

# CENTRAL ADMINISTRATIVE TRIBUNAL

## AHMEDABAD BENCH

C.A. No. 31/96 in  
**O.A.NO.** /370/92  
~~T.A.NO.~~

DATE OF DECISION 31<sup>st</sup> March 1998

Alimuddin Mohammed Ansari Petitioner

Mr. P.H. Pathak Advocate for the Petitioner [s]  
**Versus**

Union of India & others Respondent

Mr. Akil Kureshi Advocate for the Respondent [s]

### CORAM

The Hon'ble Mr. V. Ramakrishnan, Vice Chairman

The Hon'ble Mr. P.C. Kannan, Member (J)

### JUDGMENT

- 1, Whether Reporters of Local papers may be allowed to see the Judgment ? *no*
- 2, To be referred to the Reporter or not ? *no*
- 3, Whether their Lordships wish to see the fair copy of the Judgment ?
- 4, Whether it needs to be circulated to other Benches of the Tribunal ? *no*

"In the result, the O.A. is allowed. The order terminating the employment of the applicant is hereby quashed and set aside and the respondents are directed to reinstate the applicant in service on the same terms as before with back wages from the date of the filing of the O.A. (minus any income earned by him during the relevant period by gainfully employing himself) within a period of four weeks from the date of receipt of a copy of this judgement, failing which they will be required to pay wages to the applicant from the day next to the date of expiry of the said period of four weeks. The claim for back wages for the period prior to the filing of O.A. is rejected. The respondents shall give credit to the applicant for the number of days, for which he had actually worked <sup>of</sup> ~~for~~ temporary status and for payment of retirement benefits to him, if and when the same becomes payable to him.

as  
No order ~~a~~ to costs".

3. The department had approached the Supreme Court with an S.L.P. against that order and initially obtained a stay. Subsequently this stay was vacated.

4. We have heard Mr. Pathak for the Complainant and Mr. Kureshi for the respondents.

5. It is not in dispute that pursuant to the orders of the Tribunal the respondents reinstated the applicant w.e.f. 20.6.97. Backwages as due to the applicant as directed by the Tribunal were also

Alimuddin Mohammed Ansari  
Laxmipara, Street No.3  
Surendranagar- 363 001.

Applicant

Advocate: Mr. P.H. Pathak

Versus

1. Union of India  
Through  
General Manager  
Telecommunication Deptt.  
Nr. Gujarat High Court  
Ahmedabad.
2. Sub-Divisional Officer (Phone)  
Telecommunication Deptt.  
Surendranagar.
3. Executive Engineer  
Telecommunication Deptt. (Phone)  
Surendranagar.

Respondents

Advocate: Mr. Akil Kureshi-

JUDGEMENT

IN

CA/31/96 in OA/370/92

Dated 31<sup>st</sup> March 1998

Per Hon'ble Mr. V. Ramakrishnan, Vice Chairman:

The complainant alleges that the respondents have not complied with the direction of the Tribunal in OA/370/92.

2. The complainant was working as a casual labourer in the Telecom Department and had challenged the validity of the order of the department terminating his services w.e.f. 11.5.89. The Tribunal disposed of the O.A. on 1/11/95 with the following direction as seen in para 5 of the <sup>order</sup> OA/370/92.

calculated as at Rs.98342/- and payment had been made on 11.8.97 as submitted by Mr. Kureshi. The controversy however remains with regard to the date of conferment of temporary status.

6. Mr. Pathak for the complainants submits that as the applicant has worked for 240 days prior to May 1989 he was entitled to grant of temporary status on completion of such period under the 1989 scheme whereas the respondents have given the temporary status only w.e.f. 17.12.93. He says that there is no justification for conferment of temporary status from such a late date.

7. Mr. Kureshi for the respondents contends that the applicant had been granted temporary status w.e.f. 17.12.93 for the reason that earlier the department of Telecom had a scheme for grant of temporary status and regularisation of casual labourers 1989. According to the respondents as given in their reply statement, this scheme was applicable to those casual labourers who were engaged prior to 30.3.1985 and who were still in service on that date. The present complainant did not fulfil these requirements and he was thus not covered under the said scheme for grant of temporary status and for regularisation. However, subsequently by O.M. dated 17.12.1993 it was provided that all those casual mazdoors who were engaged by the Circles during the period from 31.3.1985 and 22.6.1988 and who are still continuing for such works be brought under the



scheme subject to certain conditions laid down therein. It is submitted by the respondents that the complainant was not covered under the earlier scheme of 1989 and is entitled to be considered for temporary status only under the new O.M. dated 17.12.1993. ~~As~~ it is for the first time by the said O.M. dated 17.12.1993 the complainant and such other similarly situated casual labourers have been brought under the scheme for consideration for grant of T.S. The ~~complainant~~ <sup>complainant</sup> is therefore entitled to be considered for temporary status w.e.f. 17.12.93 and not earlier as prior to 17.12.93 there was no scheme for grant of T.S. applicable to the applicant. They argue that the complainant's demand for grant of T.S. earlier than 17.12.1993 is not justified for the reason that it was for the first time by circular of 17.12.93 that he was brought under the scheme for consideration for grant of T.S. and there is nothing in the said circular to suggest that any retrospective effect is to be given by predating the temporary status".

8. Mr. Pathak says that this contention of the respondents is not tenable. According to him the relevant scheme came into force with effect from 1.10.1989 onwards. Initially it had restricted the benefit only to those who had been engaged as casual labourers till 30.3.85. The subsequent letter dated 17th December 1993 extended the benefit to those who are engaged during the period from 31.3.85 to 22.6.88. Mr. Pathak contends that <sup>with</sup> the issue of the revised

instructions the people engaged after 30.3.85 would be placed on the same footing as those who are engaged on or before 30.3.85 and it is not open to the department to lay down any cut off date. He therefore submits that action of the department in not extending the benefit of temporary status from 1989 is not in compliance with the directions of the Tribunal.

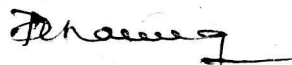
9. We have carefully considered the rival contentions. As brought out earlier, the only issue in dispute is the date from which temporary status can be conferred to the applicant. We find that the question whether the letter dated 17.12.93 has only prospective effect or not is the subject matter of another application- OA/508/97- S.P.Zala vs. Union of India. The applicant in that case was initially engaged w.e.f. 1.4.85 and was reinstated as casual labourer w.e.f. 14.9.92 in ~~pursuance of the~~ compliance with the orders of the Tribunal in OA/507/88. The department initially accorded him temporary status with effect from 1.10.89 and subsequently changed <sup>it</sup> to 17.12.93, contending that the earlier order was issued by mistake. While the Tribunal had granted an interim stay against the operation of the order postponing the date of conferment of temporary status, the main issue <sup>as to</sup> ~~is~~ whether the letter dated 17.12.93 is prospective or not is still to be adjudicated.

10. In the light of the position as brought out above, and as clarified in the reply affidavit of the

respondents the department has conferred temporary status w.e.f. 17.12.93 for the reason that as understood by them, <sup>the</sup> letter dated 17.12.1993 has only prospective effect. As such, there is no wilful disobedience of the Tribunal's order.

We therefore hold that the contempt proceedings should be dropped. We however make it clear that in case the Tribunal decides in OA/508/97 or in any other O.A.s that the benefit of the circular dated 17.12.93 need not be restricted only prospectively but can be operated even from an earlier date, the benefit of any such order shall also be extended to the present complainant within two months from date of passing of such order.

11. In the light of the above discussion, we drop the contempt proceedings and discharge the alleged contemnors.



(P.C. Kannan)  
Member (J)



(V. Ramakrishnan)  
Vice Chairman

CENTRAL ADMINISTRATIVE TRIBUNAL  
AHMEDABAD BENCH, AHMEDABAD

Application No. \_\_\_\_\_

CA/31/96 In 07/370/92

Transfer Application No. \_\_\_\_\_

CERTIFICATE

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

Date:-

02/04/98

Countersign:-

Signature of the Dealing  
Assistant

Section Officer

I N D E X - S H E E T

NAME OF THE PARTIES Alimuddin m Ansoni

40.2 & on.

[illegible]



CA 31/96  
M. No. 1073/97

13th January, 1997.

From : Assistant Registrar,  
Supreme Court of India.

To : Mr. C.V.Subba Rao, Advocate.

CIVIL APPEAL NO. 16656 OF 1996

Union of India & Ors.

Applicants.

Vs.

Shri Alim-ud-din Mohammed Anssari

Respondent

Sir,

The matter above-mentioned was listed before the Court on 9th December 1996 when the court was pleased to pass the following order :-

"Delay condoned.

Special Leave granted. Tag with CA.NO. 13078/96.

No stay."

I am to inform you that the abovesaid Civil Appeal No. 13078 of 1996 which is directed to be tagged with the appeal above-mentioned is not correct, but the original NO. is Civil Appeal NO.13078 to 13080 of 1996.

You are, therefore, requested to furnish the correct number at the earliest, so that the matter may be processed further.

Yours faithfully,

ASSISTANT REGISTRAR

Copy to : Mr. H.A.Raichura, Advocate.

keep with papers.

Dr. 2  
28/2  
So

copy  
# 04/3/97



CENTRAL ADMINISTRATIVE TRIBUNAL  
AHMEDABAL BENCH, AHMEDABAD

CAT/JUDICIAL SECTION

Submitted:

*Concise*  
Original petition No. 32/96

of in OA/366/92

Miscellaneous petition No. \_\_\_\_\_

of \_\_\_\_\_

Shri Alimuddin. M. Ansari Petitioner (s)

Versus

UOI 7005 Respondent (s)

This application has been submitted to the Tribunal by

Shri P. H. Palkar, Adv

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 application 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 advocate may be asked to rectify the same within 14 days/ draft letter is placed below for signature.

*CC*  
Asstt. 19/3/96 *CC*

S.O. (J) *19/3/96*

D.R. (J) *19/3/96*

\*K/28/10/94

CONSTITUTIONAL TRIBUNAL, AHMEDABAD

Case No.

C.P. (Civil) 30 1996

Between

CP/ 31 /96 in CP/370/92

Mr. Alimuadin M. Ansari Petitioner

By

Mr. P.H. Rattak

(Name of counsel, if any)

And

UOI 2005

Respondent

By

(Name of counsel, if any)

Termination

Department: Telecom (No. )

REPORT OF THE TRIBUNAL ON CONTEMPT OF COURT PETITION (CIVIL OR CRIMINAL)

- Whether the name of the petitioner as far as possible, the name of the father/mother/husband, age, occupation, and address of the petitioner (s) and the respondent (s) are given?

yes

Note: When served with an officer, his name, designation, and office address are to be given.

- Whether the petitioner(s) and respondent(s) are proper?

yes

Note: In case of civil contempt for disobeying an order of the Tribunal, any party in whose favour the direction is issued that can be impleaded as petitioner and the party against whom the direction is issued can be impleaded as the respondent.

- In case of criminal contempt, the party who is alleged to have committed contempt, that can be impleaded as respondent.

- Nature of the Contempt Civil or Criminal and the provisions of the Act invoked?

Civil

:2:

- 4.(a) Date of alleged Contempt ? (date of receipt of goods is 16-11-95)  
15-12-95
- (b) Date of filing of the Contempt Petition ? 06-3-96
- (c) Whether the petition is barred by limitation under Section 20 of the Contempt of Courts Act, 1971 ? no
5. (a) Whether the grounds and material facts constituting the alleged contempt are given ? yes
- (b) Whether the grounds and facts alleged in the petition are divided into paragraphs and numbered ? yes
- (c) Whether the petition is accompanied by supporting documents or certified/ photostat(attested) copies of the originals thereof ? yes
- (d) If the petitioner relies upon any other document(s) in his possession, whether copy of such document(s) is/ are filed along with the petition ? yes
- (e) Whether the petition and its annexures have been filed in a paper-book from and duly indexed and paginated ? yes
- (f) Whether three complete sets of the Paper-books have been filed ? yes
- (g) Whether equal number of extra copies of paper-books have been filed in case there are more respondents than one ? yes
6. Whether the nature of the order sought from the Tribunal is stated ? yes
7. Whether the petition is supported by an affidavit sworn to by the petitioner verifying the facts relied upon ? yes
- Note: No affidavit is required if the Motion is by Attorney General/ Solicitor General/Additional Solicitor General.
8. Whether the petitioner or his Advocate have signed the petition indicating the place and dated ? yes
9. In case of Civil Contempt whether the petition is accompanied by a certified copy of the judgment/degree/order/writ/ undertaking alleged to have been disobeyed by the alleged contemner ? yes
10. (a) In case of criminal contempt, not covered by Section 14\* of the Contempt of Courts Act, whether the petitioner has produced the consent obtained from the Attorney General/Solicitor General/ Additional Solicitor General ? MB
- .(B) If not, whether the petition contains the reasons thereof ?
- \* Contempt committed in the presence of or hearing of the Member (s).

: 3 :

11. Whether the petitioner had previously made a Contempt Petition on the same facts ? If so, have the following been furnished :-

no

12. (a) Number of the petition ?

(b) Whether the petition is pending? and

no

(c) If disposed of nature/result of the disposal with date ?

12. Whether the draft charges are enclosed in a separate sheet ?

yes

19/3/96

FOR ATTENTION :

Orders on the administrative side have to be obtained from the Chairman/ Vice Chairman or Member designated in case of action for criminal contempt, as required by Rule 7(ii) before placing for preliminary hearing.

Section Officer

19/3/96

Deputy Registrar

19/3/96

REGISTRAR

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL AT AHMEDABAD

CONTEMPT(CIVIL) APPLICATION NO. 31 OF 1996

IN

ORIGINAL APPLICATION NO. 370/92

BETWEEN..

Shri Alimuddin Mohammed Ansari

..Applicant.

Versus

Mr. V.V. Chaudhary  
Chief General Manager & Drs.

..Respondents.

INDEX

<u>SR.NO.</u>	<u>ANNEXURE</u>	<u>PARTICULARS</u>	<u>PAGE NO</u>
1.	-	Memo of the application	1 to 3
2.	A	A copy of the judgement	4 & 7
3.	A/1	A copy of the proposed charge	8

Date :- 6/3/96  
Ahmedabad.

(P.H. Pathak )  
Advocate for applicant.

श्री ..... P.H. Pathak  
Filed by Mr. ....  
माननीय अध्यक्ष के  
माननीय सदस्यों के  
समक्ष में .....  
with .....  
सहित .....  
Sp. ....  
अर्थात् .....  
Other .....  
दि. 6/3/96 Dy. Registrar C.A.T.  
A'bad Bench.



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL AT AHMEDABAD

CONTEMPT(CIVIL) APPLICATION NO. 37 OF 1996

IN

ORIGINAL APPLICATION NO. 370/92



BETWEEN..

Shri Alimuddin Mohammed Ansari  
Laxmipura, Street No.3  
Surendranagar-363001

...applicant

VS

- 1) Mr. V.V. Chaudhary  
Chief General Manager  
Telecommunication Deptt  
or his successor in office  
Opp. Khanpur P.O. Ahmedabad-1
- 2) Mr. C.A. Patel  
Sub Divisional Officer (Phone)  
or his successor in office  
Telecommunication Deptt  
Surendranagar
- 3) Mr. S.N. Shahu  
Telecom Dist. Engineer  
or his successor in office  
Telecom Building  
Surendranagar

...respondents

MAY IT PLEASE THE HON'BLE TRIBUNAL ;

1. That the present Misc. Application is required to be filed as the contemptners have not complied with the direction issued by the Hon'ble Tribunal in O.A.No. 370/92. That a copy of the judgment of the Hon'ble Tribunal is annexed and marked as Annexure 'A' to this application.

2. That as per the judgment of this Tribunal, the respondents have to reinstate the applicant in service as the termination is held to be void ab initio. That the contemptners were directed to pay wages to the applicants if the applicants are not reinstated in service within four

*[Signature]*



2


2

weeks from the date of receipt of copy of the judgment. That the respondents have asked for the extension of time to comply with the directions of this tribunal. But the Hon'ble Tribunal has not extended the time for reinstatement. Thus it is the duty of the respondents to reinstate the applicant in service within four weeks i.e. on or before 20.8.95 as the respondents have received the copy of the judgment on 4.8.95. That the respondents have not reinstated the applicant nor have started payment of salary to the applicant and therefore a letter was addressed by the applicant.

3. It is submitted that the respondents have not cared to reply the representation of the applicant nor reinstated the applicant. Thus it is a clear case of wilful disobedience of the order of the Hon. Tribunal and therefore the respondents are required to be punished for their wilful disobedience of the order of Hon'ble Tribunal. A proposed charge of the respondents is annexed and marked as Annexure A/1 to this application.

4. That as the amount which was required to be paid to the applicant are not paid by the respondents within the specified time, the applicant is entitled to get 18% interest on all the arrears which is required to be paid to the applicant as the same is illegally withheld by the respondents. That there is no justification available to the respondents to deny the abovementioned benefits to the applicant.

5. In the abovementioned facts and circumstances of the case, the applicants pray that :



SERIAL No 125 8-1-96

PAGE No 14

K. N. Valikarimwala

3



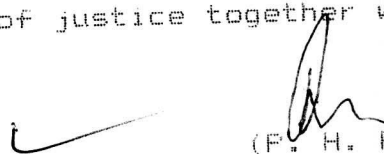
(A) The Hon'ble Tribunal be pleased to punish Mr.V.V. Chaudhary, Chief General Manager, Gujarat Telecom Circle or his successor in office, Mr. C.A. Patel, Sub Divisional Officer (Phone) Surendranagar or his successor in office and Mr. S.N. Shahu, Telecom Dist. Engineer or his successor in office, for their wilful disobedience of the order of the Hon'ble Tribunal.

(B) Be pleased to direct the respondent No.2 to pay special cost of this application and interest on the back wages from his own salary as he has illegally not complied with the order of Hon'ble Tribunal and for that public exchequer money should not be wasted.

(C) Pending admission and final disposal of the application, be pleased to direct the respondents to pay the salary to the applicant forthwith.

(D) Any other relief to which the Hon'ble Tribunal deems fit and proper in interest of justice together with cost.

Date: 8/1/96  
Ahmedabad

  
(F. H. Pathak)

Advocate for the applicants

#### AFFIDAVIT

I, Shri Alimuddin Mohammed Ansari, adult, residence of Surendranagar, do hereby solemnly affirm that what is stated above in the application in para 1 to 4 are true to best of my knowledge and information and I believe the same to be true.

Solemnly affirmed  
before me.

Date : 8/1/96  
Ahmedabad

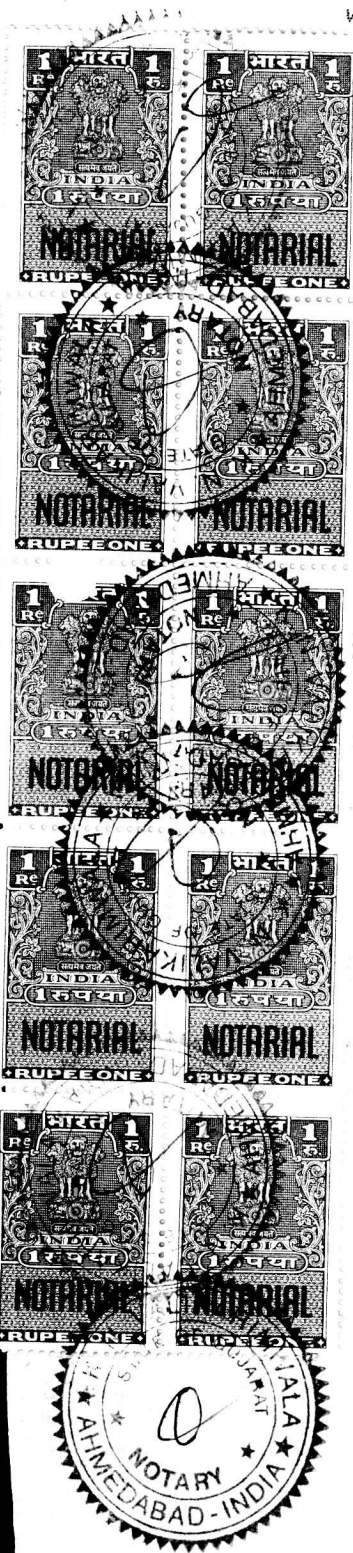
K. N. Valikarimwala  
NOTARY

STATE OF GUJARAT  
K. N. Valikarimwala

DEPONENT.

A. M. A. Sarai

7 chenti hiel bzm  
clerk to Mr. P. H. Pathak  
Nidina A.



Ann. A  
4

CENTRAL ADMINISTRATIVE TRIBUNAL  
AHMEDABAD BENCH

CORAM :

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

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

Shri Alimuddin Mohammed Ansari,  
Laxmipara, Street No.3,  
Surendranagar-363 001.

(Advocate : Mr. P.H.Pathak)

Versus

1. Union of India  
Through  
General Manager,  
Telecommunication Deptt,  
Nr. Gujarat High Court,  
Ahmedabad.
2. Sub-Divisional Officer (Phone)  
Telecommunication Deptt.  
Surendranagar.
3. Exective Engineer,  
Telecommunication Deptt.(Phone)  
Surendranagar.

(Advocate : Mr. Akil Kureshi)

ORAL ORDER

Date: 1.11.95

O.A.370/92

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

The applicant, who was working as a casual workman in the Telecommunications Department and whose employment is orally terminated w.e.f. 11.5.1989, challenges the validity of the said termination on the ground that it was violative of Section 25F of the Industrial Disputes Act. The case of the applicant is that he was almost continuously working since January, 1987 till 10.8.1989 and had completed more

5

2.

than 240 days during the relevant period from 12.5.1988 to 11.5.1989 and, therefore, he could not have been terminated except by giving him a notice as required by Section 25 F of the I. D. Act and by offering or paying him retrenchment compensation as envisaged by that provision.

2. The respondents have not admitted that the applicant had put in 240 or more days of work during the relevant period i.e. 12.5.1988 to 11.6.1989 and, on that ground, they have contended that the provision of Section 25F of I.D. Act was not applicable to the case of the applicant and the oral termination of his employment was quite valid. It is also contended by the respondents that the Respondents' Department, i.e. Telecommunications Department, is not an 'Industry' and, therefore, also Section 25 F of the I. D. Act was not applicable to the case of the applicant.

3. So far as the controversy relating to the number of days for which the applicant had worked during the relevant period of 12.5.1988 to 11.5.1989 is concerned, the applicant has produced certificates at Annexure 'A' showing the monthwise number of days for which he had worked from January, 1987 to May, 1989. There is no effective controversy of this evidence furnished by the applicant. It clearly shows that, during the relevant period the applicant had completed more than 240 days of work and, therefore, if the Telecommunications Department is held to be an 'Industry', there cannot be any doubt about the total illegality of the oral termination of the applicant's employment. We have no hesitation in holding that the Telecommunications Department satisfies all the ingredients

which are required to be satisfied for an undertaking to be held as an 'Industry' within the meaning of that under the Industrial Disputes Act. In another case we have referred to the fact that the department itself has issued instructions to its subordinate offices stating that Telecommunications Department is an 'Industry' within the meaning of the I.D. Act.

4. In the result of the above discussion, we find that section 25F of the Industrial Disputes Act was applicable to the applicant's case and the oral termination of his employment was illegal, void ab initio and of no effect. It is, therefore, quashed and set aside. The only question en is an to what consequential benefits should be awarded to the applicant. In this connection, it requires to be noted that though the applicant was terminated w.e.f. 11.5.1989, he as approached the Tribunal by filing the present O.A. as late as on 7.9.1992. One of the grounds on which the O.A. is resisted is the ground of delay. The applicant had filed an M.A. which was disposed of by stating that the O.A. was admitted subject to the condition of limitation and question of condonation of delay. In view of the delay in filing the O.A., we are clearly of the opinion that the applicant should not be awarded any back-wages for the period prior to the date of the filing of the O.A. So far as other consequential benefits are concerned, we hold that it will be in the interest of justice to award to the applicant credit for the actual number of days, for which he had worked till his impugned termination, for the purpose of according him temporary status and for payment of retirement benefits if and when the same become available,

to him.

5. In the result, the O.A. is allowed. The order terminating the employment of the applicant is hereby quashed and set aside and the respondents are directed to reinstate the applicant in service on the same terms as before with back wages from the date of the filing of the O.A. (minus any income earned by him during the relevant period by gainfully employing himself) within a period of four weeks from the date of receipt of a copy of this judgment, filing which they will be required to pay wages to the applicant from the day next to the day of expiry of the said period of four weeks. The claim for back wages for the period prior to the filing of O.A. is rejected. The respondents shall give credit to the applicant for the number of days, for which he had actually worked of temporary status and for payment of retirement benefits to him, if and when the same become payment to him.

No order as to costs.

Sd/-  
(V. Radhakrishnan)  
Member (A)

Sd/-  
(N. B. Patel)  
Vice Chairman

TRUE COPY  
(Attorney)



DRAFT CHARGE

That as per the judgment of this Hon'ble Tribunal the respondents have to reinstate the applicant in services within a period of 4 weeks from the receipt of the copy of the judgment and to pay back wages. That in case the applicant is not reinstated, the regular payment was required to be paid to the applicant. The copy of the judgement is received by the respondents on 10th November 1995. Thereafter the applicant has requested for compliances of the order of this Hon. Tribunal but the same is not complied with. Thus the respondents are willfully flouting the directions issued by the Hon'ble Tribunal and therefore required to be punished under the provisions of Contempt of Court Act.

TRUE COPY  
11  
(Attocate)

8/08

SUPREME COURT OF INDIA  
RECORD OF PROCEEDINGS

Patition(s) for Special Leave to Appeal(Civil).../96[CC.3411/96]  
(From the judgement and order dated 01/11/95 in OANo.370/92  
of the CAT, Ahmedabad Bench,

*22/10/96*  
U O I & ORS

Petition

VERSUS

ALIM-UD-DIN MOHAMMED ANSARI

Respondent

( With Appln(s). for c/delay in filing SLP )

Date : 30/07/96 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.P. BHARUCHA  
HON'BLE MR. JUSTICE S.C. SEN

For Petitioner (s)

Mr. A.S.Nambiar, Sr. Adv.  
Mr. Hemant Sharma, Adv.  
Mr. CVS Rao, Adv.

For Respondent (s)

UPON hearing counsel the Court made the following  
O R D E R

Issue notice on the application for condonation of  
on the Special Leave Petition and on the application for  
In the meantime, the order under challenge shall remain st

*P. H. Kumar*  
[RAKESH KUMAR]  
COURT MASTER

*S. S. Gupta*  
[S.S.GUPTA]  
COURT MASTER

31/7/96

*AD (STN)  
urgent*

*STN  
31/7/96*

*one copy  
supplied by  
Mr. Alil Purush  
in COI*

*22/10/96*

91

BEFORE THE HON'BLE CENTRAL ADMINISTRATIVE  
TRIBUNAL, AHMEDABAD BENCH AT AHMEDABAD

Contempt Application No. 31 of 1996

in

Original Application No. 370 of 1992

Shri A.M. Ansari

: Applicants

Versus

Union of India and others

: Respondents

Affidavit in Reply on behalf of the respondents.

I, C P Doshi working as

DE o/o TDM SEN with respondent No. 2

herein, do hereby state in reply to the above application as under;

1. That I have read the contempt application. I am conversant with the facts of the case and I am authorised to file this reply on behalf of the respondents and therefore, I am competent to file this reply.

2. At the outset, I say and submit that no part of the application shall be deemed to have been admitted by the respondents unless specifically stated so herein. all the statements, averments and allegations contained in the application shall be deemed to have been denied by the respondents unless specifically admitted by me herein.

Tendered  
in court  
By  
21/8

Accepted  
21/8/97



3. I say that the contents of the contempt application are not correct. The respondents always hold this Hon'ble Tribunal in highest regard and have not violated any writ, order or direction.

4. I further say and submit that all the directions issued by this Hon'ble Tribunal while disposing of the abovementioned Original Application have been complied with and that no part of the judgment remains uncomplied as mentioned hereinafter and that therefore the contempt application is required to be rejected.

5. I say that by the judgment dated 1.11.95 the Tribunal had passed the following order :

"5. In the result, the O.A. is allowed. The order terminating the employment of the applicant is hereby quashed and set aside and the respondents are directed to reinstate the applicant in service on the same terms as before with back wages from the date of the filing of the O.A. (minus any income earned by him during the relevant period by gainfully employing himself) within a period of four weeks from the date of receipt of a copy of this judgment, failing which they will be required to pay wages to the applicant from the day next to the date of expiry of the said period of four weeks. The claim for back wages for the period prior to the filing of O.A. is rejected. The respondents shall give credit to the applicant for the number of days, for which he had actually worked for temporary status and for payment of retirement benefits

(11)

him, if and when the same become payable to him.

No order to costs"

6. Pursuant to the judgment of the Tribunal the respondents have taken following steps for implementing the directions of the Tribunal :

- (i) The applicant is reinstated w.e.f. 20.6.97.
- (ii) Back wages as directed by the Tribunal from the date of the filing of O.A. i.e. 7.9.92 till reinstatement has been calculated and the applicant is asked to give details about his gainful employment in the meantime if any. On receipt of the details alongwith material in support thereof payment of back wages will be made.

7. I say that there has been some delay in complying with the directions of the Tribunal due to administrative reasons however the same were unintentional and are regretted. In view of the fact that all the directions have been fully complied with the contempt application may kindly be closed.

Ahmedabad

Dt: 1/08/1997

*[Signature]*  
मंडल अभियन्ता 1/8/97  
(आयोजन/प्रशासन)  
कार्यालय :  
दूरसंचार जिल्ला प्रबंधक,  
सुरेन्द्रनगर.

AFFIDAVIT

I, C. P. Doshi  
working as D E o/o TDM SEN with  
respondent No. 2 herein, do hereby state on solemn  
affirmation that what has been stated above is true to the

(12)

best of my knowledge, information and belief and I believe  
the same to be true.

Solemnly affirmed at Ahmedabad on this 1st day  
of August, 1997.

Identified by me

*[Signature]*

(R.C.O.)

District Govt Pleader &  
Public Prosecutor  
Surendranagar,

*[Signature]*  
1/8/97  
मंडल अभियन्ता  
(आयोजन / प्रशासन)  
कार्यालय :  
दूरसंचार जिला प्रबंधक,  
सुरेन्द्रनगर.

Solemnly affirmed before me by  
Shri... *[Signature]*  
D.E.P.A. of *[Signature]*  
who is identified my Mr. *[Signature]*  
whom I Personally Know.

Dt. 1/8/97

*[Signature]*  
Registrar,  
Dist. Court, S-nagar



(1)

1/12/97

Copy/Registered/within addressed  
filed by Mr. A.K.I. Kureishi  
learned advocate for petitioner/  
Respondent with second set.  
Copy served/not served & other side  
24/11

BEFORE THE HON'BLE CENTRAL ADMINISTRATIVE

TRIBUNAL, AHMEDABAD BENCH AT AHMEDABAD

Dy. Registrar C.A.T. (I)  
& Bench

Contempt Application No. 31 of 1996

in

Original Application No. 370 of 1992

Shri A.M. Ansari

: Applicants

Versus

Union of India and others

: Respondents

Further Affidavit in Reply on  
behalf of the respondents.

I, C.P. DOSHI working as

D.E. (Plg. & Adm.) with respondent No. 1

herein, do hereby state in reply to the above application as  
under;

1. That I have read the contempt application. I am  
conversant with the facts of the case and I am authorised to  
file this reply on behalf of the respondents and therefore,  
I am competent to file this reply.

2. At the outset, I say and submit that no part of  
the application shall be deemed to have been admitted by the  
respondents unless specifically stated so herein. all the  
statements, averments and allegations contained in the  
application shall be deemed to have been denied by the  
respondents unless specifically admitted by me herein.

represented by  
Mr. A.K.I. Kureishi  
Adv

(2+0=2)

(14)

3. I say that the contents of the contempt application are not correct. The respondents always hold this Hon'ble Tribunal in highest regard and have not violated any writ, order or direction.

4. I say that the respondents had filed earlier affidavit wherein all the steps taken by the respondents to comply with the judgment of the Tribunal have been detailed. The judgment of the Tribunal is fully complied with as stated in the earlier affidavit. I say that the applicant has been granted temporary status w.e.f. 17.12.1993 by

order dated . I say that earlier department of Telecom had scheme for grant of temporary status and regularisation of casual labourers called Casual Labourers (Grant of Temporary Status and Regularisation) Scheme, 1989.

This scheme was applicable to those casual labourers who were engaged prior to 30.3.1985 and who were still in service on that date. The present applicant did not fulfil these requirements and he was thus not covered under the said scheme for grant of T.S. and for regularisation. However, subsequently by O.M. dated 17.12.1993 it was provided that all those casual mazdoors who were engaged by the Circles during the period from 31.3.1985 and 22.6.1988 and who are still continuing for such works be brought under the scheme subject to certain conditions laid down therein.

(A copy of the said O.M. dated 17.12.93 is produced at Annexure-R1.) It is submitted that the applicant was not covered under the earlier scheme of 1989 and is entitled to be considered for temporary status only under the new O.M.

(15)

dated 17.12.1993. It is for the first time by the said O.M. dated 17.12.1993 the applicant and such other similarly situated casual labourers have been brought under the scheme for consideration for grant of T.S. The applicant is therefore entitled to be consider for temporary status w.e.f. 17.12.93 and not earlier as prior to 17.12.93 there was no scheme for grant of T.S. applicable to the appplicant. The applicant's demand for grant of T.S. earlier than 17.12.1993 is not justified for the reason that it was for the first time by circular of 17.12.93 that he was brought under the scheme for consideration for grant of T.S. and there is nothing in the said circular to suggest that any retrospective effect is to be given by predating the temporary status. /

Ahmedabad

Dt: 19/11/1997

AFFIDAVIT

I, C.P. Doshi.

working as D.E (Plg & Adm.) o/o TDM Surendranagar with respondent No. 1 herein, do hereby state on solemn affirmation that what has been stated above is true to the best of my knowledge, information and belief and I believe the same to be true.

Solemnly affirmed at Ahmedabad on this 19th day of November, 1997.

C.P. Doshi  
[C.P. DOSHI]  
D.E. (Plg. & Adm.)  
O/O T.D.M.  
SURENDRANAGAR

C.P. Doshi  
[C.P. DOSHI]  
D.E. (Plg. & Adm.)  
O/O T.D.M.  
SURENDRANAGAR