

6

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH  
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

MP 99/96 under page - 1 dtd 26.6.98 INDEX  
MP 61/97 under page - 1 dtd 7.3.97

O.A/T.A No. 100/96  
R.A/C.P No. ....  
E.P/M.A No. ....

1. Orders Sheet..... OA .....Pg. 1 .....to. 5 .....
2. Judgment/Order dtd. 19.3.97 .....Pg. 1 .....to. 3 dtd .....
3. Judgment & Order dtd. ....Received from H.C/Supreme Court
4. O.A. .... 100/96 .....Pg. 1 .....to. 4.6 .....
5. E.P/M.P. 99/96 .....Pg. 1 .....to. 2 .....  
MP 61/97 .....Pg. 1 .....to. 2 .....
6. R.A/C.P. ....Pg. ....to. ....
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11. Memo of Appearance.....
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16. Counter Reply.....

SECTION OFFICER (Judl.)

Sahib  
29.1.98

DA No.

MP No.

RA No.

CP No.

100/96

Dr. Utham Nath Rao

APPLICANT(S)

VERSUS

Union of Indian

RESPONDENT(S)

Mr. J. L. Sarbon ..... Advocate for the applicant.  
M. Chanda

Mr. S. Ali, Sr. C.G.S.C. ..... Advocate for the Respondents.

Office Notes

Court's Orders

21-6-96

None for the applicant.

Mr. A.K. Choudhury Addl. C.G.S.C. is present for the applicant.

List for admission on 26-6-

lm

Member

21-6-96

None for the respondents

At the request of Mr. M. Chanda case is adjourned to 26-6-96.

lm

Member

26.6.96

Mr M.Chanda for the applicants. Mr S.Ali, Sr.C.G.S.C for the respondents.

Heard Mr Chanda for admission. Perused the contents of the application and the reliefs sought. Application is admitted. Issue notice on the respondents by registered post. Written statement within six weeks.

List on 5.8.96 for written statement and further orders.

Pendency of this O.A. shall not be a bar for the respondents to regularise the service of the applicants in the same manner as granted to similarly situated employees.

Member

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

IPO No. 346220 Dated 10.6.96

Dr. Registrar 19/6/96

7.7.96

Notice issued to the respondents vide D.No. 1983 dt. 5.7.96

Bar  
w/statment has not been b'w.  
2/8

2.5.8.96

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

Written statement has not been submitted.

List on 28.8.96 for written statement and further orders.

Member

pg

28.8.96

Written statement has not been submitted.

List for written statement and further order on 19.9.96.

Member

trd

19.9.96

Learned counsel Mr M. Chanda for the applicant. Mr S. Ali, learned Sr.C.G.S.C., for the respondents seeks time to submit written statement.

List for written statement and further orders on 15.10.96.

Member

15.10.96

Mr. J.L.Sarkar for the applicant.

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

Mr. Ali seeks time to file written statement.

List for written statement and further order on 28.11.1996.

Member

trd

Service Reports are still awaited.

Statement has not been filed.

18

28/8

Statement has not been filed.

19

trd  
28/8

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

10

24.10.96

nkm  
20/9

Notice duly served on Respondent No 2.

Statement has not been filed.

11

trd  
28/11

28.11.96

Written statement has not been submit.

List for written statement and further

orders on 18.12.1996.

Member

No-3004/1/CC-6/G.Dt-2.11.96

The 2<sup>nd</sup> Col, 66<sup>th</sup> Adm, Comdt  
 for station Commander vide his  
 letter above informed this  
 Registry That all eligible <sup>trd</sup>  
 Applicants in O.A 100/96 <sup>W/ 25/11</sup>  
 have been Regularised except  
 applicant No-6. Sri Timal  
 who has crossed The upper  
 age limit prescribed for The  
 post.

18.12.96

Mr. M.Chanda for the applicants.

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

Written statement has not been submit

List for hearing on 9.1.1997. In  
 meantime the respondents may submit writ  
 statement with copy to the counsel of  
 opposite party.

Laid for favour of  
 kind parusal and necessary  
 orders.

W/ 11.12.96  
 S.O (J)  
 W/ 15/12

trd

Member

16.12.96

Office duly served  
 on Respondent No. 3.

9-1-97

Learned counsel Mr.J.L.Sarkar  
 for the applicant. Mr.S.Ali, Sr.C.G.S.C.  
 for the respondents.

Written statement has not been  
 submitted.

List for written statement and  
 further orders on 4-2-97.

Member

W/ Written statement has  
 not been filed.

W/ 17.12.96  
 7.1.97

1) Notice duly served <sup>pg 2/1</sup>  
 Respondant No-1, 2  
 & 3.

4.2.97

Mr J.L. Sarkar, learned counsel for  
 the applicant, is present. Mr S. Ali, learned Sr  
 C.G.S.C., prays for further extension of time  
 Several adjournments have been given. For the  
 ends of justice, however, we grant one week  
 time as a last chance. No further time will be  
 granted.

List-it on 14.2.97.

Member

Vice-Chairman

W/ statement has not  
 been filed.

W/ statement has not been  
 filed.

13-2-97

1/ Notice duly served  
on R. NO-1 to 3.


14.2.97

2/ W/ statement has  
not been filed.

24  
13.2

On the prayer of Mr. S. Ali,  
Sr. C.G.S.C. further two weeks time  
is extended from to-day to submit  
written statement. If no written  
statement is filed, this case will  
be heard without written statement.

List for order on 28-2-97.

  
Member

  
Vice-Chairman

lm

14  
20/2

28.2.97

Mr S. Ali, learned Sr. C.G.S.C. prays  
for further extension of time to file written  
statement. The order sheets indicate that several  
adjournments have been granted. We are not inclined  
to grant any further adjournment.

List the case for hearing on 23.4.97.

  
Vice-Chairman

nkm

17.3.97

copy filed by Mr. R. No. 1-4  
with a prayer of acceptance  
of filing a App no. 61/97.

19.3.97

In the written statement to the Original  
application No. 100 of 1996 the respondents have  
stated that the service of the applicants have  
been regularised except Sl. No. 6. In view of the  
statement made in the written statement the O.A.  
may be disposed. Call for the Original  
Application.

Member

Vice-Chairman

trd

19.3.97

Heard counsel of both the sides. Judgement delivered in the open Court. The application is disposed of. No order as to costs. Judgement contain in separate sheets.

  
Member

  
Vice-Chairman

7.4.97

Copy of the final  
order has been sent  
the D/Secy for  
using the same to  
parties through  
RD with AD.

trd

Issued vide  
No. 1600 to 1604  
5.5.97  
sh.

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH : GUWAHATI-5

O.A. No. 100 of 1996

Date of decision 19.3.1997

Shri Uttam Nath and 11 Ors.

PETITIONER(S)

Mr. J.L.Sarkar with Mr. M.Chanda

ADVOCATE FOR THE  
PETITIONER(S)

VERSUS

Union of India & Ors.

RESPONDENT(S).

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

ADVOCATE FOR THE  
RESPONDENT(S)

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

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

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

Judgement delivered by Hon'ble Vice-Chairman.

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

Original Application No. 100 of 1996.

Date of decision : This the 19th day of March, 1997.

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

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

Shri Uttam Nath and 11 Ors.  
Son of Sri Siva Ram Nath,  
Village-Balai Bill,  
P.O. & P.S. Changsari,  
District-Kamrup,  
Assam

....Applicants

By Advocate Mr. J.L.Sarkar with Mr. M.Chanda.

-versus-

1. Union of India  
Through the Secretary,  
Government of India  
Ministry of Defence  
New Delhi.
2. Additional Director General of Staff Duties  
(SDGE), General Staff Branch,  
Army Headquarters, DHG,  
P.O. New Delhi-110011.
3. Administrative Commandant,  
Purv Kaman Mukhyalaya  
Headquarters, Eastern Command,  
Fort William,  
Calcutta-700021.
4. Administrative Commandant,  
Station Headquarters,  
Rangiya,  
C/o 99 APO

Respondents

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

O R D E R

BARUAH J. (V.C.).

In this application, the applicants have prayed interalia for regularisation of their services in the pay scale of Rs. 750-940 per month with all consequential service benefits including monetary with immediate effect in the cadre of Conservancy Safaiwala under Station Headquarter, Rangiya and also for further

.....direction

direction to pay minimum of the pay scale with effect from August 1994 till the services of the applicants are regularised and also for other appropriate orders. The facts for the purpose of disposal of this application are :

The applicants are employees of the Regional Station Headquarter, Rangiya as Conservancy Safaiwalas. They have been working on various dates commencing from 1975 till 1993. Though they have been working for such long time their services have not been regularised till date. Hence the present application.

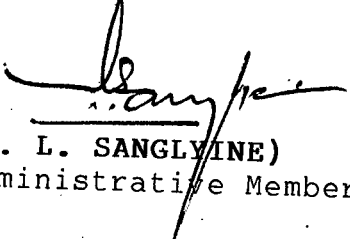
2. According to the applicants the services rendered by them are of permanent nature and they are entitled to be regularised in their services. Written statement has been filed after expiry of the time allowed and therefore the respondents have filed an application for acceptance of the written statement. In para 2 of the written statement the respondents have stated that they have been regularised in their services except the applicant No. 6. Applicant No.6 is overged by 14 years. Mr. J.L.Sarkar submits that a separate application is pending before this Tribunal. Therefore we do not pass any order in respect of respondent No. 6. As the main grievance of the other applicants have been accepted by the respondents it is for the respondents to consider whether the consequential benefits such as the monetary as claimed by the applicants should be given or not in the light of Judgement and order passed by this Tribunal in similar other cases.


3. In view of the above, we dispose of the application with direction to the respondents to consider whether the present applicants are entitled to get the other benefits as claimed in the application. The respondents shall consider the same in the light of the ....decision

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decision of the Tribunal passed in O.A. No. 228 of 1993. This may be done as early as possible at any rate within a period of two months from today.

With the above observations the application is disposed of. Considering the entire facts and circumstances of the case we do not make any order as to costs.

  
(G. L. SANGLYINE)  
Administrative Member

  
(D.N. BARUAH)  
Vice-Chairman

trd

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

An Application under Section 19 of the Administrative  
Tribunals, Act, 1996.

O.A. No. 100/96

Sri Uttam Nath & Ors.

Vs.

Union of India & Ors.

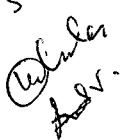
I N D E X

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3	1-16	Documents	19-34
4	17	Lawyer's Notice dt.	35-39
5	18	Judgement in O.A. dt. 5.9.95	40-46

Filed By :

  
Advocate

Date : 13-6-96

Copy is handed  
over to Sri S. Ali  
Sr. C. A. S. C.  
  
Adv.

1. Particulars of the Applicants

1. Sri Uttam Nath,  
Son of Sri Siva Ram Nath,  
Village- Balai Bill,  
P.O. & P.S. Changsari,  
District- Kamrup  
Assam
2. Sri Bharat Chandra Das,  
Son of Sri Ganga Ram Das,  
Village Jera Kahra,  
P.O. Jera Kahra,  
District-Kamrup  
Assam
3. Md. Monir Ali,  
Son of Md. Fazar Ali,  
Village-Dora Kahara,  
P.O. Dora Kahara,  
P.S. Kamalpur,  
District-Kamrup  
Assam
4. Sri Deben Chandra Rajbanshi,  
Son of late Kali Charan Rajbanshi  
Village Boragog,  
P.O. Dorakahara,  
District-Kamrup  
Assam

*Uttam Nath*

5. Sri Meghnath Karmakar,  
Son of Sri Ganga Karmakar  
Village-Balahati  
P.O. Dorakahara  
P.S. Kamalpur  
District Kamrup  
Assam
6. Sri Timal  
Son of Sri Bangla Dhubi,  
Village-Changsari  
P.O & P.S. Tamulpur  
District-Nalbari  
Assam
7. Sri Krishna Das  
Son of Sri Bati Ram Das,  
Village Dimilapar  
P.O. & P.S. Tamulpur  
District-Nalbari  
Assam.
8. Sri Putul Das  
Son of Sri Soneswar Das  
Village Dimilapar  
P.O. & P.S. Tamulpur  
District Nalbari  
Assam
9. Sri Phunu Barman  
Son of Sri Shandra Barman  
Village-Borkhopa  
P.O. & P.S. Tamulpur,  
District-Nalbari  
Assam

*attan chvath*

20. Md. Habibur Rahman,  
Son of Md. Taher Ali  
Village Borkukuria,  
P.O. & P.S. Rangiya  
District-Kamrup  
Assam

11. Sri Madan Chandra Kalita  
Son of Sri Gopal Kalita,  
Village-Baranghati,  
P.O. Baranghati, P.S. Kaya,  
District-Kamrup  
Assam

12. Sri Keshab Das  
Son of Sri Manglu Das  
Village No. 1 Nakul  
P.O. Rangiya, P.S. Rangiya  
District-Kamrup  
Assam

..... Applicants

-versus-

1. Union of India  
Through the Secretary,  
Govt. of India,  
Ministry of Defence  
New Delhi

2. Additional Director General of Staff Duties  
(SDGE), General Staff Branch  
Army Headquarters, DHG,  
P.O. New Delhi-110011

Man ch Nath

3. Administrative Commandant,  
Purv Kaman Mukhyalaya  
Head Quarters, Eastern Command,  
Fort William, Calcutta-700021

4. Administrative Commandants,  
Station Headquarters,  
Rangiya,  
C/o 99 APO

3. Particulars for which this application is made.

This application is made for a direction on the respondents to regularise the services of the applicants in the pay scale of Rs. 750-940 per month with all consequential/benefits including monetary benefits with immediate effect and also pray for a direction to pay minimum of the pay scale to the applicants till regularisation.

4. Jurisdiction

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

5. Limitation

That the applicant further states that the application is filed within the prescribed period by the Central Administrative Tribunals Act, 1985.

6. Facts of the case

The all the petitioners are citizens of India, as such they are entitled to all the rights and privileges

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guaranteed by the Constitution of India. All the petitioners are employed as Conservancy Safaiwalas under the Station Headquarter, Rangiya (Assam) on different dates since 1978 onwards. All the applicants are working in the Ministry of Defence. They were employed on daily wages basis at the rate of Rs. 30.20 per working day on No Work No Pay basis. The applicants are entrusted with the work of grass cutting, safai, gardening, plantation, loading-unloading of rations despatch work in office. Be it stated that Army camps are situated at Tamulpur, Rangiya, Changsar Rangiya and Tamulpur. All these three camp are occupied a few acres of land and all the Conservancy Safaiwalas are engaged for maintenance of these three big camp areas and also for other routine nature of regular works. *The Hon'ble Tribunal be pleased to grant Permission to none this application*  
6.2 That all the applicants are working in this Army Establishment on casual basis as Conservancy Safaiwala for years together but they were being deprived from service benefit, pay scale, dearness allowance, house rent, medical allowance/facilities and other service benefits such as pay for holidays and different nature of leaves where as regular employees of the Army establishment throughout the country being similar nature of job are getting regular pay scale of Rs. 750-940/- per month plus other allowances admissible from time to time to the civilian defence regular employees of Class IV category. Non payment of regular salary and other allowances and non regularisation of the services of the applicants are highly discriminatory, illegal and unfair labour practice and also violative of Article 14 and 16 of the Constitution of India.

*Whole  
Adv.*

*Utham Chath*

6.3 That the applicants beg to state that they were engaged on different dates since 1978 onwards. All the applicants were engaged in different units/Divisions under the Station Headquarters, Rangiya and they are also engaged in different regular nature of routine works under the Administrative Commandant, Rangiya. There was no allegation regarding the performance of the applicants, but the respondents has all along deprived the petitioners their legitimate claims of pay scale and other regular service benefits.

6.4 That the applicants beg to state that they have acquired a legal right for continuing the service as well as they are also entitled for regularisation of their services from the date of their initial appointment in view of the long past service and particularly when the existing vacancies are there for Safaiwala/Conservancy. Therefore, the Hon'ble Tribunal be pleased to direct the Respondents to regularise them with immediate effect with all consequential service benefits including monetary benefits.

6.5 That the applicants beg to state that Safaiwala/Conservancy working in the State of Arunachal Pradesh under the same department have been appointed on regular basis immediately after their absorption on Casual basis in the initial stage. Be it stated that in the State of Arunachal Pradesh Safaiwalas were given regular pay scale whereas in the present establishment the applicants are treated as Casual Safaiwalas even after long period of service they have rendered.

attar ch - ath

Therefore, the applicants has come under the protective hands of Your Lordship to protect their service interests and benefits and it is a fit case where Your Lordship's interference is necessary for the cause of justice.

6.6 That the applicants submit that they ~~were~~ are working for more than 240 days in the establishment in each year and performed their duties regularly, sincerely and without any blemish from any corners. Be it stated that as per circular of the Govt. of India, Casual Worker who had completed 240 days of work in two subsequent years are entitled to be regularised in Group 'D' posts. Therefore all the present applicants are entitled to be regularised in service but the Respondents arbitrarily denied regularisation of their services which is illegal, unfair and discriminatory.

67. That there are Administrative instructions issued by the higher authorities under the following letters quoted hereunder :

1. O-3144 Eastern Command GS/SD Fort William under File No. 4022/G, Calcutta dtd. 23.8.93.
2. 2221/4/GS(SD) HQ. 51 Sub Area dt. 20.8.93. under file No. 4022/G, Eastern Headquarters.
3. O-3160 HQ 51 Sub-Area dated 14.8.93 under file No. 4022/G, Eastern Headquarters.
4. O-3141 HQ. Sub Area under File No. 4022/G Station HQ.
5. 2221/4/C/GS(SD) Sub Area dated 7.8.1993
6. O-3135 HQ.51 Sub Area dated 2.8.93

*uttan ch rath*

7. O-3126 HQ.51 Sub Area dated 27.8.93
8. O-3104 HQ.101 Area dated 28.8.93
9. O-3171 HQ.51 Sub Area dated 28.8.93
10. C/60249/SDGB GS Branch Army Hqr.

The above quoted letters were regarding regularisation of the casual workers and their conditions of service, therefore, the Hon'ble Tribunal be pleased to direct the Respondents to produce all these letters before the Hon'ble Tribunal. Be it stated that as per circular of Govt. of Ind. casual workers, who had completed 240 days of work, in two subsequent years are entitled to be regularised in Group 'D' posts. Therefore, all the present applicants are entitled to be regularised in service.

6.8 That the applicants beg to state that the service records of the applicants are being not maintained properly. Applicants engagement, work allotment and break in service are being done on verbal orders. No formal orders of engagement are being issued to the individual applicants. Be it stated that all the applicants were initially engaged through local Employment Exchange. The Respondents had issued temporary pass where detail particulars of individual applicants are furnished. Initial engagement of all the applicants were for 2/3 months and on each occasion there is an artificial break in service to deprive the regular service benefit of the applicants. Be it stated that the nature of work for which the applicants are employed is permanent nature. Therefore, applicants are legally entitled to <sup>be</sup> regularised with all consequential service benefits from the date of their initial engagements.

attach with

Few photocopies of temporary pass and other documents are annexed herewith as Annexures 1 to 16 for kind perusal of the Hon'ble Tribunal and other copies may be produced at the time of hearing.

k@.6.9 That the applicants beg to state that they are being paid wages far less than the minimum pay, payable under the pay scale applicable to the regular employees belonging to corresponding cadres, since the applicants belong to the category of casual labour and were not being regularly employed, they are entitled to the same privileges which the regular employees are enjoying. Therefore, in the instant case the applicants are subjected to hostile discrimination. India is a socialistic Republic. It implies the existence of certain important obligation which the State has to discharge. The right to work, to right to free choice of employment, the right to just and favourable condition of work, the right to protection against unemployment, the right of every one who works just and favourable remuneration ensuring a decent living for himself and his family, the right of very one without discrimination of any kind to equal pay for equal work, the right to rest, leisur reasonable limitation on working hours and periodic holiday with pay, the right to security of work are some of the rights which have to be ensured by appropriate legislative and executive measures.

6.10 That this Army Establishment was set up under Station Headquarters, Rangiya, before a decade and a large number of civilian, technical and non-technical employees are recruited in this establishment on permanent basis, in the regular pay scale since it inception. Therefore,

*uttan ch Nath*

there cannot be any difficulty on the part of Administration to regularise the service of the applicants and to pay minimum of the pay scale in the scale of Rs. 750/- to 940/- per month.

6.11 That your applicants beg to submit that they are working in this Army establishment as civilian Casual worker for very long time and thereby they have acquired a valuable legal right for regularisation of their services. The Particulars of their services are furnished below :

Sl. No.	Name	Year of Initial engagement
1	Shri Uttam Nath	1978
2	Shri Monir Ali	1975
3	Shri Bharat Ch. Das	1980
4	Shri Meghnath Karmakar	1980
5	Shri Keshab Das	1978
6	Shri Timman	1965 Hathigarh Bridge
7	Shri Phunu Barman	Jan. 1993
8	Shri Krishna Das	March 1993
9	Shri Putul Das	Jan. 1991
10	Shri Habibur Rahman	20.4.92
11	Shri Madan Ch. Lakita	Oct. 1992
12	Shri Deben Rajbanshi	1983

Therefore after working such a long period the applicants have acquired a legal right for regularisation of their services, like other regular safaiwalas.

Uttam Ch. Nath

6.12 That your applicants beg to state that a large number of similarly situated casual Conservancy Safaiwalas, who were working under the Station Headquarter, Rangiya, under the Administrative Commandant, approached this Hon'ble Tribunal for regularisation through O.A. No. 228/93 (Saifuddin Ahmed and 47 Ors. Vs. U.O.I & Ors), O.A. No. 264/93 (Sri Nripen Das & Ors. Vs. U.O.I. & Ors) and O.A. 265/93 (Sri Issa Ali & Ors Vs. U.O.I & Ors). All the cases were contested by the respondents. However the Hon'ble Tribunal after hearing the arguments of all those cases, was pleased to allow the cases with a direction to regularise the services of the applicants and also directed to pay minimum of the pay scale with effect from August, 1994 in the case of O.A. 228/93, decided on 28.7.94, Similar direction also passed in O.A. 264/93 decided on 5.9.95 and O.A. 265/93, decided on with the similar direction of regularisation and also with a direction for payment of minimum of the pay scale till regularisation. After the aforesaid Judgements and Orders passed in those cases, the respondents have implemented the same and all those casual Conservancy Safaiwalas now regularised after obtaining necessary sanction from the Headquarters New Delhi. The present applicants repeatedly approached them after for extension of similar service benefits to them but the respondents remain silent over the claim of regular service benefits in respect of the present applicants. Finding no other alternative, the applicants also submitted a Lawyer Notice dated 29.4.96 for extension of similar service benefits to the applicants. It was stated in the said Lawyer Notice dated 29.4.96 to extend the benefit of minimum of pay scale of Rs. 750-940 w.e.f. August 1994 and also to regularise the services of the applicants within a period of 1 month, failing

*Attan Chavath*

which they would approach the appropriate forum for redressal of their grievances. In this connection it may be stated that, in every month the present applicants losing the benefit of regular pay scale, as well as other service benefits. Be it stated that many of the senior to the applicants of O.A. 228/93, O.A. 264/93 and O.A. 265 of 1993. Therefore all the applicants are entitled the benefit of minimum pay scale w.e.f August, 1994 on the ground that they are also performing similar duties and responsibilities. In this connection it may also be stated that the benefit of regular pay scale is denied to the applicants only on the grounds that they did not approach this Hon'ble Tribunal which is discriminatory and violative of Article 14 and 16 of the Constitution of India.

A copy of the Lawyer's Notice dated 29.4.96 and a copy of the Judgement & order dated 5.9.95 passed on O.A. 264/93 are enclosed as Annexure 17 & 18 respectively.

6.13 That this application is made bonafide and for the casue of justice.

7. Reliefs prayed for :

Under the facts and circumstances stated above, the applicants prayed for the following reliefs :

1. That the respondents be directed to regularise the services of the applicants in the pay scale of Rs. 750-940 per month with all

*attach with*

consequential service benefits including monetary benefits with immediate effect, in the cadre of Conservancy Safaiwala under the Station Headquarter, Rangiya.

2. That the respondents be directed to pay minimum of the pay scale in the scale of Rs. 750-940 per month with effect from August 1994 till the services of the applicants are regularised in the cadre of Conservancy Safaiwala.
3. To ~~pass~~ any other order or orders as deemed fit and proper under the facts and circumstances stated above.
4. ~~Consists~~ of the case.

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

- G R O U N D S -

1. For that the applicants having worked for a considerable long period i.e. ranging from 4 to 21 years of service, therefore they are entitled to be regularised in the category of Class-IV staff in the existing vacancies.
2. For that equal pay for equal work is a well settled principles of law and the applicants are being entrusted with the regular, routine nature of Class-IV categories work, therefore they are entitled regular appropriate pay scale of Class-I category employees.

*Uttam Chandra*

3. For that the applicants have become overaged for other employment.
4. For that Army Establishment was set up more than decade in Rangiya, Assam.
5. For that they have gathered experience of different work in the said establishment.
6. For that the names of the applicants were sponsored through local Employment Exchange and existing vacancies are there in the Army Establishment.
7. For that the nature of work entrusted to the applicants are of permanent nature and therefore they are entitled to be regularised.
8. For that the applicants working as Casual workers for several years in the same Army Establishment, therefore, they are legally entitled to be regularised.
9. For that the applicants have got no alternative means of livelihood.
10. For that the Central Government being a model employer cannot be allowed to adopt a differential treatment as regard payment of wages to the applicants.
11. For that the applicants are equally circumstance like the applicants of O.A. 228/93, 264/93 and O.A. 265/93 therefore denial of regular service benefits to the applicants are violative of Article 14 and 16 of the Constitution of India.

*Attan Ch Nath*

12. For that there are existing vacancies of Conservancy Safaiwalas under Station Head-quarter, Rangiga.

8. Interim Reliefs prayed for :

During the pendency of this application the applicants pray for the following reliefs :

1. That the respondents be directed not to terminate the service of the applicants till final disposal of this application.
2. That the respondents be directed to pay minimum of the pay scale to the applicants in the pay scale of Rs. 750-940 per month.

The above interim reliefs are prayed on the grounds explained in paragraph 7 of this application.

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

10. The applicants further declare that they have not filed any other application on this subject before any other Tribunal/Court.

11. Details of Postal Order :

Postal Order No.	: <del>4-6-96</del> <sup>Whd.</sup> 346220.
Date of Issue	: 10-6-96.
Issued from	: C. P. O. Guwahati.
Payable at	: Guwahati

attah ch vath

12. Details of Index

An Index containing the details of documents is enclosed.

13. List of enclosure

As per Index.

attam ch rate

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

I, Sri Uttam Nath, Son of Sri Siva Ram Nath, reside  
of Village-Balai Bill, P.O. & P.S. Changsari, District-  
Kamrup, aged about 34 years do hereby declare that  
the statements made in this application are true to  
my knowledge and belief and I have not suppressed any  
material facts, and I have been authorised to verify  
the statements made in this application on behalf of  
other ~~applicants~~ applicants.

I, Sign this verification on this the 12<sup>th</sup> day  
of June, 1996

*Uttam Nath*  
Signature  
(UTTAM CH. NATH)

Annexure- |

Personal No. Nil Pass No. 28/91

Name in Full Shri Uttam Nath

/ Photograph /  
with Seal

Height - 5' 8"

Name of Installation - Stn Hq. Rangiya

Signature of  
Issuing Officer

Type of Tmp - Casual Consy. Staff

Dt. 18 Mar 94

Visible Identification Mark

- (a) One black male in
- the RT Cobor back
- (b)

Signature/Left Thumb Impression

Sd/- Uttam Nath

Valid upto

30th Jun 94

30th Sep 94

In lieu of IAFZ 3050

Temporary Passes : Consy/Sfwla

1. Min of Def this pass/Iden card is the property of the Govt. of India and must be surrendered on termination of emp or on tfr.
2. It is NOT tfr and relates only to the person describe and for instl issued.
3. To protect it against damage and faciliate its recovery if lost it should be carried ~~xxxxxxx~~.
4. Impersonation of the auth bearer of this docu or its bearer of this docu or its destr alteration or tfr to another per are penal offences.
5. The loss of finding of this should be reported.....  
.....(to be filled up by issuing authority).

Service Civ pers already in possession iden card with photographs need NOT have another photograph on the card. This may be issued to Civil Govt. Servant not paid from Def Estimates who who are on temp duty and not in possession of an iden card. A photograph will then to affixed to this docus.

Annexure- 2

Personal No. 110/93

Name in Full : Shri Madan Ch. Kalita /PHOTOGRAPH/

Height : 5' 5"

Name of Installation : Stn HQ Rangiya

Type of Emp : Consy Safwal (Temp)

Visible identification mark : ~~XXXXXX~~

(a) One cut mark below the joint  
of Rt hand

Signature of Issuing Officer

Dt. 11 Jan 95

Valid upto  
31 Mar 95

Signature of  
Security Offr

In lieu of IAFZ 3050

Temporary Passes 1/ Consy/Sfwla

1. Min of Def this pass/Iden card is the property of the Govt. of India and must be surrendered on termination on emp or on tfr.
2. It is NOT trf and relates only to the person describe and for instl issued.
3. To protect it against damage and faciliate its recovery if lost it should be carri.
4. Impersonation of the auth bearer of this docu or its bearer of this docu or its sestr alteration or tfr to another per are penal offeces.
5. The loss of finding of this should be reported .....  
..... ..(To be filled up by issuing authority).

Service Civ pers already in possession iden card with photographs need NOY have another photograph on the card. This may be issued to Civil Govt. servant not paid from Def Estimates who are on temp duty and not possession of an iden card. A photograph will then to affix to this docus.

*Handwritten signature*

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Annexure-3

Station Mukhyalaya  
Station Headquarter

3004/1/Q9Emp)

Shri Phunu Bamrman Son of Chandra Barman  
P.O. Tamulpur P.S. Tamulpur  
District-Nalbari (Assam)

APPOINTMENT OF CONSY/SFWLS AT DAILY  
WAGES BASIS (CASUAL LABOUR)

1. You are hereby employed in the Headquarters for the subject post at daily wages basis (Casual Labour) Wef 1 May to 29 Jul 93 for the period of 89 days
2. Your service will be terminated any time in case of any adverse report without notice.
3. Terms and conditions of your service will be governed under the provisions of Govt. of India, Min of Def letter No. 83482/EC/G/Org/4 (Civ) (a)/11004/ D (Civ-I) dated 24 Dec 73.

Sd/- Illegible  
Colonel  
Administrative Commandant  
for Station Commander

Received  
Sri Phunu Barman

[Signature]

Station Mukhyalaya  
Station Headquarters  
Rangiya

3003/1/Q/(Emp)

21 Jun 93

Shri Krishna Das  
S/o Late Bati Ram Das  
Vill Dimilapar, P.O. Tamulpur  
P.S Tamulpur, Dist-Nalbari (Assam)

ShriPratul Das  
S/o Shri Soneswar Das  
Vill-Dimilapar, P.O. Tamulpur  
P.S. Tamulpur, Dist-Nalbari (Assam)

APPOINTMENT OF CONSY/SEWLS AT DAILY WAGES BASIS  
(CASUAL LABOUR)

1. You are hereby employed in this Headquarters for the subject post at daily wages basis (Casual labour)wef 25 Jun 93 to 21 Sep 93 for the period of 89 days.
2. Your services will be terminated any time in case of any adverse report without notice.
3. Terms and conditions of your service will be governed under the provisions of Govt. of Inida, Min of Def letter No. 83482/EC/G/Org/4 (Civ) (a)/11 04/D (Civ-II) dated 24 Dec 7

Sd/- P.S. Thind  
Manor  
Offg Adm Comdt.  
for Stn Cdr

Copy to :

HQ 107 Mtn Bde  
C/o 99 APO

The above named individuals are directed to report to you for duties wef 25 Jun 93. Please mant daily attendance accordingly and fwd the same by first of each month to this HQ for preparation of pay bill without fail. The indls may please also be directed to this HQ alongwith 3 copies of passport size photographs to complete the records and issue necessary temp pass.

3 Punjab  
C/o 99 AP)

Ref your sponsorship letter No. 307/2/0 dated 17 Jun 93.

2. You are requested to laise with HQ 107 MTn Bde to tie up duties to be assigned to the above individuals.

*Attchd  
Ram*

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Annexure - 5.

Station Mukhyalaya  
Station Headquarters  
Rangiya

3004/1/Q (Emp)

20 Apr 92

To

Md Habibur Rahman  
Vill Barkukuria P.O. Rangiya  
Dist. Kamrup (Assam)

APPOINTMENT OF CONSY/SFLS At DAILY WAGES  
BASIS (CASUAL LABOUR)

1. You are hereby employed in this Headquarters for the subject post at daily wages basis (Casual Labour) wef 20 Apr to 17 Jul 92 for the period of 89 days.
2. Your services will be terminated any time in case of any adverse report without notice.
3. Terms and conditions of your service will be governed under the provisions of Govt. of India, Min of Def letter No. 83482/NC/G/Drg/4/ (Civ) (a)/ 11804, D(Civ-II) dated 24 Dec 73.

Sd/- Illegible  
Colonel  
Administrative Commandant  
for Station Commander

*Altaw  
Rangiya*

Personal No. Nil Pass No. 70/91

Name in Full Shri Timman

Height 5' 7  $\frac{1}{2}$  "

/ Photograph /

Name of installation - Stn. HQ Rangiya

Type of Emp - Consy Staff

Sd/-

Signature of Issuing Offr.

Visible identification ms. :

Dt. 22 Jun 94

(a) Cut mark at the Rt hand  
middle finger

Valid upto 30 Sep 94 Sig of Security Officer Sd/-

Signatures/Left Thumb Impression

Sd/-

The loss of finding of this docus should be reported Stn. Hq. Rangiya

(To be filled up by issuing authority) Service cit persø already in possession iden card with photographs need NOT have another photograph on the card.

This may be issued to Civil Govt. Servant not paid from Def Estimates who are on temp duty and not in possession of an iden card. A photograph will then to affix to this docus.

1. Min~~ist~~ of Defence, this pass/Iden card is the property of the Govt. of India and must be surrendered on termination of emp or on tfr.

2. It is NOT tfr and relates only to the person describe and for instl issued.

3. To protect it against damage and facilitate its recovery if lost should be carried.

4. Impersonation of the auth bearer of his codu or its bearer of this docu or destr alteration or tfr to another per are penal off

*[Handwritten signature]*

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Annexure- 7

Personal No. Nil Pass No. 10

Name in Full Md. Habibur Rahman  
Son of Sh Taher Ali

/Photograph)

Height 5' 2"

Name of Installation Stn HQ Rangiya

Sd/-

Type of Emp-Casual Labour

daily wages basis.

Signature of Issuing Officer

Date 30 Oct 93

Visible identification Mark

(a) One black mole on Lt.Arm

Valid upto

Sig. of Security

31 Dec 93

offr

(b) One black mole in  
back

Signature/Left Thumb Impression

In lieu of IAFZ 3050

Temporary Passes : Consy / Sfwaa

1. Min of Def this pass/Iden card is the property of the Govt. of India and must be surrendered on termination on emp. or on tft.
2. It is NOT tfr and relates only to the person describe and for instl issued.
3. To protect it against damage and facilitate its recovery if lost it should be carri.
4. Impersonation of the auth bearer of this docu or its bearer of this docu or its sestr alteration or tfr to another per are penal offences.
5. The loss of finding of this should be reported .....  
..... (To be filled up by issuing authority).

Service Civ pers already in possession iden card with photographs need NOT have another photograph on the card. This may be issued to Civil Govt. Servant not paid from D f Estimates who are on temp duty and not in possession of an iden card. A photograph will then to affix to this docus.

*Handwritten signature/initials*

Personal No. Nil Pass No. 113/93

/PHOTOGRAPH/

Name in Full Phynu Barman S/o Shri  
Chandra Barman Vill Barkhola

Height : 5' 8"

Sig of Issuing Offr

Name of Installation : Stn HQ Rangiya

Dt.

Type of Emp Consy/Sfwla (Temp)

Valid upto

Sig of  
Security

Visible identification Mks :

31 Mar 93

Offr

(a)

(b)

In lieu of IAFZ 3050

Temporary Passes : Consy/Sfwla

1. Min of Def this pass/Iden card is the property of the Govt. of India and must be surrendered on termination on emp or on tfr.
2. It is NOT trf and relates only to the person describe and for instl issued.
3. To protect it against damage and faciliate its recovery if lost it should be carri.
4. Impersonation of the auth bearer of this docu or it bearer of this docu or its sestr alteration or tfr to another per are penal offeces.
5. The loss of finding of this should be reported .....  
.....(To be filled up by issuing authority).

Service Civ pers already in possession iden card with photographs need NOT HAVE ANOTHER PHOTOGRAPH ON THE CARD. This may be issued to Civil Govt. Servant not paid from Def Estimates who are on temp duty and not possession of an iden card. A photograph will then to affix to this docu

*[Handwritten signature]*

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Annexure- 9

Personal No. Nil Pass No, 26/91

Name in Full Md. Monir Ali

/PHOTOGRAPH/

Height 5' 7"

Name of Installation : Stn HQ Rangiya

Type of Emp : Consy Sfal

Sig of Issuing Offr

Visible identification Mks :

Dt. 22 Jun 94

(a) One mole at the left site,  
of the throat

Valid upto  
30 Sep 94

Sig of Security  
Officer

Signatures/Left Thumb Impression

Sd

In lieu of AAFZ 3050

Temporary Passes : Consy/Sfwla

1. Min of Def this pass/Iden card is the property of the Govt. of India and must be surrendered on termination on emp or on tfr.
2. It is NOT tfr and relates only to the person describe and for instl issued.
3. To protect it against damage and faciliate its recovery if lost it should be carri.
4. Impersonation of the auth bearer of this docu or its bearer of this docu or its sestr alteration or tfr to another per are penal offeces.
5. The loss of finding of this should be reported ...  
.....(To be filled up by issuing authority).

Service Civ pers already in possèssion iden card with photo-graphs nee NOT have another Photograph on the card. This may be issued to Civl Govt. Servant not paid from Def Estimates who are on temp duty and not possession of an iden ward. A photograph will then to affix to his docus.

*Atul Kumar*

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Annexure - 10

Station Mukhyalaya  
Station Headquarters  
Rangiya

3004/1/Q (Emp)

20 Apr 92

To

Name : Md. Habibur Rahman  
Vill Barkukuria, P.O. Rangiya  
Dist. Kamrup (Assam)

APPOINTMENT OF CONSY/SFLAS AT DAILY WAGES  
BASIS (CASUAL LABOUR).

1. You are hereby employed in this Headquarters for the subject post at daily wages basis (Casual Labour) wef 20 Apr 92 to 17 Jul 92 for the period of 89 days.
2. Your service will be terminated at any time in case of any adverse report without notice.
3. Terms and conditions of your service will be governed under the provisions of Govt. of India, Min of Def letter No. 83482/EC/G/Drg/4/(Civ) (A) 11004/D(Civ-II) dated 24 Dec 73.

Sd/- Illegible  
Colonel  
Administrative Commandant  
for Station Commander

*Atulya*  
*20/4/92*

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Annexure - 11

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Pass No. 118/93

Name in Ful : Shri Pratul Das  
S/o Shri Soneswar Das

/PHOTOGRAPH/

Height : 5' 2"

Name of Installation : Stn HQ Rangiya

Signature of Issuing  
Offr

Type of Emp : Consy Staff

Dt. 27 Apr 95

Visible Identification Marks :

(a) A black mole over right  
coller bone

Valid upto Signature of  
Security Offr

31 Jul 95

(b) A scar mole over right  
forehead

31 Oct. 95

Signature/Left Thumb Impression

In lieu of IAFZ -3050

Temporary passes : Consy/Sfwls

1. Min of Def this pass/Iden card is the property of the Govt. of India and must be surrendered on termination on emp or on tfr.
2. It is NOT tfr and relates only to the person describe and for instl issued.
3. To protect it against damage and faciliate its recovery if lost it should be carri.
4. Impersonation of the auth bearer of this docu or its bearer of this docu or its sestr alteration or tfr to another per are penal offences.
5. The loss of finding of this should be reported ....  
.....(To be filled up by issuing authority).

Service Civ pers already in possession iden card with photographs need NOT have another Photographs on the card. This may be issued to Civil Govt. Servant not paid from Def Estimates who are on temp duty and not possession of an iden card. A photograph will then to affix to his docus.

*[Handwritten signature]*

Pass No. 119/93

/Photograph/

Name in Full Sri Krishan Das

Son Shri late Bati Ram Das

Height : 5'4"

Name of Installation : Stn HQ Rangiya

Signature of Issuing Offr

Type of Emp : Consy Staff

Dt. 27 Apr 95

Visible Identification Marks :

(a) Cut over the left side  
forehead.

Valid upto

Signature of  
Security Offr

31 Jul 95

(b) Black scar over middle  
side of right nipple

Signature/Left Thumb Impression

In lieu of IAFZ - 3050

Temporary passes : Consy/Sfwls

1. Min of Def this pass/Iden card is the property of the Govt. of India and must be surrendered on termination on emp or on tfr.
2. It is NOT tfr and relates only to the person described and for instl issued.
3. Impersonation of the auth bearer of this docu or its bearer of this docu or its sestr alteration or tfr to another per are penal offences.
4. To protect it against damage and facilitate its recovery if lost it should be carri.
5. The loss of finding of this should be reported .....  
..... (To be filled up by issuing authority).

Service Civ pers already in possession iden card with photographs need NOT have another Photographs on the card. This may be issued to Civil Govt. Servant not paid Def Estimates who are on temp duty and not possession of an iden card. A photograph will then to affix to his docus.

*Handwritten signature*

Personal No. N<sup>1</sup> Pass No. 22/91

Name in Full Shri Bharat Das

/Photograph/

Height 5' 7"

Name of Installation : Stn. HQ Rangiya

Type of Em : Consy Staff

Visible identification

Sig of Issuing Offr

Mks :

Dt..22 Jun 94

(a) Deep black colour mole  
at the ~~left~~ side of  
the stomach

Valid upto

Sig of Security  
Offr

30 Sep 94

31 Dec 94

Signature/Left Thumb Impression

In lieu of IAFZ 3050

Temporary Pass

1. Min of Def this pass/Iden card is the property of the Govt. of India and must be surrendered on termination on emp or on tfr.
2. It is NOT tfr and relates only to the person describe and for instl issued.
3. To protect it against damage and facilitate its recovery if lost it should be carri.
4. Impersonation of the auth bearer of this docu or : bearer of this docu or its sestr alteration or tfr to another per are penal offences.
5. The loss of finding of this should be reported ...  
.....(To be filled up by issuing authority).

Service Civ pers already in possession iden card with photographs need NOT have another photographs on the card. This may be issued to Civil Govt. Servant not paid from D Estimates who are on temp duty and not possession of an iden card. A photograph will then to affix to his docus.

*Actual  
22 Jun 94*

/PHOTOGRAPH/

Personal No. N<sub>1</sub> Pass No. 18/91  
 Name in Full : Sh. Deben Chandra  
 Rajbanshi

Height : 5' 7  $\frac{1}{2}$ "

Name of installation : Stn HQ Rangiya

Type of Emp : Consy Staff

Sig of Issuing Offr

Dt. 22 Jun 94

Visible identification Mks :

(a) One black mole left side of  
 the Rt ear.

Valid upto Sig of Secu  
 Officer

30 Sep 94

Signature/Left Thumb Impression

Sd/- Debendra Chandra Rajbanshi.

In lieu of IAFZ 3050

Temporary Pass

1. Min of Def this pass/Iden card is the property of the Govt of India and must be surrendered on termination emp or on tfr.
2. It is NOT tfr and relates only to the person described and for instl issued.
3. To protect it against damage and facilitate its recovery if lost it should be carried.
4. Impersonation of the auth bearer of this card or its bearer of this docu or its sestr alteration or tfr to another per are penal offences.
5. The loss of finding of this should be reported ....  
 .....(To be filled up by issuing authority).

Service Civ pers already in possession iden card with photographs need NOT have another Photographs on the card. This may be issued to Civil Govt. Servant not paid from Def Estimates who are on temp duty and not possession of an iden card. A photograph will then to affix to his docu.

*Attn  
 Sd/-*

33.-

Annexure- 15-

Pass No. 12/91

/Photograph/

Name in Full : Keshav Das

Signature of Issuing Off

Height : 5' 7  $\frac{1}{2}$ "

Dt. 27 Apr 95

Name of Installation : Stn HQ Rangiya

Type of Emp : Consy Staff

Valid upto

Signature of  
Security Offr

Visible Identification Mks : 31 Jul 95

(a) One cut mark about 1  $\frac{1}{2}$ " just behind the  
left hand.

Signature/<sup>th</sup>umb Impression

In lieu of IAFZ - 3050

Temporary Pass

1. Min of Def this pass/Iden card is the property of the Govt. of India and must be surrendered on termination on emp or on tfr.
2. It is NOT tfr and relates only to the person described and for instl issued.
3. To protect it against damage and facilitate its recovery if lost it should be carried.
4. Impersonation of the auth bearer of this docu or its bearer of this docu or its sestr alteration or tfr to another per are penal offences.
5. The loss of finding of this should be reported .....  
..... (To be filled up by issuing authority).

Service Civ pers already in possession iden card with photographs need NOT have another Photographs on the card. This may be issued to Civilgovt. Servant not paid from Def Estimates who are on temp duty and not possession of an iden card. A photograph will then to affix to his docus.

*Atw  
S. am*

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Annexure- 16

Personal No. Nil Pass No. 69/91

/Photograph/

Name in Full Sh Megh Nath Karmakar

Height 5' 9"

Name of installation : Stn HQ Rangiya

Type of Emp : Consy Staff

Sig of Issuing Offr

Visible Identification Mks :-

dt. 10 Jun 94

(a) Black mole at the Rt side of Chest.

Valid upto

Sig of Security  
offr

Signature/Left Thumb Impression

31 Aug 94

20 Nov 94

In lieu of IAFZ 3050

Temporary Pass

1. Min of Def this pass/Iden card is the property of the Govt. of India and must be surrendered on termination on emp or on tfr.
2. It is NOT tfr and relates only to the person described and for instal issued.
3. To protect it against damage and facilitate its recovery if lost it should be carried.
4. Impersonation of the auth bearer of this docu or its bearer of this docu or its sestr alteration or tfr to another per are penal offences.
5. The loss of finding of this should be reported .....  
..... (To be filled up by issuing authority).

Service Civ pers already in possession iden card with photographs need NOT have another Photographs on the card. This estimates who are on temp duty and not possession of and iden card. A photograph will then to affix to his docus.

*Atul*  
*Sam*

From :

M. Chanda  
Advocate  
C/o A. Rahman  
South Sarania  
Bye Lane 7  
Lachitnagar  
Guwahati-781007

Re

LEGAL NOTICE

To

The Secretary to the Govt. of India  
Ministry of Defence  
New Delhi

The Administrative Commandant  
Station Headquarter,  
P.O. Rangiya,  
Dist. Kamrup  
Assam

Sir,

Under the instruction of my clients

1. Sri Phunu Barman, Son of Sri Shandra Barman,  
Village-Borkhopa, P.O. & P.S. Tamulpur, Dist-Nalbari.
2. Sri Krishna Das, Son of Sri Bati Ram Das, Village-  
Dimilapar, P.O & P.S. Tamulpur, Dist. Nalbari
3. Sri Putul Das, Son of Sri Soneswar Das, Village-  
Dimilapar, P.O. & P.S. Tamulpur, Dist. Nalbari
4. Sri Timal, Son of Sri Bangla Dhubi, Village-Changsari  
P.O. & P.S. Changsari, District-Kamrup.
5. Sri Ram Avtal Singh, Son of Setty Singh, Village-  
Borkhopa, P.O. Borkhopa, P.S. Tamulpur, Dist-Nalbari.
6. Sri Madan Chandra Kalita, Son of Sri Gopal Kalita,  
Village Baranghati, P.O. Barahati, P.S. Kaya  
Dist. Kamrup.
7. Sri Uttam Nath, Son of Sri Siva Ram Nath, Village-  
Balai Bill, P.O. & P.S. Changsari, District-Kamrup.

*Attu  
Ram*

*Uttam ch. nath*

8. Md. Habibur Rahman, Son of Md. Taher Ali, Village-Borkukuria, P.O. & P.S. Rangiya, District-Kamrup.
9. Sri Barat Chandra Das, Son of Sri Ganga Ram Das, Village Jera Kahra, P.O. Jera Kahra, Dist. Kamrup
10. Md. Monir Ali, Son of Md. Fazar Ali, Village-Dora Kahara, P.O. Dora Kahra, P.S. Kamalpur, District-Kamrup.
11. Shri Deben Chandra Rajbanshi, Son of late Kali Charan Rajbanshi, Vill-Boragog, P.O. Dorakahara, District. Kamrup.
12. Sri Megh Nath Karmakar, Son of Sri Ganga Karmakar, Village-Balahati, P.O. Dorakahara, P.S. Kamalpur District-Kamrup.

I do hereby give you this statutory notice on the following grounds.

1. That my clients are presently working as Casual Safaiwala under the Administrative Commandant, Station Headquarter, Rangiya in various unit of the Station Headquarter, Rangiya on different dates since 1978 onwards.
2. That my clients are engaged for long period under your establishment and the nature of work entrusted to them are in the nature ~~of work~~ permanent i.e. loading/unloading of rations, grass cutting, Safai, Gardening, Plantation despatch work in office in the Army Cam which are situated at Tamulpur, Rangiya and Changsari, These three Army Camp have occupied a few acres of land and all my clients are engaged for maintaining of these three big camp areas.

*[Handwritten signature]*

*Megh Nath*

3. That, now my clients are being paid Rs. 30.20 per working day on No work No Pay Basis whereas all other Conservancy Safaiwalas who are performing exactly similar work are being paid minimum of the Pay Scale plus other allowances as admissible to Central Govt. Employees w.e.f. August/1994 following Judgement and Order passed in O.A. No. 264/93, O.A. No. 265/93, and 228/93 by the Central Administrative Tribunal, Guwahati Bench, Guwahati but my clients have been deprived minimum of the Pay Scale whereas other Safaiwalas are receiving minimum Pay Scale as well as other allowances and their services are also under the process of regularisation in terms of the Judgement and order passed in the aforesaid cases particularly the applicants of O.A. No. 228/93 have already been regularised. My clients approached your good office for payment of minimum of pay scale and for regularisation of their services w.e.f. August/1994 but no action has been initiated till date. The arrear of minimum of pay scale from August 1994 as paid in the month of August/1995, but the same has not been paid to my clients.

Be it stated that most of my clients are senior than the applicants of O.A. No. 228/93/O.A. No. 264/93 and 265/93 but no action has been taken for payment of minimum pay scale and regularisation of services of my clients. My clients are entitled to Pay Scale of Rs. 750-940/- per month plus other allowances.

Attorney  
Smt

with ch. nath

4. That my clients have rendered more than 240 days service in every year since their engagement in duties under the establishment. Now they are entitled to get minimum pay scale and regularisation of services.

5. That my clients are demanding minimum of pay scale with effect from August/94 and regularisation of their services within 30 days from the date of issue of this legal Notice otherwise they will be compelled to take appropriate legal action for redressal of their grievances.

Under the facts and circumstances I request you that you will take necessary steps to pay minimum of the pay scale to my clients with effect from August/94 and services be regularised immediately otherwise they will seek appropriate legal action for redressal of their grievances.

I hope, you would be kind enough to treat my clients equal with the applicants of aforesaid O.A.s and extend the benefit of minimum pay scale as well as regularisation like the applicants of O.A. 228/93, 264/93, 265/93 and it is reliably learnt that the applicants of O.A. 264/93 are also paid minimum of the pay scale and they are also going to be regularised whereas my clients ~~xxxxxx~~ being senior to the applicants of O.A. 264/93 deserve equal treatment in the matter of payment of minimum of the pay scale as well as regularisation. My clients are now deprived from the minimum of pay scale every month as counterpart having entrusted similar work are being paid minimum of

Attn  
S.  
Dutta

attan ch vath

the Pay scale therefore I would like further to request you to make immediate payment of minimum of the pay scale with effect from August 1994 and regularisation failing which my clients will take shelter under the Law of the Land for redressal of their grievances and you will be liable to bear the costs and consequences of the Legal Proceedings.

Yours Sincerely,

Date :

Sd/- M. Chanda

Advocate

Place : Guwahati

*Attn: Mr. Chanda*

*attach with*

- 40 -

Annexure- 18

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH

Original Application No. 264 of 1993

Date of Order : This the 5th Day of September, 1995

Justice Shri M.G. Chaudhari, Vice-Chairman

Shri G.L. Sanglyine, Member (Administrative).

1. Shri Nripen Das
  2. Md. Khalil Ali
  3. Shri Sunil Das
  4. Shri Gora Ram
  5. Shri Umesh Das
  6. Shri Bhairo Lohar
- ..... Applicants

-versus-

1. Union of India  
through Secretary to the Govt. of India  
Ministry of Defence, New Delhi.
2. Additional Director General of Staff Duties (SDGB)  
General Staff Branch, Army Headquarters,  
DHG,, New Delhi-110011
3. Administrative Commandant,  
Purv Kaman Mukhyalaya  
Headquarters, Eastern Command,  
Fortwilliam, Calcutta-700 021
4. Administrative Commandant,  
Station Headquarters, Rangiya  
C/o 99 APO

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

O R D E R

CHAUDHARI J. (V.C.).

The six applicants who are employed as Conservancy/  
Safaiwalas under the Station Headquarter, Rangiya (Assam)  
on different dates since 1982 onwards on daily wage basis at  
the rate of Rs. 30.20 per working day on No work No pay basis  
claim that having regard to the length of service for which

*Attw  
ss  
rim*

*uttam ch vath*

they have been engaged on casual basis they have become eligible for being regularised but the respondents not having done so injustice is done to them and therefore they have approached the Tribunal by the instant O.A. seeking a direction to the respondents to regularise their services with all consequential service benefits including monetary benefits from the respective dates of engagement fixing pay at the minimum of the scale and not to terminate their services till regularisation.

2. The respondents contend that the services of the applicants cannot be regularised as regular posts are not authorised to the field station and they are also not entitled to regular salary and other allowances as they were engaged purely on daily wage basis depending on the actual requirement on ground and they were removed from services when not required subject to number of field units remaining in the field station. They further contend that although the higher authorities have issued administrative instructions regarding regularisation of Conservancy Safaiwalas subject to fulfilling the conditions and they were employed against regular posts which were created prior to 3.1.84 based on the recommendation of a Station Board of Officers but since Rangiya and other stations are not authorised any regular posts of Conservancy Safaiwalas being field station, the applicants are not entitled to be regularised. Thus according to the respondents since the employment of the applicant is not of permanent nature at Rangiya the applicants are not entitled to get the reliefs sought by them. According to them the applicants have been engaged on Stop gap basis and are purely temporary and that the requirement of the job decreases as and when field unit is left out of the field stations. Some of those posts ceased to exist resulting in disengagement of the casual employees like the applicants. The respondents have stated

Atanu Chandra Nath

that the services of the applicants were no longer required due to moving out of field units and they were therefore disengaged.

3. It however appears from the application that on the date on which it was filed i.e. 20.12.93 the applicants were engaged and by interim order dated 22.12.95 the Respondents were directed not to disturb their engagement as casual employees. The applicants therefore appear to have continued to be engaged till now.

4. Mr. Sarkar, the learned counsel for the applicants with due amount of justification submitted that having regard to the welfare policy of the State and the view expressed by the Hon'ble Supreme Court time and again in several cases the respondents cannot avoid to regularise the services of the applicants on the ground that there are no posts since factua at all the times the services of the applicants have been needed. Our attention is pointedly drawn to the observations of the Supreme Court in Rajesh Kumar Soni & Ors. Vs. Ministry of Environment & Forest and Wild Life & Ors. (1992) 21 ATC 40 wherein regularisation was directed in respect of employees who had been working for more than 4 to 5 years as that gave the impression that there was regular need for the employees. This exactly is the submission of Mr. Sarkar as noted above. Our attendtion has also been drawn to the decision of the Supreme Court in Rattan Lal & Ors. Vs. Lt. Governors & Ors. (1992) 21 ATC 402 in which also the Supreme Court was pleased to direct the Delhi Administration to absorb the casual employees under the scheme for absorption of casual labourers made effective from October, 1988.

5. Mr. Sarkar places strong reliance upon the order of this Tribunal in O.A. 228/93 dated 28.7.94 relating to similar Conservancy staff as the applicants at the same Headquarter,

namely, Rangiya, under the present respondents. It was held that the break in service of those applicants was artificial and that cannot be encouraged being disadvantageous to the casual labourers and was likely to defeat their rights and having regard to the continuity of their service and the principles and guidelines for regularisation and fixation of minimum pay scale enunciated by the Supreme Court in various decisions the applicants (in that case) were entitled for regularisation but only after obtaining sanction for the posts. The respondents were however, directed to pay those applicants the minimum of the appropriate pay scale of class IV category as Safaiwalas. The respondents were consequently directed to make communication with the Headquarter to obtain sanction for regularisation of those applicants within a period of six months and not to terminate their services till they were regularised and in the meantime to pay them the minimum of the pay scale. The respondents accordingly moved for obtaining sanction and Mr. Sarkar now states that according to his instructions some of those applicants and some other Safaiwalas have been regularised. According to the learned counsel therefore similar course may be directed to be adopted in respect of present applicants.

6. The facts of the instant case reveal that the services of the applicants are being availed ever since 1983 onwards. Having regard to the preponderance of judicial opinion and the welfare policy of the State we are obliged to take the view that the applicant deserve to be considered for regularisation. That however cannot be directed straight away unless there are posts available against which their regularisation can be considered. The posts against which the applicants are engaged are not regular sanctioned posts as stated in the written statement. Even in the order in

44 -

O.A. 228/93 it was noticed that the regularisation was dependent upon sanction of the posts. It is therefore clear that unless posts are sanctioned by the Government of India Ministry of Defence, it would not be possible to regularise the applicants. We do not think that it lies within our province to direct the Government of India to sanction the posts under all circumstances. However, even though the power is exclusively vested with the Central Government to do so, we have no reason to believe that it will not be exercised suitably having regard to the overall circumstances particularly the view expressed by the Hon'ble Supreme Court from time to time and the decision in O.A. 228/93 while considering the question of sanctioning further posts against which the applicants can be regularised.

7. The Government of India have framed a Scheme for grant of Temporary status and Regularisation of Casual workers namely, "Casual Labourers (Grant of Temporary Status and Regularisation) Scheme of Government of India 1993" for persons on daily wages basis in Central Government offices. We have no reason to think that it is not applicable to the workers under the respondents. The applicants therefore ought to be considered thereunder. If the scheme is not applicable it is high time that it is extended to workers under the respondents or similar scheme is prepared for them.

8. Mr. A.K.Choudhury, the learned Addl. C.G.S. submitted on behalf of the respondents that the Army Headquarters/ Ministry of Defence have not found it essential to sanction regular posts at the field station, Rangiya and in the absence of such sanction the question of regularisation of the applicants does not arise. He further submitted that as the engagement of the applicants is on daily wage basis they

*Attn to Mr. A.K. Choudhury*

cannot claim to be paid at the pay scale of class IV category. We have dealt with the first aspect in the foregoing discussion. On the second aspect we follow the earlier decision (in O.A. 228/93) and hold that on equitable grounds the applicants should be paid wages at the minimum of the pay scale of Grade IV employee and if sanction be necessary that should be accorded early.

9. In the result following order is passed :

- i. The respondents are directed that if the posts of Conservancy/Safaiwals have been sanctioned by this time for Station Headquarter, Rangiya then the regularisation of the applicants be done in accordance with the rules against those posts.
- ii. If there are no sanctioned posts then we direct the respondents No. 3 and 4 to move the respondents 1 and 2 for sanctioning the posts of Safaiwalas at Rangiya Station Headquarter to facilitate the regularisation of the applicants.
- iii. Alternatively we direct that the benefit of 1993 Scheme (mentioned above) may be considered to be extended to the applicants or steps may be taken to prepare a similar scheme for the employees like applicants serving under the respondents if the said scheme is not found applicable to them and extend the benefit of the scheme as may be framed to the applicants.
- iv. We recommend to the respondents to take the aforesaid steps as early as practicable and extend the benefit thereof to the applicants to the extent possible. It is hoped that the respondents will take the aforesaid

steps within a period of six months from the date of communication of this order and deal with the question of regularisation of the applicants in the light of the same.

v) In order to enable the respondents to consider taking the above steps the interim order dated 22.12.93 is hereby extended till 21.3.1996.

vi. The respondents are also directed to pay the minimum of pay scale to the applicants from the date of filing of the O.A. i.e. 20.12.93 till date and continue to pay the same during the currency of the interim order. Arrears from 9.12.93 of the difference of pay upto the end of September, 1995 to be paid and future payment to be continued from 1st October 1995 ~~taxes~~ at the rate of minimum of the pay scale for Class-IV category of Safaiwala.

O.A. is disposed of in terms of the aforesaid order.  
No order as to costs.

Sd/- Vice Chairman

Sd/- Member (Admn)

10/1/96

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH, GUWAHATI

In the matter of :-

O.A. No. 100 of 1996

Shri. Uttam Chandra Nath & Others

-VERSUS-

The Union of India & Others.

-A N D-

In the matter of :-

Written Statement submitted by the Respondents  
No.1.2.3 and 4.

WRITTEN STATEMENT

The humble Respondents submit their  
Written Statements as follows :-

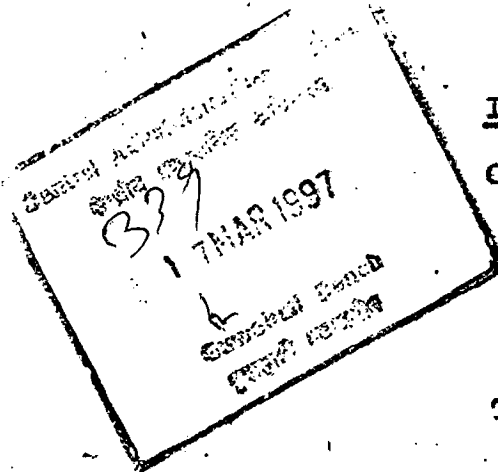
1. That with regard to statements made in Paras 1 to 5, the Respondents have no comments.
2. That after receipt of the notices from the Hon'ble Tribunal alongwith copies of O.A. No. 100/96, the cases of all the applicants have been thoroughly examined and all the applicants have been regularised in their services except the applicant No.6, Shri Timal Son of Shri Bangla Dhubi as he is over age by 14 years.

Annexure- R/1 is the photocopy of regularisation Order of the applicants.

Annexure- R/2 is the photocopy of non regularisation order of the applicant No.6.

Filed by:

*Shankar*  
(MD. SHAUKAT ALI) 17/3/97  
Sr. Central Govt. Standing Counsel  
Central Administrative Tribunal  
Guwahati Bench, Guwahati



*R. ...*  
*Adm.*  
*17.3.97*

3. That the Respondent No.4, who is the Controlling authority of the applicants sent a letter No 3004/1/CC-6/Q dated 2.11.1996, to the Deputy Registrar, Central Administrative Tribunal intimating the facts of regularisation of the applicants except applicant No.6 but the same was not accepted by the Hon'ble Tribunal as no copy of Order regularising the services of the applicants and hence this Written Statement have been submitted enclosing the copies of orders at Annexure R/1, R/2.
4. That it is also ~~xxx~~ humbly submitted that in future no correspondences be made with the Office of the Hon'ble Tribunal except the engaged Counsel.
5. That in view of regularisation of the applicants the services, the Respondents do not intend to give any comments of the statements made in Paras 4 to 13 of the application.

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

I, Colonel APS Yadav, Administrative Commandant H.Q. Rangiya Respondent No.4, being competent do hereby solemnly declare that the statements made in Paras 1,2,3,4 and 5 of the Written Statement made above are true to my knowledge and I sign the verification on this 16 th day of March, 1998 at Rangiya.

  
\_\_\_\_\_  
DECLARANT.

Station Mukhyalaya  
Station Headquarters  
Rangiya - 781 354

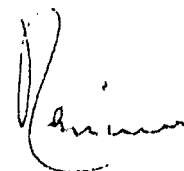
3004/1/CC-6/a

26 Nov 96

Sh. Uttam Nath  
(Name of Employee)

REGULAR APPOINTMENT LETTER

1. With effect from 01 Nov 96 your services is hereby regularised as permanent Civilian Conservancy Safaiwala (Class IV employee) at Station Headquarters, Rangiya at the pay scale of Rs 750-12-870-EB-14-940 per month plus allowances as admissible subject to relaxation of pay by the Government from time to time.
2. You are hereby directed to report to Administrative Commandant Station Headquarters, Rangiya for your Conservancy duties.



( Raj Panwar )  
Brig  
Sth Cdr

Official  
C. Sal.  
Sr. CSSC  
17/3/97



5

Station Mukhyalaya  
Station Headquarters  
Rangiya - 781 304

1000/1/CC-6/2

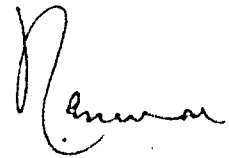
26 Nov 96

Mr. Madan Kalita  
(Name of Employee)

REGULAR APPOINTMENT LETTER

1. With effect from 01 Nov 96 your services is hereby regularised as permanent Civilian Conservancy Sainik (Class IV employee) at Station Headquarters, Rangiya at pay scale of Rs 750-12-370-33-14-940 per month plus allowances as admissible subject to relaxation of pay by the Government from time to time.

2. You are hereby directed to report to Administrative Commandant Station Headquarters, Rangiya for your conservancy duties.



( KRS Panwar )  
Brig  
Stn Cdr

*Offered...*  
*For LGS*  
*17/3/97*

Offered  
Sale Sr. CGS  
17/3/97

1. *Chlorophyll *a** and *Chlorophyll *b** were determined by the method of Arar and Collins (1971).

26

St Pratul Das

1. The first step in the process is to identify the problem or issue that needs to be addressed. This involves gathering information and understanding the context of the problem.

[illegible]

It was one lovely day - it is about as good as I can  
remember the weather being - so I hope you will  
enjoy it.

Answer

100-443887-100

received by me  
pratt day

Offord -  
C. Sear  
Dr. C. Sear  
17/3/97

7 8

OFFICE OF THE  
DIRECTOR  
GENERAL INVESTIGATIVE  
DIVISION

26 1947

Sh. Krishna Das

CONFIDENTIAL

... and as you may be aware, your services in this  
... as permanent available ...  
... (as employee) at ...  
... of \$ 2000.00 per month plus ...  
... will be subject to ... at pay by the ...  
... to us to

... the ... to ...  
... for your ...

Ram

6 10 1947  
Bridg  
to me

Received by me  
K. S. Das

Okend  
C. S. Das  
S. C. S. C.  
17/3/47

82

Station Headquarters  
Station Headquarters  
Bangaly - 721 312

3006/1/CC-4/3

26 Nov 96

Sh Megh Nath  
(Name of employee)

REGULAR APPOINTMENT LETTER

1. With effect from 01 Nov 96 your services is hereby regularised as permanent civilian conservancy employee (Class IV employee) at Station Headquarters, Bangaly at the pay scale of Rs 750-12-870-83-14-940 per month plus allowances as admissible subject to relaxation of pay by the Government from time to time.

2. You are hereby directed to report to Station Headquarters, Bangaly for your permanent duties.

*[Signature]*

CC  
SP

*Officer*  
*C. S. S. C.*  
*17/3/97*

10 9  
Station Mukhyalaya  
Station Headquarters  
Rangiya - 781 354

3094/1/CC-8/1

26 Nov 96

Sh. Devendra Ch Rajhanshi  
(Name of Employee)

LETTER OF APPOINTMENT

1. With effect from 01 Nov 96 your services is hereby regularised as permanent Civilian Conservancy Safainalas (Class IV employee) at Station Headquarters, Rangiya at the pay scale of Rs 750-12-870-EB-14-940 per month plus allowances as admissible subject to relaxation of pay by the Government from time to time.
2. You are hereby directed to report to Administrative Commandant Station Headquarters, Rangiya for your conservancy duties.



( K. S. Panwar )  
Brig  
Stn Cdr

Okmed

C. Sain

Sr. CGSC  
17/3/97

Station Sukhyol-ya  
Station Headquarters  
Bangiya - 701 336

3004/1/CC-5/

26 Nov 96

Sh. Funu Barman  
(Name of Employee)

REGULAR APPOINTMENT LETTER

1. With effect from 01 Nov 96 your services is hereby regularized as permanent civilian conservancy sub-inspector (Class IV employee) at Station Headquarters, Bangiya at the pay scale of Rs 750-12-370-21-14-940 per month plus allowances as admissible subject to relaxation of pay by the Government from time to time.
2. You are hereby directed to report to Administrative Commandant Station Headquarters, Bangiya for your Conservancy duties.

*Alkond*

*C. Lee*

*Sr. CGSC  
17/3/97*

Station Headquarters  
Station Headquarters  
Bangiya - 701 554

2004/1/CC-6/2

2-6 Nov 96

Md Manir Ali  
(Name of Employee)

REGULAR ASSIGNMENT LETTER

1. With effect from 01 Nov 96 your services is hereby regularised as permanent civilian conservancy staff (Class IV employee) at Station Headquarters, Bangiya at the pay scale of Rs 750-12-370-Rs-14-940 per month plus allowances as admissible subject to relaxation of pay by the Government from time to time.
2. You are hereby directed to report to Administrative Commandant Station Headquarters, Bangiya for your conservancy duties.

*Manir*

( Sd/- Manir )  
Brig  
Jn Cdr

*Offend.*  
*C. Jale*  
*Sr. C6SC*  
*17/3/97*

14 13

Station Malapalay  
Division No. 10000  
Malapay - 701 334

3004/1/CC-6/1

26 NOV 90

Sh Bharat Ch  
(Name of Employee)

OFFICIAL APPOINTMENT LETTER

1. With effect from 01 Nov 90 your services is hereby regularized as permanent civilian temporary employee (Class IV employee) at Station Malapalay, Malapay at the pay scale of 70-12-370-15-14-44 p m month plus allowances as admissible subject to relaxation of pay by the Government from time to time.
2. You are hereby directed to report to Administrative Commandant, Station Head, Malapay, Malapay for your consignment.

*Handwritten signature*

( KAS PANDAR )  
Brig  
Malapay

*Offered*  
*File*  
*Sr. CGSC*  
*17/3/97*

Annexure - 12  
10

Station Dakyagaya  
Station Haridwar  
Rangiya-781354

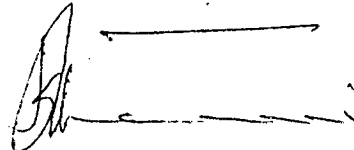
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04 Dec 96

Shri Timnan  
C/O 521 ASC Bn  
C/O 99 APO

NOTICE

1. It is intimated that you have not fulfilled the age criteria for regular appointment as per terms and conditions prescribed for the post.
2. In view of the above, you are hereby noticed that your services will be terminated with effect from 01 Jan 1997 or before. This is for your info please.



(KC Thakuria)  
Lt Col  
Offg Adm Comdt  
for Ssn Cdr

@Deskd  
- Jale  
- Sr CGSC  
17/3/97