a specific work for a particular period. Depending upon the temporary nature of work some of the applicants were engaged on casual basis/ daily wages basis

also, so question of exploitation does not arise.

However the respondents will take a sympathetic view of their demand on receipt of the scheme as stated in St.No.2 of paragraph 1.

7. That with regard to statements made in paragraph 4.7 to 4.9 of the application, the respondents beg to state that as stated in Para 1, the scheme as well as the judgement referred here is not applicable to the workcharged seasonal Khalasis. However, a seperate scheme for grant of temporary status and regularisation of workcharged employees is under active consideration. On receipt of the above scheme for implementation, the respondents will take a sympathetic view to consider the applicants demands .

8. That with regard to statements made in the paragraph 4.10 of the application, the respondents beg to state that as mentioned in Para 4.3 of the application , as per nature of job the applicants were engaged in a specific work for a specific period so question of exploitation does not arise. The applicants knowing fully well about their nature of engagement, they have accepted the job and now raising the question of overage does not arise.

9. That with regard to statements made in paragraph 4.11 of the application, the respondents beg to state that as stated in Para 1, the scheme as well as the judgement referred here is not applicable to workcharged seasonal Khalasis. However, as said in para 1, on receipt of the said

41
5

scheme for implementation the respondents will take a sympathetic view to consider the applicants demands .

10. That with regard to statements made in paragraph 4.12 of the application, the Respondents beg to state that the applicants are not working since 15th October, 1995 as during non-monsoon period there is no work of flood forecasting. As already mentioned in paragraph 1, a scheme for regularisation of services of seasonal workcharged employees is under formulation in C.W.C. in consultation with the Ministry of Water Resources. Once the scheme is ready for implementation the cases of the applicants will be considered as per seniority cum fitness.

11. That with regard to statements made in para 5 of the application regarding grounds of relief on legal position, the respondents beg to state that none of the grounds is mentionable in law as well as in facts, and as such the application is liable to be dismissed.

12. That with regard to statement made in Para 6 & 7 of the application the Respondents have no comments on them.

13. That with regard to statement made in para 8 of the application regarding relief sought for, the respondents beg to state that the applicants are not entitled to any of the relief sought for as such the same is liable to be dismissed.

14. That with regard to statement made in para -9 of the application regarding Interim order prayed for, the

42
5

respondents beg to state that in view of the facts and circumstances narrated above the Interim order prayed for is liable to be dismissed.

15. That with regard to the statements made in para 10 to 12 of the application, the respondents have no comments on them.

16. That respondents submit that the application is devoid of merit and as such the same is liable to be dismissed.

VERIFICATION

I, V.P. Shiv, Executive Engineer, Middle Brahmaputra Division, Central Water Commission, Rajgarh Road, Guwahati -781007 (Assam) and respondent No: 3 do hereby solemnly declare that the statements made above are true to my knowledge and belief and information.

And, I sign this verification on this 16 day of April 1996 at Guwahati.

V.P. Shiv
DECLARANT 16.4.96