

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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SECTION OFFICER (JUDI.)

Farida
23/11/18

CENTRAL ADMINISTRATIVE TRIBUNAL : GUWAHATI BENCH : GUWAHATI

ORIGINAL APPLN.NO.

15 OF 1996

TRANSFER APPLN.NO.

OF 1995

CONT EMPT APPLN.NO.

OF 1995 (IN

NO.)

REVIEW APPLN.NO.

OF 1995 (IN

NO.)

MISC.PETITION NO.

OF 1995 (IN

NO.)

D. Singh

APPLICANT(S)

-vs-

K. O.!

RESPONDENT(S)

For the Applicant(s)

Mr. M. Chanda

Mr.

Mr.

Mr.

For the Respondent(s)

Mr. G. Sarma, Addl. C.G.S.C.

OFFICE NOTE

DATE

ORDER

25.1.96

Mr M. Chanda for the applicant.

Mr G. Sarma, Addl. C.G.S.C., on notice for the respondents.

The applicant contends that he is entitled to continue in service till attaining the age of 60 years in terms of F.R.56(b) being a Workman. He apprehends that he may be retired prematurely on 31.1.1996 on completion of 58 years.

Issue notice to the respondents to show cause as to why the O.A. be not admitted and interim relief as prayed may not be granted returnable on 31.1.1996. It is made clear that in the event of the respondents not being served and able to appear on 31.1.1996 then if the retirement is made effective from 31.1.1996 that shall be subject to the result of this O.A. and without prejudice to the rights and contentions of the applicant in that respect.

The respondents are also directed to examine the question whether the applicant should be made to retire on 31.1.1996 in the light of the contentions made by the applicant

(contd. to Page No.2)

OFFICE NOTE	DATE	ORDER
	25.1.96	in the O.A. It will be open to the respondents not to retire him on 31.1.1996 if they are satisfied that he is entitled to continue till the age of 60 years. This exercise may be done by the respondents without prejudice to their rights and contentions in this O.A. Liberty to apply for further orders on 31.1.1996. The notice may be issued by Speed Post at the cost of the applicant. If the learned Advocate for the applicant applies to be handed over the notice for personal service through private messenger at the cost of the applicant the notices may be handed over to the learned Advocate for that purpose.
Order issued to counsel of parties.		
Registration no. 246748 D. 29.1.96		
R. no. 1 & 3, Sent- via Speed Post.		Copy of the order may be supplied to the counsel for the parties.
R. no. 2, Sent by messenger.		Vice-Chairman
9/1/96	nkm	

31.1.96

Respondent No.2, the Superintending Engineer, Assam Central Circle, CPWD, Guwahati has received notice on 29.1.96. Respondent No.3, the Executive Engineer, Meghalaya Central Division, C.P.W.D., Shillong has also received the notice according to the information received by learned Addl.C.G.S.C Mr. G. Sarma. No Show cause reply is submitted.

Learned counsel Mr M. Chanda for the applicant submits for admission of the application under Section 19 of the Administrative Tribunals Act, 1985 and prays for interim relief order. According to him the applicant is presently working as Work Assistant under the department of C.P.W.D., Govt. of India, Ministry of Urban Development, New Delhi and now posted at Meghalaya Central Division, C.P.W.D., Shillong. He contends that Work Assistant is a skilled artisan and his superannuation is governed by FR 56(b), and he is due to retire on attainment of the age of 60 and not on attainment of the age of 58. In support of his contention he also places reliance on (1) 1991 (3) S.L.J.(CAT) 355, Shri Beni Prasad Vs. Union of India & Ors. and (2) O.A.No. 331 of 1993 decided by Cuttack Bench of the Central Administrative Tribunal, on 23.9.93, Shri D.K. Chatterjee Vs. Union of India & Ors. He has stated that the respondent No.3, the Executive Engineer, Meghalaya Central Division, C.P.W.D., Shillong has issued a notice requiring the applicant to retire in the afternoon on 31.1.96 and this notice has been hanged on the notice board of the office of the aforesaid Executive Engineer. The applicant was also directed to submit Pension papers for necessary processing of retirement benefit. He has further pointed out to Annexure-3 letter No.9(8)/MOCD/

contd.

31.1.96

96/85 dated 12th January, 1996 issued by the Executive Engineer, Meghalaya Central Division, C.P.W.D., Shillong to the Superintending Engineer, Assam Central Circle, CPWD., Guwahati seeking clarifications whether the applicant should be released on 31.1.96 after attaining the age of 58 years.

Learned Addl.C.G.S.C Mr G.Sarma strongly opposes both admission and interim relief.

Heard counsel of the parties and perused the contents of the application. There is prima facie case for scrutiny and decision. Application is admitted. Learned Addl.C.G.S.C prays for six weeks time for written statement.

List on 18.3.1996 before Division Bench for written statement and further order.

Heard learned counsel of both sides on interim relief prayer. The respondents No.1 to 3 are directed not to retire the applicant from service till disposal of the application. Liberty is granted to the respondents to apply for alteration, modification or cancellation of this interim order, if so advised.

Learned Addl.C.G.S.C Mr Sarma prays for expeditious disposal of the application. This prayer will be considered on 18.3.96.

6
31.1.96
Member

OFFICE NOTE

DATE

ORDER

1.2.96

Called the records of the O.A. in presence of learned counsel Mr M.Chanda for the applicant and learned Addl.C.G.S. C Mr G.Sarma for the respondents.

Judgment of the Hon'ble Supreme Court in the case of Civil Appeal No. 1497/93 with No.1498/93 and SLP No.3175 of 1994 etc. decided on 27.1.1995 and reported in 1995 SCC (L&S) 522, State of Orissa and Ors. Vs. Adwait Charan Mohanty & Ors. has come to my notice. Perused the interim order dated 31.1.96 above. I am prima facie of the opinion that the aforesaid interim order should not continue.

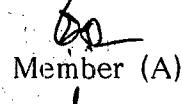
Heard learned counsel of both sides. I am not inclined to continue the interim order passed on 31.1.96 above and accordingly the same interim order is hereby vacated. However, it is made clear that the retirement order issued by the respondents directing the applicant to retire from service with effect from 31.1.96 (AN) shall be subject to the result of this case. It is also made clear that this order shall not preclude either side to make their submissions on the aforesaid judgment of the Hon'ble Supreme Court during the course of final hearing of this O.A.

At this stage Mr Chanda fairly submits that subject to the final result of the O.A. he will not claim pay and allowances for the period after 31.1.96.

Copy of this order may be furnished to the counsel of both sides.

6
Member 12.96

QA/TA/CP/RA/MP No. 1 of 19

OFFICE NOTE	DATE	ORDER
	18.3.96	<p>Counsel of both sides are present.</p> <p>Counter has not been submitted.</p> <p>Learned Addl.C.G.S.C requests for two weeks time for filing the counter.</p> <p>List for counter and further orders on 29.3.96.</p>
		 Member
11.4.96 Ex/s Intimated on behalf of Mr Respondent No. 1, 2 & 3.	pg	
	29.3.96	<p>Mr M.Chanda for the applicant. No counter has been submitted.</p> <p>List on 29.5.96 for counter and further orders.</p>
	Pg	 Member
Service reports are file awaited. Statement has been filed.	30.5.96	<p>Learned counsel Mr J.L. Sarkar for the applicant. Written statement has been submitted. Leave note filed by Mr G. Sarma.</p> <p>List for hearing on 2.7.96.</p>
15 5-6-96 Notice duly served on respondent No. 1	nkm	 Member (A)
	2.7.96	<p>Mr G.Sarma, Addl.C.G.S.C for the respondents.</p> <p>List for hearing on 31.7.1996.</p>
	pg	 Member

(7)

O.A. 15/96

31.7.96 Mr M.Chanda for the applicant.
Mr G.Sarma, Addl.C.G.S.C for the
respondents.

List for hearing on 27.8.96.

6
Member

pg

27.8.96 Mr. M.Chanda for the applicant.

List for hearing on 24.9.96.

6
Member

trd

27/8

24.9.96

Mr G.Sarma for the respondents.
List for hearing on 11.11.1996.

6
Member

pg
25/9

11.11.96

None for the applicant. Mr.G.Sarma Addl.C.G.S.C. for the respondents.
List for hearing on 9-12-96.

6
Member

lm
12/11

1.7.97

The learned counsel for the parties submit that the case is ready for hearing. List it on 25.8.97 for hearing.

Member

Vice-Chairman

21.8.97

Term of appearance
has been fixed.
The case is ready
for hearing.

nkm

dr
2/7

21/8/97

15.9.97

Set over. Listen for
hearing 20.1.98.

By order,

Reo

20-1-98 Case is ready for hearing. Listen on
3-4-98 for hearing.

Member

Vice-Chairman

lm

2/11

31.12.97

Division Bench is not sitting.
List for hearing on 23.1.98.

w/s and rejoinder
has been filed


Vice-Chairman

22/11

pg

NS
6/1/98

23-1-98

There is no representation on
behalf of the parties. 2 weeks time
is allowed. List on 10-2-98.

Member


Vice-Chairman

lm

NS
3/2

10.2.98 Adjourned to 25.2.98.
By order.

w/s and rejoinder has
been filed

24/2

w/s and rejoinder has
been filed

11/3

12.3.98

On the prayer of the learned
counsel for the parties this case is
adjourned till 4.4.98.

Member


Vice-Chairman

nkm

16/3

2.4.98

Let this case be listed for hearing
on 1.5.98.

Member

Vice-Chairman

pg

3-4-98

2P

Case is ready for hearing.

List for hearing on 8-7-98.

W/S Ms. Sun (in)

6/7

Member

Vice-Chairman

lm

8.7.98

Heard the learned counsel for the parties. Hearing concluded. Judgment delivered in open court, kept in separate sheets. The application is dismissed. No order as to costs.

7/9/98
 Copies of the Judgment
 have been sent to the
 D/Sec for issuing the
 same to parties. The case
 regd. with AFD.

68.

nkm

Member

Vice-Chairman

Copies of the Judgment
 has been receipt. & issued
 vide S. No. 2591-2594 dt.
 10.9.98

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH ::::GUWAHATI-5.

O.A.No.15 cf 1996

DATE OF DECISION..... 8.7.1998

Shri S. Darshan Singh

(PETITIONER(S)

Mr M. Chanda

ADVOCATE FOR THE
PETITIONER(S)

VERSUS

Union of India and others

RESPONDENT(S)

Mr G. Sarma, Addl. C.G.S.C.

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

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

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

Judgment delivered by Hon'ble Vice-Chairman.



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No.15 of 1996

Date of decision: This the 8th day of July 1998

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

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

Shri S. Darshan Singh,
Resident of Cliff Colony,
Dhan Kheti, Shillong.
By Advocate Mr M. Chanda.

.....Applicant

- versus -

1. The Union of India, through the
Secretary, Government of India,
Central Public Works Department,
Ministry of Urban Development,
New Delhi.

2. The Superintending Engineer,
Assam Central Circle,
Guwahati.

3. The Executive Engineer,
Meghalaya Central Division,
C.P.W.D., Shillong.

.....Respondents

By Advocate Mr G. Sarma, Addl. C.G.S.C.

.....

.....

O R D E R

BARUAH. J. (V.C.)

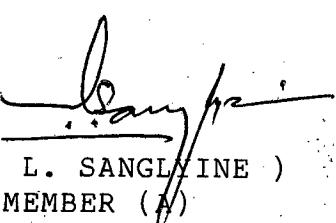
The present application is covered by a decision of this Bench of the Tribunal passed on 12.6.1996 in original application No.160 of 1994. The said judgment was delivered by this Bench after following the judgment of the Apex Court in State of Orissa and others -vs- Adwait Charan Mohanty, reported in 1995 (2) SLJ (SC) 199, and the order passed by this Tribunal in original application No.31 of 1995 on 6.12.1995.

R

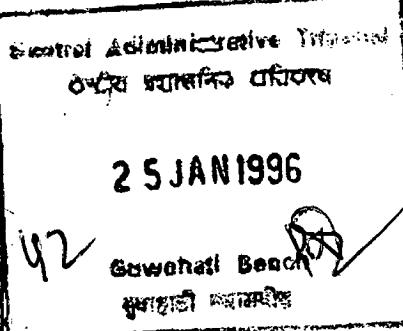
2. The case of the applicant is that he is a skilled worker and therefore, his age of superannuation should be sixty years instead of fiftyeight years. This point was rejected by this Tribunal in the original application No.160/94 which was decided following the decision of the Apex Court in Adwait Charan Mohanty's case (Supra) and the decision of this Tribunal in original application No.31/95.

3. We have heard Mr M. Chanda, learned counsel for the applicant and Mr G. Sarma, learned Addl. C.G.S.C. Mr Chanda submits that the present case is squarely covered by the aforesaid decisions. Mr Sarma has also made similar submissions. In view of the above decisions Mr Chanda submits that the applicant does not want to press the application.

4. The application is accordingly dismissed. No order as to costs.


(G. L. SANGALINE)
MEMBER (A)


(D. N. BARUAH)
VICE-CHAIRMAN



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: GUWAHATI BENCH,
GUWAHATI.

An application under Section 19 of the
Central Administrative Tribunal Act, 1985.

O. A. No. 15 /96.

Sri D. Singh. Applicant.

-Versus-

Union of India & Ors. Respondents.

I N D E X.

Sl. No.	Annexures.	Particulars.	Page.
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2.	-	Verification.	15.
3.	1	Letter dated 6.11.95.	16.
4.	2	Representation dated 11.12.95.	17.
5.	3	Letter dated 12.1.96.	18.
6.	4	Order dated 16.8.94 passed in O.A. 160/94.	19.
7.	5	Order dated 30.8.94 (M.P.) 99/94 passed in O.A. 160/94. 20-72 20-24	

Re

Copy

1996

V. S. Dass
M.A.Sc
CAT

S. D. Singh

File No. 16 application
through Michael
23/1/96

1. Particulars of the applicant.

Sri S. Darshan Singh,
S/O. late Maya Singh,
resident of Cliff Colony,
Dhan Kheti, Shillong -3.

2. Particulars of the Respondents.

1. Union of India,
Through the Secretary,
Govt. of India,
Central Public Works Department (CPWD),
Ministry of Urban Development,
New Delhi.

✓2. The Superintending Engineer,
A 113 room central circle
Meghalaya Central Division,

Ans
Ans
C. P. W. D., Shillong -3. Bamunni Maidan
Graubali - 21.

3. The Executive Engineer,
Meghalaya Central Division,
C. P. W. D., Shillong -3.

3. Particulars for which this application is made.

This application is made against the notice
of superannuation on attaining 58 years of age of the
applicant which was hanged on the notice board of the
office of the Executive Engineer, Meghalaya Central
Division, C. P. W. D., Shillong -3. It is stated in the said
notice that the applicant is retiring on superannuation

on.....

on 31.1.96. There is no date or letter No. in the notice which was hanged on the notice board. Therefore applicant unable to submit any formal notice before the Hon'ble Court. However, the Executive Engineer, Meghalaya Central Division, C.P.W.D. Shillong-3 vide his letter No. 9(8)/95 - MGCD/1729 dated 4.9.95 through which the applicant was asked to fill up pension papers for payment of Family pension also vide reminder under letter No. 9(8)/95 - MGCD/2132 dated 6.11.95 whereby the applicant is also asked to submit pension forms for processing and submission to pay and Accounts Office. This application is against superannuation on attaining 58 years of age and also praying for a direction to allow the application to continue to work till his attaining of 60 years of age in terms of FR. 56(b).

4. Jurisdiction.

The applicant declares that the cause of action arises within the jurisdiction of this Tribunal.

5. Limitation.

The applicant further declares that the case has been filed within the limitation period as prescribed under the Central Administrative Tribunal Act, 1985.

6.....

S. Darshan Singh

6. Facts of the case.

1. That the applicant is a citizen of India, as such he is entitled to all the rights and privileges guaranteed by the Constitution of India. The applicant is presently working as work Assistant under the Deptt. of CPWD., Govt. of India, Ministry of Urban Development, New Delhi and now posted at Meghalaya Central Division, Central P.W.D., Shillong-3.
2. That the applicant was initially appointed as Work Assistant in the Central Public Works Department, Govt. of India in the work charged establishment in the year 1962. He is serving in this department as Work Assistant for about more than 34 years in the same department.
3. That the applicant thereafter was brought under classified regular establishment of the CPWD.
4. That in the year 1982 the President of India was pleased to order that the staff of following 9 categories who were engaged in the works fully under the schedule employment as listed in the minimum wages Act (Central Rule 1950). The details of 9 categories are given below :-

1. Surveyor.....

S. J. Sandhu Singh

1. Surveyor.
2. Lift Operator.
3. Sewerman.
4. Fireman.
5. Road Inspector.
6. Lift Khalashi.
7. Direman Jamadar.
8. Superintendent (E & M).
9. Work Assistant.

From above, it appears that the ~~is~~ category in which the applicant is working is falling under the schedule employment as listed in the minimum wages act (Central Rule 1950).

5. That the category of work assistant which was declared and listed under the schedule employment as listed in the minimum wages act (Central Rule ~~1950~~ 1950). Therefore, the applicant is entitled to retire on superannuation on attaining the age of 60 years in terms of E.R.56(b) wherein it is stated as follows :-

"A Workman who is governed by this rule shall retire from the service on the afternoon of the last day of the month in which he attains the age of 60 years".

Note :-

S. D. Sandhu Singh

Note :- In this clause, a work man means a highly skilled; semi skilled or un-skilled artisan employed on a monthly rate of pay in an Industrial or Work Charged Establishment".

The applicant is an artisan staff and he is in highly skilled category. The salary of the applicant used to be charged in the Maintenance work like other work charged staff.

Therefore, he is entitled to retire on superannuation on attaining the age of 60 years in terms of F.R. 56(b).

6. Most surprisingly, the Executive Engineer, Meghalaya Central Division, CPWD., Shillong, issued a notice in respect of applicant stating to retire the applicant on superannuation on attaining 58 years of age from the Govt. service on 31.1.96. The said notice was hanged in the office of the Executive Engineer, Meghalaya, Central Division C.P.W.D., Shillong-3. The said notice which was hanged on the notice board of the office of the Executive Engineer, without indicating any letter No. or date and no copy

of.....

S. Darlang Singh

of formal notice of retirement has been issued to the applicant. However the Respondent No. 3 under his letter No. 9/8/95-MGCD/1729 dated 4.9.95 also issued a reminder vide letter No. 9(8)/95 - MGCD/2132 dated 6.11.95 whereby the applicant is asked to submit pension forms for processing pension of the applicant and also for submission of the same to the pay and accounts office. The said notice of retirement and subsequent letter dated 4.9.95 and 6.11.95 issued to the applicant without considering the details of the applicants category and entitlement of service benefit under FR.56(b) where it is specifically stated that the work man who is governed by this rule shall retire from service on the afternoon of the last day of the month in which he attains the age of 60 years whereas the applicant by now attained only about 58 years, therefore, notice of retirement on attaining 58 years of age is highly illegal, arbitrary, and violative of Article 14, and 16 of the Constitution of India. The notice of retirement on superannuation on attaining 58 years of age in the instant case of applicant has infringed the fundamental right of the applicant therefore the illegal notice of retirement are liable to be set aside and quashed.

The.....

S. Balaswamy

The applicant made his best effort to obtain the copy of retirement notice but could not obtain the same inspite of his best effort. Therefore the Hon'ble Tribunal be pleased to direct the respondents to produce the formal copy of retirement notice in respect of the applicant for perusal of the Hon'ble Tribunal.

A copy of the letter dated 6.11.95 is annexed as Annexure - 1.

7. That the applicant being aggrieved by the notice of retirement on superannuation on attaining the age of 58 years filed a representation before the Executive Engineer, Meghalaya, Central Division, CPWD, Shillong, whereby the applicant requested that he is entitled to retire from service on superannuation on attaining the age of 60 years as he is serving in the cadre of work assistant. The applicant also mention in his representation dated 11.12.95 that similarly circumstanced employees of C.P.W.D. who were serving in the cadre of work assistant were retained in service till completion of 60 years of age as per the judgement and order dated 23.9.93 passed in O.A. No. 331/93 by the Hon'ble Cuttak Bench and also referred the case of one Sri S. R. Sarkar, Work Assistant, Assam Aviation Works

Division.....

S. Nambiar Singh

Division C.P.W.D., Guwahati whose continuation of service is allowed beyond 58 years of age following the interim order dated 16.8.94 passed in O.A. N o. 160/94 and the case of Sri Sarkar is still pending before the Hon'ble Tribunal. However, the representation of the applicant was forwarded by the Executive Engineer, Assam Central Circle, C.P.W.D., Guwahati vide office letter No. 9(8) MGCD/95/2432 dated 19.12.95 .

A copy of the representation dated 11.11.95 is annexed as Annexure - 2.

8. That the Executive Engineer vide his letter No. 9(8)/MGCD/96/86 dated 12.1.96 address to Respondent No. 2 and requested him to instruct the office of the Respondent N o. 3 as to whether the applicant who is serving as work Assistant is to be retired on 31.1.96 as due to retire for attaining the age of 58 years. It is requested that this matter may be treated as most urgent and also requested for early decision, but no decision has been communicated to the applicant till date.

A copy of the letter dated 12.1.96 is annexed as Annexure - 3.

9.....

I. Barlang Singh

9. That the applicant was initially appointed in the cadre of work assistant in the year 1962 and he has rendered about 34 years of service in the cadre of work assistant. There was no avenue of promotion in the cadre of work assistant and in the similar circumstances Sri Beni Prasad work assistant of C.P.W.D. had filed a original application before the ~~Re~~ Principal Bench, New Delhi, ~~skazx~~ claiming for retirement on completion of 60 years of age in terms of FR. 56(b) and also claimed in the said application that the work assistant falls under the category of skill worker. The Hon'ble Principal Bench after hearing both Respondents and applicant upheld the claim of the applicant Sri Beni Prasad vide judgement and order dated . Therefore the applicant also similarly circumstanced and being a skilled worker entitled to retire on attaining 60 years of age. This Hon'ble Tribunal also rejected the Misc. application for vacating the stay order which was passed on 16.8.94 in C.A. No. 160/94 (Sri S. R. Sarkar - Vs- UOI & Ors.) and allowed Sri Sarkar to continue in service beyond 58 years of age.

Copy of the order dated 16.8.94 and order dated are enclosed as Annexures- 4 and 5.

10.....

S. Sardang Singh

10. That the applicant is a Skilled Artisan who is working in the Post of work Assistant which was brought to the regular classified establishment & cannot be made to retire in terms of F.R.56(a) i.e. on attaining the age of 58 years arbitrarily, the applicant being skilled artisan entitled to retire from service on superannuation on attaining the age of 60 years in terms of F.R. 56(b) and not in terms of F.R.56(a). Therefore, the notice issued by the Executive Engineer Electrical Division, CPWD, Shillong, is liable to be set aside and quashed.

11. That the similar situation arises in the case of Sri D.K. Chatterjee, Work Assistant of CPWD who filed an application before the Hon'ble Central Administrative Tribunal, Cuttack Bench which was registered as O.A. 331 of 1993 also challenged the notice of retirement on superannuation of attaining 58 years and claimed for retirement on superannuation on attaining the age of 60 years in terms of F.R.56(b) and the Hon'ble Cuttack Bench of Central Administrative Tribunal after hearing the detail arguments of all the parties was pleased to allow the similar application vide judgement and order

dated.....

S. Dagar Singh

dated 23.9.93. It appears from the Judgement and order dated 23.9.93 that one Sri Beni Prasad was placed under similar circumstances like the present petitioner. Thereafter, he filed an original application before the Hon'ble Principal Bench, New Delhi, which was registered as O.A. 399 of 399 of 1986 also allowed vide its judgement and order dated 29.5.1991 wherein the Principal Bench observed keeping in view of the provisions contained in F.R. Rule 56(a) & 56(b) that the skilled artisan who are in the post of Work Assistant should be made to retire on attainment of age at 60 years and not 58th years.

12. This application is made bona fide and for the cause of justice.

7. Relief sought for :

Under the facts and circumstances the applicant prays for the following reliefs :-

- 1) That the respondents be directed to allow the applicant to continue to work till the applicant attaining the age of 60 years in terms of F.R. 56(b) i.e. 31.1.1998.

2)

S. Dabholkar Singh

- 2) That the respondents be directed not to retire the applicant on attaining 58 years of age i.e. with effect from 31 January, 1996.
- 3) To pass any other order/orders deemed fit and proper under the facts and circumstances of the case.
- 4) Cost of the case.

The above reliefs are prayed on the following amongst others -

- G R O U N D S -

- 1) For that the applicant is a highly skilled artisan working in the post of Work Assistant in CPWD, Govt. of India, Ministry of Urban Development.
- 2) For that the applicant is brought under the regular classified establishment and he is ^{engaged} engaged in the works falling under the schedule employment in the works falling under the schedule employment as listed in the minimum Wages (Central Rule 1950).
- 3) For that impugned notice of retirement is served upon the applicant in terms of F.R. 56(a) for

retiring.....

S. Ballal Singh

retiring him on superannuation at the age of 58 years, whereas the service of the applicant is governed by the F.R. 56(b) where the provision of 60 years of service laid down in the case highly skilled artisan which is applicable in the instant case of the applicant.

- 4) For that the similar cases has already been decided by the Hon'ble Central Administrative Tribunal in O.A. 331 of 93 of Cuttack Bench and O.A. 399 of 1986 by the Hon'ble Principal Bench, New Delhi.
- 5) For that the action of the respondents issuing notice of retirement are violative of article 14 and 16 of the Constitution of India.

8. Interim reliefs prayed for :

During the pendency of this application the applicant prays for following interim reliefs :-

- 1) That the applicant be allowed to continue to work as work Assistant till his attaining the age of 60 years in terms of F.R. 56(b) i.e. 31.1.1998.

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

9.....

S. D. Ganguly

9. Details of remedy exhausted.

There is no any other remedy save and except filing this application before Your Lordship praying for appropriate relief.

10. Matter not pending in any court/tribunal.

The applicant declares that he has not filed any application in any Court/Tribunal.

11. Particulars of the postal order.

Postal order No. :- 311325.

Date :- 16-1-96.

Issued from :- G.P.O., Guwahati.

Payable at :- G.P.O., Guwahati.

12. Details of Index :-

An index showing the particulars of documents are enclosed.

13. List of enclosures :-

As per Index.

Verification.....

S. Deylansingh

I, Shri S. Darshan Singh, son of late Maya Singh, working as Work Assistant, under Meghalaya Central Division, Central P.W.D., Shillong - 3, and applicant in the above case, do hereby declare and verify the statements made in this application in paragraph 1 to 13 of this application are true to my knowledge and belief and I have not suppressed any material facts.

S. Darshan Singh


Place : - Guwahati.

S I G N A T U R E.

Date - 23-1-96.

Annexure - 1.

1st Reminder.

Government of India.

Central Public Works Department.

No. 9(8)/95-MGCD/2132. Dated, Shillong, the 6.11.95.

To

Sri D. Singh, W/A,
Shillong Central Sub-Divn-I,
C. P. W. D., Shillong.

Sub:- Payment of Family Pension.

Reff:- T.O. letter No. 9(8)/95-MGCD/1729 dated
4.9.95.

You were requested to submit the pension forms
duly fills for processing and submission to P. A.O. office
which is awaited from your end. Please take immediate
action to avoid delay.

Sd/- Illegible.
Executive Engineer,
Meghalaya Central Dicision,
C. P. W. D., Shillong-3.

Copy to -

1. The Pay & Accounts Officer (NEZ), C. P. W. D.,
Shillong.

EXECUTIVE ENGINEER.

Surajit Agarwal

S. D. Singh

Annexure - 2.

To

The Executive Engineer,
Meghalaya Central Division,
Central Public Works Department,
Cleve Colony,
Shillong - 793 003.

Sir,

With due respect it is to state that I was issued some forms to be filled up for payment of family pension vide letter No. 9/8/95-MGCD/1729 dated 4.9.1995 and ~~xx~~ reminder vide No. 9/8/95-MGCD/2132 dated 6.11.1995.

There is also a mention in the notice board that the undersigned is to retire on 31.1.1996.

In this connection, I am to state that as per the Judgement and Order dated 23.9.1993 in O. A. 331/1993, delivered by the Hon'ble Principal Bench of CAT, Cuttack, and again an order passed by the Hon'ble VAT, Guwahati Bench, vide O. A. No. 160/94 dated 30.8.1994 (copy enclosed) vide which Shri S. R. Sarkar, Work Asstt., Assam Aviation Works Dvn., CPWD, Guwahati, has been allowed to continue in service after completing 58 years of age.

In view of above, it is humbly submitted that the retirement age for Work Asstt. is 60 years and not 58 years as has been mentioned in my case in the notice board and also I am issued the Pension Papers.

This is for your kind information and necessary action. However, the Pension Papers duly filled in are enclosed pl.

Yours faithfully,

Sd/- Illegible.

11.12.95-

(DARSHAN SINGH).

Work Assistant,
MGCD, CPWD, Shillong.

Dated :- 11.12.1995.

Ref. above.

No action has been taken. Kindly inform the action taken in the matter at the earliest.

Yours faithfully,

Sd/- Illegible.

26.12.95.

(DARSHAN SINGH).

Work Asstt.

26.12.1995.

*Prasad
Ogund*

S. Darshan Singh

Annexure - 3.

Central Public Works Department.

REGD POST.

No. 9(8)/MGCD/96/85.

Dated, Shillong 12th January '96.

To

The Superintending Engineer,
Assam Central Circle, CPWD.,
Bamunimaidan-2, Gauhati-21.

Sub:- Retirement of Shri Darshan Singh, Work Assistant.

Ref:- This office letter No.9(8)/MGCD/95/2432 dt.19th Dec.
'95.

Kindly refer to this office letter quoted above under which you have been required to instruct this office whether Sri Darshan Singh, Work Assistant will be relieved on 31st January, 1996, who is due to retire for attaining the age of 58 years.

Copy of the above letter along with its enclosures is again sent herewith for your ready reference please.

This may kindly be treated as MOST URGENT and communicate your decision by SPEEDY POST accordingly.

Sd/-

Executive Engineer,
Meghalaya Central Division,
Central P.W.D., Shillong-3.

...

Copy for information to Shri Darshan Singh, Work Assistant through the Assistant Engineer, Shillong Central Sub-Division, No. I, CPWD., Shillong.

Sd/- Illegible.
Executive Engineer.

*Alfred
GJ*

S. Darshan Singh

(14)

34

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

CA. NO. 166/94

S. R. Sarkar

V.S.

Union of India & Ors.

Applicant

Respondents

PRESENTS

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

For the applicant : Mr. S. R. Sarkar, Esq., M. Chanda, Adva.
For the respondents : Mr. S. Ali, Esq., CGSC.

16.8.94

ORDERS

Honored Mr. M. Chanda, learned counsel for the applicant and Mr. S. Ali, learned S.C.C.S.C. for the respondents. The applicant is due to be relieved on 31.8.94. Hence we see no reason as to why interim relief cannot be granted. Accordingly the impugned notice dated 21.7.1994 is stayed and shall stand suspended till the final disposal of the application. As a consequence thereof, the applicant be allowed to continue to work.

Copy of the order may be supplied to the counsel for the parties.

Sd/- Vice-Chairman
Sd/- Member(A)

Certified to be true Copy

प्राणित प्रतिलिपि

Section Officer (J)

आनुसारा अधिकारी । न्यायिक शास्त्र।
Central Administrative Tribunal

*प्राणित प्रतिलिपि के लिये राखा

Guwahati Bench, Guwahati-6
गुवाहाटी न्यायपीठ, गुवाहाटी-5

20
6

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Misc. Petition No. 99 of 1994 (O.A.160/94)

Date of Order : This the 30th Day of August, 1994.

Justice Shri M.G.Chaudhari, Vice-Chairman.

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

Union of India & Others Applicants

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

- Versus -

Shri S.R.Sarkar Respondent.

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

O R D E R

CHAUDHARI J (V.C)

Submissions of Mr S.Ali, Sr.C.G.S.C for the applicants (original respondents) and Mr M.Chanda for the opponent - respondent (original applicant) are fully heard. For the sake of convenience the parties will hereafter be referred to according to their original description.

2. Union of India and others, respondents in the O.A.No.160/94 have applied by this petition for vacating the order of interim stay granted by us on 16.8.94 on the Original Application.

3. In the Original Application the applicant has prayed that the impugned notice of retirement issued to him be set aside and quashed and he be directed to be allowed to continue till his attaining the age of 60 years. By the impugned order the original applicant is being retired from service on superannuation on 31.8.1994 i.e. tomorrow.

contd... 2/-



The retirement of the original applicant has been proposed by the original respondents (hereinafter referred to as respondents) on the ground that he has attained the age of 58 years which is the prescribed age for retirement on superannuation under the CPWD Code. It is the contention of the applicant that by virtue of FR 56(b) his retirement would be on attainment of age of 60 years and he is being wrongly retired on attaining 58 years of age.

4. In the present application for vacating the stay ✓ (applicants)- original respondents contend that the (respondent) original applicant is being rightly retired on completion of 58 years of age under Section 10 of the CPWD Manual Vol.I read with para 7 of CPWD Code. It is their contention that the applicant is Work Assistant which is different from Regular (Classified) Establishment in the CPWD. He does not come under the category of Regular (Classified) Establishment and therefore he is regulated by the above mentioned provision and ✓ he is to retire on completion of 58 years of age. The (respondent) original applicant has filed reply to the petition and has relied upon the Award made between the CPWD administration and the workmen represented by CPWD Mazdoor Union rendered in case No. N.Arbitration/Con-I/86 dated 31st January, 1988 and contends that he accords to the description of being workman for the purpose of FR 56(b) and is therefore entitled to continue till attaining the age of 60 years. He has also placed reliance on the decision of the Cuttack Bench of the Central Administrative Tribunal in O.A.331/93 dated 23.9.93.

5. The CPWD Code under the topic 'D-Temporary and Work Charged Establishments' provides inter alia that in addition to work charged staff, another category of establishment

22
of

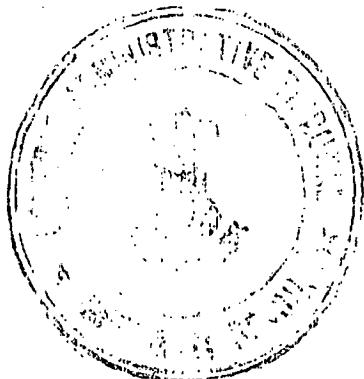
"Regular (Classified) Establishment" exists in the CPWD and salaries etc. of them are written back to the works outlay before appropriation accounts of the year are finalised. In respect of work charged staff transferred to the regular establishment it is also provided under the heading 'Classification, Character & Status of Work Charged posts' that although these staff is not classified in any group for certain matters like grant of leave, OTA, membership of Trade Union etc. the employees in the W.C. establishment are regarded as "Industrial staff and governed by industrial laws of the country as are applicable as per Para 1.04-CPWD Manual Vol-III. It is further provided that the FR's and SR's are also applicable to the work charged staff and that the work charged staff of CPWD are civil servants in terms of Article 311 of the Constitution of India. The Government of India's decision in respect of work charged establishment - transfer to certain categories of posts to the regular establishment, are stated together with a annexure with details mentioned therein regarding seniority, retention of quarters of work charged staff transferred to the regular establishment. In clause 7 of the Annexure-1 on which reliance is placed in the present petition by the respondents it is provided that the age of retirement in respect of those who are brought on to the regular establishment will be according to relevant rules applicable to the regular establishment and that the provision applicable to the work charged establishment that the age of compulsory retirement for all employees will be 60 years will not apply to any member of the work charged establishment who is brought on the regular establishment. On the face of record and after reading clause 7 it would ^{seem} appear that the applicant has no case. It may be mentioned that there is no dispute that the applicant was initially appointed as Work

Assistant under work charged establishment who has been brought to the regular (classified) establishment. He claims to be an Artisan in highly skilled category. He is supervising the work on the construction and the maintainance side of the CPWD.

6. ^{however} What we find is that clause 7 referred to above is in conflict with FR 56 and therefore can no longer apply to the applicant. FR 56(b) provides that a workman who is governed by these rules (which means FR's/SR's) shall retire from service on the afternoon of the last day of the month in which he attains the age of 60 years, ^{The} but note below the clause says that the workman means a highly skilled, skilled, semi-skilled or unskilled artisan employed on a monthly rate of pay in an industrial or work charged establishment. Thus the applicant fulfils the requirements of clause (b). His contention about discrimination also stands supported from the arbitration award. In our prima facie opinion the case of the applicant is governed by FR 56(b) and thus he is not required to retire on his attaining 58 years of age but he is entitled to continue in service till he attains the age of 60 years as provided in clause(b) of FR 56. The decision of the Cuttack Bench of the C.A.T referred to earlier lends support to this view of ours.

7. In the result, the Misc. Petition is dismissed and the original order of interim stay granted on 16.8.94 is confirmed and maintained. It is needless to add that the continuation of the applicant by virtue of the interim order shall be subject to the final result of the main application. Similarly the present order will be without

prejudice to both the parties on merits at the hearing
of Original Application. There will be no order as to
costs.



Sd/- M.G.CHAUDHARI
VICE CHAIRMAN

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

TRUE COPY

প্রতিলিপি

✓ N → 13/9/94
Section Officer (J)
আমন্ত্রণ অধিকারী / প্রকাশক কাউন্সিল
Central Administrative Tribunal
প্রধান প্রকাশক কাউন্সিল
গুৱাহাটী, মহারাষ্ট্র, ভারত
১৪৬১ পুরামুখ, মুক্তিপুর ৫
13/9/94

11 APR 1996

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH

11-4-96
Lok Jayan
CCLAP SARMA
Standing Counsel
Adviser, Central Govt.
Central Adminstrative Tribunal
Guwahati Bench, CLWAHATI

In the matter of :

O.A. No. 15/96

Shri Darshan SinghApplicant.

-Versus-

Union of India & Ors...Respondents.

-AND-

In the matter of :

Written Statement on behalf of
the Respondent No.1,2 and 3.

I, Shri P.K. Pandey, Executive Engineer,
Meghalaya Central Division, Central Public Works
Department, Shillong and Respondent No.3 do hereby
solemnly affirm and declare as follows :-

1. That a copy of application alongwith an order
passed by this Hon'ble Tribunal have been served
upon all the respondents and being called upon by
this Hon'ble Tribunal I do hereby file this written
Statement and show cause for vacation of the interim
order dated 31.1.96 restraining the respondents not
to retire the applicant. Further, I beg to state that

I.....

I am also authorised to represent No.1 and 2 in this case and as such they are also jointly defended by this Written Statement. Also I assert that save and except what is specifically admitted in this Written Statement, rest may be treated as total denial by all the respondents.

2. That with regards to the contents made in paragraphs 1 to 5 and 6.1 to 6.3 of the application, I beg to state that I have nothing to comment.

3. That with regards to the contents made in paragraph-6.4 of the application, I beg to state that the President of India was pleased to order for 9 nos. of categories of staff who were engaged in works fully under the schedule employment as listed in the minimum wages of act (Central Rule, 1950) is for the purpose of overtime works and not for the purpose of age of retirement beyond 58 years of age.

4. That with regards to the contents made in paragraph-6.5 of the application, I beg to state that the contents are not correct and hence denied. The applicant is not an Artission Staff and as such he is not entitled to be retired in the age of 60 years.

5. That with regards to the contents made in paragraph-6.6 of the application, I beg to state that.....

(21)

that it is a fact that notice of retirement w.e.f. 31.1.96 was issued to the applicant as he is not entitled to retire on superannuation on attaining the age of 60 years but as he is not an Artisan so he should go on retirement at the age of 58 years and hence the retirement was issued to him which is legal and valid.

6. That with regards to the contents made in paragraphs 6.7 and 6.8 of the application, I beg to state that the post of Work Assistant on Regular (Classified) Establishment is a Class-III (Group 'C') Non-Gazetted and Non-Ministarial post. A Work Assistant's job is supervisory only and he is not an 'Artisan' at all as he does not performs or does any job of an 'Artisan'.

The applicant is neither a workcharged staff nor Industrial staff. For certain matters like grant of leave, Overtime allowances, the Regular (Classified) staff is regarded as 'Industrial Staff'.

In para 7 of C.P.W.D. Code provides thus -
"The age of retirement of those who are brought on the Regular Establishment will be according to the relevant rules applicable to the Regular Establishment. The provisions applicable of the Work charged Establishment that the age of compulsory retirement for all employees would be 60 years will not apply to any member of Workcharged Establishment who is brought on to the Regular Establishment".

The applicant.....

The applicant is not an Artisan. He is not provided any tools or tool allowances by the Department, as done in cases of Artisan like 'Mason', 'Carpenter' etc. As per C.P.W.D. (Subordinate offices - Work Assistant and Road Inspector) Recruitment Rules, 1970 issued vide Memorandum No.39/3/71 of the then Engineer-In-Chief and now the Director General of Works, C.P.W.D. the post of Work Assistant is Class-III Non-Gazetted and Non-Ministerial post and as per terms and conditions of the above said memos governing the transfer of Work Assistant working against the post on Workcharged Establishment to the post of Regular Establishment, the age of retirement is same as for the other employees on Regular Establishment.

A copy of the extract of para-7 of C.P.W.D. Code is annexed herewith and marked as
ANNEXURE-R.1.

That the applicant not being a workman or Artisan of any type and being on Regular Establishment is to retire not as per provisions of FR56(b) but as per provisions of FR 56(a) which provides as under -

"Except as otherwise provided in this rule, every govt. servant shall retire from service on the afternoon of the last day of the month in which he attains the age of 58 years".

The case referred by the applicant in para-6.8 of the application, being O.A.No.331 of 1993 decided by the Hon'ble Cuttack Bench vide it's order dated 23.9.93 has got no application in this case as the

work.....

Work Assistant in that cases at the time of his retirement was on Workcharged Establishment whereas in the instant case the applicant at the time of his retirement is on Regular (Classified) Establishment.

That from the above provisions, the applicant being on Regular Establishment in Class-III Non-Gazetted and Non-Ministerial post and not being the workman of Artisian, can not be allowed to continue till he attains the age of 60 years which is applicable to workman/Artisian or Workcharged Establishment. The notice of retirement issued by the respondent is thus in conformity with the above provisions of Code and Recruitment Rules of Work Assistant.

7. That with regards to the contents made in paragraph-6.9 of the application, I beg to state that the same is not correct and hence denied.

8. That with regards to the contents made in paragraph-7.1 of the application, I beg to state that the applicant is not entitled to any of the reliefs sought for in view of the statements above and as such the application is liable to be dismissed.

9. That with regards to the contents made in paragraphs 7.2 and 7.3 of the application, I beg to state that in view of above facts the applicant is to retire only on 31.1.96 at the age of 58 years.

That.....

10. That there being no any cause of action of the case, the present application is to be rejected outright. Hence the interim order dated 31.1.96 granted by this Hon'ble Tribunal is therefore liable to be set aside.

11. That the application is misconceived of fact and being led by illconceived of law, the same is not at all legally based and in such a situation, the application is to be rejected outright.

12. That the respondents crave leave of filing additional Written Statement if this Hon'ble Tribunal so desires.

13. That this Written Statement as well as the show cause for vacation of interim order is filed bonafide and in the interest of justice.

Verification.....

(31)
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VERIFICATION

I, Shri P.K. Pandey, Executive Engineer,
Meghalaya Central Division, Central Public Works
Department, Shillong do hereby solemnly affirm
and declare that the statements made in paragraph-1
of this Written Statement are true to my knowledge
and those made from paragraph-2 to 9 are derived
from records which I believe to be true and rest
are humble submissions before this Hon'ble
Tribunal.

I sign this Verification on this 12th. day
of March , 1996 at Shillong.

Pusalkal Kumar Pandey

DEPONENT.

(ix) Other conditions of service will be determined according to orders issued by the Government of India from time to time.

(Min. of Works and Housing letter No. 66/339/57/WCE dated 26.3.1958).

(2) Work-charged Establishment-Transfer of certain categories of posts to the regular establishment- Principles regarding service conditions of the establishment.

I am directed to say that the President is pleased to decide that the principles mentioned in the annexure to this letter will apply to the work-charged personnel of the C.P.W.D. on their transfer to the regular establishment in accordance with this Ministry's Letter No. 66/339/57-WCE, dated 26th March, 1958.

ANNEXURE

Principles regarding counting of service for pension, seniority, retention of quarters etc. of work-charged staff to be transferred to the regular establishment.

1. Counting of service for Pension:

A. General

(a) The work-charged staff transferred to the regular establishment will be eligible for pension/gratuity in accordance with the Liberalised Pension Rules.

(b) Only service in one or more of the 35 categories specified in the annexure to Government of India, Ministry of Works, Housing and Supply letter No: 66/339/57-WCE, dated 26th March, 1958, will be taken into account for the purpose of pension/gratuity in the regular establishment.

(c) Such service will count for the purpose of pension and gratuity even if it is interrupted by spells of

Attachment
Annexure
Circular Board
CPW DISCUSSION

service in categories other than those specified in the aforesaid letter, provided the entire service rendered by the employee is continuous

(d) Boy service in the Work-charged Establishment will be treated in the same manner as it is treated in the Regular Establishment under the relevant rules.

B. Counting of temporary and semi-permanent service in the Work-charged Establishment:

Temporary and semi-permanent service in the work-charged establishment would count to the same extent as regular temporary service for the purpose of pension and/or gratuity and/or any retirement, retrenchment benefits,

C. Counting of permanent work-charged service:

(a) Permanent work-charged service would count to the same extent as permanent regular service for the purpose of pension, gratuity and other retirement, retrenchment benefits in the Regular Establishment

2. Workmen's Contributory Provident Fund:-

(a) Temporary and semi-permanent work-charged employees, who have been contributing to the Workmen's Contributory Provident Fund, would be allowed to continue to contribute to the Fund till they are confirmed in the Regular establishment.

(b) On confirmation, the subscriber shall at his option be entitled:

i) to continue to subscribe to the Fund, in which case he shall not be entitled to any pension or gratuity under the Liberalised Pension Rules; or

ii) to earn pension with effect from the date of his confirmation in the Regular Establishment, in which case, with effect from that date:

Executive Engineer
Mechanics
G. P. W. U. S. M. I. 9-3
Division

(24)

3. Seniority:

A. Inter-se seniority among the Work-charged staff will be determined as follows:

- (a) the seniority in any of the 35 categories mentioned in Government Order dated 26.3.1958 will be determined by the length of continuous service in that particular grade;
- (b) Continuous service in equivalent or higher grades would also be taken into account, provided such service has been rendered in one of the 35 categories

B. When any of the 35 categories is integrated with a similar category already existing in the Regular Establishment, seniority of work-charged employees, vis-a-vis, regular workers will be determined in the following manner:-

- (a) All existing permanent employees in the Regular Establishment will rank senior to the employees transferred from the Work-charged Establishment; and
- (b) Persons from the Work-charged Establishment will be fitted in, in the appropriate places in the list of seniority of the temporary regular employees in accordance with their seniority as determined under 'A' above.

4. Principles regarding retention of work-charged quarters and eligibility for the General Pool Accommodation:

- (g) All work-charged staff transferred to the regular establishment will forthwith be eligible for allotment of quarters in the general pool.

5. Quasi Permanency:

All the work-charged employees coming over to the regular establishment will be eligible for quasi-permanency strictly in accordance with the rules applicable to the regular establishment. Service in the work-charged establishment will not count for this purpose.

6. Leave:

(a) All members of the work-charged establishment would be governed with effect from the date of transfer to the regular establishment by the Revised Leave Rules, 1933, as amended from time to time.

7. Age of retirement in the regular establishment:

The age of retirement in respect of those who are brought on to the regular establishment will be according to the relevant rules applicable to the regular establishment. The provision applicable to the work-charged establishment that the age of compulsory retirement for all employees would be 60 years, will not apply to any member of the work-charged establishment who is brought on to the regular establishment.

8. Classification of Posts:

The posts to be created in the regular establishment for the transfer of eligible work-charged personnel will be classified under rule 8 of C.C.S. (C.C. & A) Rule

9. Classification of posts as "Ministerial" or "Non-Ministerial":

The Chief Engineer, C.P.W.D. as Head of the Department will classify the post to be created in the regular establishment into 'Ministerial' and 'Non-ministerial' categories.

10. Verification of Antecedents and Medical Examination

11. Medical facilities:

(38)
(9)

20. **Work-charged staff.** They will be eligible for the benefits under C.S. (M.A.) Rules and the C.H.S.S. and will have to pay the contribution under the Scheme.

(M.W.H. & S. letter No. 6/6/58-WCE dated 6.11.1958 as amended by Ministry's letter of even number dated 3.1.1959)

Explanatory Note: "Work-charged staff converted into Regular Establishment" is a distinct sub-head in the Demands for Grants for "Public Works". Such staff is like any other regular staff but the cost of their establishment is required to be written back during March (Sy) by a deduct entry "Establishment charges recovered on account of W.C. Staff converted into regular establishment" before Appropriation Accounts of the year are finalised so that the works concerned are duly debited pro rata with the cost of such establishment. The budget provision and the deduct entry balance each other. There should be no difference between the two set of figures as any difference would either depict diversion of funds without authority or credits to various funds etc. of subscribers would be unauthorised.

E. Police and other guards

12. When marching, or when in camp on public duty, officers are allowed a guard for the protection of public property. Such guards are supplied without charge by the Police Department, and application for them may be made to the Superintendent of Police by an officer of not lower status than a Divisional Officer. Such guards will not, however, be supplied unless the officer travelling is in charge of Government money or valuable Government property, or unless the country is disturbed.

13. In all cases where, through the inability of Police Department to supply a guard from the regular Police Force, special guards have to be entertained, the sanction of the Ministry of Urban Development will be necessary. Officers may, however, in urgent cases, entertain the guard in anticipation of sanction, reporting their