

IN THE CENTRAL ADMINISTRATIVE TRIAL (6)

AHMEDABAD BENCH

*CL
Non calling
for interview*

O.A. No.
~~XXXXXX~~

239 OF 1989

DATE OF DECISION 30.03.1993.

Shri M.D.Safique Petitioner

Shri P.S.Chapaneria Advocate for the Petitioner(s)

Versus

Union of India and Ors. Respondent

Shri Akil Kureshi Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. N.B.Patel : Vice Chairman

The Hon'ble Mr. V.Radhakrishnan : Member (A)

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

M.D.Safique
Casual Mazdoor
S.D.O. Telegraph
Kalol, Dist. Mehsana.

...Applicant.

(Advocate : Mr.P.S.Chapaneria)

Versus

1. The Union of India,
Notice to be served through
Telecom District Engineer,
Mehsana,
Add. Office of the Telecom
District Engineer,
Janta Super Market,
Mehsana.
2. Mr.Parmar,
or his successor in office,
S.D.O. Telegraph,
Kalol,
Dist. Mehsana.

...Respondents.

(Advocate : Mr.Akil Kureshi)

ORAL JUDGMENT

O.A.NO. 239 of 1989.

Dated : 30.03.1993.

Per : Hon'ble Mr.N.B.Patel : Vice Chairman

The applicant and his advocate are not present.
Last time also they were not present. Hence, the matter is dismissed for default. No order as to costs.


(V.Radhakrishnan)
Member (A)


(N.B.Patel)
Vice Chairman

AIT

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

AHMEDABAD

CA/TA/MA/RA/C.A. No.

19

1291, m/s/ST.
23/9/89

APPLICANT(S)

COUNSEL

VERSUS

Net La

RESPONDENT(S)

M. S. Shende

COUNSEL

| Date | Officer Report | Orders |
|------|--|---|
| | <p>Advanc copy denied</p> <p>18/10/81 file</p> | <p>Pl. issue preliminary notice ad per order dtd 27/9/81</p> <p><i>by</i></p> <p>Redubmittal Kindly see order dtd 27/8/81.</p> <p>There is no mention of preliminary notice in the CAT (Court of Compt) rules. kindly i. decide which type of notice is to be issued in this case.</p> <p><i>Christian</i></p> <p><i>3/10/81</i> <i>3/10/81</i> <i>3/10/81</i></p> <p>Discussed with Hon'ble member (J). simple preliminary notice for reply to the petition - Pl. Application has to be issued as per notice as in form III in affidavit</p> <p><i>3/10/81</i></p> <p>Redubmittal Pl.</p> <p>K.S. orders above. I have checked up with notice section also. There are no forms even for simple preliminary notice for reply. we are generally using 3 types of notices in even of five notice pending order admission. 2. after which there is</p> |

Borna
D.C.)D. V. S.
Sdes. B.

| Date | Officer's Report | Order |
|----------|----------------------|---|
| | | <p>Having filed the application in Sec 19, same concept does not fall within the purview of Sec 19, it is far broader which type of notice is to be issued</p> <p>3/4/10 <i>ROchristian 9.10.91</i> <i>simple notice conveying the direction in the order is to be issued in place of the notice</i></p> |
| 10/10/91 | | <p>Pl. issue letter of notice carrying orders & to 27/8/91 <i>3/4/91</i></p> |
| 11/10/91 | <u>Pls submitted</u> | <p>Notice served on Reason 1 & kept with 007/53 of 18/10 <i>CKN:SA/RC</i></p> |
| 24/10/91 | <u>Pls submitted</u> | <p>Notice unsealed or resigned <i>CKN:SA/RC</i></p> |
| | <u>6/10/91</u> | <p>Office to give to C.A. Gosh Shende, res. add. as per O.O. 31/3/92 Recd & copies of SA. <i>16/4/92</i></p> |
| 10/9/92 | | <p>REPLY FILED</p> <p>by Mr. N.S. Shende on 01/04/92</p> |

C.A./19/91
IN
O.A.ST./239/89

(8)

| Date | Office Report |
|------------|--|
| 27.9.91 | <p>Present: None for the applicant. None for the respondents.</p> <p>O R D E R</p> <p>None present for the applicant.</p> <p>Preliminary notice to issue to the respondents, for the the reply of the Contempt Application, Returnable by 18 October, 1991.</p> <p><i>Ans</i> (R.C.Bhatt) (P.S. Habeeb Mohammed) Member (J) Member (A)</p> |
| 19.11.1991 | <p>Present : None for the applicant.</p> <p>Respondent No. 1 has not filed reply though served. Respondent No. 1 to file reply within three weeks'.</p> <p><i>Ans</i> (S.GURUSANKARAN) (R.C.BHATT) Member (A) Member (J)</p> |
| 26.2.1992. | <p>*Ani.</p> <p>The matter is adjourned to next available bench.</p> <p><i>Ans</i> (R.C.Bhatt) (M.Y.Prikar) Member (J) Member (A)</p> |

C.A./19/91
in
O.A./ST./239/89

31.3.1992

None present for the petitioner.

Res submitted,
Copy of CA.
handed over to
Shri N.S.Shevde

PO Motiam
28/3/92

Mr. N.S. Shevde learned advocate for the respondents is present. The office to give the copy of petition to the learned advocate Mr. Shevde. If there is no copy filed by the petitioner, he should give it in the office within a week, failing which petition shall stand dismissed.

D Venkatesan
(R. Venkatesan)
Member (A)

resl
(R.C. Bhatt)
Member (J)

*Kaushik

(25)

Present: Mr. V.B.Gharaniay, Adv/Apt.
Mr. N.S.Shevde, Adv/Res.

29.7.92.

Mr. N.S.Shevde enters appearance

for the respondents. There is a note that the copy of the contempt application have been handed over to him. The respondents seeks three weeks time to file reply. Call on 7th September, 1992.

(R.C.Bhatt)
Member (J)

(N.V.Krishnan)
Vice Chairman

vtc.

C.A. 19/91

(9)

in
O.A.St.239/89

| Date | Office Report. | ORDER |
|----------------|---|--|
| (14) 7.9.92 | <p>Resp. Submitted Reply filed RCC 22.9.92 S.O.</p> | <p>Present: None for the applicant. Mr.N.S.Shevde, Adv/Res.</p> <p>Mr. N.S.Shevde for the respondents through proxy who states that a leave note has been sent. Reply is getting ready. Two weeks time sought. Call on 24th September, 1992.</p> <p><i>Revd.</i> (R.C.Bhatt) Member(J)</p> <p><i>th</i> (N.V.Krishnan) Vice Chairman</p> <p>vtc.</p> |
| Date | Office Report | ORDER |
| | | |
| | | |

| Date | Office Report | ORDER |
|----------------|-------------------------|--|
| 24-9-92 | | Mr. V.B.Gharaniya for applicant. |
| 16 | | Mr. N.S.Shevde for respondents. |
| | | For want of time call on 12th Nov. 1992. |
| | | <i>Re</i> <i>CL</i> (R.C.Bhatt) (N.V.Krishnan) Member (J) Vice Chairman |
| 12/11/92 21 | <i>Indicates in the</i> | *AS. Neither the applicant nor his counsel is present. Respondents have filed the reply to the C.A. stating that the representation is dismissed <i>was</i> <i>written to file</i> as reply <i>was</i> not filed <i>in</i> the Bench TRIBUNAL <i>in</i> the original order, communicate to the applicant. We HAVE find no merit in this Contemp Application. Hence, it is dismissed. <i>order</i> Issue Notice, to the respondents. is is discharged. |
| | | <i>Re</i> <i>CL</i> (R.C.BHATT) (N.V.KRISHNAN) MEMBER (J) VICE CHAIRMAN |
| | | *SS |

| DATE | OFFICE REPORT | ORDERS |
|--------|---------------|---|
| 8.6.93 | | <p>Heard Mr. V.B.Gharania for the applicant and Mr. N.S.Shevde for the respondents.</p> <p>2. This M.A is filed by the original applicant for restoration of the dismissal of the contempt application on 12th November, 1992. The order of dismissal of the contempt application was passed on merits and therefore, there is no question of restoration of the contempt application which was dismissed on merits. However, the applicant may, if according to rules, is entitled to file the representations before the respondents, he may do so and if possible the respondents may consider the representation sympathetically. M.A. is disposed of.</p> <p><u>M.R.Kolhatkar</u></p> <p>(M.R.Kolhatkar) Member (A)</p> <p><u>R.C.Bhatt</u></p> <p>(R.C.Bhatt) Member (J)</p> <p>vtc.</p> |

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AT AHMEDABAD BENCH

INDEX SHEET

CAUSE TITLE OA 239/88 UF 19

~~NAME OF THE PARTIES~~ Shri M.D. Safique.
~~NAME OF THE PARTIES~~ VERSUS
C. O. L. & O. S.

PART A B & C

CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH

Submitted;

C.A.T./Judicial Section.

Original Petition No.: 239 of 89

Miscellaneous Petition No.: _____ of _____. _____

Shri M D Safigne Petitioner(s).
Versus.

Union of India & Respondent(s).

This application has been submitted to the Tribunal by Shri P S Champa Patel under Section 19 of The Administrative Tribunal Act, 1985. It has been scrutinised with reference to the points mentioned in the check list in the light of the provisions contained in the Administrative Tribunals Act, 1985 and Central Administrative Tribunals (Procedure) Rules, 1985.

The application has been found in order and may be given to concerned for fixation of date.

The application is not been found in order for the same reasons indicated in the check list. The applicant may be advised to rectify the same within 21 days/Draft letter is placed below for signature.

1. Indiscreet not properly filed.

Document not properly marked.

Document not certified as true copy.

True copy ^{initials} of document not file for Second Sub & Special copy.

Second Sub is not on ledger paper.

Ans

so/CCS/SAK
DRD 9-6-88

We may inform accordingly.

Place
9/6/88

be my issue of leave

8
12/6

as in

to

order

Applicant can be requested to plan this off on

13-6-89. of Capital today re- 12-6-89.

8
12/6
looking to the urgency of the

case we may put up the S.O.A

for admission in 15 weeks. It

for early fixed on 12/6/89. But

was earlier due to some office delay it was

not placed to day.

We may put up for

admission at the earliest.

Opinion

As per order
and direction

of 13/6/89

Accts

12/6/89

KBS
12-06-89

CENTRAL ADMINISTRATIVE TRIBUNALAHMEDABAD BENCHAPPLICANT (S) M D SifqueRESPONDENTS (S) Ministry of India

PARTICULARS TO BE EXAMINED

ENDORSEMENT AS TO
RESULT OF EXAMINATION1. Is the application competent? *Y*2. (A) Is the application in the prescribed form? *Y*(B) Is the application in paper book form? *Y*(C) Have prescribed number complete sets of the application been filed? *Y*3. Is the application in time? *Y*If not, by how many days is it beyond time? *—*Has sufficient cause for not making the application in time stated? *—*4. Has the document of authorisation/ Vakalat nama been filed? *Y*5. Is the application accompanied by DD B.D./I.P.O for Rs.50/-? Number of *5 74752* B.D./I.P.O. to be recorded.6. Has the copy/copies of the order(s) against which the application is made, been filed? *DD in acting of the respo.*7. (a) Have the copies of the documents relied upon by the applicant and mentioned in the application been filed? *Y*(b) Have the documents referred to in (a) above duly attested and numbered accordingly? *No*(c) Are the documents referred to in (a) above neatly typed in double space? *Y*8. Has the index of documents has been filed and has the paging been done properly? *DD*

PARTICULARS TO BE EXAMINED

ENDORSEMENT AS TO BE
RESULT OF EXAMINATION.

9. Have the chronological details of representations made and the outcome of such representation been indicated in the application? *Y*
10. Is the matter raised in the application pending before any court of law or any other Bench of the Tribunal? *PO*
11. Are the application/duplicate copy/spare copies signed? *Y*
12. Are extra copies of the application with annexures filed.
(a) Identical with the original.
(b) Defective.
(c) Wanting in Annexures
No _____ Page Nos _____? *Y*
- (d) Distinctly Typed?
13. Have full size envelopes bearing full address of the Respondents been filed? *PO*
14. Are the given address~~ed~~, the registered address~~ed~~? *Y*
15. Do the names of the parties stated in the copies, tally with those indicated in the application? *Y*
16. Are the translations certified to be true or supported by an affidavit affirming that they are true? *Y*
17. Are the facts for the cases mentioned under item No. 6 of the application.
(a) Concise?
(b) Under Distinct heads?
(c) Numbered consecutively?
(d) Typed in double space on one side of the paper? *Y*
18. Have the particulars for interim order prayed for, stated with reasons? *Y*

checked.

08/09/16

P.S. CHAMPANERI
B.A. LL.B., ADVOCATE.
H.K. HOUSE 6TH FLOOR.
ASHRAM ROAD. AHMEDABAD.

14

16
The Registrar,
The Central Administrative Tribunal
Additional Bench, Ahmedabad.

12-6-59.

Urgent Note

Six

Sir,
The above petition was filed on 4-6-89 and urgent
rule for urgent Circumlocution was also filed alongwith the
petition for and petition was permitted to be circulated
for order to-day. However the petition could not
be placed for order before the Hon'ble Tribunal as of few days
objection. To-day I have removed all objections
raised by the Office. Be, therefore, please direct
the office to place the above petition for Interim orders
before the Tribunal on 13-6-89

Thanking you!

Yours faithfully
P. S. Chapman
At least

Urgent Note:

P.S. CHAMPANERI

B.A.L.B; ADVOCATE,
H.S. House, 6th Floor,
Asharam Road,
Aboinedabur
Dated: 9-6-89

To,
The Registrar,
Central Administrative Tribunal
Addition Bench, At Aboinedabur

Sir,

Be please to direct the office to place the application filed to-day, for before the Bench, for obtaining interim order as the interview are to be held on 14.6.89 and as the petitioner is not called for his interview, applicant seeks to obtain interim order as prayed for in the application. The copy of this application along with list and enclosures are already served upon the advocate of respondent/s. I personally undertake to deliver any office objection, if any.

Thanking you!
Aboinedabur
Dated: 9-6-89

Yours faithfully,
P.S. Champani
Advocate

Left on 12th
June 89

PS
9/6/89

SLG 2/2/89
9/6

1

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH AT AHMEDABAD

CAF 239/89

BETWEEN

M. D. Safique
Casual & Mazdoor,
S.D.O. Telegraph
Kalol, Dist. Mehsana... .. PETITIONER

AND

1. The Union of India,
Notice may be served through
Telecom District Engineer,
Mehsana
Add: Office of the Telecom
District Engineer, Janta
Super Market, Mehsana
2. Mr. Parmar,
or his successor in office
S. D. O. Telegraph
Kalol,
Dist. Mehsana. .. . RESPONDENTS

DETAILS OF APPLICATION

1. Particulars of the applicant

- (i) Name of the Applicant : MOHAMAD SHAFIQUE
(ii) Name of Father/husband: ABDUL LATIF
(iii) Designation and office : Casual Mazdoor
in which employed Working under Office
of S.D.O. Telegraphs
Kalol
(iv) Office address : Office of the S.D.O.
Telegraph, Kalol,
Dist : Mehsana
(v) Address of service
of all notices : :1:Office of the Telecom
District Engineer,
Janta Super Market,
Mehsana
:2: Office of the S.D.O.
Telegraph, Kalol

(2)

:2:

2. Particulars of the respondent :

- (i) Name and/or designation of the respondent : (1) Mr. Parmar or his successor in office S.D.O. Telegraphs, Kalol
- (2) The Telecom District Engineer, Mehsana
- (ii) Office address of the respondents : (1) Office of the S.D.O., Telegraphs, Kalol.
- (2) The Telecom. District Engineer, Mehsana
Add: Janta Super Market, Mehsana.
- (iii) Address for service of all notices. : (1) Office of the S.D.O. Telegraphs, Kalol.
- (2) The Telecom. District Engineer, Mehsana
Janta Super Market, Mehsana.

3. Particulars of the order against which application is made. The application is against the following order :

- (i) Order no. : -
- (ii) Date : -
- (iii) Passed by : T.D.E. Telegraph, Mehsana
- (iv) Subject in brief : Not calling in interview for the post of the Regular Mazdoor to be held on 12.6.1989 and for directing the respondents for giving appointment on the post of the Regular Mazdoor.

4. Jurisdiction of the Tribunal :

The applicant declares that the subject matter of the order against which he wants redressal is within the jurisdiction of the Tribunal.

5. Limitation :

The applicant further declares that the application is within the limitation prescribed in Section 21 of the Administrative Tribunal Act, 1985;

6. The Facts of the case :

The facts of the case are briefly stated hereinbelow :

The applicant states that he has studied up-to standard 8th and has passed the examination of 8th Standard from Kamarhati Junior High School, Calcutta and that the applicant is employed by the respondent authorities as a casual labourer. The applicant is working as a Casual Labourer since 5-8-1981 and that at the end of the 31st December, 1981 the petitioner was given the work of Casual Labour on daily wages ~~on~~ basis for a period of 134 days and thereafter from 1-1-1982 to 31st January, 1982 he was given work for 31 days. From 1-2-82 to 28-2-82 he was given work for 28 days and thereafter from 1st March, 1982 to 31st March, 1982 he was given work for 29 days. Again from 1st April, 1982 to 30th April, 1982 the applicant was given the work for 30 days and from 1-5-1982 to



31-5-1982 the applicant was given the work for 31 days and thereafter again from 1st June, 1982 to 30th June, 1982 the petitioner was given work for 30 days and from 1-7-82 to 31-7-82 the applicant was given work for 29 days and from 1-8-82 to 31-8-82 the applicant was given work for 23 days and from 1-9-82 to 18-9-82 the applicant was given work for 18 days. and again from 1-12-82 to 31-12-82 the applicant was given work for 30 days. Thereafter again from 1-1-83 to 31st Jan. 1983 he was given work for 20 days and from 1-2-83 to 28-2-83 he was given work for 25 days. and thereafter from 1-5-83 to 31st May, 1983 the applicant was given work for 28 days. From 1st June, 1983 to 30th June, 1983 the applicant was given work for 30 days. Likewise in the subsequent years also the applicant was given work of Casual Labour on the daily wages basis and in the year 1985 the applicant was given work for a period of 267 days and the certificate to that effect is also issued. The certificates are produced as documents along with the separate list of documents. Likewise in the year 1986 the applicant was given work for a period of about 204 days and thereafter again from 1-1-87 to 31st December, 1987 the applicant was provided the work for a period of 346 days. The certificate to that

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effect are also issued by the respondent authorities and from 1-1-88 also the petitioner has been given work of Casual Labour by the respondent authorities and the Certificate to that effect are given. All the certificates showing the work taken from the applicant as a Casual Labourer are issued by the respondents. The copies of the said certificates are produced along with the list of documents separately filed. Thus the applicant is working as a Casual Labour with the respondent No. 1 at the office of the respondent No. 2 for a period of more than seven years as a Casual Labourer;

8. The applicant says and submits that the qualification for the appointment of the Regular Mazdoor are prescribed that the person who has passed the standard 8th and the appointment on the post of Regular Mazdoor is being made from amongst the Casual Mazdoor according to their seniority and those who have completed the work of 240 days in any two years of their tenure of service as a Casual Mazdoor. The applicant states and submit that the casual Mazdoor seniority list is also prepared and according to the said list at present the applicant is the senior most Casual

(6)

:6:

Mazdoor working on the establishment.

The applicant states and submits that the applicant is working as a Casual Mazdoor since 1981 and is also holding educational qualification for the appointment on the post of the Regular Mazdoor. The applicant has also completed the work of 240 days in two years of tenure of service as a Casual Mazdoor and therefore, the applicant is entitled eligible and qualified to the appointment on the post of Regular Mazdoor. The applicant states and submits that the respondent No. 2 had sent the information to the Deputy Telecom District Engineer, Mehsana vide letter dated 8.2.89 bearing No. E-54-Casual-Labour/150 under the heading of regularisation of casual labours. The said information were supplied to the Deputy & Telecom District Engineer, Mehsana in reply to his letter dt. 2-8-89 and the name of the applicant is also to the office of the respondent No. 1 authority. Copy of the said letter is produced along with the list of documents separately filed. In the said list the applicant's name is shown at Serial No. 4.

The applicant says and submits that the casual Mazdoor who has worked for 240 days in two years of their tenure of service as a Casual Mazdoor were to make an application for regularising their service on the establishment of regular Mazdoor. The

applicant submitted the application to the respondent No. 1 through proper channel in the month of July, 1988 and is the applicant since entitled, eligible and qualified to be appointed on the post of the Regular Mazdoor had submitted the above referred application and pursuance thereto the respondent No. 1 was required to issue interview call letter to the applicant for the interview to be held on 12th June, 1989 for the appointment as Regular Mazdoor on the establishment. The applicant says and submits that the respondent No. 1 has issued interview call letter to other Casual Mazdoor who are far juniors to the applicant. However, though the applicant has applied has not received the interview call letter from the office of the respondent No. 1. The applicant came to know of these facts that the interview call letters are issued for Casual Mazdoor 15 days back and therefore in the first week of June the applicant contacted the respondent No. 1 authority and requested to issue interview call letter as the applicant is also one of the applicants and pointed out that he had already made an application in the month of July, 1988 when such applications were invited from the Casual Mazdoor and thereupon the respondent No. 1 informed the applicant that the applicant will not be issued the interview call for the appointment as a Regular Mazdoor because he has not completed

the work for a period of 240 days in consecutive two years. However, the applicant pointed out to the respondent No.1 that he has already completed and is provided work for a period of 240 days twice in his tenure of service as a casual mazdoor. However, the respondent actually informed the applicant that the interview call letter will not be issued to the applicant and his application for appointment as a Regular Mazdoor will not be considered. Under the circumstances the applicant has no other equally and efficacious remedy save and except by way of approaching the Hon'ble Tribunal by this application;

7. Reliefs sought :

- (1) That the Tribunal will be pleased to direct the respondents to issue interview call and to call the applicant for interview on the post of the Regular Mazdoor.
- (2) That the Hon'ble Tribunal will be pleased to issue an appropriate order and direction directing the respondents to appoint the applicant as a Regular Mazdoor;
- (3) That the Hon'ble Tribunal will be pleased to quash and set-aside the action of the respondents of holding the interview for the post of the Regular Mazdoor to be held on 12th June, 1989;

The applicant seeks the above relief on the facts stated in paragraph 6 and on the submissions made hereinafter :

(a) The applicant submits that the applicant is working as a Casual Mazdoor on daily wages basis since 1981 and has completed the tenure of about 8 years as a Casual Mazdoor and in view of the decision rendered by Hon'ble the Supreme Court of India in the year 1987 the Casual Mazdoor who have completed the service of seven years should be made permanent by giving appointment as a Regular Mazdoor. The applicant has worked as a casual Mazdoor for a period of about 8 years and has also completed the work of 240 days in two years of his service as a Casual Mazdoor and therefore in view of the directions issued by Hon'ble the Supreme Court of India the applicant is entitled to be given appointment on the post of the Regular Mazdoor. The applicant, therefore, submits that the impugned action of the respondents in not giving the appointment to the applicant on the post of the Regular Mazdoor is clearly illegal, arbitrary and contrary to the directions issued by the Hon'ble the Supreme Court of India;

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(b) The applicant says and submits that the applicant is holding the qualification and eligibility criteria for being appointed on the post of Regular Mazdoor and therefore, he is entitled to be given appointment on the post of the Regular Mazdoor, the respondent has acted arbitrarily and discriminately in not calling the applicant in interview to be held on 12th June, 1989 inasmuch as the Casual Mazdoor who are juniors to the applicant are being called in the interview to be held on 12th June, 1989 whereas though the applicant is a senior most and is entitled and eligible even as per the information supplied ^{to} by the office of the respondent No. 2 by the office of the respondent No. 1 vide letter dt. 8.2.89. The applicant, therefore, submits that when the juniors to the applicant are called for interview there is no reason for not calling the applicant for interview and not giving the appointment as Regular Mazdoor is nothing but arbitrary and discrimination by the respondent No. 1. The applicant, therefore, submits that the impugned action of the respondent is clearly illegal and arbitrary and deserves to be quashed and set-aside;

(11)

:11:

(c) The applicant is holding qualification and is also eligible for the post of Regular Mazdoor. The applicant also says and submits that the applicant is entitled for the appointment as a Regular Mazdoor in view of the decision of Hon'ble the Supreme Court of India as the applicant is working as Regular Mazdoor since last about 8 years with the respondents. Under the circumstances the action of the respondents ~~except~~ in not calling for the interview for the post of Regular Mazdoor is clearly illegal and deserves to be quashed and set-aside;

The applicant craves leave to add to, alter, amend, vary, rescind or modify any of the grounds mentioned hereinabove.

8. Interim order, if prayed for :

~~XXX~~ Pending final decision on the application the applicant seeks the following interim order :

(A) That this Hon'ble Tribunal will be pleased to order directing the respondents to call the applicant in the interview to be held on 12th June, 1989 at the office of the respondent No. 1 for the post of the Regular Mazdoor;

(B) That this Hon'ble Tribunal will

(12)

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be pleased to ~~and~~ stay the interview to be held on 12th June, 1989 for the post of the Regular Mazdoor by the respondent authorities till and pending the hearing and final disposal of the petition;

(C) That this Hon'ble Tribunal will be pleased to restrain the respondents, their agents or servants from giving appointment to any person juniors to the applicant on the post of Regular Mazdoor, till and pending the hearing and final disposal of the application.

The applicant prays for the above mentioned interim order on the submissions made hereinbelow :

The applicant states and submits that the applicant is entitled, eligible and qualified for the post of Regular Mazdoor as he is working as casual Masdoor since last eight years and/also completed the work of 240 days in two years during his tenure as Casual Mazdoor. The applicant has prima facie case inasmuch as the applicant is working as a Casual Mazdoor since long time since the applicant is entitled to be regularised on the post of the Regular Mazdoor in view of the directions issued by the Hon'ble Supreme Court of India. The

(13)

:13:

applicant has prima facie case to show that the action of the respondents in not giving the appointment to the applicant on the post of the Regular Mazdoor is clearly illegal, arbitrary etc. The applicant says and submits that the juniors to the applicant are called for in the interview. The applicant submits that he will have to suffer irreparable loss and injury, if the interim order as prayed for is not granted. The applicant also says and submits that the applicant is a married man and his family consists of four persons. The applicant is working as casual mazdoor since last about 8 years and if the applicant is not appointed as a Regular Mazdoor the applicant and his family will be put to great hardship and will also loose the seniority inasmuch as the juniors to the applicant are called for an interview and some of the Juniors are already given appointment as a Regular Mazdoor during the year 1988. The applicant, therefore, prays that it is just, fit and expedient and in the interest of justice to grant the above mentioned interim order in the interest of justice;

9. The details of the remedies exhausted:

The applicant declare that he has availed of all the remedy available to him under the relevant rules etc.

The applicant says and submits that

(14)

:14:

pursuant to the application made by the Casual Mazdoors including the applicant the respondent authorities issued interview calls to the Casual Mazdoor juniors to the petitioner on coming to know about ~~these~~ fact and as the applicant did not receive the interview call from the respondent no.1 he contacted the respondent No. 1 last week at his office and orally requested to issue interview call to the applicant. The respondent No. 1 thereupon orally informed the applicant that the applicant will not be called for interview and will not be appointed as a Regular Mazdoor;

10. Matter not pending with any other Court etc.

The applicant further declares that the matter regarding this application has been made is not pending before any court of law or any other authorities or any other Bench of the Tribunal.

11. Particulars of Bank Draft/Postal order in respect of the application Fee :

1. Name of the Bank on which drawn
2. Demand Draft No.

OR

1. Name of Indian Postal order(s)
2. Name of the issuing post Office: Navrangpura Post office.
3. Date of issue of Postal order(s) 8/6/89
4. Post office at which payable.

(15)

:15:

12. Details of Index

An Index in duplicate containing the details of the documents to be relied upon is enclosed.

13. List of enclosures :

VERIFICATION

I, M. D. Safique, son of Abdul Latif aged about 25 years, working as Casual Mazdoor resident of Kalol, do hereby verify that the contents from 1 to 13 are true to my personal knowledge and belief and that I have not suppressed any material facts.

PLACE : AHMEDABAD

DATE : -6-1989


SIGNATURE OF THE APPLICANT

To

The Registrar,
Central Administrative Tribunal
Ahmedabad Bench,

Filed by Mr. P. S. Champa
Learned Advocate for Petitioners
with second set & 3 copies
copy served/not served to
other side

9/6/89 By Registrar C.A.T.(J)
Abu Bench

Before the Central Administration Tribunal

At Ahmedabad.

Petition No. of 1989

M.D. Safique
Casual Majdoor
S.D.O.T. Kalol
District Mehsana.

.. Petitioner

Versus

1. Mr. Parmar or his successor
in office
S.D.O. Telegraphs, Kalol
and anr. .. Respondents

List of documents

| Sr. No. | Particulars | Page Nos. |
|---------|--|-----------|
| A 1. | Zerox copy of the certi. issued by S.D.O. Telegraph, Kalol regarding working party for the period 5-8-81 to 3-10-81 | 1 |
| A 2. | Zerox copy of the certi. issued by S.D.O. Telegraphs, Kalol regarding working party for the period 11-10-81 to 31-3-82 | 2 |
| A 3. | Zerox copy of the certi. issued by S.D.O. Telegraphs, Kalol regarding working party for the period 1-4-82 to 18-5-82. | 3 |
| A 4. | Zerox copy of the certi. issued by S.D.O. Telegraphs, Kalol regarding working party for the period 1-12-82 to 31-5-83 | 4 |
| A 5. | Zerox copy of the certi. issued by S.D.O. Telegraphs, Kalol regarding working party for the period 1-6-83 to 30-6-83 | 5 |
| A 6. | Zerox copy of the certi. issued by S.D.O. Telegraphs, Kalol regarding working party for the period 1-2-85 to 30-11-85 | 6 |
| A 7. | Zerox copy of the certi. issued by S.D.O. Telegraphs, Kalol regarding working party for the period 16-1-86 to 31-1-86 | 7 |

(17)

:2:

| Sr. No. | Particulars | Page Nos. |
|---------|---|-----------|
| A 8. | Zerox copy of the certi.issued by S.D.O. Te legraphs, Kalol regarding working party for the period 1-5-86 to 31-5-86. | 8 |
| A 9. | Zerox copy of the certi.issued by S.D.O. Telegraph party fix the Kalol period 1-10-86 to 30-10-86 regarding working party for the period 1-10-86 to 30-4-87 | 9 |
| A 10. | Zerox copy of the certi.issued by S.D.O. Telegraphs, Kalol regarding working party for the period 1-4-87 to 25-7-87. | 10 |
| A 11. | Zerox copy of the certi.issued by S.D.O. Te legraphs, Kalol regarding working party for the period 1-8-87 to 31-12-87. | 11 |
| A 12. | Zerox copy of the certi.issued by S.D.O. Telegraphs, Kalol regarding working party for the period 1-1-88 to 30-4-88. | 12 |
| A 13. | Zerox copy of the certi.issued by S.D.O. Telegraphs, Kalol regarding working party for the period 1-5-88 to 31-7-88. | 13 |
| A 14. | Zerox copy of the Transfer Certi. issued by Head Master, Kamarhati. | 14 |
| A 15. | Zerox copy of progress report for the Session-1978. | 15 |
| A 16. | Zerox copy of the letter dtd.8-2-89 issued by S.D.O. Telegraphs, Kalol regarding regularisation of Casual labour. | 16 |

-000-

(18)

A1

It is certified that Shri Mohammad Shafique,
 S/o Abdul Latif had worked as a labour (Majdoor)
 in my working party under the S.D.O.T.Kalol.
 Mehsana. Division Mehsana.

| Name of Month | MIR NO | Book NO | W/O NO | Date to Date | Total Pay | Signature of MIR in charge |
|---------------|--------|---------|---------|--------------------------|-----------|-----------------------------|
| August | 23 | 3088 | 38/ 44/ | 5/8/81 To 31/8/81 | 27 | |
| September | 1 | 3087 | 47/ 51/ | 1/9/81 To 30/9/81 | 30 | |
| October | 9 | 3087 | 56 | 1/10/81 To 5/10/81 | 5 | M.D. Shafique 2.1. Kalol |
| | | | | 7 | 62 | |
| | | | | | | Total days |

16 days
Total Sixty two days.

16 days
B. D. O. TELEGRAPHED 2/9/81
ZADOK (N. G.) PON-382721

True Copy
P.C. Chauhan
Advocate

119

INDIAN POST AND TELEGRAPHS DEPARTMENT.

This is certified that Shri M. d. Shafique
s/o Abdul Latif had been work in my
working Party as a labour under the S.D.O.T
Kalol. Division Mehsana.

| Name of month | M. R No | W/O No | Book No | Date to Date. | Total Days | Sign of M/R Incharge |
|---------------|---------|------------------------------------|---------|----------------------|------------|----------------------|
| July | 07-13 | 054 060 064 | 3087 | 19/10/81 to 28/10/81 | 11 | |
| MOVE | 17. | 068 073 | 3087 | 1/11/81 to 30/11/81 | 30 | |
| Dec | 2. | 084-088 089-097 098- 127- | 9923 | 1/12/81 to 31/12/81 | 31 | |
| Jan | 12. | 007- 019- | 9923 | 1/1/82 to 31/1/82 | 31 | |
| Feb | 21. | 026- 037- 039- 040- | 9923 | 1/2/82 to 28/2/82 | 28 | |
| Mar | 07. | 043- 052- 064- 052- | 3851 | 1/3/82 to 31/3/82 | 29 | (51) |

(151)

$149 + 11 = 160$ day

One hundred Sixty days worked.

No: A-1/M.R certi/82-83/I. Date of XALOL the 1-7-83

Counter Signed.

S. D. O. Telegraphs 18
Kalol (N. G.) 382721

True Copy
R.S. Champaun
Advocate

(20) (B)

Indian Post & Telegraphs

This is certified that Shri M. S. Shafigee s/o Abdur
Rahim had been worked in my working party as a
mailman under the S.P.O.T. Rate/ Divisional Head

| Name of month | M/R No | W/O No | Book No | Date to Date | Total Days | Sign of M.R. in charge |
|---------------|--------|-----------------|---------|-------------------|------------|------------------------|
| April | 25 | 075,078 083, | 3857, | 1/4/82 to 30/4/82 | 30 | |
| May | 09 | 093,095 | 3807, | 1/5/82 to 31/5/82 | 31 | |
| June | 13 | 100,020 | 3807, | 1/6/82 to 30/6/82 | 30 | |
| July | 21 | 026 42 | 3807, | 1/7/82 to 31/7/82 | 29 | (31) |
| Aug. | 14 | 053,058 078, | 3808, | 1/8/82 to 31/8/82 | 23 | (31) |
| Sept. | 13 | 075, | 1791, | 1/9/82 to 18/9/82 | 18 | |

Total Days

(171)

161

(Total Days One Hundred Sixty one)

No: A-1/m.R. certi/82-83/I. Date of issue the 1-7-83

True copy
P.S. Chawpaw
Avocet

Countersigned

18/7/83
D. - 17/8/83

H. G. Dayal & T. Hussain L.T.T.

(2) A 14

Indian Post & Telegraphs Department

This is certified that Shri H. D. Shafigue/o Abdul
daih had been worked in my working party as a
major on under the S.P.O.T. Kotal Division Melsane

| Name of month | M/R No | W/O No | Book No | Date to Date | Total Days | Sig of M/R mehanga |
|---------------|--------|---------------|---------|---------------------|------------|------------------------|
| Dec | 23 | 45 | 49484 | 1/12/82 to 31/12/82 | 30 - | |
| Jan | 20 | 71, 79 | 49483 | 1/1/83 to 31/1/83 | 20 - | R.K. Kotha Sip. D. |
| Feb | 4 | 89, 9, 13, 14 | 49485 | 1/2/83 to 28/2/83 | 25 - | |
| May | 2 | 66, 68 | N.K.A | | | |
| | | 73 | 5905 | 1/5/83 to 31/5/83 | 28 - | Sarajid Ali Sip. D. |
| | | | | | 103 - | |

NOP 1/MR certi/8283/ku

DT- 2/7/83

Total one hundred
three days worked

Counter signed.

S. B. S. REC'D.
LAWL. M. O., 202-66874

True copy
P.S. Champa
Avant

(22) A5

INDIAN POST & TELEGRAPHS DEPARTMENT.

This is certified that Shri M. A. Shafigue s/o Abdul Latif
had been worked in my working party as a Labour
under the S.P.O.T. Kalol. Division Mehsana.

| Name & month | M.R. No. | Book No. | Date to Date | Total Days | Signature of M.R. Incharge |
|--------------|----------|---------------|-------------------|------------|----------------------------|
| June | 12 | N.K.N 5905 | 1/6/83 to 30/6/83 | 30 | Sayyaddin J Sip Kalol |

Total
days 30

(Total Thirty days)

No: A-1/M.R. Certificate 183-84/K/II Dated at KALOL the 8-12-83

C counter Signed

S. D. Q. ^{Signature}
Telegraphs
Kalol (N.G.) 382721

True copy
P.C. Chawpar
Aswani

Office of the S.D.O. Telegraphs

162 (A. B)

16 MAR 1986

INDIAN POST & TELEGRAPH DEPARTMENT

23

A6

RECEIVED

THIS IS TO CERTIFIED THAT SHRI M.D.SHAFIQUE S/O. ABDUL LATIF HAS BEEN WORKED IN MY WORKING PARTY AS A CAUSAL LABOUR UNDER THE S.D.O.T. KALOL, DIVISION MEHSANA.

| Name of Month. | File No. | Book No. | W.O. No. | Date to Date | Total Days. | Signature of M.R. Incharge. |
|--------------------|----------|--------------|--------------|-----------------------|-------------|-----------------------------|
| FEB. 28.2.1985. | 04 | NK-8736 | 063 | 1.2.85 to 28.2.85. | 3 | |
| MARCH 31.3.1985. | 16 | NK-8736 | 081, 90. | 01.3.85 to 31.3.85. | 26 | |
| APRIL. 30.4.1985. | 07 | NK-8736 8737 | 009. | 01.4.85 to 30.4.85. | 30 | |
| MAY. 31.5.1985. | 10 | NK-8737 | 21, 30. | 01.5.85 to 31.5.85. | 31 | |
| JUNE. 30.6.1985. | 24 | NK-8737 | 37 | 1.6.85 to 30.6.85. | 30 | |
| JULY. 31.7.85. | 000011 | NKA-1255 | 56, 60. | 01.7.85 to 31.7.85. | 29 | |
| AUGUST. 31.8.1985. | 000020 | NKA-1255 | 72, 76. | 01.8.85 to 31.8.85. | 29 | |
| SEPT. 30.9.1985. | 000022 | NKA-1255 | 83, 91. | 01.9.85 to 30.9.85. | 30 | 29 days |
| OCT. 31.10.1985. | 10. | NK-1. | 96, 35. | 01.10.85 to 31.10.85. | 31. | |
| NOV. 30.11.1985. | 15. | 888 NK-1. | 006, 12, 18. | 01.11.85 to 30.11.85. | 29. | |
| TOTAL DAYS... | | | | | | 268 267 days |

Total two hundred sixty seven days
only

Re: A1/MR certly 1/2/86 dtat ke 19.3.86,
Counselor Signed.

True copy
P.S. Chapman
Advocate

S. D. O. Telegraphs
Mals. (N.G.) 352 N

(24) + AF 7

INDIAN POST & TELEGRAPH DEPARTMENT.

This is to certify that shri H.d. Shafique
b/a Abdul Latif has been worked in my working
Party as a casual labour under the S.P.O.T. VIJAPUR
Division Mehsana.

| Name of Month | W/O No | Book No | File No | Date to Date | Total Days | Sign of M.R. Incharge |
|---------------|------------|---------|---------|--------------------|------------|-----------------------|
| JANUARY | 25 | N.K.6 | 18. | 16.1.86 to 31.1.86 | 16.12 | |
| FEBRUARY | 29. 40. | N.K.6 | 21. | 1.2.86 to 28.2.86. | 23 22 | |
| MARCH | 9. | N.K.15 | 9. | 1.3.86 to 28.3.86 | 23 | |
| APRIL | 56. 57. | N.KA15 | 16. | 1.4.86 to 20.4.86 | 16 12 | |

(28)
74 days?

Total
days

No. A.1/M.R/certi/85-86/33 dated 24/7/86.

Certified that total 74 days (Seventy four days)
has been verified from labour register and
found correct.

S. D. O. (Signature)
Telegraphs
Vijapur (N.G.)

True copy
R.S. Chaturvedi
Advocate

(Rb) (AS)

INDIAN POST & TELEGRAPH DEPARTMENT

WORK CERTIFICATE

This is to certify that Shri M. D. Shafique S/O Abdul Latif has been worked as a casual labour in my working party under the S. D. O. T. Kalol, Division Mehsana.

| Name of the month | Book No. | M.R. No. | W.O. No. | Date to date | Total days. | Sign. of M.R. Incharge |
|-------------------|----------|----------|----------|--------------------|-------------|------------------------|
| May | 10 | 15 | 84 | 1-5-86 to 31-5-86. | (30) 31 | 12/5/86 |
| June | 10 | 24 | 96 | 1-6-86 to 30-6-86. | 8 | 12/5/86 |

Total thirty nine days.

Total Days 39.

No A.I/MR/Ced/18687 at at Kalol 12/5/86
Counter-Signed.

S. D. O. Telegraphs 215
Kalol (N.) 382721.

True Copy
P.L. Chawhan
Advocate

DEPARTMENT OF TELECOMMUNICATION

(26)

(A.G.)

WORK CERTIFICATE

This is to certified that Shri M. A. Shafique. S/o. Abdus salaff has been worked in my working party as a casual labour under the S. D. O. T. Vijapur Division Mysore.

| Name of the month | M. R. No. | Book No. | W/O No | Date to Date | Total Days | Signature of M.R. in charge |
|----------------------|--------------|-------------|--------------------|------------------------|---------------|-----------------------------------|
| OCT | 22, | N.K 20, | 11, | 1/10/86 to 30/10/86 | 30, | ✓ |
| NOV | 1, | N.K 24, | 18, 25, | 1/11/86 30/11/86 | 30, | ✓ |
| DEC | 6, | N.K 24, | 27, 24, | 1/12/86 31/12/86 | 31 | ✓ |
| JAN | 13, | N.K 24, | 40, 48, 49, | 1/1/87 30/1/87 | 27 | ✓ |
| FEB | 24, | N.K 24, | 54, 63, 28/2/87 | 1/2/87 28/2/87 | 22 | ✓ |
| MARCH | 3, | N.K 28, | 69, 80, 77, | 1/3/87 31/3/87 | 18 | ✓ |
| APRIL | 19, | N.K 28, | 82, 100, 90, 96 | 1/4/87 30/4/87 | 29 | ✓ |

Total
Days 187

A.I/m.R/cert/86-105 dated 14/5/87

Certified that total 187 days (One hundred eighty seven days) has been verified from labour register and found correct.

(K. E. K.)
S. D. O., Telegraphs
Vijapur (N. G.)

True copy
P.S. Champa
A. S. K.

(25) A/10

DEPARTMENT OF TELECOMMUNICATION
WORK CERTIFICATE

This is to Certified that Shri M. D. Shafique.
S/O. Abdul latif has been worked in my working
party as a causul labour under the S.D.O.T.Vip.
Division Mehsana.

| Name of Month | W.O No. | File No. | Book No. | Date to Date | Total Days | Sig of M.R.inchar |
|---------------|-------------------|----------|----------|------------------------|------------|-------------------|
| April | 8290 96,100 | 19 | 28 | 1.4.87 to 29,4,87 ✓ | 29 | P. V. S. |
| May | 69,80 77 | 3 | 28 | 1,5,87 to 29,5,87 ✓ | 18 | P. V. S. |
| Jun | 22,30 | 10 | 33 | 1,6,87 to 29,6,87 ✓ | 29 | P. V. S. |
| July | 34,35 36,42,43 | 18 | 33 | 17,87 to 25,7,87 ✓ | 25 | P. V. S. |
| Total days | | | | | | |

No A-1/M.R/ Cert/ 87-88/ 144 dated 13/11/87

Certified that- total 101 days (One hundred one days) has been verified from M.R.O. Roll register and found correct.

S. D. O. Telegraph
Vijapur (N. G.)

True G.P.
P.S. Chirpaw
A. V. C. E.

Verifd
A. V. C. E.
13/11/

DEPARTMENT OF TELECOMMUNICATION

WORK CERTIFICATE

This is to certified that Shri M.D. SHAFIQUE,
S/O ABDUL LATIF has been worked in my working party
as a casual labour under the S.D.O.T. Kalol Division
Mehsana.

| Name of Month | M.R. No. | Book No. | W.O. No. | Date to date | Total days | Signature of M.R. Incharge |
|---------------|----------|----------|----------|---------------------|------------|----------------------------|
| August | 11 | N.K. 34 | 37 40 | 1.8.87 to 31.8.87 | 31 30 | |
| September | 18 | N.K. 34 | 42 | 1.9.87 to 30.9.87 | 30 | |
| October | 21 | H.K. 34 | 52 | 1.10.87 to 31.10.87 | 28 | |
| November | 25 | N.K. 34 | 64 | 1.11.87 to 30.11.87 | 30 | |
| December | 9 | N.K. 43 | 73 | 1.12.87 to 31.12.87 | 31 | |

Total days.
One hundred Fifty

250
149 days

Total one hundred forty nine days
No. AI/MR. certy/8788 dtd at 1000 the 8-1-88
Counter signed.

S. D. O. Telegraphs
Khal (N. G.) 382721.

True copy
A. L. Chempai
Private

DEPARTMENT OF TELECOMMUNICATION

WORK CERTIFICATE

This is to certify that Shri Md. Shafique S/o. Abdul Latif has been worked in my working party as a Casual labour under the S.D.O.T. Kalol, Division Mehsana

| Month | M/R No. | Book No. | W/O No. | Date to date | Total days | Sig. of MR Inch. |
|----------|---------|----------|-----------|----------------------|------------|----------------------------------|
| January | 15, 17 | 43 | 82, 86 | 1-1-88 to 31-1-88 | 31 | |
| February | 21, 22 | 43 | 92 | 1-2-88 to 29-2-88 | 29 | 112/5 |
| March | 2, 3 | 44 | 97 | 1-3-88 to 31-3-88 | 31 | 55-5-2-112/5 |
| April | 7 | 44 | 104, 4 | 1-4-88 to 30-4-88 | 30 | 28 S. D. O. T. K. C. 112/5 |
| | | | | | 121 | 118 days |
| | | | | | | |

Total one hundred eighteen days

No:- A1/MR. certfy/88-89 dtd at Kalol the 9-6-88.

Counter signed

Some Gpy
P.S. Chatur
Avadeh


S. D. O. Telegraphs
Kalol (N. G.) 382721.

(39) (A13)

DEPARTMENT OF TELECOMMUNICATION

WORK CERTIFICATION

This is to certify that Shri Md. Shafique S/o. Abdul Latif has been worked in my working party as a casual labour under the S.D.O.T. Kalol, Division Mehsana.

| Month | M/R No. | Book No. | W/o.No. | Date to Date | Total days. | Sig. of MR Inch. |
|-------------|---------|----------|------------|--------------------------|-------------|------------------|
| May. | 12 | 44 | 7,10. | 1.5.88 to 31.5.88. | 31 | |
| June. | 17. | 44 | 13. | 22.1.6.88 to 16.30.6.88. | 16 | |
| July. | 23. | 44 | 19,22, 23. | 1.7.88 to 31.7.88 | 31 | |
| Total Days. | | | | | | 78 |

Total severity eight days only.

No: A1/MR-certy/88-88 dated 10/8/88
Counselor Signed

True copy
P.S. Chaturvedi
Advocate

S. D. O. T. - 1988
Kalol (Dist. G.) 502721

No.



(ORIGINAL)

(31)

(A14)

Transfer Certificate

Certified that

Mohammed
Shafique, son/daughter
of..... Abdur Latif
an inhabitant of 27..... Street Kamarhat
in the District of Calcutta, left the school on 30th Dec. 1978.

The date of his/her birth as recorded in the Admission Register
was 11.....1964.

His/Her age at the date, according to the Admission Register,
was Fourteen..... years..... 02..... months
..... twenty nine..... days.

He/She was reading in Class..... VIII..... and had/had not passed
the Annual Examination for promotion to Class..... IX.....

All sums due by him/her have been paid viz ;
Fees and Fines up to 30.12.78 (date)

Character - good

REASONS FOR LEAVING :—

- (i) Unavoidable change of residence.
- (ii) Ill health (this reason shall only be given if it is, in the opinion of the Headmaster/Headmistress well founded)
- (iii) Abolition or closure of school.
- (iv) Completion of the school course.
- (v) Option of the guardian.
- (vi) Minor or private reasons (including all reasons other than the foregoing) If failure to secure promotion has been put forward as a reason or is considered by the Headmaster/Headmistress to be the real reason the fact should be noted here.

Dated 30.12.1978

Al-Bayan Islamic
Headmaster/Headmistress
JUNIOR HIGH SCHOOL
Kamarhati Cal. 700058.

Shreya
P.S. Chatterjee
15/12/78

PROGRESS REPORT FOR THE SESSION—1978 [For Classes VI—VIII]

NAME: Charmi Chakraborty CLASS: VI SEC: A ROLL NO. 1

| No. of Students Examined | 1st. Language | | 2nd Language | | 3rd Language | | SCIENCE | | SOCIAL STUDIES | | HISTORY (India and her People) | | Geography | | Work Education etc. | | | |
|--------------------------|-------------------|-------------------|---------------------|-------------------|---------------------|-------------------|--------------|----------|--------------------|---------------------------|--------------------------------|---------------------------|--------------------|---------------------------|---------------------|---------------------------|--------------------|---|
| | English/ Hindi | Bengali/ Hindi | English/ Bengali | Bengali/ Hindi | English/ Bengali | Bengali/ Hindi | Physical Sc. | Life Sc. | School Performance | Oral Test and Performance | Theoretical | Oral Test and Performance | School Performance | Oral Test and Performance | School Performance | Oral Test and Performance | School Performance | |
| 1st. Term. — | | | | | | | | | | | | | | | | | | |
| 2nd. Term. — | | | | | | | | | | | | | | | | | | |
| Annual — | | | | | | | | | | | | | | | | | | |
| Full Marks | 50 | 10 | 100 | 50 | 10 | 100 | 90 | 10 | 100 | 30 | 20 | 100 | 90 | 10 | 100 | 60 | 80 | |
| Pass Marks | 24 | 6 | 30 | — | 30 | — | — | — | — | 30 | 24 | 6 | 30 | 27 | 3 | 30 | 15 | — |
| 1st. Test. | | | | | | | | | | | | | | | | | | |
| 2nd Test. | | | | | | | | | | | | | | | | | | |
| Annual | | | | | | | | | | | | | | | | | | |

Signature of Pupil's Parents or Guardian

1st. Test.

2nd. Test.

Annual

Remarks of the Class Teacher

1st. Test.

2nd Test.

Annual

Good

Good

Good

Attendance

Attendance

Attendance

Conduct

Conduct

Conduct

Progress

Progress

Progress

Position in Class

Position in Class

Position in Class

Biggesture of Class

Biggesture of Class

Biggesture of Class

Headmaster/Headmistress

Headmaster/Headmistress

Headmaster/Headmistress

There test score, 13 College Square, Calcutta-73

30/11/78

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संस्थापन
Corr-
कार्यालय

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A 16
DEPARTMENT OF TELECOMMUNICATIONS

जल्द देवे बनव तुपना
तिव तार्दां देव।

In reply
Please Quale

संस्था

Sl. No. E-54/Casual-Labour/150

में S. D. O. Telegraphs
From Kalol (M. G.) 382721.

देवा न,
To, Shri P.M. Patel,
Dy. Telecom District Engineer,
Mehsana-384001.

में
Dated at Kalol the 8-2-89.

में / SUBJECT :- Regularisation of Casual labours.

Ref:- Your Endst. No:E-22/Rectt/ dated 28-1-89.

With reference to your letter cited above, it is
intimated that the educational qualification in respect of the
following casual labours who have already rendered 7 years service
as on 31-3-87 for which the list of the casual labours have already
been submitted to your office vide this office letter No:E-54/Casual-
Labour/145 dated 7/9/1-89 in view of your original letter No:
E-22/Rectt/Rlg/ dtd 8-12-88 please:-

The educational qualification in respect of the
said following Casual labours are as under please:-

| Sl. No: | Name of casual labour | Educational Qualification. |
|---------|-----------------------------------|--|
| 1. | Shri Solanki Maheshkumar Somchand | IX th. Standard pass in 1979. Employment Exge. No: & Date: Regd. No: 12283/81 date:- 13-10-81. (Mehsana) |
| 2. | Shri Parmar Punamchand Somchand | New S.S.C. Fail. Employment Exchange No: & Date Regd. No: 2219/18 dated 22-9-78. (Mehsana) |
| 3. | Shri Alimuddin Nizamuddin Ansari | VIII th. Class Pass. Employment Exchange No: & Date: Regd. No: 6637/83 Dated 28-6-83 (Mehsana) |
| 4. | Shri Md. Shafique Abdul Latif | VIII Th. class Pass. Employment Exge. No: & Date Regd. No: 4844/83 date:- 4-5-83 at Mehsana S. D. O. Telegraphs Kalol (M. G.) 382721. |

True by
P.S. Chambhani
Aveekha

(34)

BEFORE THE CENTRAL ADMINISTRATIVE
TRIBUNAL AT AHMEDABAD.

O.A.NO. 239/89.

917

M.D.Safique.

Applicant.

VS

Union of India
and others.

Opponents.

REPLY ON BEHALF OF THE
OPPONENTS.

I, Mohamed T. D. E. Mehsana

do hereby verify and state ~~thatxxwhatxxisxxstated~~
in reply to the application as under.

1. I have read the application and perused the record and competent to file this reply. I do not admit such of the averments made in the application except which are specifically admitted by me and I hereby deny the same.
2. At the outset, it is submitted that the present application is misconceived and not maintainable at law and deserves to be rejected. No condition of service or of recruitment has been violated and therefore the Hon'ble Tribunal has no jurisdiction to entertain the application.

3. Referring to paragraph-6, it is submitted that date of birth of the applicant as per school leaving certificate is 1-11-1964 and the applicant has got his name registered in District employment exchange, Mehsana being No.R.4844/83 dated 4-5-1983. According to school leaving certificate, the applicant was engaged as a casual labourer under age i.e. not completed 18 years.

Date of working - 5-8-1981.

Date of birth 5-11-1964.

4.9.16.

Hence the applicant engaged as casual labourers before 18 years i.e. under age and therefore his number of days not counted and his number of days counted as on 1-11-1982 as on complete 18 years.

Date of Birth - 1-11-1964.

Years. 18 years.

1-11-1982 Date of completion of 18 years.

It is submitted that according to Department of Telecommunication, New Delhi dated 1-11-1988 and Chief General Manager, Ahmedabad communication dated 1-12-1988, the applicant has not completed 7 years as on 31-3-1987 as he has not worked since or prior to 1-4-1980, but worked since 5-8-1981. Hence the applicant was not eligible for regularisation of Group-D post as per the Government policy which was issued in pursuance of the judgment of the Supreme court.

It is submitted that the applicant has also stated vide his application dated 18-8-1988 that ' I was engged beyond 16 KMS away from the employment exchange'. The same was certified by Mr.Saiyad S.I.T. in a separate letter. But according to rule of DG P&T New Delhi dated 25-6-1983 and G.M.T. Ahmedabad communication dated 30-6-1983, the applicant's name was not sent by the District employment exchange, Mehsana on 5-8-1981 and not mentioned in M/R certificate. But the applicant's name was registered in Employment Exchange, Mehsana on 5-8-1983.

It is further submitted that the applicant has applied in prescribed proforma dated 18-8-1988 for the post of regular mazdoor group-D non-test category through SDOT Kalol, but on verification and checking of application, the applicant was found not eligible for the regular mazdoor post in view of rules of DG P&T New Delhi dated 2-3-1981 and G.M.T. Ahmedabad communication dated 9-3-1983 and the notification dated 29-7-1988 . It is submitted that the applicant has not completed 240 days of service in each year for 2 consecutive years. It is submitted that therefore the applicant does not fulfil the criteria laid down by the Government for regularisation and therefore he was not called for interview.

It is submitted that the applicant was absent from July 1984 to January 1985 i.e. for 19 months. At that time the applicant had not informed nor instructed for his absence. But he had submitted

medical certificate on 27-7-1988 from Dr.K.V.Shukla of Aarogya Kendra and Maternity Home, Kalol, instead of a Government hospital for the aforesaid treatment period i.e. July 1983 or date of completion of treatment i.e. 1-2-1985. It is submitted that therefore there is break in the applicant's service for 19 months. The applicant submitted certificate on 27-7-1988. Obviously, the same could not be accepted. Therefore the break could not be condoned.

4. It is submitted that the facts which are mentioned by the applicant which are not in consonance with the above referred facts are not accepted and are hereby denied. It is submitted that conveniently the applicant has not stated his absence for the aforementioned period. It is denied that the applicant has worked for a period of more than 7 years as a casual labourer as alleged. It is submitted that therefore the action of the opponents in not calling the applicant for interview is legal and valid and in accordance with the Government policy. It is submitted that interview has already been over and therefore this application has become infructuous and deserves to be rejected.

5. Referring to paragraph-7, it is submitted that the applicant is not entitled to any relief as prayed for.

6. Referring to paragraph-8, it is submitted that the applicant is not entitled to any interim relief as prayed for.

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7. In view of the aforesaid facts and circumstances of the case, there is no merit in the application and the same deserves to be rejected.

DATE: 30.6.89

g/HM
Mohamed)

T. D. E. Mehsana

VERIFICATION.

I, Mohamed, T. D. E. Mehsana.

do hereby verify and state that what is stated hereinabove is true to my knowledge, information and belief and I believe the same to be true.

DATE: 30.6.89

g/HM
Telecom District Engineer
Mehsana 384001

Reply/Regoinder/written submission
filed by Mr. T. D. E. Mehsana
Learned advocate for petitioner
Respondent with second set
Copy served/not served & other note

on 3/7/89 Dy. Registrar C.A.
A'bad Bazar

CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH
AHMEDABAD.

Application No. Contempt 19/91 of 199

Transfer Application No. _____ Old Writ Pet. No. _____

C E R T I F I C A T E

Certified that no further action is required to be taken and
the case is fit for consignment to the Record Room (Decided).

Dated : 24/12/92.

Countersigned :

Ashefa 5-1-93

Section Officer/Court Officer

Sign. of the Dealing Assistant.

ACugan

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AT AHMEDABAD BENCH

INDEX SHEET

CAUSE TITLE Contempt 19/91

UF *9

NAMES OF THE PARTIES Shri. S.C. Salunkhe

VERSUS
U.S. & another.

PART A B & C

| SR. NO. | DESCRIPTION OF DOCUMENTS | PAGE |
|---------|--|------|
| 1. | Application. | 1-5 |
| 2. | Documents filed. | 6-11 |
| 3. | Orders dt. 27/9/91, 19/11/91, 26/2/92, 31/3/92, 29/7/92, 7/9/92, 24/9/92. | |
| 4. | Final order dt. 12/11/92. | |
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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AT AHMEDABAD BENCH

INDEX SHEET

CAUSE TITLE _____ OF \$19

NAME OF THE PARTIES _____

VERSUS

PART A B & C

CENTRAL ADMINISTRATIVE TRIBUNAL

AHMEDABAD BENCH

AHMEDABAD.

Submitted: C.A.T. / JUDICIAL SECTION.

Original Petition No: _____

Contempt of _____
Miscellaneous Petition No: 19
of 1991

Shri Shivram Chhatubhai Solanki Petitioner(s)

Versus.

WZ & Ors Respondent(s).

This application has been submitted to the Tribunal by Shri V.B. Gharavade. Under Section 19 of the Administrative Tribunal Act, 1985. It has been scrutinised with reference to the points mentioned in the check list in the light of the provisions contained in the Administrative Tribunal Act, 1985 and Central Administrative Tribunals (Procedure) Rules, 1985.

The Applications has been found in order and may be given to concerned for fixation of date.

The application has not been found in order for the reasons indicated in the check list. The applicant may be advised to rectify the same within 14 days/draft letter is placed below for signature.

ASSTT:

1. Name of respondent not mention.

S.O. (J) :

D.R. (J) :

KNP/15391/****

21/1/91 4/1/91
AG 5/1/91

We may issue objection letter
as per flag "A" after the signature
of dy. L.T.

15/3/91 P.T.O.
S.O. 6, 21/1/91
D.R. 21/1/91

P.T.O.

Advocate concerned has removed
office objection. we may
fix this at before bench.

(26) 1
16/9/91. 13512
S. (5) 16/9/91.
Dy. 16/9/91. 16/9/91.

(37)

In the Hon'ble Central Administrative Tribunal
at Ahmedabad Bench

Dist. Ahmedabad

C A. No. 19 of 1991

In

O. A. Stamp No. 239 of 1989

Received copy
by Mr. N. S. Shende
Advocate
11-11-91

Shivram Chhotubhai Solanki ... Applicant

Vs.

Union of India & Ors. ... Respondents

I n d e x

| Sr. No. | <u>Particulars</u> | <u>Pages</u> |
|------------|---|--------------|
| 1 | Memo of Application | 1 to 5 |
| 2 | Ann. A-1 Order of the Hon. Tribunal and representations filed 6 to 11 by the petitioners xerox copy | |

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AT AHMEDABAD



Dist. Baroda

4 C.A. No. 19 of 1991
in
C.A. No. 239 of 1989

Shivram Chhetubhai Selanki,
residing at New Civil Hospital
Compound, Kaccha Hut,
Asarwa, Ahmedabad... Applicant

V/s.

1. The Union of India

through Divisional Railway *Mr. Rajkumar*
Manager, Baroda Division,
Baroda.

2 Labour Inspector, *Mr. Parmar*
Kankaria Railway Office,
Maninagar, Ahmedabad... Respondents

Details of Application

Contempt ~~Tradition~~ under Order 39 Rule 2A of
Civil Procedure Code.

1. Particulars of the order against which the application is made .:-

The Hon'ble Tribunal has passed an order on dated 5.4.1990 O.A.No.239 of 1989. In this Order the Hon'ble Tribunal has passed the order ~~that~~ that the applicant has to file the Representation in the Respondent D.R.M(E.) Baroda. The petitioner has filed the Representation after passing this Court's order, and the ~~petitioner~~ the respondent has to dispose and consider this Representation within three months from the date of the communication. The respondent has filed the representation in the respondent office on dated 22.5.1990. The respondent has not given any reply or service to the applicant. There after the applicant has filed another representation on dated 23.11.90. That all the representations of the applicant, the respondent has not given any reply and also not considered the Representations of the applicant. The applicant annexed the copy of the Tribunal Order and copy of the Representations filed by the applicant annexed as Annexure 'A' Collectively. By the order of the Tribunal, the respondent has not followed the order of the Hon'ble Tribunal, therefore the applicant has to file the Contempt Application against the respondents, as per the order of Hon'ble Tribunal.



2. Jurisdiction of the Tribunal:

This Hon'ble Tribunal has jurisdiction to hear and decide this Contempt Application.

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-3-

3. Limitation:

This application is made within time.

4. Facts of the case:

As stated in the para no.1.

5. Grounds for relief with legal position:

~~xxx~~ Nil

6. Details of the remedies exhausted:

Be pleased to direct the respondents and -
grant the interim relief to allow the -
applicant of their father's service till the
notice pending and disposal of this applica-
-tion.

7. Matters no previously filed or pending with
any other Court:

There is no matter pending in any other Courts
in respect of this subject matter.

8. Relief's sought:

The applicant prays to this Tribunal to direct
the respondents to allow the applicant on his
father's service and the respondents not followed

the order of the Hon'ble Tribunal from the date of the order to pay all back wages to the applicant ~~to~~ till to day.



9. Interim order if any pray for:-

The applicant prays to this Hon'ble Tribunal till the notice pending admission, direct the respondents to allow the applicant in the service and till the final disposal of this application.

10 In the event of application being sent by Regd.

Post:

This para is not related to the applicant.

11. Particulars of the Bank Draft:-

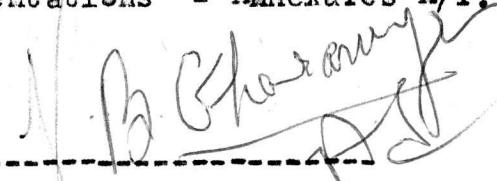
Nil.

12. List of Enclosures:

(1). Copy of the Hon'ble Tribunal Order - Annexure A/1

(2). Copies of the Representations - Annexures A/1.

Ahmedabad P
Dt. 13.2.1991)


(V.B.Gharaniya)

Advocate for the Applicant



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(1P)
SERIAL No. 645 Dt. 1-4-91
BOOK No. 1
PAGE No. 59

K.N. Valikarimwala
NOTARY

Verification

I, Shivrambhai Chhetubhai, son of Chhetubhai
is age 24 years, working as unemployeed in office
of Nil, resident of Civil Hospital Compound, Asarwa,
Ahmedabad, do hereby verify that the contents of
paras 1 to 12 are true to my personal knowledge
and paras 1 to 12 to be believed to be true on legal
advice and that I have not suppressed any material
facts.

Ahmedabad)

Dt. 13.2.1991)

Zurinai B. S. S.

Applicant

SOLEMNLY AFFIRMED
BEFORE ME

K.N. Valikarimwala
NOTARY



*E. J. S. Chaturvedi
Advocate*

Filed by Mr. *V. B. Gavani*
Learned Advocate for Petitioners
with second set & 2 copies copy served/not served to
other side

Dt. 21/6/91 *in chambers*
Dy. Registrar C.A.T. (I)
Ahmedabad Bench