

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH:

Cp. No. 15 /97 (O.A. 108/96)

.....Shri.....Tajimur Ali & F. GCS  
- VS -.....Applicant(s)

.....J. S. Thomas.....Respondant(s)

.....Mr. M. Chanda, N. D. Goswami  
.....Advocate for the Applicant(s)

.....Advocate for the Respondant(s)

Office Note	Date	Court Orders
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This cp is filed 14.12.97  
by Mr. M. Chanda,  
learned Counsel for  
the applicant, praying  
for initiation of Contempt proceedings  
against the contemner 8-12-97  
for non-compliance of the judgement and order  
dated 28-4-97 passed  
in O.A. 108/96.

On the prayer of Ms N.D. Goswami,  
learned counsel for the petitioner, this case  
is adjourned till 8.12.97.

6  
Member

  
Vice-Chairman

On the prayer of Ms. N.D. Goswami, learned counsel for the Petitioner, this case is adjourned till 16-12-97.

6  
Member

  
Vice-Chairman

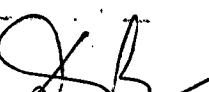
Laid before The Hon'ble Court for necessary orders.

15-12-97

Case is adjourned till

17-12-97 for orders.

6  
Member

  
Vice-Chairman

26/11/97  
Registrar

27/11/97

1m

16/12/97

17-12-97

Case is adjourned till 7-1-98,

for orders.

6  
Member

  
Vice-Chairman

1m

19/12/97

(2) *Amesha Spenta* .....  
(2) *Amesha Spenta* ..... C.P. 15/97

C.P. 15/97

(c) Officer Note Date Court's Order

Date

Court's Order

7-1-98

Issue notice to show cause as to  
why contempt proceeding shall not be  
drawn up against the alleged contemner.  
Notice is returnable by one month.

Registry to send notice immediately to the alleged contemner.

3 VITAR 214138Z ON 19-11-98 for ~~xx~~ show cause  
and further orders.

Please convey  
immediacy.

1911

19. 1. 98

JANUERIA

Member

### Vice-Chairman

Requisite has been  
released and dated pg  
to the respondent 1911  
by Registry Post ride  
Despatched No. 26798  
Dt. 20.1.9.8

Two weeks time granted as prayed for by Mr G.Sarma, learned counsel for the alleged contemner for filing objection against the prayer for initiation of contempt proceeding.

List on 25.2.98 for further orders.

62  
Member

### Vice-Chairman

Service Reports awaited

pg

10/2

— 318 —

There is no representation  
Advised to 4-3-98.

VakilurRahman filed by  
Mr. S. A. U. A. Advocate  
on behalf of The  
respondents.

25.3.98

Service Reparts are still  
available

3) No objection has been  
filed.

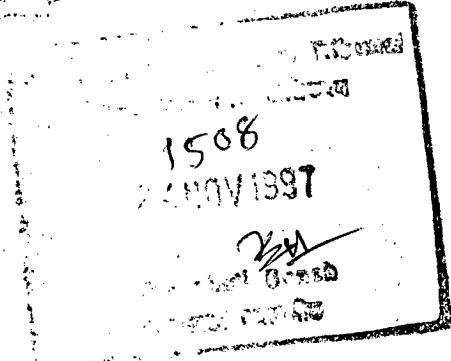
Notes of the Registry	Date	Order of the Tribunal

(9)

C.P. 15797 (O.A. 108/95)

Notes of the Registry	Date	Order of the Tribunal
<u>26.1.98</u> <del>See notice of Notice Dismissed from the respondent does/ dismissed from postal Depart- ment due to <del>less</del> person who contemned is already retired from service.</del>  <del>Place before Hon'ble Tribunal for kind perusal.</del>  <u>From</u> <del>Show cause is not been filed.</del>  <u>21/3</u> <del>Show cause has not been filed.</del>  <u>21/3</u> 1) Service reports are still awaited. 2) Show cause is not submitted.	4-3-98  1m RE 513	On the prayer of learned counsel Mr. M. Chanda appearing on behalf of the contempt Petitioner 10 days time is allowed for taking steps. List on 16-3-98 for orders.   Member
	16.3.98  pg RE 1313	On the prayer of Mr A.K. Choudhury on behalf of Mr S. Ali the case is adjour- ned to 24.3.98 for order.   Member
	24.3.98  pg RE 25/3	Heard Mr M. Chanda, learned counsel for the petitioner and Mr G. Sarma, learned counsel for the alleged contemner. Mr Chanda submits that in view of the reply received by him he feels that no contempt has been committed by the alleged con- temner. Accordingly, he does not press the petition. We have also perused the same. We find that there is no ground to proceed with the case. Accordingly, the Contempt Petition is closed.   Member
<u>21.4.98</u>  <del>Copy of the order has been sent to the D/Secy. for issuing the same to the parties thru' Regd. with Aff. vide Despatch</del>  <u>NO - 1070 - 1073</u> dated 23-4-98.	pg RE 25/3	 Vice-Chairman

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH  
GUWAHATI



Contempt Petition No. 15 / 1997.

in

O.A.No. 108 of 1996.

In the matter of :

Md Tajnur Ali & 7 others

... Petitioners

-Vs-

Union of India & Ors.

... Respondents.

And

In the matter of :

An application under Section 17 of the Administrative Tribunals Act 1985 praying for initiation of contempt proceeding against the contemner for non-compliance of the judgment & order dated 28th April 1997 passed by the Hon'ble Tribunal in O.A.No.108/96.

A n d

In the matter of :

1. Md Karimuddin Ahmed
2. Sri Naren Ch. Kalita
3. % Manjil Ghori
4. Smt Lalita Das
5. Sri Jatin Ch. Boro
6. Md Rashid Ali
7. " Kader Ali

... Petitioners

Filed before  
Hon'ble Mr. D. Grossman  
through Lst, 1/1/1998

- Vs -

1. J.S.Thomar,  
Station Headquarters,  
Rangia,  
C/O 99 A.P.O.

... Contemner

The above named petitioners beg to state as follows :-

1. That your humble petitioner approached this Hon'ble Tribunal through O.A.No.108/96 praying for a direction upon the respondents to re-appoint the petitioners and to regularise their services in the existing vacancies and also to give all consequential benefits including monetary benefits from the respective dates of their engagement. However, the Hon'ble Tribunal was pleased to admit the original application and notices were issued upon the respondents/contemner and the same was contested by the respondents. The Hon'ble Tribunal finally decided the matter on 28.4.1997 and directed to grant temporary status to the applicants No.1, 3, 5 & 6 of the original application and regarding remaining petitioners it was also directed to consider whether they could be given benefit under the O.M. dated 7.6.1988 and the Hon'ble Tribunal was also pleased to direct the respondents/contemner to comply with the direction as early as possible at any rate within a period of 3 months from the date of receipt of this order. The copies of the judgment was duly received by the respondents/contemner well within the time. However, the present contemner has filed a Misc.Petition No.249/97 in O.A.108/96 (Union of India & Ors. -vs- Md. & Tajnur Ali & Ors.) praying for extension of time to implement the order dated 28.4.97

passed in O.A.No.108/96. However, the Hon'ble Tribunal was pleased to grant 2 months time to the respondents/contemner on 10.9.97 but the extended period has already been expired on 10.11.97.

A copy of the judgment and order dated 28-4-97 passed in O.A.No.108/96 and M.P.No.249/97 dated 10.9.97 are annexed Annexure-I and II respectively.

2. ~~That~~ Although more than 8 months has expired from the date of pronouncement of the judgment and order dated 28.4.97 passed in O.A.No.108/96 but no action has been initiated by the present respondent/contemnor, Therefore, the deliberate, non compliance of the judgment and the order ~~was~~ passed by the Hon'ble Tribunal is amount to contempt of court, Therefore, the Hon'ble Tribunal be pleased to initiate contempt proceeding against the contemner for wilful non compliance of the judgment and order dated 28.4.97 passed in O.A.No.108/96.

3. That your petitioner have submitted a representation dated 12.6.97 enclosing a copy of the judgment and order dated 28.4.97 for immediate compliance of the order dated 28.4.97 passed in O.A.108/96. The said representation was sent by registered post to the present contemner but even thereafter no action was initiated.

~~A copy of the representation dated 12.6.97 is annexed herewith as Annexure - III.~~

4. That this petition is made bonafide and in the interest of justice.

Under the facts and circumstances stated above the Hon'ble Tribunal be pleased to initiate contempt proceeding

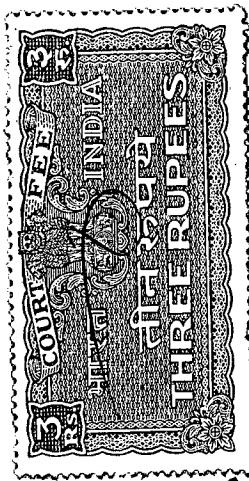
against the contemner for wilful non-compliance of the judgment and order dated 28.4.97 passed in O.A.No.108/96 and further be pleased to impose punishment in accordance with law and be pleased to pass any other order or orders as deem fit and proper.

-and-

for this act of kindness the petitioners as in duty bound shall ever grateful.

....Affidavit

A F F I D A V I T



I, Shri Naren Kalita son of Sri Prasanna Kalita aged about 22 years vill & P.O. Baranghati, in the District of Kamrup, petitioner No.2 in the above contempt petition do hereby solemnly affirm and declare as under :

1. I am the petitioner in the above contempt petition and as such I am well acquainted with the facts and circumstances of the case and also competent to sign this affidavit.
2. That the ~~contents~~ statements made in paragraphs 1 to 4 are true to my knowledge and I have not suppressed any material facts.
3. That this affidavit is made for the purpose of filing contempt petition before the Hon'ble Central Administrative Tribunal, Guwahati Bench, Guwahati for non compliance of the order of the Hon'ble Tribunal passed in C.A.No.108/96 dated 28.4.97.
4. That I have been duly authorised by the other <sup>swear</sup> petitioners to sign this sworn affidavit.

And I sign this affidavit on this 17th Day of November, 1997.

*Shri Naren Ch Kalita*  
Deponent

Solemnly affirmed and declared before me by the deponent.

Identified by

Solemnly affirmed before *(Neera Devi Goswami)*  
me on *17.11.97* day Advocate *17.11.97*  
of *November* 1997 ...

*Registrar* *17.11.97*  
Central Administrative Tribunal  
Guwahati Bench.

Magistrate/Registrar  
Central Administrative Tribunal  
Guwahati Bench, Guwahati

Draft Charge

Laid down before the Hon'ble Central Administrative Tribunal, Guwahati Bench for initiating contempt proceeding against the contemner/respondent for wilful non compliance and disobedience of the order of the Hon'ble Tribunal passed in O.A.No.108/96 dated 28.4.97 and also to impose punishment upon the contemner for non compliance of the order of the Hon'ble Tribunal as mentioned above in accordance with law.

contd...

## CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No. 108 of 1996.

Date of Order : This the 28th Day of April, 1997.

Justice Shri D.N.Baruah, Vice-Chairman

C.O.G.

Shri G.L.Sanglyine, Administrative Member.

Md. Tajnur Ali and 7 others. . . . Applicants.

By Advocate S/Shri J.L.Sarkar &amp; M.Chaada.

## - 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 Head Quarters, DHQ,  
P.O. New Delhi-110011.

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

4. Administrative Commandants,  
Station Headquarters, Rangiya,  
C/O 99 A.P.O.

. . . Respondents.

By Advocate Shri S.Ali, Sr.C.C.S.C.

ORDERBARUAH J.(V.C.)

These eight applicants have approached this Tribunal in this application, praying inter alia for directions to the respondents to reappoint the applicants and regularize their services in the existing vacancies and also to the respondents to give all the consequential benefits including monetary benefit from the respective date of their engagement and also to pay regular salary and allowance to the applicants. All the applicants were engaged Casual Labourer in the Station Headquarter, Rangiya under Defence Department. They were engaged on various dates and accordingly they had been

8

discharging their duties. Their services were later on terminated on different dates. Details are extracted as follows:

Sl.No.	Name	Initial date of appointment	Date of termination
1.	Md. Tajnur Ali	22.5.1987	31.12.1993
2.	Md. Karimuddin Ahmed	April, 1988	9.6.1993
3.	Sri Naren Ch. Kalita	1.8.1991	31.12.1993
4.	" Mongil Ghosh	1.11.1991	31.3.1993
5.	Smt Lalita Das	31.12.1992	31.12.1994
6.	Sri Jatin Ch. Boro	1.9.1992	31.10.1993
7.	Md. Rashid Ali	1.10.1981	31.12.1981
8.	" Kader Ali	21.4.1992	1.6.1993

The respondents having terminated their engagement on the different dates, the applicants being dissatisfied, sent notices to the respondents through their lawyers demanding their reinstatement and for payment of their salary. However, nothing was done. Hence the present application.

2. The case of the applicants is that as per Annexure-II scheme to the rejoinder the casual workers who were in the engagement and served and worked 240 days continuously in case of 6 days week and 206 days in case of 5 days week should be granted temporary status and also to be regularised in the service in manner indicated in the said scheme. But contrary to the provisions of the said scheme the engagement of the applicants as casual labourer had been terminated. The contention of the applicants is in the facts and circumstances of the case, under the said scheme the services of the applicants ought not to have been terminated. On the other hand, they ought to have been granted temporary status and also regularise their engagement under the scheme.

9

According to the applicants the said scheme was prepared by the Government of India, Department of Personnel and Training vide no.51016/2/90-ESTE(C) dated 10.9.1993. The scheme became effective on and from 1.9.1993. The applicants ought to have been granted temporary status and thereafter regularise their service as per the conditions mentioned in the said scheme. Relevant portion of the scheme is extracted below:

"The guidelines in the matter of recruitment of persons on daily basis, the grant of temporary status to the casual employees, who are presently employed and have rendered one year or continuous service in Central Government offices or in the Department of Telecom, Posts and Railways may be regulated by the scheme."

In view of the above all the Central Government departments except department of Telecom, Posts and Railways may be regulated under the scheme. In the scheme it is abundantly clear that these casual employees were in the engagement on the date of commencement of the scheme (1.9.1993) and who were still in the engagement on the date of issue of this scheme those casual employees should have been given the temporary status and also later on regularised. On looking to the particulars we find that applicant No. 1 Tajnur Ali, applicant No.3 N.C.Kalita, applicant No.5 N.C. Lalita Das and applicant No.6 Jatin Ch.Boro were in engagement on the date of commencement of the scheme and they also completed more than 240 days from the date of their last appointment. Mr. J.L.Sarkar, learned counsel appearing on behalf of the applicants has also drawn our attention to a decision of this Tribunal given in case No.56 of 1993 Bhudhiram Boro & Ors. vs. Union of India & Ors. wherein

wherein this Tribunal held that those who were in employment on the date of issuance of the Notification of the scheme dated 10.9.1993 ought to be given temporary status and subsequently regularised. This Tribunal in the said judgment, however, did not give the similar direction to the other applicants whose services have been terminated prior to the date. However, the Tribunal gave a direction to the respondents to consider whether they could be given benefit contained in earlier office memorandum dated 7.6.1988 which were applicable prior to enforcement of the 1993 scheme. The earlier office memorandum issued under Government of India, Department of Personnel & Training Office Memorandum No. 48014/2/86-Estt(C) dated 7.6.1988 certain conditions were laid down regarding the manner of recruitment of casual workers on daily rated basis. This office memorandum was issued pursuant to the decision of Supreme Court in its judgment dated 17.1.1986. The earlier judgment of this Tribunal directed the respondents to consider whether they could have engaged as casual labourers in pursuance to the aforesaid office memorandum dated 7.6.88. The facts of the present case are also similar in nature. Therefore, following the aforesaid judgment of this Tribunal we hold that applicants No.1 T.Ali, No.3 N.C.Kalita, No.5 Smt I.Das and No.6 J.C.Boro should be given temporary status. Regarding the remaining applicants as they were not in employment on the date of commencement of the scheme, they cannot be given the temporary status under the scheme. However, the respondents are also directed to consider whether they could be

given benefit under the office Memorandum dated 7.6.1986. The respondents are directed to comply with the direction as early as possible at any rate within a period of 3 months from the date of receipt of this order.

Considering the entire facts and circumstances of the case we however, make no order as to costs.

Sd/-VICE CHAIRMAN  
Sd/-MEMBER (A)

certified to be true  
MILLER, Sheriff  
CROWN  
COURT OFFICER  
247 1 2000  
Crown Court, 10th Avenue, Tulsa,  
Okla.  
Given this 10th day of October, 1955  
S. H. (Signature)  
S. H. (Signature)

- 12 -

Annexure - II  
No

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

M.P. No. 212 249 /1997 (O.A.108/96)

Union of India & Ors.	Applicant(s)
- Vs -	
Md Tajnur Ali & Ors.	Respondent(s)
Mr S.Ali, Sr.C.G.S.C	Advocate for the applicants
Mr M.Chanda	Advocate for the Respondents

Office Note	Date	Court Orders
	10.9.97	This Misc.Petition has been filed praying for inter alia for extension of time to implement the order dated 28.4.97 passed in O.A.No.108/96.

Heard Mr S.Ali, learned Sr. C.G.S.C and Mr M.Chanda learned counsel for the applicant (opposite party). Mr Chanda has no objection if 2 months time is granted. Accordingly, we grant 2 months time.

Accordingly, this Misc.Petition stands disposed of.

Sd/- Vice Chairman

Sd/- Member

13  
To

The Administrative Commandant,  
Station Headquarters,  
Rangiya  
C/o 99 APO

13

Sub : Prayer for immediate consideration for appointment to the post of Conservancy Safaiwala in terms of Hon'ble Tribunal's Judgement and Order dated 28.4.1997 passed in O.A. No. 108 of 1996.

Sir,

We have the honour to inform you that being highly aggrieved for non-consideration of appointment to the post of Conservancy Safaiwala on priority basis approached the Hon'ble Central Administrative Tribunal, Guwahati Bench, Guwahati through an Original Application No. 108 of 1996 and the said application was duly contested by the respondents and after hearing the counsel of the parties the Hon'ble Central Administrative Tribunal was pleased to direct the respondents to consider the case the applicants i.e. the following signatories in the light of the Office Memorandum dated 10.9.93 and also in the light of the Office Memorandum No. 18014/2/86-Estt (C) dt. 7.6.88 within a period of three months. In this connection it may be stated that the Hon'ble Central Administrative Tribunal in the Judgement and Order dated 28.4.97 also pleased to observe that the facts of the present case are also similar i.e. not like the O.A. No. 56 of 1994. Be it stated that in O.A. No. 56 of 1994 (Shri Dhobi Ram Boro and Others vs. Union of India & Ors) exactly similar direction was passed by the Hon'ble Central Administrative Tribunal, Guwahati Bench Guwahati. Whereas The Hon'ble Tribunal directed that the applicants who were not covered by the Office Memorandum dated 19.9.93 their cases should be considered in the light


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4

of the Govt. of India's Office Memorandum dated 7.6.1991. Therefore the present case is squarely covered and exactly similar in nature like that of O.A. 56 of 1994. It may be pointed out that all the applicants in O.A. 56 of 1994 have very recently been appointed by the Station Head, D.G., Rangpur in terms of the Judgement and Order dated 19.9.95. The present applicants also draw your attention to the Judgement and Order dated 10.11.95 passed in O.A. No. 116/94 (Md. S.I. Ali Ahmed & Ors vs. U.O.I. & Ors) and also on the Judgement and Order passed by this Hon'ble Tribunal in O.A. Nos. 248/94, 228/94, 265/93, 264/93. The present case is also similar in nature with the above mentioned cases and the Hon'ble Tribunal also passed similar directions in the O.A. 108/96 in its Judgement and Order dated 25.4.97. Therefore you are requested to consider our cases with immediate effect in terms of the Judgement and Order dated 28.4.97. In this connection we also like to draw your attention that many of our juniors have already been appointed and regularised in your Establishment by superseding our claim. The names of the juniors who have been regularised are furnished hereunder :

<u>Sl. No.</u>	<u>Name of Juniors</u>
1	Md. Habibur Rahman
2	Sri Rupul Das
3	Sri Bhunu Barman
4	Md. Syed Islam Ali
5	Sri Monirul Das
6	Md. Joynur Ali
7	Sri Krishna Das
8	Sved Sanshad Ali

*See also  
Sl. No. 10*

Contd...

- 13 -

-3-

9.	Mrs. Saira Banu
10	Aysha Begum
11	Md Matiz Ali
12	Md. Tajuddin Ahmed
13	Sri Atul Chandra Kalita
14	Minu Rajbanshi
15	Smt Anima Das
16	Md Naznoor Ali Ahmed

Therefore, the appellants most humbly pray your honour that there cases may also kindly be considered sympathetically for immediate appointment to the post of Conservancy Saraiwala in terms of the Hon'ble Central Administrative Tribunal's Judgment and Order dated 28.4.

97 passed in O.A. No. 108 of 1996. (A copy of the Judgment and Order dt. 28.4.97 is enclosed for your ready reference).

For this act of kindness the signatories shall remain grateful to you.

Eneko Asaloni

Yours faithfully,

Drake

*Attib. Asaloni  
Attib. Asaloni*

1. (KARIMUDDIN AHMED) - Md. Karimuddin Ali
2. (MANGIL GHORI) - Md. Mangil Ghorai
3. (JATIN CHANDRA BORO) - Jatin Ch. Baru
4. (RAHIS ALI) - Md. Rahis Ali
5. Md. Kader Ali.  *Md. Kader Ali*
- 6.
- 7.
- 8.

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CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No. 108 of 1996.

Date of Order : This the 28th Day of April, 1997.

Justice Shri D.N. Barjah, Vice-Chairman

Shri G.L. Sanglyine, Administrative Member.

Md. Tajnur Ali and 7 others. .... Applicants.

By Advocate S/Shri J.L. Sarkar & M. Chanda.

-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 Head Quarters, DHQ,  
P.O. New Delhi - 110011.

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

4. Administrative Commandants,  
Station Headquarters, Rangiya.  
C/O. 99 A.P.O. ... Respondents.

By Advocate Shri S. Ali. Sr. C.G.S.C.

O R D E R

BARJAH J. (V.C)

These eight applicants have approached this Tribunal in this application, praying inter alia for directions to the respondents to reappoint the applicants and regularise their services in the existing vacancies and also to the

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respondents to give all the consequential benefits including monetary benefit from the respective date of their engagement and also to pay regular salary and allowance to the applicant. All the applicants were engaged as Casual Labourer in the Station Headquarter, Rangia under Defence Department. They were engaged on various dates and accordingly they had been discharging their duties. Their services were later on terminated on different dates. Details are extracted below :

<u>Sl.No.</u>	<u>Name</u>	<u>Initial date of appointment</u>	<u>Date of termination</u>
1.	Md. Tajnur Ali	22.5.1987	31.12.1993
2.	Md. Karimuddin Ahmed	April, 1988	9.6.1993
3.	Sri Naren Ch. Kalita	1.8.1991	31.12.1993
4.	Sri Mongil Ghosh	1.11.1991	31.3.1993
5.	Smt. Lalita Das	31.12.1992	31.12.1994
6.	Sri Jatin Ch. Boro	1.9.1992	31.10.1993
7.	Md. Rashid Ali	1.10.1981	31.12.1987
8.	Md. Kader Ali	21.4.1992	1.6.1993

The respondents having terminated their engagement on the different dates, the applicants being dis-satisfied, sent notices to the respondents through their lawyers demanding their reinstatement and for payment of their salary. However, nothing was done. Hence the present application.

2. The case of the applicants is that as per Annexure -D scheme to the rejoinder the casual workers who were in the engagement and served and worked 240 days continuously in case of 6 days week and 206 days in case of 5 days week should be granted temporary status and also to be regularised

in the service in manner indicated in the said scheme. But contrary to the provisions of the said scheme the engagement of the applicants as casual labourer had been terminated. The contention of the applicants is in the facts and circumstances of the case, under the said scheme the services of the applicants ought not to have been terminated. On the other hand, they ought to have been granted temporary status and also regularise their engagement under the scheme. According to the applicants the said scheme was prepared by the Government of India, Department of Personnel and Training vide No. 51016/2/90-Estt(C) dated 10.9.1993. The scheme became effective on and from 1.9.1993. The applicants ought to have been granted temporary <sup>status</sup> and thereafter regularise their service as per the conditions mentioned in the said scheme. Relevant portion of the scheme is extracted below :

\*The guidelines in the matter of recruitment of persons on daily wage basis, the grant of temporary status to the casual employees, who are presently employed and have rendered one year or continuous service in Central Government Offices other than Department of Telecom, Posts and Railways may be regulated by the scheme.\*

In view of the above all the Central Government department except department of Telecom, Posts and Railways may be regulated under the scheme. In the scheme it is abundantly clear that these casual employees were in the engagement on the date of commencement of the scheme ( 1.9.1993) and who were still in the engagement on the date of issue of this scheme those casual employees should have been given the temporary status and also later on regularised. On

looking to the particulars we find that applicant No.1 Tajnur Ali, applicant No.3 N.C. Kalita, applicant No.5 Smt. Lalita Das and applicant No.6 Jatin Ch. Boro were in employment on the date of commencement of the scheme and they also completed more than 240 days from the date of their appointment. Mr. J.L. Sarkar, learned counsel appearing on behalf of the applicants has also drawn our attention to a decision of this Tribunal given in O.A. No.56 of 1994 Bhudhiram Boro & Ors. Vs. Union of India & Ors. wherein this Tribunal held that those who were in employment on the date of issuance of the Notification of the scheme dated 10.9.1993 ought to be given temporary status and subsequently regularised. This Tribunal in the said Judgement however, did not give the similar direction to the other applicants whose services have been terminated prior to that date. However, the Tribunal gave a direction to the respondents to consider whether they could be given benefit contained in earlier office memorandum dated 7.6.1988 which were applicable prior to enforcement of the 1993 scheme. The earlier office memorandum issued under Government of India. Department of Personnel & Training Office Memorandum No. 48014/2/86-Estt(C) dated 7.6.1988 certain conditions were laid down regarding the manner of recruitment of casual workers on daily rated basis. This office memorandum was issued pursuant to the decision of Supreme Court in its judgment dated 17.1.1986. The earlier judgment of this Tribunal directed the respondents to consider whether they could have engaged as casual labourer in pursuance to the aforesaid office memorandum dated 7.6.88. The facts of this present case are also similar in nature. Therefore, following the aforesaid judgement of this Tribunal we hold that

applicants No.1 T.Ali, No.3 N.C. Kalita, No.5 Smt. L. Das and No.6 J.C. Boro should be given temporary status. Regarding the remaining applicants as they were not in employment on the date of commencement of the scheme, they cannot be given the temporary status under the scheme. However, the respondents are also directed to consider whether they could be given benefit under the office Memorandum dated 7.6.1988. The respondents are directed to comply with the direction as early as possible at any rate within a period of 3 months from the date of receipt of this order .

Considering the entire facts and circumstances of the case we however, make no order as to costs.

Sd/- VICE CHAIRMAN

Sd/- MEMBER (A)