

30/100

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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R.A/C.P No. 21/99
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SECTION OFFICER (Judl.)

Signature
23/1/98

CENTRAL ADMINISTRATIVE TRIBUNAL : GUWAHATI BENCH : GUWAHATI

ORIGINAL APPLN.NO. 17 OF 1996
 TRANSFER APPLN.NO. OF 1995
 CONTEMPT APPLN.NO. OF 1995 (IN NO.)
 REVIEW APPLN.NO. OF 1995 (IN NO.)
 MISC.PETITION NO. OF 1995 (IN NO.)

North Eastern Region Atomic Minerals Workers Union J.O.RS APPLICANT(S)

..... Respondent(S)

For the Applicant(s) Mr. M. Chanda

Mr.

Mr.

Mr.

For the Respondent(s)

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

OFFICE NOTE

DATE

ORDER

1-2-96

Application is in
 and within time.
 C of Rs. 50/-
 deposited vide
 B.O. BD No. 311276
 dated 8.1.96

This O.A. has been placed before me
 on the ground of urgency.

Learned counsel Mr J.L.Sarkar with
 Mr M.Chanda for the applicants and Mr
 G.Sarma, learned Addl.C.G.S.D for the
 respondents are present. Mr Sarkar moves
 this application.

Issue notice before admission.

List on 13.2.1996 for consideration
 of admission and interim order.

Till then the respondents may not
 terminate the services of the applicants
 on the grounds as apprehended by them
 in this application and if any termina-
 tion on such ground is made due to exi-
 gencies of service, such order of ter-
 mination will be subject to the result
 of this application.

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

Member 1.2.96

pg

(contd.to Page No.2)

Since reports are still
 awaited

Not a signed on
 P. no. 1, 2 & 3.

OFFICE NOTE

DATE

ORDER

13-2-96

Mr.J.L.Sarkar for the applicants. Mr.G.Sarma, Addl.C.G.S.C. for the Respondents. Mr.R.Saran, Scientific Officer-SE Deptt. of Atomic Energy, Shillong-11 present.

107 applicants including workers' Union have made a common cause in this Single Application. Leave granted under Rule 4(5) (a) (b) of the C.A.T. procedure Rules 1987.

Mr.Saran States that the Respondents have been considering regularisation and about 15 persons have already been regularised and others will be considered as and when vacancy will be available. He also states that there is no intention to terminate the service but if service of any applicant is required to be terminated for some reason than one months' Notice will be given. The learned counsel for the parties state that the minimum of pay scale is being paid. We really see no grievance to survive in this O.A. It is needless to add that any of the applicants if served with termination notice, he would be at liberty to challenge the notice. We are therefore disinclined to admit the application. Mr.J.L.Sarkar however submits that as the applicants are apprehending termination of service the applicants would desire the respondents to set out the complete picture in the Written Statement and in that sense matter needs consideration.

O.A. is admitted. Issue notice to the respondents. 8 weeks for Written Statement. In view of the statement made on behalf of respondents by Mr.Saran, no interim order is passed. Interim order dated 1-2-96 stands exhausted. In the event of any of the applicants is served with notice of termination, the said applicant will be at liberty to apply for

contd/-

(4)
O.A. 17/96

7-8-96

Learned counsel Mr.M.Chada for the applicant. Addl.C.G.S.C. Mr.G.Sarma for the respondents.

Mr.Chada submits Rejoinder and copy thereof served on Learned Addl.C.G.S.C. Mr.G.Sarma.

List for hearing on 5-9-96.

60
Member

5-9-96

Learned counsel Mr.M.Chada for the applicant. Learned Addl.C.G.S.C. Mr.G.Sarma for the respondents.

List for hearing on 4-10-96.

60
Member

1m

5/9/96

17.9.96

4-10-96

Learned counsel Mr.M.Chada for the applicant. List for hearing on 26-11-96.

60
Member

1m

7/10

6.2.97

Let this case be listed for hearing on

5.3.97.

60
Member

Sh
Vice-Chairman

nkm

10/2

1) Notice duly served on
Responds nos. 1 & 3.

2) W/statute by *lm*

3) Rejoinder by not-
by G.W.

1/8

4/9

*Rejoinder submitted
by the applicant at
Pg. 60-86.*

7/10

O.A.17/96

13-2-96

(conlet)

interim order. Adjourned to 30-4-96.

Notice issued vide
No. 25-27 dt. 11-3-96

Member

Vice-Chairman

30.4.96

Learned Addl.C.G.S.C Mr G.Sarma
present for the respondents. Written
statement has been submitted. Case read
for hearing.

List for hearing on 10.6.96.

8.4.96

W/S Submitted
on behalf of the Respondents
No. 1, 2 and 3 at Page
No. 32-59.

pg

10.6.96

Learned counsel Mr. M.Chanda for the
applicants.

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

Written statement have been submitted. Case
ready for hearing.

List on 10.7.96 for hearing.

Member (J)

Member (A)

trd

10.7.96

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

List for hearing on 7.8.96

Member

pg

(5)
O.A. 17 of 1996

5.3.97

Let this case be listed for hearing on 6.3.1997.

Member

SB
Vice-Chairman

trd

6.3.97

On the prayer of Mr. G.Sarma, Addl.C.G.S.C. appearing on behalf of the respondents hearing adjourned to 12.3.1997.

ba
Member

SB
Vice-Chairman

trd

12.3.97

We have heard Mr J.L. Sarkar, learned counsel for the applicant at some length, Mr Sarkar examine certain aspects of the matter and a prays for a short adjournment.

List it on 19.3.97 for further hearing.

ba
Member

SB
Vice-Chairman

nkm

19.3.97

On the request of Mr M. Chanda, learned counsel for the applicant, let this case be listed for hearing on 11.4.97.

ba
Member

SB
Vice-Chairman

nkm

*1) w/ statement & Refrainder
by Sun G.W.*

*w/ statement & Refrainder
by Sun G.W.*

10/4

11.4.97

Mr M. Chanda, learned counsel for the applicant and Mr G. Sarma, learned Addl. C.G.S.C. submit that the matter relate to Meghalaya and it will be convenient if it is taken up at Shillong. Therefore, the case will be taken up at Shillong. The date of hearing will be notified later.

Member

Vice-Chairman

nkml

16/4

4.7.97

Counsel for the parties submit that the case is ready for hearing.

List on 16.9.97 for hearing.

Member

Vice-Chairman

11-12-97

Case is ready for hearing. Let this case be listed for hearing on 17-2-98.

11-9-97

Case is otherwise ready for hearing. Let this case be listed for hearing on 11-12-97.

Member

Vice-Chairman

11-12-97

Case is ready for hearing. Let this case be listed for hearing on 17-2-98.

Vice-Chairman

17.2.98

Let the case be listed for hearing on 27.5.98.

Member

Vice-Chairman

20.5.97

The case is ready for hearing.

20/5

21.8.97

Memo at appearance has been filed.

21/8/97

tro

14/7

lm

13/7

lm

12/12

23

ding

W/S and Rejoinder has been filed

12/12

The case is ready for hearing as Rejoinder W/S and rejoinder.

12/2

The case is ready for hearing as regards W/S and rejoinder.

000.17/50

Notes of the Registry

Date

Order of the Tribunal

27-5-98

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

4-6-98.

Member

Vice-Chairman

lm

28/5

4.6.98
20

Adjourned to 26.6.98.
by order.

26.6.98

Mr M.Chanda, learned counsel for the applicant prays for a short adjournment. Mr G.Sarma, learned Addl.C.G.S.C has no objection. Prayer allowed.

List on 3.7.98 for hearing.

Member

Vice-Chairman

pg

29/6

3.7.98

On the prayer of Mr G. Sarma, learned Addl. C.G.S.C., the case is adjourned for two weeks. Mr J.L. Sarkar, learned counsel for the applicant has no objection. List it on 21.7.98.

Member

Vice-Chairman

nkm

6/7

21.7.98

On the prayer of Mr J.L. Sarkar, learned counsel for the applicant, this case is adjourned till 28.7.98.

Member

Vice-Chairman

nkm

22/7

w/s and rejoinder has been filed.
2/6

w/s and rejoinder has been filed.
25/6

w/s and rejoinder has been filed.
2/7

w/s and rejoinder has been filed.
20/7

17/96

Notes of the Registry	Date	Order of the Tribunal
14-8-98 Case is ready for hearing. pg 30/7	28.7.98	On the prayer of Mr M.Chandea, learned counsel for the applicant the case is adjourned to 17.8.98. Member Vice-Chairman
The case is ready for hearing as per request service. trd 19/8	17.8.98	On the prayer of Mr. S.Ali, learned C.G.S.C. this case is adjourned till 31.8.98. List on 31.8.98. Member Vice-Chairman
31.8.98 pg 21/9	31.8.98	On the prayer of Mr G.Sarma, learned Addl.C.G.S.C the case is adjourned to 14.9.1998 for taking instructions. Member Vice-Chairman
14.9.98	14.9.98	Mr. G.Sarma, learned Addl. c.G.S.C. submits that an attempt shall be made to settle the matter and prays for adjournment. Prayer allowed. List on 2.11.1998 for hearing. Member Vice-Chairman
2.11.98 pg 15/9	2.11.98	Division Bench is not available. List on 25.11.98 for hearing. Member

w/s and rejoinder been filed.
24/11

Notes of the Registry

Date

Order of the Tribunal

25.11.98 Present: Hon'ble Mr Justice D.N. Baruah
Vice-Chairman

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

On the prayer of Mr J.L. Sarkar,
learned counsel for the applicant the
case is adjourned till 1.12.98.


Member


Vice-Chairman

nkm

MS
26/11

1.12.98

Heard counsel for the parties.
Hearing concluded. Judgement reserved.


Member


Vice-Chairman

trd

5-1-99

Judgment and order pronounced in
open Court. Kept in separate sheets.
Application is disposed of in terms of
the order. No order as to costs.



Member


Vice-Chairman

lm

22.1.99

Copies of The Judgment
have been sent to the
D/Sec. for issuing the
same to the parties
through Regd. Mail
A.D.


Issued vide Despatch
No. 115 & 192 to 193 dt. 18.1.99
A 27.1.99

w/s and rejoinder has
been filed.

20/11/98

Notes of the Registry

Date

Order of the Tribunal

9

12 ✓

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH :: GUWAHATI-5.

O.A.No. 17 of 1996

DATE OF DECISION.....5-1-1999.

North Eastern Region Atomic
Mineral Workers Union & Ors.

(PETITIONER(S))

Mr.J.L.Sarkar

Mr.M.Chanda

ADVOCATE FOR THE
PETITIONER(S)

VERSUS

Union of India & Ors.

RESPONDENT(S)

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

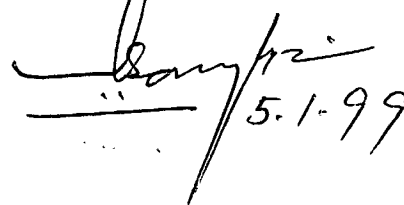
ADVOCATE FOR THE
RESPONDENTS.

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 G.L.SANGLYINE


5.1.99

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No.17 of 1996

Date of Order: This the 5th Day of January, 1999.

HON'BLE MR.JUSTICE D.N.BARUAH, VICE-CHAIRMAN
HON'BLE MR.G.L.SANGLYINE, ADMINISTRATIVE MEMBER

1. North Eastern Region Atomic
Mineral Workers' Union, & Ors.
Regd.No.79 dated 19-5-92,
Affiliated to Regional Co.Ordination
Committee, A.M.D.Complex,
P.O.-Assam Rifles,
Nongmynsong, Shillong. ... Applicant

Mr.J.L.Sarkar
By Advocate Mr.M.Chanda.
-Vs-

1. Union of India
through the Secy.to the Govt.of India,
Department of Atomic Energy,
2. The Chairman,
Atomic Energy Commission,
Bombay.
3. The Chief Administrative and
Accounts Officer, Govt. of India,
Department of Atomic Energy,
Atomic Minerals Division,
Hydrabad-6. ... Respondents.

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

O R D E R.

SANGLYINE, ADMINISTRATIVE MEMBER :

This Original Application has been submitted by the applicant No.1 together with 106 Casual Workers of the Regional Director, North Eastern Region, Atomic Minerals Division, Department of Atomic Energy, Shillong. Permission to submit one single application was granted by this Tribunal.

2. The Casual Workers, namely, the applicant No.2 to applicant No.107, are working under the respondents for a ~~gaxxak~~ considerably long period starting from 1980 to 1991, as the case may be, and were stationed in various places under the jurisdiction of the Regional Director. According to the

contd/-

applicants they have worked for a long period in their respective capacities and therefore it is clear that the works performed by them are of permanent nature and that the respondents need the workers on permanent basis. The respondents have not however regularised their services against regular posts. Therefore, they have submitted this Original Application seeking regularisation of their services, with all consequential service benefits including monetary benefits. The respondents submitted that a scheme known as the Casual Labourers (Grant of Temporary Status and Regularisation) Scheme was introduced and came into force with effect from 1-9-1993. Since the scheme had come into existence the services of the applicants will have to be regulated under the scheme. They state that the applicants were not engaged through Employment Exchange and, therefore, they were not entitled to the benefits of the scheme. However, even though the applicants are not entitled to the benefits under the scheme, they were all conferred temporary status on humanitarian ground keeping in view the length of Casual services rendered by them. Those who have been granted temporary status, will have to be screened or tested in terms of the recruitment rules or norms relevant to the post concerned if such temporary status holders offer themselves for consideration whenever they are called for. The services of those who are found fit will be regularised against Group 'D' vacancies. In fact, the process has been going on. The applicants have contested the submission of the respondents regarding regularisation of their services. According to the applicants, the respondents will not regularise the

contd/-

services of the casual workers of the North Eastern Region but instead will bring and have brought employees from other regions to fill up the vacancies occurring in North Eastern Region. They have furnished instances in support of this contention of theirs and, further, it was submitted that such tests and interviews are a farce because even for the post of Mali or Plumber tests or interviews were held in Hyderabad.

3. We have heard learned counsel of both sides. The applicants are casual labourers. The aforesaid scheme had since come into force. With the coming into force of the Scheme the applicants became subject to the scheme. Regularisation of the services of the applicants will have therefore to be considered under the scheme. It has been conceded by the respondents that the first step of granting temporary status had been taken by them and all the applicants were granted temporary status. Further, pay at minimum of the pay scale had also been granted to them with annual increments with effect from 1-10-1993. It is hoped that other benefits accrued to the temporary status holders under para 5 of the scheme will also be granted to the applicants. The next steps is regularisation of their services. The scheme provides :-

"4. Temporary Status:

- iv) Such Casual labourers who acquire temporary status will not however, be brought on to the permanent establishment unless they are selected through regular selection process for Group 'D' posts."

and, further it provides in para 8.1 thus :

"8. Procedure for filling up of Group 'D' posts:

contd/r

- 1) Two out of every three vacancies in Group'D' cadres in respective offices where the casual labourers have been working would be filled up as per extant recruitment rules and in accordance with the instructions issued by Department of Personnel & Training from amongst casual workers with temporary status. However, regular Group'D' staff rendered surplus for any reason will have prior claim for absorption against existing/future vacancies. In case of illiterate casual labourers or those who fail to fulfil the minimum qualification prescribed for post, regularisation will be considered only against those posts in respect of which literacy or lack of minimum qualification will not be a requisite qualification. They would be allowed age relaxation equivalent to the period for which they have worked continuously as casual labourer."

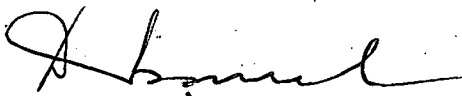
The respondents have submitted that the process of regularisation of the services of the temporary status holders is going on. In view of the submission of the respondents the contest of the applicants against non-regularisation of their services has lost force. The applicants will have to participate in the selection process for regularisation of their services if and when they are called upon to do so in order to avail of the benefits of regularisation provided in the scheme. The moot point however is how long it will take the applicants to realize the goal of regularisation of their services in view of the fact that there are a large number of temporary status holders and the paucity of existing vacancies. The services of the applicants were utilised by the respondents for a long period of time. This indicates that the nature of works where they are engaged in requires workers regularly. Moreover, the respondents have since paid the applicants at regular scales of pay with effect from 1-10-1993. In the circumstances the respondents can expedite the regularisation

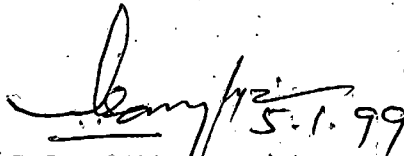
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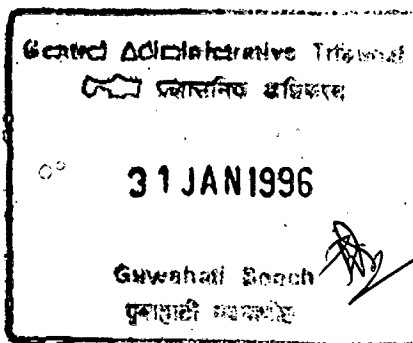
of the services of the casual workers if within a reasonable time they consider creation of relevant posts for accommodating the casual workers. We direct the respondents to initiate such consideration within 3 months from the date of receipt of this order and thereafter take appropriate decision.

5. The other prayer of the applicants is to grant them pay at minimum of the pay scale for the period prior to 1-10-1993. We direct the applicants to submit representations to the competent authorities of the respondents in this regard within 60 days from the date of receipt of this order stating their case clearly. Further, the respondents shall consider the representations and communicate a speaking order to the applicants within 60 days from the date of receipt of the representations.

The application is disposed of. No order as to costs.


(D.N. BARUAH)
VICE-CHAIRMAN


(G.L. SANGMA)
ADMINISTRATIVE MEMBER



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: GUWAHATI BENCH.
GUWAHATI.

An Application under Section 19 of the
Administrative Tribunals Act, 1985.

O.A. No. 17 96.

North Eastern Region Atomic
Minerals Workers Union & ors.

..... Applicants.

-Versus-

Union of India & Ors.

..... Respondents.

I N D E X.

Sl.No.	Annexure.	Particulars.	Page No.
1.	-	Application.	1 - 22.
2.	-	Verification.	22.
3.	1	Representation dated 22.3.94.	23.
4.	2	Representation dated 30.10.95.	24 - 26.
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6.	4	- - -	32 - 59
7.	5	- - -	60 - 86.

Filed by -

Manik Chandra
Advocate.

Shah
General Secretary

18
Filed by me applicants
Manik Chandra
Advocate
31.1.96

1. Particulars of the Applicants.

1. North Eastern Region Atomic Mineral Workers' Union,
Regd. No. 79 dated 19.5.92,
Affiliated to Regional Co-ordination Committee, A.M.D. Complex,
P.O. - Assam Rifles,
Nongmynsong, Shillong.
2. Sri Nandan Shah,
s/o. Late Tara Shah,
resident of Nongmynsong,
General Secretary,
North Eastern Region,
Atomic Mineral Workers' Union,
A.M.D. Complex,
P.O. Assam Rifles,
Nongmynsong, Shillong.
3. Sri Gopal Rai,
son of late Tekan Rai,
General Secretary, North Eastern Region
Atomic Mineral Workers Union,
A.M.D. Complex, P.O. Assam Rifles,
Nongmynsong, Shillong.
4. Shri Tileswar Das.
5. Shri Narayan Paul.
6. Shri Shyamal Chanda.
7. Shri Devender Rai.
8. Shri Kuldeep Rai.
9. Shri Dilip Das.
10. Shri Tapulal Paul.
11. Shri Yadwant Mandas.

12.....

Shah
General Secretary

12. Mrs. Januka Rana.
13. Mrs. Daniyana Saren.
14. Mrs. Saraswati Thapa.
15. Mrs. Balwinder Kaur.
16. Mrs. Kramoline Nikhla.
17. Mrs. Sita Lyngdoh.
18. Mrs. Renuka.
19. Shri Ishore Kumar Chettri.
20. Shri Shivaji Rai.
21. Shri Shiv Kumar.
22. Shri Gajmir.
23. Shri Ramayan Prasad.
24. Shri Gopal Mahato.
25. Shri Ashok Kumar.
26. Shri Nicolas & Khamoti.
27. Shri Parimal Dutta.
28. Shri Hamohan Bharali.
29. Shri P. Chakraborty.
30. Shri Nandan Shah.
31. Shri Basir Murre.
32. Shri K. D. Rai.
33. Shri Hari Prasad.
34. Shri Matharson Sangma.
35. Shri K. R. Sharma.
36. Shri Chamar Singh.
37. Shri Sushil Kumar Verma.
38. Shri Ganga Chettri.

39.....

Shah

General Secretary

39. Shri Ajit Singh.
40. Shri Lal Mohan Rai.
41. Shri H. Sargiary.
42. Shri Birus sangma.
43. Shri N.N. Deb.
44. Motilal Yadav.
45. Lakhindar Rai.
46. Shri Rajendra Pd. Sah.
47. Shri Promod Roy.
48. Shri Sunil Mahato.
49. Shri Sita Ram Kumar.
50. Shri Suresh Rai.
51. Shi Tapan Sikkow,
52. Shi Profulla Bharali
53. Shi Sadamand Talukdar.
54. Shi Jikshon Singh.
55. Bhosai Lyngdoh.
56. Shi Megdonal Lyngdoh.
57. Shi Mahamanda Deb.
58. Shri Tabmer Tabax
59. Shri Prithi Ram Mandav.
60. Shri Over Singh Roy Lyngdoh.
61. Shri Yan Thongny.
62. Shri Jeja Pine.

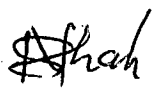
63.....

Shah

General Secretary

63. Shri Hamlesman & Syiem.
64. Shri Khushal Chandra Das.
65. Shri Bumabas Morthany.
66. Shri Sukendar Bhaitha.
67. Shri Philip Kumar Thongny.
68. Shri Britulal Rai.
69. Shri Starwin Sangaring.
70. Jeet Bahadur.
71. Shri Bina Sangma.
72. Shri Ajey Kumar Das.
73. Shri Allbjunes Thongny.
74. Shri Nikhil Deb.
75. Shri Stolding Thongny.
76. Shri Naresh Kumar Darro.
77. Shri King Thongny.
78. Shri Pelsing Thongny.
79. Shri Kowllsing Dhakar.
80. Shri Yelly Lyngdoh.
81. Shri Cripston G. Momin.
82. Shrimali Tongwel.
83. Shri Kmore Nonglang.
84. Shri Kamal Singh.
85. Shri Radhunath Roy.
86. Shri Ram Chandra Roy.
87. Shri Haran Well.

89.....


General Secretary

89. Shri Bipin Kumar Singh.
89. Shri Brishon.
90. Shri Dharendra Kumar Gupta.
91. Shri Dar Win Thawmut.
92. Shri Edison D. Shira.
93. Shri Ferison Momin.
94. Shri Digendra Sangma.
95. Shri Nimol Chandra Das.
96. Shri Ganesh Rai.
97. Phill's Sangriang.
98. Shri Nilmen Shira.
99. Shri Feldinan Parliar.
100. Shri Shimborlin Kharsati.
101. Shri Sonikar Munda.
102. Shri Chunu Munda.
103. Shri Arit Shohshang.
104. Shri Shem.
105. Shri Melkhi Thongny.
106. Shri Stilshone Shira.
107. Shri Surendra Sah.
108. ~~Shri Megdonal Lyngdoh.~~
109. ~~Shri Mahanda Deb.~~

*Adhik
Adv.*

2. Particulars of the Respondents.

1. Union of India
through the Secy. to the Govt. of India.
Department of Atomic Energy,
~~Ministry of~~ New Delhi.

2.....

Shah

General Secretary

2. The Chairman,
Atomic Energy Commission,
Bombay.

3. The Chief Administrative and
Accounts Officer, Govt. of India,
Department of Atomic Energy.

Atomic Minerals Division, NER,
Shillong. Hyderabad - 6.

3. Particulars for which this application is made.

This application is made for regularisation of the services of the Members of the Association who are serving as casual labour, under the Regional Director, Govt. of India, Deptt. of Atomic Energy, Atomic Minerals Division, North Eastern Region, Shillong, against permanent nature of jobs.

4. Jurisdiction.

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

5. Limitation.

The applicants further declare that the application is within limitation prescribed by the Administrative Tribunal Act, 1985.

6.....

Shah

General Secretary

6. Facts of the case.

6.1. That the applicants are citizens of India and as such, they are entitled to all the rights and privileges as guaranteed under the Constitution of India.

6.2. That the applicant No.1 is the registered union of casual labourers, serving under the Govt. of India, Department of Atomic Energy, Atomic Minerals Division, Shillong. There are altogether 123 members of the said Association/Union. The applicant N o. 2 is the President of North Eastern Region Atomic Minerals Workers Union, Shillong, and applicant No. 3 is the General Secretary of the said association/union who is serving as a casual Labourer under the department of Atomic Energy, Atomic Mineral Division, Shillong. The applicant No. 4 to 57¹⁰⁷ are members of the aforesaid association and they are serving as casual labourer in the North Eastern Region. Be it stated that ~~although~~ altogether there are 123 members of the aforesaid association and they are all serving as casual labourers. The respondents have granted temporary status to all the members of the said association with effect from October, 1993. All the 123 members of the association were serving as casual workers and joined in the department on different dates since 1974 onwards. The other members of the Association whose names could not be furnished in the instant

application.....

Shah

General Secretary

application as they are serving in remote areas of North Eastern Region, therefore the aforesaid association have filed this for protection of right and interest

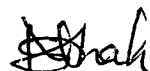
of all the members of the said association. The applicants be allowed to move. This joint application under section 5 (4) (a) of the A.T. act, 1985.

3. That the applicants beg to state that they are appointed against regular/permanent nature of jobs, in the Atomic Minerals Division, North-eastern Region, applicants are posted in different areas of the North Eastern region. The applicants have accuired a valuable and legal rights for regularisation of their services, and also for improved conditions of services. Be it stated that most of the casual workers are working as helper in this scientific department and α some of the casual workers are working as Typist, Watchman, Laboratory attendant, etc. and their jobs are permanent nature.

4. That the detail particulars of the applicants indicating relevant years are furnished below :-

<u>Sl. No.</u>	<u>Name of Worker.</u>	<u>Designation.</u>	<u>Date of Engagement.</u>
1.	Shri Tileswar Das.	Helper.	Oct. 1980.
2.	" Narayan Paul.	W/Man.	17.7.86.
3.	" Shymal Chanda.	Plumber.	Oct. 1986.
4.	" Devender Rai.	Mali.	Dec. 1986.
5.	" Fuldeep Rai.	Mali.	Feb. 1986.

6.....



General Secretary

<u>Sl. No.</u>	<u>Name of Workers.</u>	<u>Designation.</u>	<u>Date of Engagement.</u>
6.	Shri Dilip Das.	Plumber.	Feb. 1986.
7.	" Tapulal Paul.	W/Man.	Nov. 1987.
8.	" Yaswant Kumar Mandal.	Helper.	Jan. 1990.
9.	Mrs. Januka Rana.	Cleaner.	May, 1987.
10.	" Damiyana Saren.	"	May, 1987.
11.	" Saraswati Thapa.	"	May, 1987.
12.	" Balwinder Kaur.	"	May. 1987.
13.	" Kramoline Nikhla.	"	Feb. 1988.
14.	" Rita Lyngboh.	"	1989.
15.	" Renuka.	"	Aug. 1988.
16.	Shri Ishore Kumar Chettri.	Asst. Lab/Typist.	July, 1989.
17.	" Shivji Rai.	W/Mali.	Oct. 1986.
18.	" Shiv Kumar.	W/man.	Mar. 1988.
19.	" Kapil K Gajmir.	"	May, 1989.
20.	" Ramayan Prasad.	Lab/Helper.	Jun. 1986.
21.	" Naru Gopal Mahato.	"	Oct. 1989.
22.	" Ashok Kumar.	W/man.	Jan. 1990.
23.	" Nicolas Kharmoti.	w/man.	Jan. 1990.
24.	" Parimal Dutta.	Helper.	Jun. 1990.
25.	" Harmohan Bharali.	Lab. "	Oct. 1987.
26.	" R. Chakraborty.	Plumber.	Nov. 1986.
27.	" Nandan Shah.	"	May, 1989.
28.	" Basir Murre.	Elect.	May, 1987.
29.	" Shri K. D. Rai.	W/man.	May, 1987.
30.	" Hari Prasad.	Lab/Helper.	Oct. 1986.

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Shah

General Secretary

<u>Sl. No.</u>	<u>Name of Workers.</u>	<u>Designation.</u>	<u>Date of Engagement.</u>
31.	Shri Matharson Sangma.	"	Apr. 1986.
32.	" K. R. Sharma.	Typist.	1988.
33.	" Chamar Singh.	W/Man.	Aug. 1986.
34.	" Sushil Kumar Verma.	Helper.	Nov. 1985.
35.	" Ganga Chettri.	W/man.	July, 1989.
36.	" Ajit Singh.	W/man.	July, 1985.
37.	" Lal Mohan Rai.	Mali.	Dec. 1986.
38.	" H. Sargiary.	W/man.	Dec. 1988.
39.	" Birus Sangma.	Helper.	-
40.	" N.N. Deb.	Helper.	Nov. 1988.
41.	" Motilal Yadav.	Mali.	Oct. 1986.
42.	" Lakhindar Rai.	"	Oct. 1986.
43.	" Gopal Rai.	Helper.	31.6.1991.
44.	" Rajendra Pd. Sah.	Helper.	16.11.1997.
45.	" Promod Ray.	"	08.1.1990.
46.	" Sunil Mahaato.	"	08.1.1990.
47.	" Sita Ram Kumar.	"	25.8.1989.
48.	" Suresh Rai.	"	19 Sept.1987.
49.	" Shi Mohan Rai	"	1986.
50.	" Shi Tapan Taba,	"	1982.
51.	" Shi Tapan Sachi Chaw"	"	12.12.82.
52.	" Prafulla Bherali	"	1.10.1988.
53.	" Shi Saelamanda Taki Kda"	"	1.5.1990.
54.	" Jkshor. Singh.	"	18.4.1987.
55.	" Bhosal Ly....	"	12.12.1989.

56.....

Shah

General Secretary

<u>Sl. No.</u>	<u>Name of Workers.</u>	<u>Designation.</u>	<u>Date of Engagement.</u>
56.	Shri Tabiner Tabax.	Casual Worker/TS.	21.9.1969.
57.	" Prithi Ram Mandav	"	Apr. 1989.
58.	" Over Singh Roy Lyngdos.	"	1.1.1990.
59.	" Yan Thongny.	"	Nov. 1989.
60.	" Jeja Pine.	"	-
61.	" Hamlesman Syiem.	"	Dec. 1989.
62.	" Khushal Chandra Das. B	"	18.12.83.
63.	" Bumabas Morthany.	"	8 May 1990.
64.	" Sukendar Bhaitha.	"	11.11.1983.
65.	" Philip Kumar Thonany.	"	May, 1990.
66.	" Brijulal Rai.	"	Dec. 1983.
67.	" Starwin Sangaring.	"	Dec. 1990.
68.	" Jeet Bahadur.	"	Dec. 1983.
69.	" Bina Sangma.	"	Nov. 1984.
70.	" Ajoy Kumar Das.	"	June, 1982.
71.	" Allb-junes Thongny.	"	March, 1986.
72.	" Nikhil Deb.	"	Feb. 1988.
73.	" Stolding Thongny.	"	1, May, 1987.
74.	" Naresh Kumar Barro.	"	July, 1988.
75.	" King Thongny.	"	Feb. 1988.
76.	" Pelging Thongany.	"	Jan. 1989.
77.	" Kowellsing Dhakar.	"	Feb. 1989.
78.	" Yelly Lyongboh.	"	March. 1987.
82.	"		

79.....

Atah

General Secretary

<u>Sl. No.</u>	<u>Name of Workers.</u>	<u>Designation.</u>	<u>Date of Engagement.</u>
79.	Shri Cripston G. Momin.	"	16.2.1987.
80.	Shri Shrimali Tongwel.	"	
81.	" Kmore Nonglang.	"	09.02.1987.
82.	" Kamal Singh.	"	18.07.1988.
83.	" Radhunath Roy.	"	19.03.1988.
84.	" Ram Chandra Roy.	"	
85.	" Haren Well.	"	
86.	" Bipin Kumar Singh.	"	26.12.1990.
87.	" Brishon.	"	-
88.	" Dharendra Kumar Gupta.	"	26.03.1991.
89.	" Dar Win Thawmut.	"	01.03.1990.
90.	" Edison D. Shira.	"	01.11.1981.
91.	" Ferison Momin.	"	06.1.1977.
92.	" Digendra Sangma.	"	01.2.1986.
93.	" Nimol Chandra Das.	"	01.2.1989.
94.	" Ganesh Rai.	"	15.11.1986.
95.	" RHILLS Sangriang.	"	03.12.1990.
96.	" Nilmen Shira.	"	28.01.1991.
97.	" Feldinan Parliar.	"	14.10.1991.
98.	" Shimborlin Kharseti.	"	
99.	" Sonikar Munda.	"	27.04.86.
100.	" Chunu Munda.	"	14.02.1989.
101.	" Arit Shohshang.	"	03.12.1989.
102.	" Shen.	"	
103.	" Melkhi Thongny.	"	01.11.1991.
104.	" Stilshone Shira.	"	05.03.1991.
105.	" Surendra Sgh.	"	01.01.1987.
106.	" Megdwal Lyngdoh.	"	07.03.1994.
107.	" Mahanda Deb.	"	01.01.1990.

Shah
General Secretary

The above.....

The above applicants after their initial engagement in the respective year mentioned above, are continuously working under the Atomic ^{Division} only w.e.f. 1.10.1993 ^{after Temporary Status}, therefore, the applicants are still entitled to arrear, Dearness allowance ^{and minimum pay-scale} for the period from 1.1.86 to 30.9.1986 and also entitled to be immediate regularisation of their services considering their casual service in the Atomic Minerals division, North Eastern Region.

Copies of representations dated 22.3.93, 30.1.95, and 5.1.96, are enclosed as Annexure 1, 2 and 3.

5. That the applicants beg to state that presently, they are very unsecured and therefore, the Hon'ble apex court and different Batches of the Central Administrative now started protecting the rights and job security to the casual labourers, and for their better services conditions. Recently, the Hon'ble Apex Court further reiterated the similar view in the case of NADIAR and another -vs- Delhi Administration and another which was reported in 1992 (4) Sc 112 equivalent to 1992 (21) 398. The relevant portion of the order is quoted below :-

" ORDER.

1. Petitioner 1 is a casual labourer on daily wages working in the Soil Conservation

Department,.....

Shah

General Secretary

Department, Agriculture Section, Delhi Administration, Delhi and Petitioner 2 is the Union of Casual Labourers working in the said department. They have prayed for the issue of direction to the Delhi Administration and to the Union of India to regularise their services and also to pay each of them until such regularisation the minimum salary payable to a person regularly employed in a comparable post in the department. It is stated that many of the casual labourers working in the above -said department have been working for nearly 20 years as casual labourers.

2. Following a number of decisions rendered by this Court on the question of regularisation of casual workers and the need for paying them the minimum salary payable to a regular employee in a comparable post, we issue a direction to the Delhi Administration to prepare a scheme for absorbing the casual labourers who have worked for one year and more in the Soil Conservation Department as regular employees within six months from today and to absorb all such casual labourers who are found fit to be

regularised



General Secretary

regularised under the scheme as regular employees. Until they are so absorbed the Delhi Administration shall pay w.e.f. October 1, 1988 to each of the casual labourers working in the Soil Conservation Department the salary or wages at the rate equivalent to the minimum salary paid to a regular employee in a comparable post in the Soil Conservation Department*.

The present applicants are also similarly situated. The Hon'ble Supreme Court further reiterated in the case of Vijoy Paul Shama & ors. -vs- Delhi Administration & Ors. reported in 1992 (21) ATC. 399. The Hon'ble Supreme Court in the case of Rajesh Kumar Soni & others -vs- Ministry of environment & forest and wild life and others reported in 1992 (21) ATC 401 where the Hon'ble Supreme Court was pleased to pass the following order :

" O R D E R.

Heard learned counsel for the parties. We have also perused the writ petition and two counter-affidavits. It is not disputed that the petitioners have been working in the establishment for more than 4 to 5 years. This gives us the impression that there is regular need for this employment. Though

this is.....

Shah

General Secretary

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this is the position, petitioners are being continuing as daily-rated employees. We do not think this should be permitted particularly when the wages of daily-rated employees is about half of regular employees. We direct the opposite-party-respondent to absorb the petitioners on regular basis. If there be any other similarly situated employees senior to them they should be given the same benefit. This should be done within three months hence. Initially the absorption should be against Group D posts and as and when permanent opportunity against Group C posts opens up, they should be considered. The writ petition is disposed of accordingly with no order as to costs".

The Hon'ble Supreme Court further observed in the case of State of Haryana & Ors. -vs-Pyara Singh & ors. reported in 1992 (21) ATC. 403 in paragraph 51 of the said judgement as follows :-

"51. So far as the work-charged employees and casual labour are concerned, the effort must be to regularise them as far as possible and as early as possible subject to their fulfilling the qualifications, if any, prescribed for the

post.....

Shah

General Secretary

post and subject also to availability of work. If a casual labourer is continued for a fairly long spell - say two or three years - presumption may arise that there is regular need for his services. In such a situation, it becomes obligatory for the authority concerned to examine the feasibility of his regularisation. While doing so, the authorities ought to adopt a positive approach coupled with an empathy for the person. As has been repeatedly stressed by this Court, security of tenure is necessary for an employee to give his best to the job. In this behalf, we do commend the orders of the Government of Haryana (contained in its letter dated April 6, 1990 referred to hereinbefore) both in relation to work-charged employees as well as casual labour*.

In the instant case applicants were working for a for a very long period. Therefore it clearly indicate that there are needs of permanent hands and the works they performing is of permanent nature. Therefore they are entitled to regular service ~~fx~~ benefit and regular salary. Be it stated that the ~~p~~ applicants are presently getting half of the salary in comparison to a regular

employee.

Shah

General Secretary

employee in a comparable post serving in the same, department. Therefore, denying of the benefit of regular pay-scale and allowances is highly illegal, arbitrary, and violative of article 14 and 16 of the Constitution of India.

6. That the applicants beg to state that as the members of the aforesaid Association are pressing very hard for their regularisation, some of the members have been transferred and posted at Hyderabad, outside N. E. Region, with the view of intention to frustrate the claims of regularisation of the members of the association. The members of the association also apprehending that the respondents may terminate the services of the applicants as they are pressing hard for regularisation of their service. Therefore the Hon'ble Tribunal be pleased to direct the respondents not to terminate the services of the applicants till final disposal of this application.

7. That the applicants finding no other alternative approached this Hon'ble Tribunal for protection and right of the applicants. Be it stated that the Hon'ble Tribunal also decided similar question in the O.A. Number 228/93, 264/93.

8. That this application is made bona fide and for the ends of justice.

7.....

Shah

General Secretary

7. Reliefs sought for :

Under the facts and circumstances the applicants pray for the following reliefs :

1. That the respondents be directed to regularise the services of the applicants with all consequential service benefits including monetary benefits.
2. That the respondents be directed to pay minimum of the pay scale and dearness allowances w.e.f. 1.1.86 to 30.9.93 to all the members of the association.
3. To pass any other order or orders as deemed fit and proper under the facts and circumstances as stated in this application.
4. Costs of the case.

The above reliefs are prayed on the following amongst other :

- G R O U N D S -

1. For that the applicants are working since 1980-1990 onwards for a period of nearly 5 - 10 years as such, they have acquired a legal right for regularisation of their services as regular Gr. 'D' employees working as Helper, Plumber, Electrician, Watchman etc. and also

entitled.....

Shah

General Secretary

entitled to appropriate scale of Rs. 750-940 p.m. like their counterparts of the same establishment w.e.f. 1.1.86 to 30.9.93 as they have received minimum of the pay scale only w.e.f. 1.10.93.

2. For that the applicants are entrusted with the similar nature of works which are being performed by the regular Gr. 'D' employee of the Atomic Mineral Division, Shillong.

3. For that the applicants are continuously working in the Atomic Minerals Division, N.E.R., Shillong except artificial breaks which is bad in law.

4. For that non-payment of equal pay and allowances for equal nature of work is unfair labour practice and violative of Article 14-16 of the Constitution of India.

5. For that members of the association are being entrusted with regular nature of work for year together and there being no chance of exhaustion of work. Therefore respondents are duty bound to regularise the services of members of the association.

6.....

A Shah

General Secretary

6. For that non-regularisation and showing artificial breaks in the services of the members of the association to deprive regular service benefits of the applicants and the said action of the respondents are illegal, unjustified and unfair unjust and violative of Article 14, 16 and 21 of the Constitution of India and as such, the Respondents are liable to be directed to regularise the services of the applicants with retrospective effect.

8. Interim Reliefs sought for :

During the pendency of this application the applicants pray for the following interim relief.

1. That the respondents be directed not to oust the applicants from their service till final disposal of this application.

9. Details of remedy Exhausted.

There is no scope of any other remedy except the application before this Tribunal.

10. Matter not pending in any other Court/Tribunal.

11. Particulars of the postal order :

Postal Order No. - 311276

Date. - 8-1-96

Issued from - G.P.O. Amroha

Payable at - Amroha

Shah

General Secretary

12. Details of Index.

An index showing the particulars of documents is enclosed.

13. List of enclosers.

As per Index.

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

I, Shri Nandan Shah, son of late Tara Shah, resident of Nongmynsong, Shillong, General Secretary of the Mineral Works Union applicant in this application and am duly authorised by all the members of the Association verify this verification and declare that the statements made in this application are true to my knowledge and belief.

I, sign this Verification on this the 31st day of January, 1996.

Shah

Signature.

North Eastern Regional Atomic

Minerals Workers Union,

(Regd. No. 79)

Nongmynsong, Shillong- 793006

General Secretary

Annexure - 1.

North Eastern Region Atomic Minerals
Workers' Union.

Regd. No. 79 dated 19.5.92.
C/O. Shri Kishore Singh.
P.O. & Vill. PYNTHORBAH.
SHILLONG - 793001.

Reminder N o.2.

Ref. No. NERAMWU/92x/18. Date 22.3.93.

AFFILIATION TO REGIONAL
COORDINATION COMMITTEE.

To
The Regional Director,
AMD/DAE/NER,
Shillong -793 011.

Sub:- Regarding D.A. Arrears.

Respected Sir,

We the member of NER/AMWU respectfully bring you the following few lines for your kind consideration and sympathetic action.

Regarding the above mentioned subject we have given you the letter No. NER/AMWU/92-2/9 dt. 2.11.92 and letter No. NERAMWU/92-2/10. But we have not get any ~~response~~ response from your side. Again we requisiting you to please take the action sympathetically.

According to Circular No. from Hyderabad AMD-66/3/87-Wig. 19148 dt. 3.10.89. The category mentioned in that letter is not used properly by the authority. But, according to the circular OM. No. 13017/2/86-El1(B) dt. 21.11.86 Govt. of India, inthat letter it has been mentioned clearly that, D.A. should be paid from 1986. Those who are eligible.

Early it was discussed verbally with you and Mr. K.K. Duwiedy, Dy. Director, in Au-92 in visit to NER. But not yet you hav e taken any final decision.

At present situation decision have been taken by the member of NER/AMWU. Whenever the arrears would not been paid by competent authority and by the force of higher authority we agree to receive Rs. 25.84 in line of Rs. 30/- per day.

Also it have noticed to authority please pay arrears Rs. 25 per day to the unskilled workers from ~~xxxxxxx~~ 1986 as per earlier MO. No. 13017/2/86-El1(B) dt. 21.11.86.

Thanking you.

Yours faithfully,
sd/- Illgible.
(Kishore Singh),
GENERAL SECRETARY.

AH-1ed
③hale
Adv.
Shah
General Secretary

Annexure - - 2.

NORTH EASTERN REGION ATOMIC
Minerals Works Union.
Affiliated to Regional Co-ordination Committee,
A.M.D. COMPLEX.
P.O. - Assam Rifles, Nongmynsong.
Shillong- 793011.

Remindred/2.

Ref. No. NERAMWU/95/3.

Date - 30.10.95.

Communication
Address:-

To
Shri B.M. Swamkar,
Regional Director,
AMDMAE/NER, Shillong.

Sub:- Forwarding of charter of Demands adopted in
the Annual General Body Meeting of the NER
Atomic Minerals Worker Union, Shillong held
on 12.3.1995.

Respected Sir,

Kindly refer to the above subject

Sir, as directed, I on behalf of the all Member
of the NER Atomic Minerals Workers Union, Shillong
submit the following Demands before you for your kind
attention and early solution of the problems of the
Casual workers of this Deptt. This Charter of Demands
was prepared after a threadbare discussion on the
various problems as faces by the Casual workers in
various cadre working in the AMD, NER, in the last Annual
General Body Meeting of our Union which was held on
12.03.1995.

D E M A N D S.

1. Immediate Regularisation of All Casual Workers
in regular posts in the respective cadre as they
are working.

2.....

Shah

General Secretary

*Attested
Chakraborty
Shah*

Annx. 2.

2. Immediate payment of Arrear Wages & D.A. w.e.f. 2.5.86 on the Basis of Hon'ble Supreme Court judgement on "Equal Pay for Equal Works" dated 27.10.88 and (write petition No. 370) also implementation of various circular issued by the Govt. of India and this Deptt. OM-13017/2/88 dt. 21.11.86 & DOP No. 45/95/87-SPB-I dt. 27.10.87 and AMD/66/3/87-Big/19148 dt. 3.10.89 respectively.
3. Extension of Special Duty Allowance to all General workers.
4. Immediate implementation of this Departmental Circular No. AMD/66/3/87/vig. 19143 dt. 3.10.89 on classification of Category of Highly Skilled/Skilled/Semi Skilled workers according to service records of the workers.
5. Granting of Night Duty Allowance to Casual workers.
6. Immediate supply of liveries to all casual workers as like Regular Group 'C' & 'D' Employees.
7. Medical Leave & Medical Re-imbursement facilities to be given to all casual workers.
8. Govt. Holidays as enjoining by the Regular Employees of the AMD/NER may also be allowed to enjoy by all the casual worker as paid Holiday & Holiday Declared by the Govt. of India under N.E.I. Act may also be declared as paid holiday for all Categories of Casual worker (Temporary Status).

9.....

Shah

General Secretary

*Attested
Circular
1/2/2*

Annx. 2.

9. Immediate introduction of 5 days week in the case of Temporary workers (Saturday & Sunday should be declared as paid Holiday) as per Circular N o. SPE-I dated 5.6.91 and AMD/19/15/93-Admn. dated 4.10.93.
14. For the interest of the Department, ~~xxxx~~ if any Temporary Status Worker is to be transferred from one ~~the~~ Station to another, the AMD should provide all facilities to him.

Lastly, on behalf of this Union, I would like to request you once again to settle our above problems as earliest.

Copy forwarded for kind information and necessary action.to:-

1. The Chairman, Atomic Energy Commission, Bombay.
2. The Director, AMD, Hyderabad.
3. The Chief Administrative & Accounts Officer, AMD, DAE, Hyderabad.
4. The Regional Labour Commissioner, NER, Guwahati (Central).
5. The Labour Commissioner, Meghalaya, Shillong.
6. The Secretary General, A.I.A.E.E., Co-ordination Committee, Bombay.
7. The Secretary General, Confederation of Central Govt. Employees & Workers, New Delhi.
8. The General Secretary, ECC. CORS, NER, Shillong.
9. The General Secretary, C.O.C. & C. Es. Meghalaya, Shillong.
10. The Convenor, Sponsoring Committee of T.U., Megh, Shill.
11. The General Secretary, JCTU & A, Shillong.

Sd/- Illegible.

30.10.95.

(NANDAN SHAH).

General Secretary,
NERAMWU.

Seal.

N. Shah

General Secretary
North Eastern Regional Atomic
Minerals Workers Union,
(Regd. No. 74)
Nongmynsong, Shillong- 793001

*Attested
Circular
Date*

Annexure - 3.

NORTH EASTERN REGION ATOMIC
MINERALS WORKERS UNION.

Regd. No. 79 Dated 19.5.92.

Affiliated to Regional Co-Ordination Committee
A.M. D. Complex .

P.O. - Assam Files, Nongmynsong,
Shillong - 793011.

Ref. No. Even MD/96.

Date 5.1.96.

Communication
Address :

To
The Chairman,
Atomic Energy Commission, Bombay.

Sub:- FORWARDING OF CHARTER OF DEMANDS ADOPTED IN THE
ANNUAL GENERAL BODY MEETING OF THE NER ATOMIC MINERALS
WORKERS UNION, SHILLONG HELD ON 12/03/1995.

Ref:- Our letter No. NERAMWO/95, dated 30.1.95.

Respected Sir,

Kindly refer to the above subject.

Sir, as directed, I on behalf of the all Member
of the NER Atomic Minerals Workers Union, Shillong submit
the following DEMANDS before you for your kind attention
and early solution, by our various reminders, of the
problems of the Casual workers of this Department.
This Charter of Demands was prepared after a threadbare
discussion on the various problems as faced by the Casual
Workers in various cadres working in the AMD, NER in the
last Annual General Body Meeting of our Union which was
held on 12.03.1995.

DEMANDS.....

Shah

General Secretary

*Attested
Chinli
Shah*

Annx. 3.

DEMANDS.

1. Immediate Regularisation of all casual workers in regular posts in the respective cadre as they are working.
2. Immediate payment of Arrear Wages & D.A. w.e.f. 2.5.1986 on the basis of Hon'ble Supreme Court judgement as "Equal Pay for Equal Work" dated 27.10.88 and (writ petition No. 370) also implementation of various circular issued by the Govt. of India (Finance Department) and this Deptt. i.e. OM-13017/2/88, dt. 21.11.86 & DOP No.45/95/87-SPB-1, dt. 27.10.87 and AMD/66/3/87-Vig/19148, dt. 3.10.89 respectively.
3. Extension of Special Duty Allowance to all Casual Workers (Temp. Statss).
4. Immediate implementation of this Departmental Circular No. AMD/66/3/87/Vig. 19143, dt. 3.10.89 on classification of category of highly skilled/skilled/semi-skilled workers according to service records of the workers.
5. Granting of Night Duty Allowance to casual workers.
6. Immediate supply of liveries to all casual workers as like regular Group 'C' & 'D' employees.
7. Medical Leave and Medical Re-imbursement facilities to be given to all Casual workers.

8.....

[Signature]

General Secretary

*Amended
Circular
Adv.*

Annex. 3.

8. Govt. Holidays as enjoying by the regular employees of the AMD/NER may also be allowed to enjoy by all the casual workers as paid Holiday for all categories of casual workers (Temporary Statys).
9. Immediate instruction of 5 days week in the case of Temporary Status workers (~~Skak~~ Saturday and Sunday should be declared as paid holiday) as per circular No. SPB-1, dated 5.6.91 and AMD/19/15/93-Adm. dt. 4.10.93.
10. Academic Qualification and percentage of Marks should be relaxed to those Temporary workers who have completed minimum 5 years service at the time of Regularisation in their respective cadre.
11. To minimise the financial hardship, all Interview/ Test etc. for Regularisation of Group 'C' and 'D' posts should be held at AMD/NER, HQRS. i.e. at Shillong only.
12. The HQRS. of this Union is located at Shillong and it is duly registered by the Meghalaya State Labour Commissioner under Indian T.U. Act and as such Union should be allowed to carry out its day to day function as like other Union are functioning in various Central Govt. Estavlishment. For smooth functioning of the Union Works, this Union should

be.....

Shah
General Secretary

*Attest
Chh
Sh*

Annx. 3.

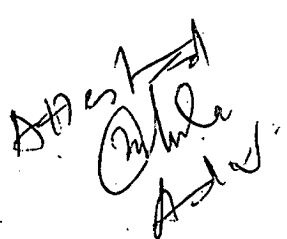
- be ~~xxxxxx~~ provided with a Union Room by the AMD at Shillong and permission should be accorded to display a Notice Board inside the Office Complex.
13. No Office-bearers of the Union should be transferred from HQRS. to other Station for day to day smooth functioning of the Union Works.
 14. For the interest of the Department, if any Temporary Status Workers is to be transferred from one Station to another, the AMD should provide all facilities to him.
 15. Kulang Village is one of the field area operation of the AMD/NER in the West Khasi Hills and the area is Malaria prone and the workers should be given treatment and provide with all safety measures.

Copy to :-

1. The Director, AMD, Hyderabad.
2. The Chief Administrative & Accounts Officer, AMD/DAE, HYDERABAD.
3. The Regional Labour Commissioner, NER, Guwahati (Central).
4. The Union Labour Minister, Govt. of India, New Delhi.
5. The Regional Labour Commissioner, Guwahati (Central).
6. The Regional Director, AMD/NER, Shillong.
7. The Labour Commissioner, Meghalaya, Shillong.

8.....


General Secretary



Annx. 3.

8. The Secretary General, A.I.A.E.E., Co-ordination Committee, Bombay.
9. The Secretary General, Confederation of Central Govt. Employees & Workers, New Delhi.
10. The General Secretary, QCC, CONS, NER, Shillong.
11. The General Secretary, C-O-C-, C.G. Es., Meghalaya, Shillong.
12. The Convener, Sponsoring Committee of T.U., Meghalaya, Shillong.
13. The General Secretary, JCTU & A., Shillong.
14. The Editor, Shillong Times, X
15. The Editor, The Sentinel, Guwahati. X Bhangarh, X Guwahati-781005.
16. The Editor, Nav Bharat Times. X for favour of X publication.
17. The Editor, Telegraph, Calcutta. X Sahibabad Indus
18. The Editor, The Guardian, Shillong. X Industrial Area X Ghaziabad 201010UP.
19. The Editor, The Statesman, X
Calcutta. X 700001 (West Bengal). X

Thanking you,

Yours faithfully,

Sd/- Illegible.

5.1.96.

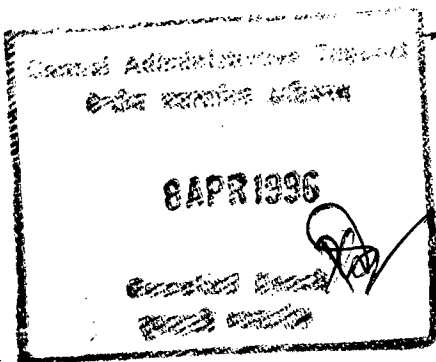
(NANDAN SHAH),

General Secretary,
NERAMWU.

Shah

General Secretary
North Eastern Regional Atomic
Minerals Workers Union,
(Reed. No. 79)
Nonamonsong, Shillong- 793001

Shah
Shah
Shah



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H.P. by
H.P. by
Additional Central
Port. Standing Counsel
Central Administrative Tribunal
Guwahati Bench.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

In the matter of :

O.A.No.17/96

North Eastern Region
Atomic Minerals Workers Union & Ors.
.....Applicants.

-Versus-

1. Union of India through the
Secretary to the Govt. of India,
Department of Atomic Energy,
Mumbai.
2. Chairman,
Atomic Energy Commission.
3. Chief Administrative & Accounts
Officer, Atomic Minerals Division,
DAE, Hyderabad.
..... Respondents.

- AND -

In the matter of :

Written Statement on behalf of the
above noted Respondents.

I, B.M.Swarnkar, presently working as
Regional Director, North Eastern Region, Atomic Minerals
Division, Department of Atomic Energy, Government of
India, do hereby solemnly affirm and declare as follows:-

1. That being called upon by this Hon'ble Tribunal
to show.....

Received
Adv.
30-5-96.

to show cause as to why the above noted application should not be admitted, I do hereby show causes/submit written statement on behalf of all the three Respondents, being conversant with the case and duly authorised to do so, I do assert categorically that save and except what is admitted in this written statement, rest may be treated as total denial by all the Respondents.

Before I make para-wise comments, a back-ground note of the case is incorporated in this Written Statement/Show Causes and this will supplement to show causes/written statement.

Back-ground note on the case

I. That the Atomic Minerals Division (AMD) is one of the constituent units of Department of Atomic Energy (DAE) under the Government of India. This Division has Headquarters at Hyderabad and seven Regional Offices located at Bangalore, Nagpur, Baroda, Khasmahal(Jamshedpur), Shillong, Jaipur and New Delhi and several field units working under the Regional Offices throughout the country. Atomic Minerals Division has been entrusted with the task of conducting survey and exploration for uranium and other atomic minerals required for the nuclear power programme of the country. The survey and prospecting work for atomic minerals involves carrying out field operations spread out all over the country.

II. Regional Director, North Eastern Region has
various.....

various field units under his jurisdiction and 113 casual labourers are assisting the regular staff as and where required basis for setting up of field camps, geological and topographic surveys, sample collection, attending to drilling rigs, carrying survey equipment of survey party for field camps/drilling unit etc. The applicants have been conferred with temporary status in accordance with O.M. No.5106/2/90-Estt (C) dated 10-9-1993 issued by the Ministry of Personnel, Public Grievances and Pensions, Department of Personnel and Training, copy of which is annexed herewith and same is marked as Annexure R-I. The said Department has formulated a scheme for casual labourers (grant of temporary status) vide their O.M. dated 10-9-1993, which came into force with effect from 1-9-1993. The Department of Personnel and Training vide their O.M. No.49014/2/93-Estt.(C) dated 12-7-1994 have clarified that the casual labourers who were not initially engaged through Employment Exchange, are not entitled to the benefit of temporary status. A copy of the said O.M. is annexed herewith and marked as Annexure R-II.

III. That the casual labourers of NER have not been sponsored from the Employment Exchange but they have been engaged locally. The applicants even though they are not eligible for conferment of temporary status as per the O.M. dated 12.7.1994 i.e. Annexure R.II, they were conferred with temporary status on humanitarian ground keeping in view their length of casual service etc..

Contd.....4/-

IV. That there is no specific recruitment norms exclusively applicable to Casual Labourers for selection in a regular establishment. The casual labourers conferred with temporary status will be considered against Group 'D' posts, if they fulfil the recruitment norms applicable to all the eligible candidates and then selected through the regular selection process. The Respondents have been inviting application for various regular posts from amongst the temporary status casual labourers from time to time to accommodate the existing casual labourers against available vacancies. The recruitment procedure is that the casual labourers should apply against the vacant posts whenever circulars are issued. The applications will be screened as per the recruitment norms by the competent committee for this purpose and they recommend their names for interview to the Selection Committee. Based on the selection, the selected persons will be issued regular appointment. I further beg to state that in case the Applicants submit applications against the circulars and if they fulfil the recruitment norms prescribed for various posts and found suitable by the screening and interview committee, such applicants will be considered for appointments in a regular establishment. That about 15 temporary status casual labourers from North Eastern Region have been selected for regular posts. It is stated that recruitment is a continuous process, hence the applicants should respond to the circulars issued from time to time for Group 'D' posts.

Contd.....5/-

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-5-
Parawise Replies to The O.A.

2. That with regard to the contents of paragraph 1 and 2 of the application, I beg to state that these are formal and hence no comments.

3. That with regard to the contents of paragraph 3 of the application, I beg to state that so called Association stated in the present O.A. is not recognised by the Respondents. The casual labourers have been engaged at NER, Shillong to assist the regular staff as and where required basis for setting up of field camps, geological and topographic survey sample collection, attending to drilling rigs, carrying survey equipments of survey party for field camps/drilling units etc..

4. That with regard to the contents of paragraph 4 and 5 of the application, I beg to state that these are formal and hence require no comments.

5. That with regard to the contents of paragraph 6.1 of the application, I beg to state that these are formal and hence no comments are offered.

6. That with regard to the contents of paragraph 6.2 of the application, I beg to state that so called Association stated in the present O.A. is not recognised by the Respondents. I further beg to state that the strength of the casual labourers engaged in NER, Shillong as on date is 118 and not 123 as

stated.....

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stated by the applicants. Out of 118, five applicants who filed the O.A. No.11/96 in this Hon'ble Tribunal have already been transferred to K.K.Thanda and they have reported for duty on 9-2-96. I further beg to state that the applicants have been conferred with temporary status with effect from 1-9-1993 and not 1.10.1993 as stated in the OA.

7. That with regard to the contents of paragraph 6.3 of the application, I beg to state that the applicants have been engaged for assisting the regular staff on 'as and where required' basis as stated in the background note of the case. It is denied that their jobs are of a permanent nature as contended by the applicants.

8. That with regard to the contents of paragraph 6.4 of the application I beg to state that the date of engagement and names furnished by the applicants in the O.A. are not tallying with the Respondents' list. As per the records of the Respondents, 10(ten) applicants, namely S/Shri Birus Sangma, N.N.Deb, J.K.Shorsingh, Jeja Pine, Allb Junes Thongny, Pelgiming Thongany, Kowellsing Dhaskar, Dhirendra Kumar Gupta, Darwin Thawmut, Surendra Sah, appearing in serial No.39,40,54,60,71,76,77,88,89 and 105 respectively have no locus standi to file this application as they are not in pay roll of the North Eastern Region, Shillong.

They.....

They left the service of these Respondents before the present O.A. was filed. A copy of the letter No.AMD/NER/7/24/88-Adm/Vol.II/282 dated 22.2.1996 in this regard is annexed herewith and the same is marked as Annexure R.III. I further beg to state that the applicants have been conferred with temporary status with effect from 1.9.1993 as stated in supra. Consequent upon conferring temporary status, the applicants are entitled for wages at daily rate with reference to the minimum of the pay scale for a corresponding regular Group 'D' viz Rs.750-12-870-14-940 including HRA, CCA and other benefits as contained in the O.M. dated 10-9-1993.

9. That with regard to the contents of paragraph 6.5 of the application, I beg to state that the case-law quoted by the applicants have been pronounced by various Courts/Benches of the Hon'ble Tribunal during 1992 in the absence of the DPT's orders. Since the DPT have issued comprehensive orders, vide O.M.No.5106/2/90-Estt dated 10.9.1993 (Annexure R-I) on the regularisation of casual labourers and their service condition etc., the case-law quoted by the applicants are not relevant and the facts of the present case are quite different. Hence the service conditions of the applicants will be regulated in accordance with DPT orders only. Now that the service conditions of the casual labourers of Department of the Central Government have been regulated by the nodal agency viz. Department of Personnel and Training the applicants have been conferred with temporary status with effect from 1.9.1993 in accordance with provisions of DPT O.M. dated 10.9.1993 (Annexure R-I).

Contd...8/-

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10. That with regard to the contents of paragraph 6.6 of the application, I beg to state that the activities of NER, Shillong have been reduced substantially as Domiasiat Project was closed. The surplus junior casual labourers (except Khasi-local of NER) have been re-deployed on humanitarian ground at K.K.Thanda, vide order dated 20.12.1995 and they have joined their duties on 9.2.1996. I further beg to state that it is within the right of the Respondents to dispense with the service of casual labourers by giving one month notice in writing in case there is no sufficient work to assign them as per clause (xi) of the 'Conferment of temporary status' order issued to the applicants by AMD and also keeping in view the financial crunch faced by the Government of India, if necessary. I further beg to state that the applicants will be paid weekly off as per DAE O.M.No.1/1(5)/91-SCS/85 dated 29.01.1996, the copy of which is annexed herewith and marked as Annexure R-IV.

11. That with regard to the contents of paragraph 6.7 of the application, I beg to state that they are not comparable as facts of the cases referred to by the applicants are not the same with their cases.

12. That with regard to the contents of paragraph 6.8 of the application, I beg to state that these are formal and hence no comments.

Contd.....9/-

Against RELIEF SOUGHT FOR

in the application :-

13. That with regard to the averments made in paragraph 7.1. of the application, I beg to state that the applicants engaged in the Region may be considered if they apply against vacant posts notified from time to time and if they fulfil the prescribed recruitment norms for the posts so applied.
14. That with regard to the averments made in paragraph 7.2 of the application, I beg to state that the applicants were not entitled to arrears of pay from 1.1.1986 to 31.8.1993 as they were not governed by any order similar to the DPT orders dated 10.9.1993 at that point of time.
15. That with regard to the averments made in paragraph 7.3 of the application, I beg to state that the Respondents have complied with DPT orders dated 10.9.1993. Hence the applicants are not entitled for any relief as prayed for.
16. That with regard to the averments made in paragraph 7.4 of the application, I beg to state that the application is devoid of merits and the same may kindly be dismissed with costs.

Contd.....10/-

Against GROUNDS of the application :

17. That with regard to the averments made in paragraph 1 of the Grounds, I beg to state that the applicants have been conferred with temporary status in accordance with the provisions contained in the O.M. dated 10.9.1993. The said order does not confer any regular appointment on the applicants but certain additional benefits on conferment of temporary status.

18. That with regard to the averments made in paragraph 2 of the Grounds I beg to state that the applicants are being paid wages on par with Group-D employees as per DPT's order dated 10.9.1993.

19. That with regard to the averments made in paragraph 3 of the Grounds I beg to state that the applicants are engaged on as and where required basis. I further beg to state that the applicants are being paid wages as per DPT's order dated 10.9.1993 and also as per the offer of appointment (conferment of Temporary Status) issued to the applicants.

20. That with regard to the averments made in paragraph 4 of the Grounds I beg to state that the DPT's order dated 10.9.1993 is applicable to all the Central Government Departments including Respondent Organisation and the same has been implemented. Hence

there.....

there is no violation of Article 14-18 of the Constitution of India as alleged.

21. That with regard to the averments made in paragraph 5 of the Grounds I beg to state that the regularisation of the casual labourers i.e. the applicants will be considered as and when regular vacancy arises in accordance with the provisions contained in the O.M. dated 10.09.1993 issued by the Department of Personnel and Training as stated in the background note of the case.

22. That with regard to the averments made in paragraph 6 of the Grounds I beg to state that the applicants have been engaged at NER, Shillong on as and when required basis to assist the regular staff. I further beg to state that the contention of the applicants that they were given artificial breaks is not correct and the service conditions of the applicants are regulated as per DPT's orders dated 10.9.1993.

Against INTERIM RELIEF SOUGHT FOR
in the application :

23. That with regard to the averments made in paragraph 8 under the caption Interim Relief Sought for, I beg to state that the activities of AMD in NER, Shillong have been reduced substantially as Domiasiat Project was closed. The surplus casual labourers of NER are redeployed wherever work is available and in case they refused to
join.....

join the new place of work of the respondents, their services are liable to be terminated in accordance with para (xi) of offer of appointment issued to them.

24. That with regard to the averments made in paragraph 9, I beg to state that these are formal and hence no comments.

25. That with regard to the averments made in paragraph 10 of the application, I beg to state that some of the applicants viz S/Shri Gopal Rai, Sunil Mahato, Parimal Dutta and Bipin Kumar Singh have filed O.A.No.11/96 before this Hon'ble Tribunal which is pending for hearing on 30.4.1996.

26. That with regard to the averments made in paragraph 11, 12 and 13 of the application, I beg to state that these are formal and hence I have nothing to comment.

27. That in view of the facts and circumstances as stated herein above, I beg to submit that this application is devoid of any merit and as such liable to be dismissed in limine with cost.

28. That the present application is without any cause of action and as such same is liable to be dismissed.

Contd.....13/-

29. That the present application is liable to be rejected solely on the ground that the applicants have not exhausted all the remedies available to them.

30. That the present application is mis-conceived of law and ill-conceived of fact and hence liable to be dismissed.

31. That the Respondents crave leave of filing additional Written Statement if this Hon'ble Tribunal so directs.

32. That this Written Statement is filed bonafide and in the interest of justice.

33. For the aforesaid reasons, it is submitted that this Hon'ble Tribunal may be pleased to dismiss the present application with costs.

VERIFICATION

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VERIFICATION

I, B.M.Swarnkar, working as Regional Director, North Eastern Region, Atomic Minerals Division, Department of Atomic Energy, Government of India do hereby solemnly affirm and declare that the contents made in paragraph 1 of this Written Statement are true to my knowledge and those made from paragraph 2 to 26 are derived from records including the background note of the case incorporated in this written statement, which I believe to be true and rest are humble submissions before this Hon'ble Tribunal.

AND I sign this Verification on this 07th day of April, 1996 at Gauhati.

B.M. Swarnkar
07/4/96.
(B.M. SWARNKAR)

DEPONENT

राष्ट्रीय निदेशक/Regional Director
उत्तर पूर्वी क्षेत्र/N. E. Region
परमाणु खनिज प्रभाग
Atomic Minerals Division
परमाणु ऊर्जा विभाग
Dept. of Atomic Energy
शिलांग/Shillong

No.5106/2/80-Estt (C)
Government of India
Ministry of Personnel, P.G. and Pensions
Department of Personnel & Training

New Delhi, the 10th Sept., 1993.

OFFICE MEMORANDUM

Subject: Grant of temporary status and regularisation of Casual workers - formulation of a scheme in pursuance of the CAT, Principal Bench, New Delhi, Judgement dated 16th February, 1990 in the case of Shri Raj Kamal & others Vs. UOI.

The guidelines in the matter of recruitment of persons on daily-wage basis in Central Government offices were issued vide this Department's O.M.No. 49014/2/86-Estt(C) dated 7.6.88. The policy has further been reviewed in the light of the judgement of the CAT, Principal Bench, New Delhi delivered on 16.02.90 in the writ petition filed by Shri Raj Kamal and others Vs Union of India and it has been decided that while the existing guidelines contained in O.M. dated 7.6.88 may continue to be followed, the grant of temporary status to the casual employees, who are presently employed and have rendered one year of continuous service in Central Government offices other than Department of Telecom, Posts and Railways may be regulated by the scheme as appended.

2. Ministry of Finance etc., are requested to bring the scheme to the notice of appointing authorities under their administrative control and ensure that recruitment of casual employees is done in accordance with the guidelines contained in O.M. dated 7/6.88. Cases of negligence should be viewed seriously and brought to the notice of appropriate authority for taking prompt and suitable action.

Sd/-
(Y.G. Paranda)
Director

To
All Ministries/Departments/offices of the Government of India as per the standard list.

Copy to: 1. All attached and subordinate offices of
1) Ministry of Personnel, PG and Pensions
11) Ministry of Home Affairs

2. All officers and sections in the MHA and
Ministry of Personnel, PG and Pensions.

Attested

Sd/-
(Y.G. Paranda)
Director

Sachbanti
S. K. CHAKRABARTI 4/4/96

Assistant Personnel Officer
ATOMIC MINERALS DIVISION (NER)
DEPARTMENT OF ATOMIC ENERGY
Government of India
SHILLONG-793 011

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APPENDIX

Department of Personnel & Training, Casual Labourers
(Grant of Temporary status and Regularisation scheme)

1. This scheme shall be called "Casual Labourers (Grant of Temporary Status and Regularisation) Scheme of Government of India, 1993.

2. This scheme will come into force w.e.f. 1.9.1993.

3. This scheme is applicable to casual labourers in employment of the Ministries/Departments of Government of India and their attached and subordinate offices, on the date of issue of these orders. But it shall not be applicable to casual workers in Railways, Department of Telecommunication and Department of Posts who already have their own schemes.

4. Temporary status

1) Temporary status should be conferred on all casual labourers who are in employment on the date of issue of this O.M. and who have rendered a continuous service of at least one year, which means that they must have been engaged for a period of at least 240 days (206 days in the case of offices observing 5 days week)

ii) Such conferment of temporary status would be without reference to the creation/availability of regular Group 'D' posts.

iii) Conferment of temporary status on a casual labourer would not involve any change in his duties and responsibilities. The engagement will be on daily rates of pay on need basis. He may be deployed anywhere within the recruitment unit/territorial circle on the basis of availability of work.

iv) Such casual labourers who acquire temporary status will not however, be brought on to the permanent establishment unless they are selected through regular selection process for Group 'D' posts.

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Temporary status would entitle the casual labourers to the following benefits:-

- 1) Wages at daily rates with reference to the minimum of the pay scale for a corresponding regular Group 'D' official including DA, HRA & CCA.
 - ii) Benefits of increments at the same rate as applicable to a Group 'D' employee would be taken into account for calculating pro-rata wages for every one year of service subject to performance of duty for atleast 240 days (206 days in administrative offices observing 5 days week) in the year from the date of conferment of temporary status.
 - iii) ~~Leave entitlement will be on a pro-rata basis at the rate of one day for every 10 days of work, casual or or any other kind of leave, except maternity leave, will not be admissible. They will also be allowed to carry forward the leave at their credit on their regularisation. They will not be entitled to the benefits of encashment of leave on termination of service for any reason or on their quitting service.~~
 - iv) Maternity leave to lady casual labourers as admissible to regular Group 'D' employees will be allowed. ✓
 - v) 50% of the service rendered under Temporary Status would be counted for the purpose of retirement benefits after their regularisation. ✓
 - vi) After rendering three years continuous service after conferment of temporary status, the casual labourers would be treated on par with temporary Group 'D' employees for the purpose of contribution to the General Provident Fund, and would also further be eligible for the grant of Festival Advance/Flood Advance on the same conditions as are applicable to temporary Group D employees, provided they furnish two sureties from permanent Govt. servants of their Department.
 - vii) Until they are regularised, they would be entitled to Productivity Linked Bonus/Ad-hoc bonus only at the rates as applicable to casual labourers.
8. No benefits other than those specified above will be admissible to casual labourers with temporary status. However, if any additional benefits are admissible to casual workers working in Industrial establishments in view of provisions of Industrial Dispute Act, they shall continue to be admissible to such casual labourers.

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Despite conferment of temporary status, the services of a casual labourers may be dispensed with by giving a notice of one month in writing. A casual labourer with temporary status can also quit service by giving a written notice of one month. The wages for the notice period will be payable only for the days on which such casual worker is engaged on work.

8. Procedure for filling up of Group 'D' posts:

- 1) Two out of every three vacancies in Group D cadres in respective offices where the casual labourers have been working would be filled up as per extant recruitment rules and in accordance with the instructions issued by Department of Personnel & Training from amongst casual workers with temporary status. However, regular Group 'D' staff rendered surplus for any reason will have prior claim for absorption against existing/future vacancies. In case of illiterate casual labourers or those who fail to fulfil the minimum qualification prescribed for post, regularisation will be considered only against those posts in respect of which literacy or lack of minimum qualification will not be a requisite qualification. They would be allowed age relaxation equivalent to the period for which they have worked continuously as casual labourer.

9. On regularisation of casual worker with temporary status, no substitute in his place will be appointed as he was not holding any post. Violation of this should be viewed very seriously and attention of the appropriate authorities should be drawn to such cases for suitable disciplinary action against the officers violating these instructions.

10. In future, the guidelines as contained in this Department's O.M. dated 7-6-1988 should be followed strictly in the matter of engagement of casual employees in Central Government offices.

11. Department of Personnel and Training will have the power to make amendments or relax any of the provisions in the Scheme that may be considered necessary from time to time.

Government of India
Department of Atomic Energy
Atomic Minerals Division

1-10-153-156, Begumpet,
Hyderabad - 500 016

No:AMD-42/144/85-GA/8472

September 28, 1994

ENDORSEMENT

A copy of O.M.No.49014/2/93-Estt.(C), dated 12.7.1994 of Ministry of Personnel, Public Grievances and Pensions, Department of Personnel and Training, New Delhi forwarded under DAE endorsement No.1/1(5)/91-SCS/502, dated September 6, 1994 is forwarded herewith for information and necessary action.

(K.K.K. Singh)

Assistant Personnel Officer

To

All Sections/labs, AMD, as per mailing list.

PAPER FORWARDED
OFFICE MEMORANDUM

Subject: Grant of temporary status and regularisation of casual workers.

The undersigned is directed to refer to Department of Personnel and Training OM No.51016/2/90-Estt(C), dated 10th Sept. 1993 on the subject noted above and to say that many references have been received from various Ministries/Departments seeking clarifications on certain points relating to grant of Temporary status to casual labourers.

2. Clarifications in respect of the points raised in the references are given below:-

<u>S.No.</u>	<u>Points raised</u>	<u>Clarifications</u>
1.	Whether the casual employees who were not initially engaged through employment exchange are entitled to the benefit of temporary status.	Since it is mandatory to engage casual employees through employment exchange, the appointment of casual employees without employment exchange is irregular. Hence such casual employees cannot be bestowed with temporary status.

..2/-

Attested

mehbanti

S. K. CHAKRABARTI

Assistant Personnel Officer

ATOMIC MINERALS DIVISION (NER)
DEPARTMENT OF ATOMIC ENERGY

Government of India

SHILLONG-793 011

2. Whether temporary status could be granted to the part-time casual employees.

No.

3. Will the casual labourers initially engaged after crossing the upper age limit prescribed for recruitment to Group 'D' posts be eligible for grant of temporary status?

No age limit has been prescribed for grant of temporary status. However, for the purpose of subsequent regularisation, the conditions regarding age and educational qualifications prescribed in the relevant recruitment rules will apply.

4. Will the wages of casual employees would be debited to the Salaries sub-head of the establishment or to the contingent sub-head?

Since the casual employees on grant of temporary status would be entitled for wages on actual basis, their wages will have to be debitable to the sub-head 'wages'.

5. Whether the casual employees working in administrative offices observing 5 days week would be entitled to the benefit of paid weekly off.

Since the facility of paid weekly off is admissible after 6 days of continuous work, this would not be admissible to casual employees working for 5 days in a week.

6. For the purpose of assessing leave entitlement how should qualifying period be reckoned?

qualifying period should be reckoned with reference to actual number of days duty performed ignoring days of weekly off, leave and absence etc., All days of duty will be counted irrespective of intervening spells of absence, which do not constitute break in service.

7. Frequency at which leave will be credited.

Twice a year, on the 1st January and 1st of July credit will be afforded for the preceding half year or fraction thereof, on a pro-rata basis at the rate of one day every 10 days of work.

Sd/-

(KRISHNA MENON)

DY. SECRETARY TO THE GOVERNMENT OF INDIA.

Attested

S. K. CHAKRABARTI

Assistant Personnel Officer

ATOMIC MINERALS DIVISION (NER)

DEPARTMENT OF ATOMIC ENERGY

Government of India

SHILLONG-793 011

Speed Post

Government of India
Department of Atomic Energy
Atomic Minerals Division
North Eastern Region

A M D Complex
P.O. Assam Rifles
Shillong-793 011

No. AMD/NER/7/24/88-Adm/Vol.II/

Date : 22.02.1996

Sub:- Seniority List of Casual Labourers(on T.S.)
of AMD, NER as on 22.02.1996.

Please refer to telex No. Feb/143 dated 20.02.1996 on the above subject.

2. In this connection, it is intimated that as on date(i.e. 22.02.1996) there are 113(one hundred and thirteen) Casual Labourers(on Temporary Status) as per the enclosed Seniority List.

Encl: As above

(B.M. Swarnkar)
Regional Director

Chief Administrative & Accounts Officer,
Atomic Minerals Division, D.A.E.,
1-10-153-156 AMD Complex, Begumpet,
HYDERABAD - 500 016.

mns/22296

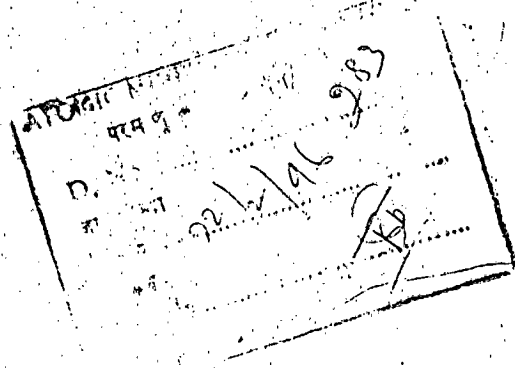
Attested

S. K. CHAKRABARTI

Assistant Personnel Officer

ATOMIC MINERALS DIVISION (NER)
DEPARTMENT OF ATOMIC ENERGY

Government of India
SHILLONG-793 011



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SENIORITY LIST OF CASUAL LABOURERS(ON TEMPORARY STATUS) OF NORTH EASTERN REGION AND AS ON 22.02.1996.

Sl.No.	Name	Father's Name	Date of Birth	Educational Qualification	Technical Qualification	SC/ST/OBC	Date of Engage.	Home District & State	Place of posting
	S/Shri	S/Shri							
1	Tilleswar Das y	Jairam Das	21.07.1964	8th	—	SC	01.11.1980	Nagaon, Assam	Arunachal Pradesh
2	Ajav Kumar Das	Anil Chandra Das	01.03.1966	7th	—	—	01.05.1982	E.K.Hills, Meghalaya	Mahadevs
3	Sukhinder Baitha	Bhuklu Baitha	20.06.1967	8th	—	SC	31.03.1983	Muzafarpur, Bihar	Arunachal Pradesh
4	Brij Lal Rai	Sewak Ram Rai	09.07.1963	H.S. Fail	—	OBC	30.09.1983	Vaishali, Bihar	KTRP Domiasiat
5	Thapa Sichsew	Longo Sichsew	01.01.1961	5th	—	ST	31.10.1984	M. Kameng, Arunachal	Arunachal Pradesh
6	Tamar Taba	Tanou Taba	01.01.1968	4th	—	ST	01.11.1984	M. Sianq, Arunachal	Arunachal Pradesh
7	Bina Sanoma	Vine Marak	06.02.1968	7th	—	ST	30.11.1984	W.K.Hills, Meghalaya	KTRP, Domiasiat
8	Taje Paying	Tarik Paying	01.01.1969	5th	—	ST	30.11.1984	U. Subansiri, Arunachal	Arunachal Pradesh
9	Kushal Chandra Das	Indreswar Das	30.04.1964	9th	—	—	18.12.1984	Sonitour, Assam	Arunachal Pradesh
10	Ajit Singh Kataria	Ram Dass Kataria	01.09.1967	9th	—	SC	17.07.1985	Meerut, U.P.	Security, Shillong
11	Jeet Bahadur	Pashupati Lama	01.01.1961	5th	—	—	30.11.1985	W.G.Hills, Meghalaya	KTRP, Domiasiat
12	Kalindi Kumar Das	Charan Kumar Das	10.08.1967	7th	—	—	01.02.1986	Cuttack Orissa	HC-28(5), Monglong
13	Kuldip Rai g	Isri Rai	22.06.1966	8th	—	OBC	17.03.1986	E.K.Hills, Meghalaya	E.S.G. Shillong
14	M. Sanoma	J. Marak	18.01.1967	8th	—	ST	01.04.1986	E.G.Hills, Meghalaya	Chem. Lab. Shillong
15	Ganesh Rai	Phaldavi Rai	09.06.1968	10th	—	OBC	12.04.1986	Vaishali Bihar	LT-325(3), Sidhkhar
16	Ramaven Prasad	Krishna Prasad	18.02.1968	8th	—	OBC	30.06.1986	Bhojpur, Bihar	Pet. Lab. Shillong
17	Narayan Paul s	Nani Gopal Paul	11.09.1969	Matric Fail	—	—	17.07.1986	E.K.Hills, Meghalaya	Security, Shillong
18	Chamar Singh Nitam	Ramadin Nitam	06.02.1962	3rd	—	ST	01.08.1986	Rajnandgaon, M.P.	Security, Shillong
19	Shyamal Chanda z	Late Malini Chanda	07.03.1963	9th	—	OBC	01.09.1986	E.K.Hills, Meghalaya	E.B.G., Shillong

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Sl.No.	Name	Father's Name	Date of Birth	Educational Qualification	Technical Qualification	SC/ST/ OBC.	Date of Enroge.	Home District & State	Place of posting
20	Mohan Rai	Late Taken Rai	07.02.1969	9th	—	OBC	01.10.1986	Katihar, Bihar	Arunachal Pradesh
21	Shibji Rai	Jaoru Rai	21.04.1963	7th	—	OBC	23.10.1986	Vaishali, Bihar	E.S.G. Shillong
22	Lal Mohan Rai	Shanti Lal Rai	03.04.1967	8th	—	OBC	23.10.1986	Vaishali, Bihar	E.S.G. Shillong
23	Lakhan Deo Rai	Mahendra Rai	05.01.1968	9th	—	OBC	23.10.1986	Vaishali Bihar	GD-42(S)2,Kulano
24	Motilal Yadav	Ramanuj Yadav	05.02.1968	9th	—	—	23.10.1986	Patna, Bihar	GD-42(S)2,Kulano
25	Hari Prasad	Tilak Bahadur	01.01.1964	—	—	—	31.10.1986	E.K.Hills,Meghalaya	Phys.Lab.Shillong
26	Ramendra Chakraborty	Late R.M. Chakraborty	14.07.1963	H.S.L.C.	Typewriting	—	01.11.1986	Cachar, Assam	E.S.G. Shillong
27	Debender Rai 7	Late Sarju Rai	25.11.1963	4th	—	OBC	05.12.1986	Vaishali Bihar	E.S.G.,Shillong
28	Ram Naresh Rai	Dina Bandhu Rai	26.01.1965	8th	—	OBC	01.01.1987	Vaishali Bihar	Mahadeks
29	Dicendro Sanoma	Nirun Marak	02.04.1961	5th	—	ST	07.01.1987	M.K.Hills,Meghalaya	LT-323(3),Stdhkar
30	E.D.Shira	Ching Ring Marak	21.11.1961	5th	—	ST	07.01.1987	M.K.Hills,Meghalaya	LT-323(3),Stdhkar
31	Ferrison Momin	Sobichon Sanoma	21.12.1964	6th	—	ST	07.01.1987	M.K.Hills,Meghalaya	LT-323(3),Stdhkar
32	S.P. Mahanty	K.K. Mahanty	16.12.1961	Matric	ITI Turner	—	01.02.1987	Purulia,W.Bengal	HC-28(5),Nonglong
33	Criston Momin	Redan K. Marak	25.11.1967	6th	—	ST	01.02.1987	Goalpara, Assam	WDS-300(2),Nonglong
34	Jaleswar Sinch	Lakhan Sinch	10.02.1969	5th	—	—	01.03.1987	Vaishali Bihar	GD 355(3),Arunachal
35	Point Marshillong	Mores Thononi	28.02.1972	5th	—	ST	25.03.1987	M.K.Hills,Meghalaya	KTRP Domiasiat
36	Yiellev Lymdoh	Kadrao	31.05.1954	3rd	—	ST	01.04.1987	M.K.Hills,Meghalaya	KTRP Domiasiat
37	Wat Taro	Ira	31.12.1946	2nd	—	ST	01.05.1987	M.K.Hills,Meghalaya	KTRP Domiasiat
38	Kamal Deo Rai	Seikh Narain Rai	27.10.1965	Matric	—	OBC	01.05.1987	Vaishali, Bihar	Security,Shillong
39	Stolding	Kashino	23.08.1970	4th	—	ST	01.05.1987	M.K.Hills, Meghalaya	Mahadeks
40	Smt.Januka Rana 12	Dal Bahadur Rana	16.02.1964	4th	—	—	06.05.1987	E.K.Hills,Meghalaya	E.S.G.,Shillong
41	Smt. Balender Kaur 13	Swarup Sing	31.12.1955	4th	—	SC	07.05.1987	E.K.Hills,Meghalaya	E.S.G.Shillong
42	Smt. Saraswati Thapa 14	P.B.Thapa	31.12.1964	3rd	—	—	09.05.1987	E.K.Hills,Meghalaya	E.S.G.,Shillong
43	Smt.Daamavana Soren 13	Basil Murmu	24.12.1967	4th	—	ST	12.05.1987	N.Dinajpur,W.Bengal	E.S.G.,Shillong
44	Mousebill	Frilong Ion	31.03.1959	6th	—	ST	20.06.1987	M.K.Hills,Meghalaya	KTRP,Domiasiat

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Sl.No.	Name	Father's Name	Date of Birth	Educational Qualification	Technical Qualification	SC/ST/ OBC.	Date of Enrool.	Home District & State	Place of posting
45	Basil Murmu	Radional Murmu	25.06.1964	6th	—	ST	01.07.1987	N.Dinajpur, W.Bengal	E.S.G., Shillong
46	Surender Prasad	Sumara Prasad	11.12.1967	7th	—	OBC	02.07.1987	Bhojpur, Bihar	WDR-300 Stdhkh
47	All	Hari	25.09.1966	4th	—	ST	01.10.1987	W.K.Hills, Meghalaya	Vol-35(3) Rangjalong
48	Core Nonqlong	Nik Paliar	23.09.1970	4th	—	ST	01.10.1987	W.K.Hills, Meghalaya	WDS-300(2), Nonqlong
49	Harmohan Bharali	Dhireswar Bharali	01.06.1968	H.S.L.C.	—	—	15.10.1987	Malbari, Assam	Chem.Lab., Shillong
50	Suresh Rai	Basudev Rai	06.02.1969	8th	—	OBC	20.10.1987	Vaishali, Bihar	GD-42 B(2), Kulang
51	Tabu Lal Paul	Late Manoranjan Paul	29.10.1966	H.S.L.C.	—	—	01.11.1987	Karimganj, Assam	Security, Shillong
52	Dillo Das	Late Debender Das	01.11.1967	8th	—	—	01.11.1987	E.K.Hills, Meghalaya	E.S.G., Shillong
53	Rajender Prasad Sah	Ganqa Ram Sah	07.05.1973	Matric	—	OBC	16.11.1987	Samastipur, Bihar	Admin. Shillong
54	Smt.Krinolin Nikhla	Ilahi Bhuqus	07.07.1968	8th	—	ST	01.02.1987	E.K.Hills, Meghalaya	Admin., Shillong
55	Nikhil Deb	Kamini Mohan Deb	16.03.1972	5th	—	—	01.02.1988	Karimganj, Assam	Mahadeks
56	Sharnikar Munda	Joseph Munda	24.09.1951	4th	—	ST	09.02.1988	Kamrup, Assam	WDR-300, Stdhkh
57	Chunnu C. Munda	S. Munda	16.10.1969	7th Fail	—	ST	09.02.1988	W.K.Hills, Meghalaya	WDR-300, Stdhkh
58	Brilson Shira	Jison Marak	12.11.1971	5th	—	ST	01.03.1988	W.K.Hills, Meghalaya	WDS-300(2), Nonqlong
59	Shiv Kumar Singh	Chand Dhari Singh	20.01.1968	7th	—	OBC	10.03.1988	Bhojpur, Bihar	Security, Shillong
60	Prafulla Kr. Bharali	Gajendra Nath	29.07.1969	Matric Fail	—	—	30.04.1988	Malbari, Assam	Arunachal Pradesh
61	Arit Sanobah	Dowell Marwein	25.08.1962	5th	—	ST	31.05.1988	W.K. Hills, Meghalaya	WDR-300 Stdhkh
62	Mackdonal Lynodoh	H.Thononi	26.10.1969	8th	—	ST	07.06.1988	W.K. Hills, Meghalaya	WDR-300, Stdhkh
63	Rachunath Rai	Jamun Rai	05.02.1971	8th	—	—	01.07.1988	Vaishali, Bihar	WDS-300(2), Nonqlong
64	Resfinlev	Hofkinlev	23.12.1966	6th	—	ST	09.07.1988	W.K.Hills, Meghalaya	KTRP, Domiasiat
65	Smt.Renukadevi Sunar	Bheem Bahadur Sunar	02.03.1965	4th	—	—	01.08.1988	E.K.Hills, Meghalaya	E.S.G., Shillong
66	Krishna Ram Sharma	Late M.R. Upadhyay	21.08.1967	H.S.L.C.	—	—	01.09.1988	E.K.Hills, Meghalaya	Tech. Sec. Shillong
67	Nitvananda Deb	Govinda Deb	24.01.1969	8th	—	—	01.11.1988	North Tripura	Mahadeks
68	Sushil Kumar Verma	Late H.C.Verma	08.02.1967	B.A.	—	OBC	02.11.1988	Rohtas, Bihar	Stores, Shillong

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Sl.No.	Name	Father's Name	Date of Birth	Educational Qualification	Technical Qualification	SC/ST/ OBC.	Date of Enroge.	Hone District & State	Place of posting
69	Harendra Sargiary	Pohar Sargiary	10.02.1966	9th	Drvg.lic.	ST	11.12.1988	Karbi Anglong, Assam	Security, Shillong
70	Pale Singh	Kasinh	25.08.1968	5th	—	ST	08.01.1989	W.K.Hills, Meghalaya	Vol-35(3) Rangjadong
71	Sunil Kumar Mahato	Mukul Chandra Mahato	10.02.1968	H.S.	—	—	01.02.1989	Purulia, W.Bengal	WDS-300(2), Nonqlong
72	Nirmal Das	L.C. Dutta	04.04.1971	6th	—	—	01.02.1989	W.K.Hills, Meghalaya	LT-325(3), Stdhkharr
73	Qual Singh	Meir Singh	26.02.1969	4th	—	ST	03.02.1989	W.K.Hills, Meghalaya	Vol-35(3) Rangjadong
74	Kino	Kingly	20.03.1966	3rd	—	ST	07.02.1989	W.K.Hills, Meghalaya	Vol-35(3) Rangjadong
75	Shrimly Jonqwal	Kredlee	21.10.1966	5th	—	ST	24.02.1989	W.K.Hills, Meghalaya	HC-28(5), Nonqlong
76	Brian	Lorsing	30.09.1964	6th	—	ST	28.02.1989	W.K.Hills, Meghalaya	KTRP, Domiasiat
77	Shen	Soren	01.01.1965	3rd	—	ST	28.02.1989	W.K.Hills, Meghalaya	HC-28(5), Nonqlong
78	Sat. Rita Lynqdox	Martin Umsonq	28.12.1966	3rd	—	ST	10.03.1989	E.K.Hills, Meghalaya	E.S.G., Shillong
79	Preel Ram Mandavi	P.R. Mandavi	17.02.1969	9th	—	ST	01.05.1989	Rajnandgaon, M.P.	Vol-35(3) Rangjadong
80	Kamal Singh Tarme	Amor Singh Tarme	11.08.1969	5th	—	ST	01.05.1989	Rajnandgaon, M.P.	WDS-300(2), Nonqlong
81	Kapil Gajmer	Late Baldoj Gajmer	15.08.1970	8th	—	SC	01.05.1989	Darjeeling, W.Bengal	Guwahati Trnst.Camp
82	Naresh Kumar Darro	Pessi Ram Darro	09.09.1970	5th	—	ST	01.05.1989	Rajnandgaon, M.P.	Vol-35(3) Rangjadong
83	Nandan Saha	Late Tara Saha	01.06.1964	9th	—	OBC	15.05.1989	E.K.Hills, Meghalaya	E.S.G., Shillong
84	Pawlus Thavu	Partasius Marthong	01.11.1967	6th	—	ST	30.06.1989	W.K.Hills, Meghalaya	WDR-300, Stdhkharr
85	Ishor Kumar Chetrv	Amar Bahadur Chetrv	02.01.1967	H.S.L.C.	—	OBC	31.07.1989	E.K.Hills, Meghalaya	Library, Shillong
86	Tabi Taba	Tangy Taba	15.01.1969	7th	—	ST	21.09.1989	W.Siang, Arunachal	Arunachal Pradesh
87	Sita Ram Kumhar	Lakhan Kumhar	26.10.1969	9th	—	OBC	02.10.1989	Hazaribagh, Bihar	Phys.Lab., Shillong
88	Fron	Mores	23.08.1972	5th	—	ST	13.10.1989	W.K.Hills, Meghalaya	KTRP, Domiasiat
89	Naru Gopal Mahato	M.C. Mahato	26.04.1970	8th	—	—	31.10.1989	Purulia, W.Bengal	E.S.G., Shillong
90	Yawn	Nising	01.05.1969	5th	—	ST	30.11.1989	W.K.Hills, Meghalaya	Mahadeks
91	B.Lynqdox	Dil Jyrwa	21.11.1967	5th	—	ST	21.12.1989	W.K.Hills, Meghalaya	GD-35(3), Arunachal
92	Hamlesman	Phrianly	02.03.1972	6th	—	ST	31.12.1989	W.K.Hills, Meghalaya	Mahadeks
93	Mahananda Deb	Govind Deb	02.10.1973	6th	—	—	01.01.1990	N.Tripura, Tripura	WDR-300, Stdhkharr
94	Ganqa Chetri	Hariprasad Chetri	10.07.1968	8th	—	—	07.01.1990	E.K.Hills, Meghalaya	Security, Shillong

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Sl.No.	Name	Father's Name	Date of Birth	Educational Qualification	Technical Qualification	SC/ST/ OBC.	Date of Enroage.	Home District & State	Place of posting
95	Pramod Rai	Bihari Rai	20.08.1972	7th	—	—	08.01.1990	Vaishali, Bihar	Phys.Lab., Shillong
96	Yashwant Kr. Mandavi	Visheswar Mandavi	05.05.1972	8th	—	SC	16.01.1990	Rajnandgaon, M.P.	Admin., Shillong
97	Ashok Kumar	Manku Prasad Yadav	14.08.1968	Matric	—	—	31.01.1990	Bhojpur, Bihar	Security, Shillong
98	Shoren Wel	L. Warjohn	20.10.1948	8th	—	ST	01.03.1990	W.K.Hills, Meghalaya	HC-28(5), Nonglong
99	Ober Singh Roy	Sin	21.06.1975	4th	—	ST	12.03.1990	W.K.Hills, Meghalaya	GD-35(3), Arunachal
100	Stedly Roy	D.L. Roy	23.12.1970	9th	—	ST	03.04.1990	W.K.Hills, Meghalaya	Phys.Lab., Shillong
101	Sadanand Talukdar	Chandrakant	03.03.1969	9th	—	—	01.05.1990	Malbari, Assam	GD-35(3), Arunachal
102	Ram Chandra Rai	Avodhya Rai	10.01.1974	8th	—	OBC	04.05.1990	Vaishali, Bihar	Mahadeks
103	Philip	Alley	03.02.1974	5th	—	ST	12.06.1990	W.K.Hills, Meghalaya	Vol-35(3) Rangjadong
104	Brison	Kowil	31.12.1960	5th	—	ST	03.07.1990	W.K.Hills, Meghalaya	HC-28(5), Nonglong
105	Pius Saneriang	Jostin	15.03.1967	5th	—	ST	03.07.1990	W.K.Hills, Meghalaya	LT-325(3), Sldhkhar
106	Nicholas Kharmuli	Kristina Kharmuli	08.07.1968	5th	—	ST	08.07.1990	E.K.Hills, Meghalaya	Security, Shillong
107	Burnabus	Soresang	06.12.1966	—	—	ST	30.11.1990	W.K.Hills, Meghalaya	Mahadeks
108	Starwin	Lee Roy	19.06.1974	5th	—	ST	19.12.1990	W.K.Hills, Meghalaya	Vol-35(3) Rangjadong
109	Nilmen Shira	Bino Marak	16.02.1972	7th	—	ST	28.01.1991	W.K.Hills, Meghalaya	LT-325(3), Sldhkhar
110	Stealson D Shira	Manidad Marak	19.07.1971	9th	—	ST	01.03.1991	W.K.Hills, Meghalaya	WDR-300, Sldhkhar
111	Malki Thavu	Partesius Marthong	05.12.1968	5th	—	ST	01.10.1991	W.K.Hills, Meghalaya	WDR-300, Sldhkhar
112	Ferdinan Pallar	Mahin	30.09.1965	4th	—	ST	21.10.1991	W.K.Hills, Meghalaya	LT-325(3), Sldhkhar
113	Shimborlin Kharsaw	Moni Singh	31.01.1969	3rd	—	ST	04.11.1991	W.K.Hills, Meghalaya	LT-325(3), Sldhkhar

Annexure - R-IV

N.O. 1143

dt 8/3/96

26 58

Government of India
Department of Atomic Energy
Atomic Minerals Division

1-10-153-156, Begumpet,
Hyderabad - 500 016

No:AMD-42/93/90-08N/20024

Dated February 14, 1996

ENDORSEMENT

A copy of O.M.No.1/1(5)/91-SCS/35, dated January 29, 1996 received from DAE, Mumbai is forwarded herewith for information and necessary action.

(Bijaya Mohan Rao) A-296
Staff Relations Officer

To

All Sections/labs, AMD, Hyderabad.
All Regions

PAPER FORWARDED
OFFICE MEMORANDUM

Subject: Regulation of paid weekly off
for casual labourers.

It has been brought to the notice of this Department that some of the units are not following the guidelines issued by the Department of Personnel & Training in the matter of regulation of paid weekly off to the casual labourers engaged in various units. DPT vide its O.M.No. 49014/2/93-Estt.(C) dated July 12, 1994, has clarified at item 5 therein that since the facility of paid weekly off is admissible after 6 days of continuous work, this would not be admissible to casual employees working 5 days in a week in offices observing a five day week. In other words, offices observing a five day week would not have to give a paid weekly off.

2. In this context, it is noted that some of the Administrative Offices of this Department observing a 5 day week are employing casual labourers during the intervening holidays and/or for a 6th day, though it is a closed holiday, just to allow them the paid weekly off on the 7th day. This system passes on unintended wages to the casual labourers not only for the 6th day (i.e. a holiday) but also entitles them to a paid holiday. The very idea of a casual labourer is that he is hired only when needed and to the extent needed and it

..2/-

Attested

S. K. CHAKRABARTI

Assistant Personnel Officer

ATOMIC MINERALS DIVISION (NER)

DEPARTMENT OF ATOMIC ENERGY

Government of India

SHILLONG-793 011

is not a regular and continuous employment. Depending on need, a casual labourer should be hired for a specific number of days at a time and not on a continuing basis.

3. All the Administrative Heads of units are therefore, requested to keep in view the above clarification while engaging casual labourers.

4. All Pay and Accounts Officers will ensure that all claims are regulated strictly in accordance with the Govt. of India's instructions on the subject issued from time to time.

5. This issues with the approval of the Competent Authority.

Sd/-

(P.K.M. FURUP)
Under Secretary to the Govt. of India

Attested

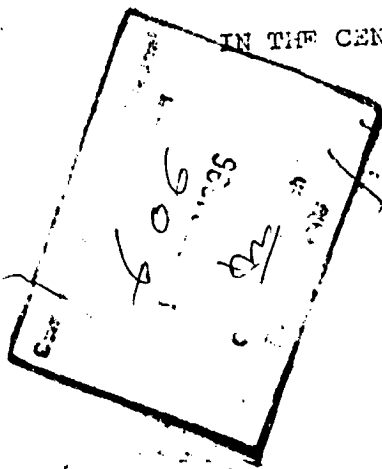
To,

All Section / Lab.
R.G. Amol / NCR

mehbarta

S. K. CHAKRABARTI 4/4/96
Assistant Personnel Officer
ATOMIC MINERALS DIVISION (NER)
DEPARTMENT OF ATOMIC ENERGY
Government of India
SHILLONG-793 011

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI Bench



O.A. No. 17 of 1996

North Eastern Atomic Minerals
Worker's Union & Ors.

-versus-

Union of India & Ors.

-And-

In the matter of :-

Rejoinder submitted by the
applicants.

1. The above named applicants of the North Eastern Atomic Minerals Worker's Union & Ors. Most humbly and respectfully begs to state as under :

2. That the applicants deny the correctness of the statement made with reference to the background note of the case in the written statement by the respondents, the applicants categorically deny the statements of the respondents that there are 113 casual workers are assisting the regular staff as and when required based but in fact there are 123 casual labourers are presently working in the office of the Regional Director, Shillong as well as in different field offices ^{through out} ~~through~~ the North Eastern Region on regular basis since their initial engagements between 1981 and 1986. Therefore the field work and off

.... work

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16/9/96

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for which the applicants were appointed are of regular nature of work and the allegation as and when required ^{basis} required based made by the respondents does not arise at all in the instant case. This is a misleading statement of the respondents and it would be evident from the Office Order dtd. 9.1.92 issued by the Personnel Officer vide his letter No. AMD/NER/5(1)/88-Admn/168 wherein it is stated that the Regional Director had approved the payment of DA at the rate of Rs. 25/- per day in addition to basic rate i.e. Rs. 25/- per day with effect from 1.11.91 for 76 labourers and it is specifically stated that all the casual workers are deployed against regular nature of job but in fact there were 123 casual workers are also serving at the relevant time when the officer's ^{order} of 9.1.92 was issued. It would be further evident from the Head Office letter under reference No. AMD-66/3/87-Vig/19148 dated 3.10.1989 where it was directed by the Head Office to all the Regional Directors specifically in paragraph 3 to identify the casual workers who do the same work as that of a regular employee and implement the revision of wages on casual workers where the nature of work entrusted to the casual workers and regulars employees is the same. The relevant portion of the letter dated 3.10.1989 is quoted below :

" 3. The Regional Directors are, therefore, requested to identify the casual workers who do the same work as that of a regular employee and implement the above orders.

4. Regional Directors are also requested to furnish monthly returns of casual workers.

who are paid wages as per para 1 above to APO(R), Hyderabad so as to reach him on or before the 15th of every month.

5. The above category of casual workers are to be engaged for work of 8 hours a day (including 1/2 hour lunch break). They are eligible for one paid weekly 'Off' after six days of continuous work. The rate for such weekly 'Off' will be the same as above."

From above it is quite clear that the wages and DA were paid to the casual workers who were entrusted on regular nature of job and subsequently the order dated 9.1.92 was issued after verification. Be it stated that although 76 casual workers were mentioned in the letter dated 9.1.92 for payment of DA but in fact all the casual workers who are member of the Aforesaid Association were paid DA in the approved rate after being specified that all the casual workers are entrusted with regular nature of job. Be it further stated that even if the applicants were not initially appointed through employment exchange even then they are entitled to be regularised considering their long service under the respondents. It is categorically deny the contention made in paragraph 3 of the background note on the case, that the casual workers were not sponsored through employment exchange are not entitled for conferment of temporary status as per O.M. dated 12.7.94. It is now a settled law that the casual workers who are

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appointed long back and continue for a long time in service in a Central Government Establishment are entitled for benefit of temporary status as well as benefit of regularisation and the regular service benefit cannot be denied to the applicants who are serving in the same establishment for more than 10-15 years.

The applicants strongly deny the statement made in paragraph 4 of the background note on the case and further beg to state that the Atomic Minerals Division being a Central Government Organisation cannot deny the regular service benefit to the applicants on the plea that there is no specific recruitment norms exclusively applicable to the casual labourers for selection in a regular establishment. Unfortunately till date no casual labourers serving /under the Regional Director, N.E. Region are regularised against any available vacancy whereas in a number of available vacancy even in Group D category casual workers of other regions are being regularised and accommodated in the North Eastern Region depriving the members of the North Eastern Region Atomic Minerals ~~Division~~ workers Union, who are serving for more than 10-15 years in the same establishment and entrusted with regular nature of job as admitted by the respondents themselves in their letter dated 9.1.92. In this connection it may be stated that only 8 drivers which initially employed as casual workers are subsequently regularised for the sake of convenience of the high officials of the Atomic Minerals Division of North Eastern Region. The question of submission of application in the event of circulation of available vacancies does not arise as the applicants are being

entrusted with regular nature of job and not such circular was issued at any stage by the respondents for regularisation of casual workers serving in North Eastern Region.

The present applicants categorically deny the statement made in paragraph 4 of the ~~document~~ background note of the case that 15 temporary status casual labourers are ~~were~~ selected for regular posts. The Hon'ble Tribunal be pleased to direct the respondents to produce detailed particulars of 15 casual workers who are regularised in the establishment of Regional Director in the North Eastern Region.

A copy of the letter dated 2.10.89 and 9.1.92 and 18.9.92 are annexed herewith and the same are marked as

Annexures- 4, 5 and 6 respectively. + a periodical inventory certificate in respect of seasonal workers are annexed as Annexure 6 a, b, c and d respectively.

3. That with regard to the statement made in paragraph 3 and 6 the applicant beg to state that the North Eastern Region Mineral Worker's Union is registered under Trade Union Act being Registered No. 79 dated 19.5.92 and the same is affiliated to Regional Coordination Committee. All necessary documents and papers were submitted for recognition of the aforesaid association to the Regional Director, Atomic Minerals Division, Shillong and several reminders were also submitted for the same but till date the authorities did not communicate anything regarding recognition of the said Union. However, the ~~authorities~~ ~~did not communicate~~ Association is registered under the Indian Trade Union Act and also deny the statement made in paragraph 3 of the written statement that the casual workers are engaged only as and when required basis rather it would

be evident from the official records of the authorities of Atomic Mineral Division, North Eastern Region, Shillong that all Casual workers i.e. members of the aforesaid association are engaged for regular nature of job. The applicant further reiterates that they are altogether 123 casual workers serving under the Atomic Minerals Division, Shillong and they are the members of the the North Eastern Region Atomic Minerals Workers Union. The names of the 107 members is already furnished in the original application and name of member of rest 16 argued to be produced at the time of hearing and it is a fact that the temporary status was conferred with effect from 1.9.93 to the applicants.

4. That the applicants deny the correctness of the statement made in paragraph 7, 8 and 9 of the written statement made by the respondents and beg to state that in paragraph 7 the respondents have deliberately given misleading statement regarding nature of job of the members of the aforesaid association and it is further reiterated that the casual workers are engaged for regular nature of job which even admitted by the respondents in their official records and therefore the demand of regularisation is very much legitimate and Members of the association have acquired a valuable and legal right for regularisation of their services considering their past long period of service rendered for about 10-15 years in the same department justified for immediate regularisation

The applicants strongly deny the paragraph 8 of the written statement and begs to state that names of all the 10 members mentioned in paragraph 8 are very much available in the ~~enclosure attached with Annexure 3 of the written~~ Atomic Mineral Division Shillong.

Under
A.W.

statement. All the 10 members of the association whose names are mention in paragraph 8 are still in service under the Atomic Mineral Division, Shillong and even they ~~xxxx~~ are in the Pay roll in the last month of June 1996 except Shri Birendra Gupta but he is a member of the association. The respondents are not allotting any work to Mr. Birendra Kumar Gupta and they are not paying his salary but still a member of the association and praying his regularisation of his service alongwith other members of the association. Since nature of work to the members of the association of the association are of regular nature therefore the respondents cannot deprive the regular service benefits to the applicants and immediate regularisation is necessary to the extent of service benefits who are performing similar duties under the Atomic Mineral Division in different regions of the country. The applicants beg to state that ~~xxxxxx~~ they are serving in the Atomic Minerals Division NER for a long period of abot 10-15 years in the same establishment and this is admitted position that they are entrusted with regular nature of job therefore their services ought to have been regularised long back in the light of various Supreme Court and High Courts and Tribunals decisions and it is now well settled lw that if the casual workers are engaged for regular nature of job and served for a long period their services are required to be regularised. In the instant case the higher authorities of the Atomic Mineral Division did not take any initiative at any point of time for regularisation of the service of the applicants although

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the association demanded the service of all casual workers for regularisation for the long service rendered by them but presently in every year almost 4/5 regular vacancies of Group D are used to be filled up from outside the North Eastern Region by depriving the local casual workers from their legitimate demand of regularisation. In the last few years the following Group D posts have been filled in by transferring the incumbents from outside the region which is deprived the benefit of regularisation of the casual workers from this region.

1. Sri Ramkrishna, Watchman
2. " Satpal Singh, "
3. " S.K.Das (Helper)
4. " M. S. Kumbekar, Watchman,
5. " F. Saran, Watchman
6. " S.C.Gope, Watchman
7. " Saliram, Helper
8. Jagadish Chand~~Ne~~ Helper,
9. " Raj Bhadur, Watchman
10. " Manu Ram, Watchman
11. " Hari Ram, Watchman
12. " Sadanand Patra, Watchman
13. " G.S. Ram, Watchman
14. " K. Handa, Watchman,
15. " H.L.Verma, Helper,
16. " L.K. Acharya, Helper

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86

The applicants urged to produce a list of Group B officials who have been transferred to North Eastern Region from outside and thereby the local casual workers are being deprived in the matter of their regularisation. The decision of the Apex Court referred in the Original application cannot be frustrated by this office memorandum issued by the department of Personnel for conferring temporary status with effect from 1.9.93. Therefore the claim of the respondents that the judgement referred in the original application has become infructuous because of circulation of office memorandum for conferring temporary status issued subsequently by the department of Personnel is totally is a wrong conception of the respondents ratio of the apex court cannot be frustrated merely on the ground of issuance of an Office Memorandum and the respondents cannot deny the benefit of regularisation of the applicants.

Delish
Adv.

In this connection it may further be stated that as regard the ^{statement's} application made that there are only 113 casual workers/labourers are serving under the Regional Director Atomic Minerals Division, Shillong in this regard it may be stated that in paragraph 6 it is however stated by the respondents itself that there are 118 casual workers so the statement of the respondents are contractory so the applicant beg to enclose 5x 5 periodical certificates issued in favour of the following casual labouress. namely (1) Sri All (2) Sri Qual Singh (3) Sri Nityananda Deb (4) Sri Pale Singh (5) Sri Surendra Prasad Sah.

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From the above it would be evident that the statement of the respondents is misleading and the applicants reiterated that there are 123 casual workers working under the regional Director, Atomic Minerals Division, Shillong who are the members of the association of the Atomic Minerals Worker's Union.

5. That with regard to statement made in paragraphs 13,14,15, 16 of the written statement the applicant deny the correctness of the same and further beg to state that the demand of the applicant for regularisation of ^{ir} the/services is very much legitimate and the same is squarely covered by the different judgements of the Hon'ble Supreme Court, High Courts and Tribunals and therefore the Hon'ble Tribunal be pleased to direct the respondents for immediate regularisation of their services with all consequential service benefits.

6. That the applicants categorically deny the comment made in paragraphs 17,18,19,20 and 22 of the written statement in respect of grounds mentioned in the Original Application and further beg to state that mere grant of temporary status cannot take away the right of regularisation as the applicants are serving for about 10-15 years in the same establishment i.e. Atomic Minerals Division. Therefore the regularisation of the members of the association ought to have been done long back but to deny the

regular service benefit by the respondents to the members of the association the authorities never initiated any action for regularisation. In this connection it may be stated that during 1987 76 casual workers were invited for interview for the Group ^D posts but not a single casual worker was absorbed against any Group D vacancy during 1989 although 76 members of the association was appeared. Again in the year 1991 the respondents invited the casual workers for interview for the post of Helper but not a single casual work is regularised even for the post of helper and for the post of Mali. 6 casual workers were inveted for interview at Hyderabad from North Eastern Region but not a single casual worker was appointed to the post of Mali but all the posts were filled up from the casual workers all other regions and from the headquarter office. Therefore the interview is nothing but farse in the establishment of Atomic Minerals Division. Some documents/ circulars are annexed herewith for perusal of the Hon'ble Tribunal.

Copy of interview call letters dated 21.2.91, 21 3.91, 10.7.94, 10.7.95 are annexed as Annexures 25 7,8,9 and 10 respectively.

7. That the applicant further begs to state that immediately after filing of the Original Application before the Tribunal by the members of the Association the local authorities of the respondents have taken a very vindictive attitude towards the member of the

7/ 9

association and drastically reduced the pay and allowances of the applicants nearly 40/% of the total wages i.e. 8-10 days in a month in every month on the plea of circular issued by the headquarted dated 29.1.96 whereas there are official records where it is admitted by all the respondents that all the members of the afore-said association are entrusted on regular nature of job therefore the pleas now raised by the respondents after filing of the original application is not tenable in law and the same is being done with the sole intention to harass the members of the association who filed the original application before this Hon'ble Tribunal for redressal of their grievances.

A copy of the letter dated 14.2.96 through which the office offer dated 29.1.96 circulated are annexed herewith for perusal of the Hon'ble Court, as Annexure 11.

8. Under the facts and circumstances stated above the applications deserves to be allowed with costs.

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

I, Shri Nandan Shah, son of late Tara Shah,
resident of Nongmynsong, Shillong, General Secretary of
the Mineral Works Union, applicant in this O.A. 17/96
and am duly authorised by all the members of the Association
to verify this regjoinder to the aforesaid O.A. and declare
that the statement made in this regjoinder are true to my
knowledge and belief.

I, sign this verification on this the 16 day
of ~~July~~ ^{Sept}, 1996.

Nandan Shah
~~Shah~~ Signature
General Secretary

North Eastern Regional Atomic
Minerals Workers Union,
(Regd. No. 79)
Nongmynsong, Shillong- 793011

Annexure-1

Government of India
Department of Atomic Energy
Atomic Minerals Division

Begumpet,
Hyderabad-500016

Ref : AMD-66/3/87-Vig./19148 October 3, 1989

Sub : Revision of wages of casual workers where the nature of work entrusted to the casual workers and regular employees is the same.

It has been decided with the approval of the Competent Authority in A.M.D. to revise the rates of daily wages of casual workers in A.M.D. and its regions, with effect from 1.10.89 in cases where the nature of work entrusted to them and regular employees is the same, as under :-

Categorie	Rates of daily wages	Basis
Highly skilled	Rs. 31.67 per day	1/30 of Rs. 950/-
Skilled and semi-skilled	Rs. 25.84 per day	1/30 of Rs. 775/-
Unskilled	Rs. 25.00 per day	1/30 of Rs. 750/-

2. In addition to the above basic rates, D.A. @ 1/30th as admissible on Rs. 950/-, Rs. 775/- and Rs. 750/- from time to time will also be paid.

3. The Regional Directors are, therefore, requested to identify the casual workers who do the same work as that of a regular employee and implement the above orders.

4. Regional Directors are also requested to furnish monthly returns of casual workers who are paid wages as per para 1 above to APB (R), Hyderabad so as to reach him on or before the 15th of every month.

5. The above category of casual workers are to be engaged for work of 8 hours a day (indlucing 1/2 hour lunch break). They are eligible for one paid weekly 'Off' after six days of continuous work. The rate for such weekly 'Off' will be the same as above.

Contd...

Approved
Oblen
Adv

74.
42

6. The payment to the casual workers should be restricted only to the days on which they actually perform duty with a paid weekly 'Off' as mentioned at para(5) above when they perform 6 days of continuous week. They will, however, in addition, be paid for National Holiday, if it falls on a working day for the casual workers.

7. In cases where the work done by a casual workier is different from the work ~~done~~ by a regular employee, the casual worker may be paid only the minimum wages notified by the Ministry of Labour or the State Government/Union Territory whichever is higher as per the existing practice.

Sd/-

Chief Administrative & Accounts Officer

To

All Regional Directors

Attched
C. P. K.
Adv

-16-

75
93

Annexure-5

Government of India
Department of Atomic Energy
Regional Centre for Exploration & Research
Atomic Minerals Division
North Eastern Region

AMD Complex,
P.O. Assam Rifles
Shillong-11

No. AMD/NER/5(1)/88-Adm/168

Dated 09.1.92.

OFFICE ORDER

Regional Director, NER has approved the payment of D.A. at the rate of Rs. 25/- per day in addition of basic rate i.e. Rs. 25/- per day w.e.f. 01.11.91, for 76 labourers (list enclosed) who are deployed against regular nature of Job.

All Controlling Officers of the Units/Sections are requested to prepare Master Roll for labour wages according to the above rate. One paid weekly off also be given after six days of continuous work.

Enclo 4 As above

Sd/- J.P.Tiwari
Asstt. Personnel Officer

Accepted
On 12/1/92
J.P.

Government of India
Department of Atomic Energy
Atomic Minerals Division
North Eastern Region

AMD Complex
P.O. Assam Rifles
Shillong

No. AMD/NER/5(1)/88-Admn/

Dt. 18.9.1992

OFFICE ORDER

Sanction is hereby accorded for payment of revised rates of daily wages as under to the 25 casual workers listed in the enclosed annexure with effect from 01.08.1992.

Category	Rate of Daily wages	Basis
Skilled/ Semi skilled	Rs. 25.84 per day	1/30th of Rs. 775/-
Undkilled	Rs. 25/- per day	1/30th of Rs. 750/-

In addition to the above basic rates, D.A. @ 1/30th as admissible on Rs. 775/- and Rs. 750/- from time to time will also be paid

Enclo : As above

Sd/- R.K.Gupta
Regional Director

Sub Pay Officer
AMD NER Shillong

Copy to : Asstt. Personnel Officer (B) AMD, Hyderabad-
with a ~~xxxxxx~~ list of casual employees who have
been granted revised rates of daily wages for
information and needful.

Sd/- R.K.Gupta 18.9.92
Regional Director

Attested
Chh
Adv

Government of India
Department of Atomic Energy
Atomic Minerals Division
North Eastern Region

AMD Complex,
PO: Assam Rifles,
Shillong-11

No. AMD/NER/XXCL/93-Adm. /4968

Date: 19.9.95

PERIODICAL INCREMENT CERTIFICATE

1. Name : Shri Surendra Prasad Sah
2. Designation : Casual Labourer (T.S.)
3. Division : WDR 300
4. Scale of pay of post : 750-12-870-14-940
5. Date from which present pay is drawn : 01.09.1994
6. Present Pay : 762/-
7. Date of present increment : 01.09.1995
- Future Pay : 774/-
9. Details of leave availed : 33 days 5.5.95 to 6.6.95 with pay
6 " 25.8.95 to 30.8.95 "

10. Details of leave which have :
the effect of postponing
the increment

(A.B.K. Rao)
Assistant Personnel Officer

The Sub-Pay Officer,
NER, AMD, Shillong

Copy for information to Shri Surendra Prasad Sah, CL/TS WDR -300

(A.B.K. Rao)
Assistant Personnel Officer

Attended
Chitra
ADV

Government of India
Department of Atomic Energy
Atomic Minerals Division
North Eastern Region

19- Annex-6 (b)
10/26

AMD Complex,
PO: Assam Rifles,
Shillong-11

No. AMD/NER/2/XCL/74/93-Adm.

Date: 15.09.95

PERIODICAL INCREMENT CERTIFICATE

1. Name : Shri Pale Singh
2. Designation : Casual Labourer (on T.S.)
3. Division : VOL 35 3
4. Scale of pay of post : 750-12-870-14-940
5. Date from which present pay is drawn : 01.09.1995
6. Present Pay : 762/-
7. Date of present increment : 01.09.1995
8. Future Pay : 774/-
9. Details of leave availed :

3 days	9.1.95 to 11.1.95	with pay
4 "	2.2.95 to 5.2.95	"
4 "	8.3.95 to 11.3.95	"
2 "	17.3.95 to 18.3.95	"
5 "	5.8.95 to 9.8.95	"
10. Details of leave which have the effect of postponing the increment :

1 day on 19.3.95	Leave without pay
15 days 17.4.95 to 1.5.95	"
23 " 20.5.95 to 11.6.95	"

sd
(A.B.K. Rao)
Assistant Personnel Officer

The Sub-Pay Officer,
NER, AMD, Shillong

Copy for information to Shri/D~~XXXXXXXXXX~~ Pale Singh CL/TS Vol 35 3

Annex 6
(A.B.K. Rao)
Assistant Personnel Officer

*Attested
Order.
sdv*

Government of India
Department of Atomic Energy
Atomic Minerals Division
North Eastern Region

AMD Complex,
PO: Assam Rifles,
Shillong-11

No. AMD/NER/EXCL/71/93-Adm. /4913

Date: 18.9.95

PERIODICAL INCREMENT CERTIFICATE

79
-43

1. Name : Shri Nityananda Deb
2. Designation : Casual Labourer (T.S.)
3. Division : Proj Mahadeks
4. Scale of pay of post : 750-12-870-14-940
5. Date from which present pay is drawn : 01.09.1994 22 ০৯/০৯/৯৪ (২২/০৯/৯৪) Rs=1998
6. Present Pay : 762/-
7. Date of present increment : 01.09.1995 22 ০৯/০৯/৯৫ (২২/০৯/৯৫) Total Rs=2210
8. Future Pay : 774/-
9. Details of leave availed : 1 day 16.2.95 with pay
2 days 20.3.95 to 21.3.95 "

10. Details of leave which have the effect of postponing the increment

AMD Complex,
PO: Assam Rifles,
Shillong-11

PERIODICAL INCREMENT CERTIFICATE

(A.B.K. Rao)
Assistant Personnel Officer

The Sub-Pay Officer,
NER, AMD, Shillong

Copy for information to Shri/ ৯৫/৯৫/কুম/ Nityananda Deb, CL/TS Proj Mahadeks

(A.B.K. Rao)
Assistant Personnel Officer

Assd
Dhru
Adv

-21- Annex 6(a) 6-(d)

(8)

Government of India
Department of Atomic Energy
Atomic Minerals Division
North Eastern Region

AMD Complex,
PO: Assam Rifles,
Shillong-11

No. AMD/NER/2XX CL/77/93-Adm

Date: 18.09.1995

PERIODICAL INCREMENT CERTIFICATE

1. Name : Shri Qual Singh -79
2. Designation : Casual Labourer (T.S.)
3. Division : Vol 35 3
4. Scale of pay of post : 750-12-870-14-94
5. Date from which present pay : 01.09.1994
is drawn
6. Present Pay : 762/-
7. Date of present increment : 01.09.1995
8. Future Pay : 774/-
9. Details of leave availed : 4 days 13.3.95 to 16.3.95 with pay
10. Details of leave which have :
the effect of postponing
the increment

Sd/-
(A.B.K. Rao)
Assistant Personnel Officer

The Sub-Pay Officer,
NER, AMD, Shillong

Copy for information to Shri/Qual Singh CL/TS Vol 35 3

Amr cu
(A.B.K. Rao)
Assistant Personnel Officer

Attest of
Qual
Adv

-22- Annex-6 (R)
(81)

Government of India
Department of Atomic Energy
Atomic Minerals Division
North Eastern Region

AMD Complex,
PO: Assam Rifles,
Shillong-11

Date: 15.9.95
18

No. AMD/NER/CL/113/93-Adm. 865

PERIODICAL INCREMENT CERTIFICATE

1. Name : Shri All — 73
2. Designation : Casual Labourer (T.S)
3. Division : Vol-35(3), D/ Unit
4. Scale of pay of post : 750-12-870-14-940
5. Date from which present pay is drawn : 01.09.1994
6. Present Pay : 762/-
7. Date of present increment : 01.09.1995
8. Future Pay : 774/-
9. Details of leave availed :

2 days	8.2.95 to 9.2.95	With pay
4 "	13.2.95 to 16.2.95	"
1 day on	25.2.95	"
3 days	9.4.95 to 11.4.94	"
3 "	21.7.95 to 23.7.95	"
5 "	5.8.95 to 9.8.95	"
10. Details of leave which have :
the effect of postponing
the increment

sd
(A.B.K. Rao)
Assistant Personnel Officer

The Sub-Pay Officer,
NER, AMD, Shillong

Copy for information to Shri/XXXXXXXXXX All CL/TS Vol 35.3

Annex 1119
(A.B.K. Rao)
Assistant Personnel Officer

*Attended
by
Adv*

Annexure-87

Government of India
Department of Atomic Energy
Atomic Minerals Division
North Eastern Region

REER, AMD COMPLEX
P.O. Assam Rifles
Shillong-793011

No. AMD/NER/1(56)/91-Adm.

Dt. Feb 21, 1991

Sub : Recruitment to the post Helper "A" - Reg.

All officers concerned are requested to sponsor the names of Casual Labours, who have been working intermittently over a period of Five (5) years or more in the AMD establishment for considering their eligibility for the post of Helper "A". Watchmen in the workcharged establishment may also apply for consideration to the post of Helper "A".

The names of casual labours and watchmen should in any case reach the Regional Headquarters, Shillong on or before 11.03.1991. Before forwarding the names the concerned officers must ensure about the period of work as specified above.

Sd/- KKK Singh, 21.1.91

ASSTT. PERSONNEL OFFICER

1. The Project Manager, Domiasiat Uranium Mining Project, NER.
2. The Dy. Project Manager, Project Mahadeks/Assam-Nagaland-Mizoram/Atunachal Pradesh, NER, AMD.
3. The Incharge, Garo Hills Investigations, AMD, NER.
4. The Officer-in-Charge, Chem. Lab./Phy. Lab./Pet Lab., NER.
5. The Co-ordinator, Drilling Units, NER, AMD, Shillong.
6. The Officer incharge, WDS-300(1)/WDS-300(2)/VOL-35(3)/HC-28(5)/WDR-300/LT-325(3)/GD-35 S(3) D/Units.
7. The Security Officer/Asstt. Security Officer, AMD-Complex/Drilling Units NER.
8. The Incharge, Engg. Service Group, NER, AMD, Shillong.
9. Admin./Accts./Stores Section.

Attested
Chhula
Adm

Annexure-8

Government of India
Department of Atomic Energy
Regional Centre for Exploration & Research
Atomic Minerals Division
North Eastern Region

AMD Complex
PO Assam Rifles
hillong-793011

No. AMD/NER/a(56)/91-Adm/1622

Dt. 21/25.03. 1991

M E M O R A N D U M

It is proposed to hold an interview for the post of Helper'A' in this office on 04.04.1991 at 10.00 hrs.

Shri Kuldip Rai is therefore requested to report in this office at the above mentioned address on the date and time shown above for an interview. He is also advised to present himself for the interview along with Original Certificates/documents, if any, in support of this date of birth, educational qualifications, experience, case certificate in case of SC/ST etc.

He should also furnish at the time of interview the full details/particulars, as per the proforma enclosed herewith, which should be got certified by the respective controlling officers under whom presently he is working.

No request for postponement of the date/time of interview will be entertained.

SD/- KKK Singh 22.08.91
Asstt Personnel Officer

To
Shri Kuldip Rai
S/o Ismi Rai

(Through R & M Cell, NER)

*Attended
C. K. Singh
22/8/91*

132

Annexure-9

Government of India
Department of Atomic Energy
Atomic Minerals Division

1-10-153-156
Begumpet
Hyderabad-500 016

~~October~~
~~December~~ 7, 1994

No. AMD-1/24/94-Admn.IV.

Sub : Interview for the post of Mali 'A'

With reference to your application for the post of Mali 'A' you are requested to report to the Assistant Personnel Officer, Admn. IV, AMD Complex, Begumpet, Hyderabad-500 016, on 01.11.1994 (Tuesday) at 10.00 AM for interview for section to the post of Mali 'A'.

TA is admissible for candidates from outstations in respect of Casual Labours for the journeys in excess of initial 250 Kms. on each of the outward and return journeys wherever train service is not there ordinary bus fare will be paid. You are required to bring all original certificates in support of Education Qualifications/Date of Birth/Caste Certificate (in case of SC/ST) and produce at the time of interview.

Sd/- Illegible 10.10.94

Shri Kuldip Rai (5042)
Casual Labour
Through RD,NER
AMD, Shillong

Accepted
@ Shillong
Sd/-

CALL LETTER

Annexure-10

Government of India
Department of Atomic Energy
Atomic Minerals Division

AMD Complex,
Begumpet,
Hyderabad-16

No.AMD-1/21/94-Adm.IV

Dt July 10, 1995

Sub : Trade Test/Interview for the post of TRADESMAN-A
(Plumbing) in A.M.D.

With reference to your application for the post of TRADESMAN-A (Plumbing), you are requested to report to the Assistant Personnel Officer, Administration-IV, AMD, Hyderabad for Trade Test/Interview as per the programme given below :

Date	Time	Subject	Venue for interview
02/08/1995	0930hrs.	TRADE TEST	ATOMIC MINERALS DIVISION 1-10-153-156, BEGUMPET HYDERABAD-500016
02/08/1995	1400 hrs.	INTERVIEW	

2. Deleted

with

3. You are required to bring/you all original certificates in support of Academic/Technical qualifications, Date of Birth, Caste, Experience etc. In case you fail to bring the required certificates, you will not be allowed to appear for the Trade Test/Interview.

4. TA is admissible to appear for the trade test/Interview in respect of regular employees without halting allowance. Casual labourers will be eligible for T.A. for the journeys in excess of initial 250 kms. on each of the outward and return Journey.

5. No request for postponement of the date of trade test, interview will be entertained under any circumstances.

Sd/- KKK Singh 14.7.1995
Assistant Personnel Officer

To
Shri Nandan Shan, Casual Labourer
Through : RD, NE^R, AMD, Shillong

Attested
by
[Signature]
[Signature]

Government of India
Department of Atomic Energy

Anushakti Bhavan,
C.S.M. Marg,
Mumbai - 400 039

DOA:1/1(5)/91-303/05

January 29, 1996

OFFICE MEMORANDUM

Subject: Regulation of paid weekly off
for casual labourers.

It has been brought to the notice of this Department that some of the units are not following the guidelines issued by the Department of Personnel & Training in the matter of regulation of paid weekly off to the casual labourers engaged in various units. DPT vide its O.M.No. 49014/2/93-Att.(U) dated July 12, 1994, has clarified at item 5 therein that since the facility of paid weekly off is admissible after 6 days of continuous work, this would not be admissible to casual employees working 5 days in a week in offices observing a five day week. In other words, offices observing a five day week would not have to give a paid weekly off.

2. In this context, it is noted that some of the Administrative Offices of this Department observing a 5 day week are employing casual labourers during the intervening holidays and/or for a 6th day, though it is a closed holiday, just to allow them the paid weekly off on the 7th day. This system passes on unintended wages to the casual labourers not only for the 6th day (i.e. a holiday) but also entitles them to a paid holiday. The very idea of a casual labourer is that he is hired only when needed and to the extent needed and it is not a regular and continuous employment. Depending on need, a casual labourer should be hired for a specified number of days at a time and not on a continuing basis.
3. All the Administrative Heads of units are therefore, requested to keep in view the above clarification while engaging casual labourers.
4. All Pay and Accounts Officers will ensure that all claims are regulated strictly in accordance with the Govt. of India's instructions on the subject issued from time to time.
5. This issues with the approval of the Competent Authority.

Sd/-
(P.K.M. Kurup)
Under Secretary to the Govt. of India