

GAHC010150732021



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/4840/2021

ASHOK KUMAR DAS AND 3 ORS
S/O LATE NABIN DAS, VILL. TUPALIA, P.O. GERUA, ASHRAM, DIST.
BASKA, ASSAM.

2: PRAHLAD DAS
S/O LATE SONA RAM DAS
VILL. MAJUSIRAL
P.O. KHATIKYCHI
DIST. NALBARI
ASSAM.

3: AJIT TAHBILDAR
S/O LATE GOBINDRA TAHBILDAR
VILL. NAMATI
P.O. HATI NAMATI
DIST. NALBARI
ASSAM.

4: PRADIP BUJARBARUA
S/O LATE PABITRA NATH BUJARBARUA
VILL. PAROWA
P.O. BARBARI
DIST. NALBARI
ASSAM

VERSUS

THE UNION OF INDIA AND 3 ORS
REPRESENTED BY THE SECY. TO THE GOVT. OF INDIA MINISTRY OF
WATER RESOURCES, SHARAM SHAKTI BHAWAN, RAFI MARG, NEW
DELHI 100001

2: THE CHAIRMAN
BRAHMAPUTRA BOARD

MINISTRY OF WATER RESOURCES
GOVT. OF INDIA
BASISTHA
GUWAHATI
PIN 781029

3:THE GENERAL MANAGER
BRAHMAPUTRA BOARD
MINISTRY OF WATER RESOURCES
GOVT. OF INDIA
BASISTHA
GUWAHATI
PIN 781029
ASSAM.

4:THE EXECUTIVE ENGINEER
BRAHMAPUTRA BOARD
MINISTRY OF WATER RESOURCES RIVER DEVELOPMENT AND GANGA
REJUVENATION
GOVT. OF INDIA
BASISTHA
GUWAHATI
PIN 781029
ASSAM

For the Petitioners : Mr. A. Ahmed, Advocate.
Ms. A. Das, Advocate.

For the Respondent(s) : Mrs. R. Devi, Asstt. S.G.I.

- Before -

HON'BLE THE CHIEF JUSTICE MR. VIJAY BISHNOI
HON'BLE MR. JUSTICE KARDAK ETE

16.07.2024.

(Vijay Bishnoi, CJ)

This Writ Petition is filed by the petitioners being aggrieved by the order dated 20.03.2020, passed by the Central Administrative Tribunal (CAT),

Guwahati in Original Application No.137/2016, whereby the O.A. filed by the petitioners has been dismissed.

(2) The petitioners had approached the CAT, Guwahati in the year 2015 claiming that they were engaged by the Brahmaputra Board as Casual Labourers way back in the year 1990 and 1992. However, the Brahmaputra Board has not taken any steps to confer temporary status to the petitioners and their subsequent regularization, as per the various Office Memorandums passed by the Central Government, dated 10.09.1993 and 11.12.2006.

(3) The CAT, Guwahati had disposed of the earlier Original Application No.325/2013, preferred by the petitioners vide order dated 01.12.2025, directing the Chairman, Brahmaputra Board to consider the case of the applicants judiciously after affording opportunity of hearing to them, regarding grant of temporary status and regularization to the petitioners. The Brahmaputra Board vide Speaking Order dated 17.03.2016, has rejected the claim of the petitioners on the ground that the petitioners are not meeting the criteria fixed by the Department of Personnel and Training vide O.M. dated 10.09.1993, as they have not continuously worked as Casual Labourers with the Brahmaputra Board for 240 (two hundred and forty days).

(4) Being aggrieved with the said decision of the Brahmaputra Board dated 17.03.2016, the petitioners have approached the CAT, Guwahati again vide Original Application No.137/2016, which came to be dismissed by the impugned order by the CAT, Guwahati.

(5) The CAT, Guwahati has recorded a specific finding that from the record available, it can be gathered that the applicants were engaged from April, 2001 and they do not fulfill the criteria as stipulated in the O.M. dated 10.09.1993,

because they have not completed one year as on date i.e. 240 (two hundred and forty days) or 206 (two hundred and six days) in a calendar year. The CAT, Guwahati has also rebutted the argument raised on behalf of the petitioners that similarly situated persons were granted temporary status by observing that all those individuals were engaged since December, 1989 and they have fulfilled the conditions stipulated in the O.M. dated 10.09.1993 and therefore, the petitioners cannot claim parity with those individuals.

(6) After attempting to argue the matter for quite sometimes, learned counsel for the petitioners has failed to persuade us to take a different view, as has been taken by the CAT, Guwahati and has also failed to produce any proof/evidence to satisfy us that the petitioners were engaged prior to April, 2001, particularly from the year 1990 and 1992, as Casual Labourers by the Brahmaputra Board.

(7) In such circumstances, we do not find any merit in this Writ Petition. The same is therefore dismissed.

JUDGE

CHIEF JUSTICE

Comparing Assistant