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CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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SECTION OFFICER (Judl.)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

OA No. 176196

Sri B. Chakrabarty & A.P.S. Applicant(s)

VS-

Union of India & Ors. Respondent(s)

Mr. R.P. Sarma Advocates for the applicant(s)
A.K. Roy

Mr. A.K. Choudhury Advocates for the Respondent(s)

Office Notes	Date	Courts' Orders
<p>This application is in form and within time C. F. of Rs. 50/- deposited vide IPO/BD No 346647 Dated ... 8.8.96 ...</p> <p><i>R. Sarma</i> Dy. Registrar. 22/8</p>	27.8.96	<p>Learned counsel Mr. A.K.Roy for the applicants.</p> <p>Mr. A.K.Choudhury, learned Addl.C.G.S.C. for the respondents.</p> <p>Heard Mr. Roy and Mr. Choudhury for admission. This application has been submitted by the applicants under Section 19 of the Administrative Tribunals Act, 1985. They have prayed permission to file the application jointly in one single application under 4 (5) (a) of the Central Administrative Tribunal Procedure Rules, 1987 as they have the same cause of action and relief. Considered the prayer and they are permitted to submit this application jointly in terms of the aforesaid rule.</p> <p>Perused the contents of the application and relief sought and after hearing the counsel of the parties I am of the opinion that this application needs not be admitted for scrutiny and decision and it is to be disposed of with the following directions:</p> <p>The applicants are directed to submit fresh representations separately to the competent authorities of the respondents within one month from today stating the facts of their respective cases clearly and requesting the respondents to consider for</p>

28.8.96

Copy of the order issued to the parties vide along with the parties counsel vide D. No. 2884 to 2889 of 29.8.96

Rh
28/8

27.8.96 regularisation of their services in terms of the Office Memorandum No. 51016/2/90-Estt. (C) dated 10.9.93 (Annexure-C) and Office Memorandum No. 23/Rectt.(G)/94-336 dated 28.1.94 (Annexure-A). Further, the competent authorities of the respondents shall consider and dispose of the representations of the applicants on merit keeping in view the Office Memorandum No. 5016/2/90-Estt(C) dated 10.9.93 and Office Memorandum No. 23/Rectt.(G)/94-336 dated 28.1.94 aforesaid and the relevant facts pertaining to the service of the applicants. The final order should be communicated by them to the applicants within 3 months from the date of receipt of the ^{fresh} representation if any submitted by the applicants.

The application is disposed of in terms of the above order. No order as to costs.

Copy of the order be supplied to both the counsel of the parties.

The order dated 27.8.96 be supplied to the both parties.

M 27/8/96

trd

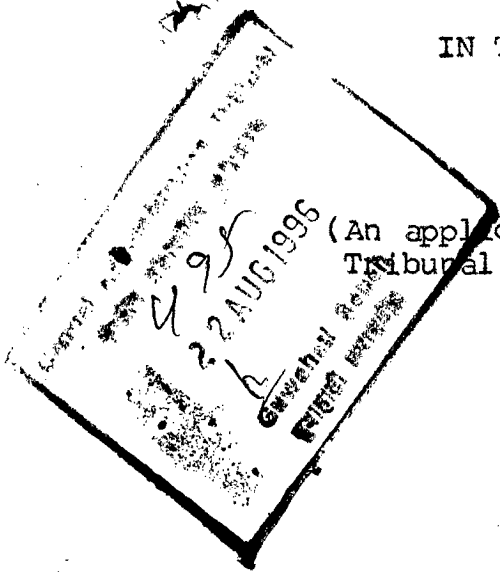
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27-8-96
Member

27/8.

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH : GUWAHATI



(An application under Section 19 of the Administrative Tribunal Act 1955) ▲

O. A. No. 176 /1996.

Shri Byomokesh Chakraborty & Ors.

..... Applicants

- Versis -

Union of India & Ors.

..... Respondents.

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Filed by :

(A.K. Ray)
Advocate.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH : GUWAHATI

Filed by the applicants
through -
A. K. Roy, A.
Advocate

(An application under Section 19 of the Administrative Tribunal Act 1985)

- BETWEEN -

1. Shri Byomok esh Chakraborty
 2. Shri Phani Bhusan Mandal
- both are working as Contingency paid Chowkider, subsidiary Intelligence Bureau, Silchar.

.... Applicant.

- AND -

1. Union of India, represented by the Secretary to the Govt. of India, Ministry of Home affairs, New Delhi.
2. Director, Intelligence Bureau, North Block, New Delhi-110001.
3. Joint Director, Subsidiary Intelligence Bureau, Guwahati.

.... Respondents.

1. Order against which this application is made :-

That, this application is made due to illegal and unjustified action of the respondents in

Cont 2.

not regularising the service of the applicants as per the provisions as contained in the Memorandum under No. 23/RECTT(G)/94/336 dated 28-01-94 and also by not implementing the Scheme framed by the Govt. of India, Ministry of Personnel, P.G. and Pensions, Department of Personnel and Training vide Office Memorandum No. 51016/2/90-Estt(C) dated 10.09.93.

2. Jurisdiction :-

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

3. Limitation :-

That, the applicants also declares that this application is made within the limitation period as mentioned under Section 21 of the Administrative Tribunal Act 1985.

4. Facts of the Case :-

(a) That, the applicants are citizen of India and hence is entitled to all the rights, protections and privileges as guaranteed by the Constitution of India. The applicants also states that the cause of action of both the applicants ~~are~~ are same, and individually they are not able to conduct the case and hence craves the leave of this Hon'ble Tribunal to file the application jointly.

(b) That, the applicant No.1 was engaged as Contingency paid Chowkider on 1.7.86 in the Office of Subsidiary Intelligence Bureau, Silchar and the applicant No.2 was engaged as Contingency paid Chowkider on 11.9.87 in the said Office. Since, their joining, both the applicants are continuously working in the said Office till date with satisfaction to all Concern.

(c) That, the applicants state that Intelligence Bureau Head quarter, New Delhi issued one guide line under O.M. No. 49014/4/90-Estt(C) dated 8.4.91 for regularisation of Casual workers who were engaged before 7.6.88 and were in service on the date of issue of the said Office Memorandum. Following the said guide lines^{or} the Memorandum dated 8.4.91, a number of Casual worker of several units of SIB were regularised, but the case of these applicants, though they were eligible for regularisation, were not considered. On 28.1.94, the Intelligence Bureau, New Delhi, again issued another Memorandum under No. 23/RECTT(G)94-336, wherein it has been specially stated for regularisation of those Casual workers who were recruited before 7.6.88 and were working on the date of issuing of O.M. No. 49014/4/90-Estt(C) dated 8.4.91. It has also been clearly mentioned that even if the Casual labourers were recruited otherwise then through Employment Exchange and had crossed the maximum age limit prescribed for the post, may also be considered for regularisation.

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(d) That, the applicants state that as they were not recruited through Employment Exchange their case were not considered for the first time and the same were referred to the Intelligence Bureau Head quarter, New Delhi alongwith many other names. After, considering all the facts and circumstances, the Intelligence Bureau, New Delhi, exempted the same and directed to consider the cases of those Casual workers as it reveals from the Memorandum dated 28.1.94.

One copy of the said Memorandum dated 28.1.94 is annexed herewith as

ANNEXURE - 'A'.

(e) That, the applicants state that though the above mentioned Memorandum passed on 28.1.94, where by the services of the applicants are required to be considered for regularisation, the respondents have not taken any steps for the same, though it is fact that a number of junior Casual workers have already been regularised after the issuance of Office Memorandum dated 8.4.91. Being aggrieved the applicants submitted several representations from time to time to several authorities, but no response has been made till date and even no reply has been sent to the applicants.

Some copies of the representations are annexed herewith as ANNEXURE - 'B' Series.

(f) That, the applicants state that Ministry of Personnel, Public Grievances and Pensions, Department of Personnel and Training, Govt. of India framed one scheme for granting temporary status and regularisation and circulated the same through Office Memorandum No. 51016/2/90-Estt(C) dated 10.9.93, wherein it is contended that all Casual labourers who are in employment on the date of issue of this Memorandum and who have rendered continuous service of at least one year are ~~entitled~~ entitled to get temporary status and after rendering three years continuous service ^{after} conferment of temporary status, are entitled to be regularised. Hence, as per the said scheme the applicant are entitled to get temporary status and also to be regularised on the ground, as they completed more than eight years of continuous service, moreover, when their junior persons have already been regularised in the service.

One copy of the said Memorandum dated 10.9.93 alongwith the scheme is annexed herewith as ANNEXURE - 'C' Series.

(g) That, the applicant state that the said scheme has been framed and given effect to on the basis of the judgement dated 16.2.90 passed by the Central Administrative Tribunal, Principal Bench in the case of Raj Kamal & Ors, ~~vs~~ -Vs- Union of India. As per the said judgement of Principal Bench and Scheme framed by the Govt. of India, as the ~~applicant~~

applicants come within the ambit of consideration, the respondents can not avoid their liability and they are duty bound to implement the same in the ~~ex~~ case of applicants also. But, instead of doing same, there is a move to deprive the applicants by removing them from service.

(h) That, the applicants state that otherwise also as the applicants have rendered more than 8 years continuous service in the same capacity, the respondents are duty bound to consider them for regular appointment on the basis of several judgement of the Apex Court of the land, but it is only due to the negligence of the respondents^{no.3,}, they are still laying in a hanging position, whereas a number of junior casual labourers of several units has already been regularised in the services.

(i) That, the applicants state that although, they have^{made} several representation to the Competent authority, no response has been made from any corner and hence they approach this Hon'ble Tribunal to get justice.

(j) That, the applicants state that the action of the respondent by not regularising the service of the applicants on the basis of the Memorandum dated 28.1.94 issued by the Intelligence Bureau, Ministry of affairs and also the scheme

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issued on 10.9.93, the respondents are doing continuous work and hence this Hon'ble Tribunal may interfere in this case for the ends of justice.

5. Ground for Relief :-

(a) For that, as the applicants have been working continuously for more than 8 years in the same capacity and as they have crossed the maximum age limit, the respondents are duty bound to consider them for regularisation in service, moreso, when their juniors have been regularised.

(b) For that, as per the Memorandum dated 28.01.94 issued by the Intelligence Bureau, New Delhi, the applicants are entitled to be regularised and hence respondents inaction in this matter are not sustainable in the eye of law.

(c) For that, as the Govt. of India has ~~xxx~~ framed a scheme for granting temporary status and regularisation of service to the casual workers, the respondents are liable to implement the same without taking any unreasonable plea and they cannot avoid their responsibility.

(d) For that, as the Supreme Court passed several verdicts in several cases that an ad-hoc or temporary employee ~~xxx~~ who continued for a fairly long spell, the authority must consider his case for regularisation.

X(e) For that, the state should not exploit its employees nor it should seek to take advantage of the helpless and misery of either the unemployed persons or the employees and it must be a model employer as per the Directive Principal of State Policy.

(f) For that, due to the action of the respondents, in not regularising the service of the applicants, their valuable right as has been guaranteed under Article 14, 16 and 21 of the Constitution of India has been grossly violated and hence same is not maintainable in the eye of law.

(g) For that, at any rate, the action of the respondent is not sustainable in the eye of law.

6. Details of Remedies Exhausted :-

That, the applicants state that they have taken re-course to all the remedies available to them but they failed to get justice and there is no other alternative remedy open to them and hence this application before this Hon'ble Tribunal.

7. Matters not previously filed or pending before any Court :-

That, the applicants further declare that they have not previously filed any application, Writ Petition or Suit regarding the matter in respect of

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which this application is made, before any Court, authority or any other Bench of this Hon'ble Tribunal nor any such application, Writ Petition or Suit is pending before any of them.

8. Relief Prayed for :-

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

- (i) To direct the respondents to regularise the services of the applicants as per the Memorandum No. 23/RECTT(G)/94-336 dated 28.01.94.
- (ii) To pass any other further order/orders as your Lordships may deem fit and proper.
- (iii) Cost of the application.

9. Interin Relief Prayed for :-

Under the facts and circumstances, the applicants pray for a direction to the respondents not to remove the applicants from service till the ~~disposal~~ disposal of this application.

10. _____

Be.

11. Particulars of the Indian Postal Order :-

1. Indian Postal Order No. :- 09346647
2. Dated :- 5-8-96
3. Payable at :- Guwahati

12. List of Enclosures :-

As stated in the Index.

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

I, Shri Phani Bhusan Mandal, Son of Jyotish Chandra Mandal, aged about 34 years, residing at Kanakpur Part II, Radhav Madhav College Road, Silchar-6, under District - Cachar (Assam) do hereby verify and state that the statements made in paragraphs 1 to 9 and 11, 12 of the application are true to my knowledge and I have not suppressed any facts relevant to this case.

And I sign this verification on this the 7th day of August 1996.

Phani Bhusan Mandal

Signature of the Applicant.

Dated :

Place :

No. 23/RECTT(G)/94 336
INTELLIGENCE BUREAU
(Ministry of Home Affairs)
Government of India.

NEW DELHI, THE

M E M O R A N D U M

Ministry of Personnel, PG&Pensions, Department of Personnel & Training have, vide their OM No.51016/2/90-Estt(C) dated 10-9-1993(copy circulated to all the outstation units vide IB Hqrs., Memo.No.1/SO(C)/88(11)-1702 dated 4-11-1993) conferred temporary status w.e.f.01-09-1993 on all casual labourers in employment in the offices of Govt. of India who have, inter alia, rendered a continuous service of atleast one year, which means that they must have been engaged for a period of atleast 240 days (206 days in the case of offices observing 5 days week).

While issuing order for conferring temporary status to the eligible casual workers working in your SIB, it may please be ensured that there is no more engagement of full time casual workers for attending to work of regular nature as there is a complete ban on engagement of full time casual workers as per the OM No.F.No.49014/2/86-Estt(C) dated 7-6-1988 of DOPT, circulated to all the outstation units vide IB Hqrs.Memo.No.23/RECTT(G)/92(1)dated 06-11-1992. The services of casual workers recruited before 7-6-1988 and who were in service on the date of issue of OM No.49014/4/90-Estt(C) dated 8.4.1991 (copy circulated to all the outstation units vide Memo.No.5/SO(C)/88(11)-689 dt. 07-05-1991) may be considered for regular appointment to Group 'D' posts lying unfilled in your SIBx/Units even if they were recruited otherwise than through employment exchange and had crossed the upper age limit prescribed for the post, provided they are otherwise eligible for regular appointment in all other respect. In this connection, contents of IB Hqrs., Memo No.23/RECTT(G)/91 dated 06-06-1991 may also please be kept in view while considering regularisation of such casual workers posted in your SIB. Casual workers recruited after 07-06-1988 are not eligible for regular appointment unless they have been recruited through employment exchange as sponsorship by the employment exchange is the basic and essential condition for recruitment under the government. They should also fulfil the educational qualification prescribed for the post and should be within the age group on the date of engagement. If any contraventions are noticed, responsibility should be fixed on the persons who authorised such a contravention.

In order to monitor that no more engagement of full time casual workers takes place in the SIBx/IB Hqrs., it is requested that the list (containing full bio-data) of those full time casual workers left in your SIB after conferring temporary status to eligible casual workers may kindly be sent to AD(Admn.)/SO (Admn) at IB Hqrs., immediately.

A list of eligible casual workers (alongwith their bio-
/who data), posted in your IB have been conferred the temporary status
in terms of DP&T OM No.51016/2/90-Estt(C) dated 10-9-1993 may
also kindly be sent to AD(CC)/SO(CV)Branch at IB Hqrs, urgently
for record.

Data in respect of casual workers who have been granted
temporary status and those left out be computerized to keep
effective check in this regard.

T. S. NEGI
5371194
(T.S.NEGI)
Assistant Director/G

To

1. Incharge all Outstations Units. *AD Silchar*
2. AD(Admn)/SO(Admn), IB Hqrs - For keeping a check that no more
engagement of full time casual workers takes place at
IB Hqrs, in view of the complete ban imposed by the Govt.
on such engagement. These instructions should also be
brought to the notice of all the Building Incharges at
IB Hqrs. as also SO(Stores), Technical Wing of the IB
etc., so that no violation of these instructions takes
place in future. He may also physically visit each
building to impress upon each building incharge to ensure
compliance of these instructions.
3. AD(C)/SO(CV) IB Hqrs - It has been decided that CV Branch
will maintain record of all eligible full time casual
employees posted at IB Hqrs, and outstation units who
have been conferred the temporary status in terms of DP&T
OM referred to above and ensure that their number does not
increase at all.
4. AD(Computer), IB Hqrs., New Delhi.
5. AD(Accounts)/SO(Cash-I) IB Hqrs., New Delhi.

Copy for favour of information to:-

1. S.D.(T)
2. A.X.(E)
3. D.D.(G)

6248
TS/-*

Attested by
Advocate
7.8.96

T. S. NEGI
5371194
Assistant Director/G

To,
The Joint Director,
Subsidiary Intelligence Bureau
Ministry of Home Affairs
Government of India,
Guwahati.

Through Proper Channel.

Subject : Regularisation of the services of contingency paid Chowkidar- Shri Byomokesh Chakraborty, S.I.B, Silchar.

Sir,

With due respect and humble submission, I beg to lay the following few lines for favour of your kind and sympathetic consideration.

That Sir, I was appointed as a full time contingency paid Chowkidar at SIB, Silchar on July 1st 1986.

That Sir, since my appointment of this SIB, I have been continuously working at this SIB with my utmost devotion and sincerity and with entire satisfaction of my superior Officers.

That Sir, though I have more than 6 years continuous service at this organisation unfortunately my service has not been regularised so far.

That Sir, it is reliably learnt that services of a member of my junior contingency paid chowkidar of SIB, Shillong at Guwahati have been regularised long back and my case was ignored as my name was not sponsored by the Employment Exchange at the time of my appointment.

That Sir, Had I been asked to do so it would have not been difficult on my part as my name was Registered in the Employment Exchange, Karimganj vide No. 1948/88, dated 3.5.86.

That Sir, it was further learnt that ~~xxx~~ cases like me were referred to ~~X~~IB Hqrs. by SIB, Shillong for exemption in our cases and IB Hqrs accordingly exempted our cases with instruction not to appoint any person in future without sponsorship of Employment Exchange.

That Sir, though more than a year now IB has sent its clearance in our cases, our cases have not been regularised till date.

That Sir, as you know, we are the lowest paid employees of Central Govt. and are just pulling on with this meagre income at these days of economic crisis. Had there been our service regularised we would have been enjoying other facilities like Medical leave,

travel concesession etc. as enjoying by other Central Govt. employees.

That Sir, I can not k now go for another job also as I have already crossed the age bar for Govt. servicé.

I would therefore, request your honour to be kind enough to look into my case personally and pass the necessary orders so that my service has been regularised with immediate effect and for which act of kindness, I shall cherish your sweet name ~~xxxx~~ throughout memory.

Thanking you Sir.

Yours faithfully,

Sd/-

(BYOMOKESH CHAKRABORTY)
Contingency paid Chowkidar, Silchar

Dated : Silchar, 7th Sept. 1992.

Attested by
Advocate
7.8.96.

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ANNEXURE - B/2.

To,
The Joint Director,
Subsidiary Intelligence Bureau,
Ministry of Home Affairs,
Government of India,
Guwahati.

Through Joint Assistant Director, SIB/Silchar.

Subject : Request for early payment of D.A. Arrears
w.e.f. 1.7.92 and 1.1.93 and Bonus for
1991-92 in respect of contingency paid
Chowkidar Shri Byomokesh Chakraborty.

Sir,

I have the honour to state that the Dearness Allowance which has been increased w.e.f. 1.7.92 and again from 1.1.93 has not been paid to me so far although all other employees of SIB, Silchar have been paid the arrear and now being paid alongwith their pay. Similarly, the Bonus for 1991-92 has not been paid so far.

I would therefore, request your honour would be kind enough to look into the matter personally and ensure that the lowest paid employee of this SIB has been paid their due D.A. Arrears and Bonus for 1991-92 at an early date for which act of kindness I shall ever pray.

Thanking you,

Yours faithfully,

Dated : Silchar
the 24th June.1993.

Sd/-

(BYOMOKESH CHAKRABORTY)
Contingency paid Chowkidar, SIB/
Silchar.

*A Handled by
AKRang
Advocate
7.8.96.*

To,
The Joint Director,
Subsidiary Intelligence Bureau,
Guwahati.

Through Proper Channel.

Subject : Prayer for Regularisation of my Service.

Sir,

With due respect and humble submission, I beg to state the following few lines for favour of kind and sympathetic consideration.

That Sir, I was appointed as a full time Contingency paid Chowkidar at SIB/Silchar on 1st July, 1986 and since then I have been working in your esteemed Organisation with entire satisfaction of my superior Officers. But, as ill-luck would have it, although I have put in more than nine years of continuous service has not been regularised so far reason unknown to me. It may be mentioned here that I have submitted several representations during last two years in this regard but unfortunately neither my service has been regularised nor any reply has been communicated to me.

I like to mention here that services of a number of my junior colleagues of SIB, Shillong and Guwahati have been regularised about two years back keeping aside my case on the ground that my name was not sponsored by the Employment Exchange at the time of my appointment. However, subsequently, SIB, Shillong had referred our case to IB Hqrs. New Delhi who, in turn, had given exemption in our cases with reported instructions not to appoint any person in future without sponsorship of Employment Exchange.

Though the IB Hqrs. had sent clearance about two years back, I am at a loss to understand why my case has not been regularised so far and as a result I have been deprived of availing a number of facilities like Medical, LTC ect. as enjoying by other Central Government employees.

I would, therefore, once again request your honour to be kind enough to look into my case personally and ensure that my service has been regularised without further delay and for which act of your kindness, I shall remain ever grateful to you.

Thanking you,

Yours faithfully,

Sd/-

(Byomkesh Chakraborty)
Contingency paid Chowkidar, SIB/
Silchar.

Dated : Silchar,
the 13th Feb. 1995.

*Attached by
Chakraborty
Advocate
7.8.96.*

ANNEXURE - B/4.

To,

The Joint Director,
S.I.B. Guwahati.

Through J.A.D, S.I.B, Silchar.

Subject : Regularisation of services of contingency
paid Chowkidar Shri Byomokesh Chakraborty
of S.I.B, Silchar.

Sir,

Kindly refer to my various representations
and personal interview during your visit to Silchar on
1st October, 1995 on the subject cited above.

I would like to draw your kind attention
that I have neither received my confirmation orders
nor any communication to this effect so far.

I would therefore, request you to be kind
enough to look into my case personally and ensure that
my service has been regularised with any further delay
and orders conveyed to me forthwith.

I would also further, request your honour,
in-case my case is pending with IB Hqrs. for any clarifi-
cation etc. a reminder may kindly be issued to IB
Hqrs. for expediting the same without further delay
and for which act of kindness, I shall remain ever
grateful to you.

Thanking you,

Yours faithfully,

Sd/-

(Byomokesh Chakraborty)
Contingency paid Chowkidar, SIB/
Silchar.

Dated : Silchar,
the 22nd Dec. 1995.

*Attended by
A.K. Roy
Advocate.
7.8.96*

ANNEXURE - B/5.

To,
The Joint Director,
Subsidiary Intelligence Bureau,
Guwahati.

Through Proper Channel.

Subject : Prayer for Regularisation of my Services.

Sir,

With due respect and humble submission, I beg to lay the following few lines for favour of kind and sympathetic consideration.

That sir, I was appointed as a full-time Contingency paid Chowkidar on 11th September, 1987 and since then I have been working in your esteemed Organisation with entire satisfaction of my superior Officers. But as ill-luck would have it, although I have put in more than eight years of continuous service, my service has not been regularised so far reasons of which not known to me. It may be mentioned here that I have submitted several representation in this regard but, unfortunately neither my service has been regularised nor any reply has been communicated.

I like to mention here that services of a number of my juniors of SIB, Shillong and Guwahati have been regularised about two years back keeping aside my case on the ground that my name was not sponsored by the Employment Exchange at the time of appointment. However, subsequently, SIB, Shillong had referred our case to IB Hqrs. New Delhi who, inturn, had given exemption in our cases with reported instructions not to appoint any person in future without sponsorship of Employment Exchange.

Though the IB Hqrs. had sent clearance about two years back, my case has not been regularised so far and as a result I have been deprived of availing a number of facilities like Medical, LTC etc. as enjoying by other Central Government employees.

I would therefore, once again request your honour to be kind enough to look into my case personally and ensure that my service has been regularised without delay and for which act of your kindness, I shall remain ever grateful to you.

Thanking you,

Yours faithfully,

Sd/-

(Phani Bhusan Mandal)
Contingency Paid Chowkidat

Dated : Silchar
the 13th Feb. 1995.

Attended by
A. Roy
Advocate
7.8.96.

ADVANCE COPY

ANNEXURE - B/6.

To,
The Hon'ble Director,
Intelligence Bureau,
(Ministry of Home Affairs)
Government of India,
North Block,
New Delhi-110001.

(Through proper Channel)

Respected Sir,

I have the honour to make a bee-line to you on the following points for favour of your kind consideration and sympathetic orders.

1. REGULARISATION OF SERVICE

That Sir, on my first appointment, I joined your esteemed Organisation as a full-time contingency paid Chowkidar on 17th September, 1987 and since then I have been discharging my duties with entire satisfaction to my superior. As irony of fate would have it on my part, my service has so far ~~is~~ not been regularised ; reason of which is not known to me. I had submitted several representation in this regard during the last two years but unfortunately, neither my service has been regularised nor any reply has so far been communicated to me. Recently, (13.02.95) I had submitted a representation addressed to the Joint Director, SIB, Guwahati (Xerox copy enclosed) in this regard but till date I have not received any communication. It may not be out of piece to mention here that services of a number of my junior colleagues (Contingency-paid-Chowkidars) of SIB, Shillong and Guwahati have been regularised about two years back whereas my case was set aside on the plea that my name was not sponsored by the Employment Exchange at the time of appointment. Cases like me were referred to IB Hqrs. New Delhi by SIB, Shillong for exemption from this purview. Subsequently, IB Hqrs. New Delhi was kind enough and had given exemption to us, in this regard, with instructions not to appoint any person in future without sponsorship of Employment Exchange. In spite of sending clearance by IB Hqrs. New Delhi, cases like me are yet to be regularised as a result I have been divested of availing other facilities viz. Medical, LTC as enjoying by other Central Government employees.

OR

CONFERMENT OF TEMPORARY STATUS TO CASUAL WORKERS

Ministry of Personnel, Public Grievances & Pension, Department of Personnel and Training, Government of India vide their O.M.No.51016/2/90-Estt(C)

Cont ... 2.

dated 10.09.93 have conferred temporary status with effect from 01.09.93 on all casual labourers in employment in the Offices of Government of India who have inter-alia, rendered a continuous service of at least one year. The services of casual workers recruited before 7.6.88 and who were in service on the date of issue of O.M. No. 49014/4/90-Estt(C) dated 8.4.94 may be considered for regular appointment to Group 1 posts lying unfilled in your units even if they were recruited otherwise then through Employment Exchange and had crossed the upper age limit prescribed for the post, provided they are otherwise eligible for regular appointment in all other aspects. It may be mentioned here that no such order conferring temporary status has been issued to me till date.

II. PAYMENT OF AD-HOC BONUS

That Sir, from time to time I had been receiving ad-hoc bonus upto 1990-91 i.e. while this SIB had been under the administrative control of SIB, Shillong. But unfortunately, the payment of ad-hoc bonus, as admissible, has been withheld since 1991-92 by SIB, Guwahati for reasons best known to them whereas rules clearly say the casual labours who have worked for at least 240 days for each year for 3 years or more, will be eligible for this ad-hoc payment. Several times, I deputed for to SIB, Guwahati for release of ad-hoc bonus for the period 1991-92, 92-93 and 93-94 but nothing was communicated to me in this regard.

III. GRANT OF INTERIM RELIEF

That Sir, the Government of India vide Ministry of Personnel, Public Grievances & Pensions, Department of Personnel & Training, New Delhi vide their O.M.No. 49014/2/93-Estt(C) dated 9.3.94 have sanctioned Interim Relief @ Rs. 100/- p.m. with effect from 16.09.93 to casual employees also who are entitled to daily wages with reference to minimum of the pay scale for corresponding regular Group 'D' Official including DA. It is a sorry state of affair to mention here that the same has so far not been paid to me.

Under the above circumstances, I beseech your honour to kindly look into the genuine grievances personally and necessary orders may kindly be issued, as deemed fit, without any further delay

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and for which act of your kindness, I shall remain ever grateful to you, Sir.

With great expectations.

Thanking you,

Yours faithfully,

Sd/-

(Phani Mandal)
Contingency-paid-Chowkidar.

Place : SIB/Silchar.

Dated : the 8th May. 1995.

- Copy to :-
1. The Joint Director(E), IB, New Delhi.
 2. The Joint Director, SIB, Guwahati
 3. The Deputy Director(E), IB, New Delhi.

(Phani Mandal)
Contingency-paid-Chowkidar.
SIB, Silchar.

Attested by
OK Ray
Adm. Secy
7.8.96

No. SIC16/2/90-Eatt(C)
Government of India
Ministry of Personnel, P.G. and Pensions
Department of Personnel & Training

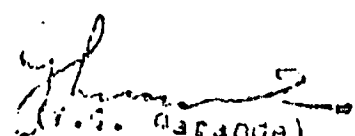
New Delhi, the 10th Sep-1993

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 Feb 1990 in the case of Shri Rajkumal & Others Vs. UOI.

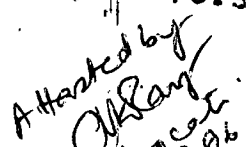
The guidelines in the matter of recruitment of persons on daily wage basis in Central Government offices were issued vide this Department's O.M. No. 49014/2/86-Eatt(C) dated 7.6.88. The policy has further been reviewed in the light of the judgement of the CAT, Principal Bench, New Delhi delivered on 16.2.90 in the writ petition filed by Shri Raj Kumal and others vs-Union of India and it has been decided that while the stating 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.

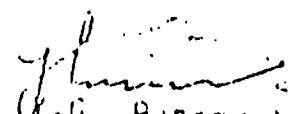
Ministry of Finance etc. are requested to bring the scheme to the notice of appointing authorities under their administrative control and ensure that recruitment of casual employees is done in accordance with the guidelines contained in O.M. dated 7.6.88. Cases of negligence should be viewed seriously and brought to the notice of appropriate authorities for taking prompt and suitable action.


(J.G. Paranda)
Director

All Ministries/Departments/offices of the Government of India to put the standard list.

- Copy to: (1) All attached and subordinate offices of
 - (i) Ministry of Personnel, PG and Pensions
 - (ii) Ministry of Home Affairs
- (2) All officers and sections in the MHA and Ministry of Personnel, PG and Pensions.

Assisted by

Advocate
7.8.93


(J.G. Paranda)
Director

Dept. of Personnel & Training, Casual Labourers
(Grant of Temporary Status and Regularisation) Scheme

This scheme shall be called Casual Labourers (Grant of Temporary Status and Regularisation) Scheme of Govt. of India, '93

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 Govt. of India and their attached & subordinate offices, on the date of issue of these orders. But it shall not be applicable to casual workers in Railways, Deptt. of Tele. and Deptt. of Posts who already have their own schemes.

4. Temporary status

i) Temporary status would 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.

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

i) Wages at daily rates with reference to the minimum of the pay scale for a corresponding regular Group 'D' official including DA, HRA and 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 1 year of service subject to performance of duty for at least 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 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

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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 3 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 GPF, and would also further be eligible for grant of Festival / 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.

6. 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 Disputes Act, they shall continue to be admissible to such casual labourers.

7. On the conferment of temporary status, the services of 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

- a) 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 extent recruitment rules and in accordance with the instructions issued by DoPT 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 workers or those who fail to fulfill 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 Deptt. O.M. dated 7.6.88 should be followed strictly in the matter of engagement of casual employees in Central Govt. offices.

11. Deptt. of Personnel & Training (DPT) 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.

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A Handled by
A. K. Roy
Advocate
7.8.96