

GAHC010181392018



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

Case No. : WP(C)/5712/2018

BORDER ROADS ORGANIZATION LABOURERS UNION
REP. BY ITS PRESIDENT LEKI TSERING, S/O- LATE LEKI SANGEY, HAVING
ITS HEAD OFFICE AT BASANTIPUR, TEZPUR, P.O AND P.S- TEZPUR, DIST-
SONITPUR- 784001, ASSAM PRESENTLY AT PARVATI NAGAR, P.O-
CHANDMARI, P.S- LATASIL, TEZPUR, DIST- SONITPUR, ASSAM, PIN- 784001

VERSUS

UNION OF INDIA AND 9 ORS
REP. BY THE SECRETARY TO THE GOVT OF INDIA, MIN OF DEFENCE,
SOUTH BLOCK, NEW DELHI- 110001

2:THE SECRETARY
TO THE GOVT OF INDIA
MIN OF LABOUR AND EMPLOYMENT
AP BHAWAN
NEW DELHI- 110001

3:THE SECRETARY
TO THE GOVT OF INDIA
MIN OF PERSONNEL
PUBLIC GRIEVANCES AND PENSIONS
SOUTH BLOCK
NEW DELHI- 110001

4:THE SECRETARY
TO THE GOVT OF INDIA
MIN OF TRIBAL AREAS
SHASTRY BHAWAN
DR. RAJENDRA PRASAD ROAD
NEW DELHI- 110001

5:THE COMMISSIONER AND SECRETARY
TO THE GOVT OF ASSAM
DEPTT OF PLAIN TRIBES AND BACKWARD PLAIN TRIBES AND
BACKWARD CLASSES
DISPUR
GUWAHATI- 781006
ASSAM

6:THE BORDER ROADS DEVELOPMENT BOARD
REP. BY THE SECRETARY TO THE GOVT OF INDIA
MIN OF ROAD TRANSPORT AND HIGHWAYS
4TH FLOOR
B WING
SENA BHAWAN
NEW DELHI- 110001

7:THE DIRECTOR GENERAL
BORDER ROADS ORGANISATION
SEEMA SADAK BHAVAN
RING ROAD
NEW DELHI CANTONMENT
NEW DELHI- 110001

8:THE CHIEF ENGINEER(P)
VARTAK
BORDER ROADS ORGANISATION
C/O- 99 APO
TEZPUR
DIST- SONITPUR
ASSAM
PIN- 784001

9:THE COMMANDANT
THE GENERAL RESERVE ENGINEERING FORCE
DIGHI CAMP
PUNE- 411015

10:THE CHIEF SECRETARY
GOVT OF ARUNACHAL PRADESH
PIN- 79111

Advocate for the Petitioner : MR. P K SARMA

Advocate for the Respondent : ASSTT.S.G.I.

**BEFORE
HONOURABLE MR. JUSTICE N. UNNI KRISHNAN NAIR**

ORDER

Date : 29.07.2024

Heard Ms. B. Bhuyan, learned counsel for the petitioner. Also heard Mrs. A. Gayan, learned CGC appearing for the respondents.

The challenge made in the present proceeding is to a Signal/Message dated 14.08.2017 issued by the Border Roads, DTG directing therein that the casual workers in the organization can be recruited within the age limit of 18 years and 50 years. Consequent to the said Signal dated 14.08.2017, the Commandant HQ 9 Road Construction CoY issued a communication dated 07.08.2018 directing therein to remove/discharge all casual workers whose age are below 18 years and above 50 years and engaged in the works of the said organization.

Today when the matter is taken up, Mrs. A. Gayan, learned CGC appearing for the respondents has placed on record a communication dated 11.10.2018 pertaining to General Guide Lines Recruitment of Casual Paid Labourers in the organization and therein the earlier stipulation that person above 18 years but below 50 years may be employed on daily or monthly rates of pay as on required basis as was holding the field was substituted with the following:-

“The personnel above the age of 18 years may be employed in BRO subject to their physical fitness and good health condition in order to perform specified jobs on daily or monthly rates of pay on “as on required” basis within the approved estimates and the allotment of funds. If employed on monthly rates, the period of their engagement shall be for a maximum period of six months (not more than 179 days) at a time and the personnel shall not be eligible for any of the privileges of continued employed under Government. The services of the personnel are liable to be terminated at any time without notice and no terminal benefits shall be payable.”

The said stipulation as brought into force vide the said communication dated 11.10.2018 pertaining to the engagement of the casual paid labourers in the organization, requires that the personnel above the age of 18 years may be employed and the earlier stipulation that such employment would be limited to persons aged 50 years has now been replaced with the stipulation that persons may be employed in the organization continuously subject to their physical fitness and good health condition requisite for performing specified jobs.

In view of the said stipulation, the grievance raised by the petitioners in the present proceedings stands redressed. It is provided that the casual paid labourers be continued to be engaged from the minimum age of 18 and even after 50 years, if they are on examination found to be physically fit to undertake the job for which they are so engaged.

With the above clarification, the writ petition stands disposed of.

JUDGE

Comparing Assistant