

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,


PATNA BENCH : PATNA

Date of Order:- 18th Feb 1999

1. Registration No. OA-599 of 1996
with MA-147/98

1. Arjun Paswan, Son of Jagdish Paswan, resident at Nauranga, P.S. Chautham, District Khagaria.
2. Sankar Sahai, Son of Suraja Sahni, resident of Balahpur, P.S. Naga Gar, District Begusarai.
3. Anil Kumar Sahni, Son of Ramdeo Sahni, resident at Rusera Ghat, District Samastipur.
4. Ram Prit Sharma, son of Mita Lal Sarma, resident of Bibhutipur, District Samastipur.
5. Anisur Rahman, Son of Habibur Rahman, resident at Fatehabad, P.S. Fatehabad, District Hazipur.
6. Vinod Kumar, Son of Anku Ram, resident of Mukhdumpur, District Gaya.
7. Lalan Kumar Ram, Son of Late Laxmi Ram, resident of Barhari, P.S. Barihari, Kothi, District Purnea.
8. Sumit Kumar, Son of Madan Pd. Yadav, resident at Dhobinia, Via Narga Chhiya, District Bhagalpur.
9. Chhote Lal Singh, Son of Surya Narayan Singh, resident of Marar, P.S. Marar, District Khagaria.
10. Karmshil Chaudhary, Son of Jay Kishore Choudhary, resident at Srirampur, P.S. Ashok Paper Mill, District Darbhanga.
11. Rabindra Thakur, Son of Jay Prakash Thakur, resident at Susari, P.S. Baheri, District Darbhanga.
12. Bimal Kant Thakur, Son of Late Dinesh Kant Thakur, resident at Lakhnour, P.S. Lakhnour, District Madhubani.
13. Anand Kumar Thakur, Son of Thako Thakur, resident at Benipur, P.S. Bahera, District Darbhanga

.... Applicants

- By  Shri S.B. Jha, Advocate

Versus

1. The Union of India through Chief General Manager,
Telecommunication, Bihar Circle, General Post Office,
Compound at Harding Park, P.S. Kotwali, District
Patna.
2. The Director, Telecom. (North), North Bihar Telecom.
Circle, Bihar, Patna.
3. The T.D.M. Darbhanga Division, Darbhanga
4. The Divisional Engineer (Telegraph),
Darbhanga Division, Darbhanga.
5. The S.D.O. Telegraph,
Darbhanga Sub-Division.

.... Respondents

- By Shri V.M.K.Sinha, Sr.Standing Counsel

2. Registration No. OA-601 of 1996
with MA-145/98

1. Chhedi Kumar Jha, Son of Sri Gangadhar Jha,
resident of Behat, P.S. Lakhaur, District Madhubani.
2. Md. Khurshid Anwar, Son of Abdul Haziz, resident of
Dahaora, P.S. Manigachi, District Darbhanga.
3. Santosh Kumar Mishra, Son of Modanand Mishra,
resident at Dewki Tola, P.S. Lakhaur, District Madhubani.
4. Lakshmi Kant Paswan, Son of Saini Paswan.
5. Lalan Paswan, Son of Ramjee Paswan, resident of
Kharak, P.S. Bhairab Asthan, District Madhubani
6. Durganand, Son of Sri Rajo Jha, resident of
7. Siya Ram Paswan, Son of Rameshwar Paswan
8. Shiv Nr. Yadav, Son of Anup Yadav,
9. Papu Kumar, Son of Sadanand Jha.
10. Raj Kumar Jha, Son of Bindeshwari Jha,
All residents at Katra P.S. Manigachhi, District
Darbhanga.
11. Shiv Chandra Jha, Son of Sukh Deo Jha, resident at
Karhara, P.S. Channi, District Madhubani.

12. Md. Nayam Ansari, Son of Md. Riyaat Ansari,
resident of Madhepur, P.S. Madhepur, District
Madhubani.
13. Ram Sogarath Paswan, Son of Ram Sewak Paswan,
14. Uttim Lal Paswan, Son of Bachcha Lal Paswan
15. Ram Briakesh Paswan, Son of Raghu Paswan
All residents of Bhira Tola, Rajbara, P.S. Manigachhi,
District Darbhanga.
16. Daya Nath Jha, Son of Late Shakhti Nath Jha
17. Akhilesh Kumar Jha, Son of Pulkit Jha,
Both residents of Barhari, P.S. Sarhara, Kothi,
District Purnea.
18. Anant Jha, Son of Late Baldeo Jha, resident at
Rajui Bathangama, P.S. Murliganj, District
Madhepura.
19. Barun Kumar Mishra, Son of Naresh Mishra,
resident of Parsa Hat, P.S. Ranigaj, District
Purnea.
20. Bachcha Pandey, Son of Kamal Pandey, resident at
Harpur Mukund P.S. Raja Pakar, District Baishali.
21. Ram Nr. Pathak, Son of Gori Shankar Pathak,
resident at Bari P.S. Kusheshwar Asthan, District
Darbhanga.
22. Ramanand Lal Karn, Son of Late Shivnandan Lal Karn,
resident at Rohav P.S. Biro, Distt. Darbhanga.
23. Raj Kumar Yadav, Son of Kailao Yadav, resident at
Lakshmi Dahtha, P.S. Ghanehyampur, District Darbhanga.
24. Chandra Kishore Mishra, Son of Late Bhairab Mishra,
resident at Bhairhav P.S. Ghoghardih, District
Madhubani

..... Applicants

- By Shri S.B. Jha, Advocate

Versus

1. The Union of India through Chief General Manager,
Telecommunication, Bihar Circle, General Post Office
Compound at Harding Park, P.S. Kotwali,
District Patna.
2. The Director, Telecom. (North), North Bihar Telecom.
Circle, Bihar, Patna.
3. The T.D.M. Darbhanga Division, Darbhanga
4. The Divisional Engineer (Telegraph), Darbhanga
Division, Darbhanga
5. The S.D.O., Telegraph,
Darbhanga Sub-Division, Darbhanga

..... Respondents

- By Shri V.M.K.Sinha, Sr. Standing Counsel

3. Registration No. OA-402 of 1998

1. Shyam Kishore Chaudhary, Son of Gaurishankar Choudhary,
resident of Village Naya Tola Sunderpur, P.S. Darar,
District Darbhanga.
2. Mithesh Kumar Vishakarma, Son of Prabhu Vishkarma,
resident of Kabirchak, P.S. ~~Bad~~ Bahadurpur, District
Darbhanga.
3. Praveen Kumar Chaudhary, Son of Late Chaturbhuj
Chaudhary, resident of Mathurapur, P.S. Dalsingsarai,
District Samastipur.
4. Ravi Shankar Jha, Son of Rama Kant Jha, resident of
village Kusamoul Rampatii, P.S. Ranti, District
Madhubani
5. Arvind Kumar Jha, Son of Sri Sobha Kant Jha, resident
of Jhonjhi, P.S. Paudaul, District Madhubani

..... Applicants

- By Shri K.K.Jha, Advocate

Versus

1. The Union of India through Director General, Telecom., New Delhi.
2. The Director General Telecom., New Delhi.
3. The Chief General Manager, Telecom., Patna.
4. Telecom. District Manager (T.D.M.), Darbhanga

... Respondents

- By Shri V.M.K. Sinha, Sr. Standing Counsel

4. Registration No. OA-404 of 1998

Shambhu Nath Jha, Son of Sri Raj Narayan Jha, resident of village Balatar, P.S. Bidupur, District Vaishali.

... Applicant

-By (1) Shri Tara Kant Jha, Senior Counsel

(2) Shri K.K.Jha, Advocate

Versus

1. The Union of India through Director General, Telecommunication, New Delhi.
2. The Director General, Telecom., New Delhi.
3. The Chief General Manager, Telecom., Patna
4. Telecom. District Manager (T.D.M.), Darbhanga.
5. Sub-Divisional Officer, Telegraph, Samastipur

... Respondents

- By Shri V.M.K. Sinha, Senior Standing Counsel

5. Registration No.OA-405 of 1998

1. Chunchun Roy, Son of Late Ganour Roy, resident of village-Chatauhi, P.S. - Basopatti, District Madhubani.
2. Budhan Paswan, Son of Bauya Lal Paswan, resident of village Haripur Dih Tole, P.S. Kaluahi, District Madhubani.
3. Amar Kumar Jha, Son of Shri Baleshwar Jha, resident of village Madhopatti, P.S. Kamtaul, District Darbhanga.

4. Viveka Nand Jha, son of Nabo Nath Jha, resident of Village - Deyapur, P.S. Patali, District East Champaran
5. Manoj Kumar Mishra, Son of Suresh Mishra, resident of Village Sasaula Kala, P.S. - Mejarganj, District Sitamarhi.
6. Hari Narayan Singh, Son of Ram Gulam Singh, resident of Village - Kishanpur, P.S. - Kurhani, District Muzaffarpur.
7. Prem Kant Mishra, Son of Lalan Mishra, resident of village Murliachak, P.S. Bisffi, District Madhubani.
8. Surendra Mandal Son of Jagdeo Mandal, resident of Village Gangawar, P.S. Andharathari, District Madhubani.
9. Dhananjay Yadav, Son of Kusheshwar Yadav, resident of village Loha Piper, P.S. Baburarhi, District Madhubani.
10. Amulya Chandra Choudhary, Son of Shiv Kumar Choudhary, resident of Village Habi Bhouar, P.S. Bahera, District Darbhanga.
11. Rajeshwar Prasad Yadav, Son of Ram Parikshan Yadav, resident of Village Khangaur, P.S. Pandaul, District Madhubani.
12. Mahendra Prasad Khanna, Son of Late Ram Prasad Mehto, resident of village Bhupatti, P.S. Babubarhi, District Madhubani.
13. Mahendra Prasad Yadav, Son of Ram Parikshan Yadav, resident of Village Khangour, P.S. Pandaul, District Madhubani.
14. Aditya Nath Jha, Son of Upendra Jha, resident of village Bhoj Paraul, P.S. Bisfi, District Madhubani.

.... Applicants

-By Shri Tara Kant Jha, Sr. Counsel
for the applicant.

Versus

1. The Union of India through
Director General, Telecommunication,
New Delhi.
2. The Director General, Telecom, New Delhi.
3. The Chief General Manager, Telecom., Patna
4. Telecom District Manager (T D.M.), Darbhanga.
5. Sub-Divisional Officer, Telegraph, Madhubani.

.... Respondents

- By Shri V.M.K. Sinha, Senior Standing Counsel

6.

Registration No.OA-406 of 1998

1. Shatrughan Prasad, Son of Jagannath Prasad Sah,
resident of Village Raghai, P.S. Minapur, District
Muzaffarpur.
2. Bhagwan Prasad, Son of Ram Pyare Prasad, resident
of Village Marwa B₂shalia, P.S. Masarakh, District
Chapra.
3. Sudhir Kumar Jha, Son of Shiv Shankar Jha, resident
of village Bhatraghat, P.S. Bisfi, District Madhubani.
4. Dinesh Prasad Sah, Son of Late Ram Lakhan Sah,
resident of Village- Ranti, District Madhubani.
5. Bijendra Nath Chaudhary, Son of Late Anirudh Chaudhary,
resident of Village Lalit Laxmipur, P.S. Rajnagar,
District Madhubani.
6. Baleshwar Ray, Son of Girish Lal Roy, resident of
Village Gawashra, P.S. Kudhari, District Muzaffarpur.
7. Prabhash Kumar Jha, Son of Shubh Kant Jha, resident
of village Arer, P.S. Arer, District Madhubani.
8. Pawan Kumar Jha, Son of Rup Narayan Jha, resident
of village Dekuli, P.S. Bahadurpur, District
Darbhanga.
9. Anisur Rahman, Son of Muzibur Rahman, resident
of village Kotwali Chowk, Madhubani, P.S. Kotwali,
District Madhubani.

8.

10. Hari Narayan Sah, Son of Late Madan Sah, resident
of Village - Santnagar, Gangzalla, District Saharsa.

... Applicants

- By Shri Tara Kant Jha, Senior Counsel

Versus

1. The Union of India through Director General,
Telecommunication, New Delhi.
2. The Director General, Telecom, New Delhi.
3. The Chief General Manager, Telecom, Patna.
4. Telecom District Manager (T.D.M.), Darbhanga.
5. Sub-Divisional Officer, Telegraph, Madhubani

... Respondents

- By Shri V.M.K.Sinha, Sr. Standing Counsel

7.

Registration No. OA-407 of 1998

1. Ram Kripal Rai, Son of
Shri Shibani Rai, resident of
village Chaknoor Tola Dadpur,
P.S. Samastipur,

at present working as D.R.M. under Sub-Divisional Engineer Cable, Darbhanga.

2. Ram Kumar Roy, Son of Ram Narayan Roy, resident of village Fardaha, P.S. Bahera, District Darbhanga, at present working as D.R.M. under Sub-Divisional Engineer Cable, Darbhanga.
3. Shailendra Nath Jha, Son of Yuddo Jha, resident of village Haripur, P.S. Bahera, District Darbhanga, at present working as DRM under Sub-Divisional Engineer Cable, Darbhanga.
4. Ranjeet Kumar Choudhary, Son of Shri Khataz Chaudhary, resident of village Panchov, P.S. Vishanpur, District Darbhanga, at present working as D.R.M. under Sub-Divisional Engineer Cable, Darbhanga.
5. Yaduber Thakur, Son of Late Sita Ram Thakur, resident of Village Susari, P.S. Baheri, District Darbhanga, at present working as DRM under Sub-Divisional Engineer Cable, Darbhanga.

.... Applicants

- By Shri J.K.Karn, Advocate.
Versus

1. The Union of India, through the Secretary, Department of Telecommunication, Sanchar Bhawan, New Delhi.
2. The Chief General Manager, Telecommunication, Bihar Circle, Patna.
3. The Telcom. District Manager, Darbhanga.
4. The Divisional Engineer (Admn.), Office of the T.D.M., Darbhanga.
5. The Sub-Divisional Engineer Cable, Darbhanga.

... Respondents

- By Shri V .M.K.Sinha, Senior Standing Counsel

8.

Registration No. OA-408 of 1998

1. Dharmendra Kumar Jha, Son of Sri Gulab Jha, resident of village & P.O. Haripur, P.S. Bahera, District Darbhanga, at present working as DRM under Sub-Divisional Engineer Cable, Darbhanga.
2. Ram Vinod Choudhary, Son of Late Nathuni Choudhary, resident of Village Kanthudih, P.S. Bahera, District Darbhanga, at present working as DRM under Sub-Divisional Engineer Cable, Darbhanga.
3. Mahesh Yadav, Son of Ram Kishun Yadav, resident of village Shripur Behta, District Darbhanga, at present working as DRM under Sub-Divisional Engineer Cable, Darbhanga.
4. Bipin Kumar Jha, Son of Late Nageshwar Jha, resident of Village Haripur, P.S. Bahera, District Darbhanga, at present working as DRM under Sub-Divisional Engineer Cable, Darbhanga.
5. Krishna Dev Yadav, Son of Shri Moti Lal Yadav, resident of Village Maheshpatti, District Darbhanga, at present working as DRM under Sub-Divisional Engineer, Cable, Darbhanga.

... Applicants

- By Shri J. K. Karn, Advocate

Versus

1. The Union of India, through the Secretary, Department of Telecommunication, Sanchar Bhawan, New Delhi.
2. The Chief General Manager, Telecommunication, Bihar Circle, Patna.
3. The Telcom. District Manager, Darbhanga.
4. The Divisional Engineer (Admn.), Office of the T.D.M., Darbhanga.

5. The Sub-Divisional Engineer Cable, Darbhanga

... Respondents

- By V.M.K. Sinha, Senior Standing Counsel.

Registration No. OA-409 of 1998

1. Sunil Kumar Mishra, Son of Sri Pitambar Mishra, resident of Village Gandhwari, P.S. Sakri, District Madhubani, at present working as DRM, under S.D.C. Telegraph, Darbhanga.
2. Sunil Prasad, Son of Sri Parmeshwar Prasad, resident of Village Mirzapur, District Chapra, at present working as DRM under S.D.O. Telegraph, Darbhanga.
3. Arun Kumar Karn, Son of Sri Chet Narain Lal, resident of Village Bahera, District Madhubani, at present working as DRM under S.D.O. Telegraph, Darbhanga.
4. Ram Sakal Mandal, Son of Sri Kishari Mandal, resident of Village Budhkara, District Muzaffarpur, at present working as DRM under S.D.O. Telegraph, Darbhanga.
5. Sanichar Paswan, Son of Late Yogi Paswan, resident of Village Kaligaon, District Darbhanga, at present working as DRM under S.D.O., Telegraph, Darbhanga.
6. Kishori Roy, Son of Sri Muneshwar Roy, resident of village Seodha, District Muzaffarpur, at present working as DRM under S.D.O. Telegraph, Darbhanga.
7. Sone Lal Ram, Son of Sri Satan Ram, resident of village Chadhua, District Muzaffarpur, at present working as DRM under S.D.O. Telegraph, Darbhanga.

8. Ram Lal Karn, Son of Sri Kuldeep Narain Lal, resident of village Muratha, District Darbhanga, at present working as DRM under S.D.O. Telegraph, Darbhanga.
9. Kamlesh Prasad, Son of Sheetal Prasad, resident of village Dhoi, District Darbhanga, at present working as DRM under S.D.O. Telegraph, Darbhanga.
10. Santosh Kumar Srivastava, Son of Sri Devendra Prasad Srivastava, resident of Village Basaur, District Muzaffarpur, at present working as DRM under S.D.O. Telegraph, Darbhanga.
11. Mahanth Kumar Jha, Son of Late Nar Singh Jha, resident of Village Karma, District Madhepura, at present working as DRM under S.D.O. Telegraph, Darbhanga.
12. Mithilesh Kumar, Son of Sri Ram Prakash Roy, resident of Mahalla Hanumanganj, District Darbhanga, at present working as DRM under S.D.O. Telegraph, Darbhanga.
13. Kranti Vijay, Son of Ramjee Sah, resident of Village Sahit, District Samastipur, at present working as DRM under S.D.O. Telegraph, Darbhanga.
14. Maya Shankar Sahni, Son of Chandeshwar Sahni, resident of Village Mustafapur, Distt. Darbhanga, at present posted as DRM under S.D.O. Telegraph, Darbhanga.

... Applicants

- By Shri J.K.Karn, Advocate.

Versus

1. The Union of India, through the Secretary,
Department of Telecommunication, Sanfhar Bhawan,
New Delhi.

2. The Chief General Manager, Telecommunication,
Bihar Circle, Patna.

.... Respondents

- By Shri V.M.K.Sinha, Senior Standing Counsel

Registration No. OA-410 of 1998

Prem Chandra Jha, Son of Bacha Lal Jha, resident of Village & P.O. Raima, District Madhubani, at present working as DRM under Sub-Divisional Engineer (G), Jhanjharpur.

... Applicant

- By Shri J.K.Karn, Advocate

Versus

1. The Union of India, through the Secretary, Department of Telecommunication, Sanchar Bhawan, New Delhi
2. The Chief General Manager, Telecommunication, Bihar Circle, Patna.
3. The Telcom. District Manager, Darbhanga.
4. The Divisional Engineer (Admn.), Office of the T.D.M., Darbhanga.
5. The Sub-Divisional Engineer (G), Jhanjharpur

.... Respondents

-By Shri V.M.K.Sinha, Sr. Standing Counsel.

59

John's letter

Registration No. OA-411 of 1998

Bhogendra Mandal, Son of Mohan Mandal, resident of village & P.O. Gurmaha, Via - Lohan, District Madhubani, at present working as DRM under S.D.O. (Telephones), Madhubani.

... Applicant

- By Shri J.K. Karn, Advocate

Versus

1. The Union of India, through the Secretary, Department of Telecommunication, Sanchar Bhawan, New Delhi.
2. The Chief General Manager, Telecommunication, Bihar Circle, Patna.
3. The Telcom District Manager, Darbhanga.
4. The Divisional Engineer (Admn.), Office of the T.D.M., Darbhanga.
5. The S.D.O. Telegraph, Darbhanga.

.... Respondents

- By Shri V.M.K. Sinha,
Senior Standing Counsel

Registration No. OA-412 of 1998

Randhir Kumar, Son of Late Bajrangi Lal Das, resident of Village Pitaujhia, P.S. Bhadaï, District Muzaffarpur.

.... Applicant

- By Shri J.K. Karn, Advocate

Versus

1. The Union of India, through the Secretary, Department of Telecommunication, Sanchar Bhawan, New Delhi.
2. The Chief General Manager, Telecommunication, Bihar Circle, Patna.
3. The Telcom District Manager, Darbhanga.
4. The Divisional Engineer (Admn.), Office of the T.D.M., Darbhanga.
5. The Sub-Divisional Engineer, P. Indoor, Darbhanga.

.... Respondents

- By V.M.K. Sinha,
Senior Standing Counsel

Registration No.413 of 1998

13.

Gopalji Thakur, Son of Late Sitaram Thakur, resident of village - Susari, P.O. Bithauli, District Darbhanga, at present working D.R.M. under Sub-Divisional Engineer P. (Gr.), Banipatti.

.... Applicant

- By Shri J.K. Karn, Advocate

Versus

1. The Union of India, through the Secretary, Department of Telecommunication, Sanchar Bhawan, New Delhi
2. The Chief General Manager, Telecommunication, Bihar Circle, Patna.
3. The Telecom District Manager, Darbhanga.
4. The Divisional Engineer (Admn.), Office of the T.D.M., Darbhanga.
5. The Sub-Divisional Engineer P (Gr.), Benipatti.

... Respondents

- Shri V.M.K. Sinha, Senior Standing Counsel

14.

Registration No. OA-414 of 1998

Sevan Thakur, Son of Late Bachan Thakur, resident of Village Subhapatti, P.O. Anandpur, District Darbhanga, at present working as D.R.M. under S.D.O. Phones, Darbhanga

... Applicant

- By Shri J.K.Karn, Advocate

Versus

1. The Union of India, through the Secretary, Department of Telecommunication, Sanchar Bhawan, New Delhi.
2. The Chief General Manager, Telecommunication, Bihar Circle, Patna.
3. The Telecom. District Manager, Darbhanga.
4. The Divisional Engineer (Admn.), Office of the T.D.M., Darbhanga.
5. The S.D.O. Phones, Darbhanga.

... Respondents

- BY Shri V.M.K. Sinha, Sr. Standing Counsel

Registration No. OA-415 of 1998

Mithilesh Kumar, Son of Shri Ramjee Sah, resident of village Sahit, P.S. & P.O. Vidyapatti Nagar, District Samastipur, at present working as DRM under Sub-Divisional Engineer, Microwave Maintenance.

.....Applicant

- By Shri J.K. Karn, Advocate

Versus

1. The Union of India, through the Secretary, Department of Telecommunication, Sanchar Bhawan, New Delhi.
2. The Chief General Manager, Telecommunication, Bihar Circle, Patna.
3. The Telcom. District Manager, Darbhanga.
4. The Divisional Engineer (Admn.), Office of the T.D.M., Darbhanga.

..... Respondents

- By V.M.K.Sinha, Sr. Standing Counsel

Registration No. OA -416 of 1998

1. Hari Narayan Sinha, A/o Shri Jiwan Singh, resident of Village Manoripur, P.S. Jhajhara, District Darbhanga, at present working as DRM under Sub-Divisional Engineer (G), Darbhanga.
2. Nawal Kishore Mishra, Son of Shri Gajendra Mishra, resident of Village & P.O. Thalwara, P.S. Ashok Paper Mill, District Darbhanga, at present working as DRM under Sub-Divisional Engineer (G), Darbhanga.
3. Sunil Kumar Paswan, Son of Shri Mouja Paswan, resident of Village & P.O. Kathra, [redacted]

District Darbhanga, at present working as DRM under sub-Divisional Engineer(G), Darbhanga.

4. Mahesh Prasad Yadav, Son of Late Ram Kumar

Yadav, resident of Village Jhilorla, P.O.

Balha, District Darbhanga, at present working as DRM under Sub-Divisional Engineer (G), Darbhanga.

5. Surendra Kumar, Son of Sita Ram Thakur, resident of Village Susari, P.S. Baheri,

District Darbhanga, at present working as DRM under Sub-Divisional ~~under Sub-Divisional~~ Engineer(G), Darbhanga.

6. Birandra Kumar, Son of Kapileshwar Yadav, resident of village Chatauna, P.O. Narsura, District Darbhanga, at present working as DRM under Sub-Divisional Engineer (G), Darbhanga.

7. Amar Kant Choudhary, Son of Late Hari Narayan Choudhary, resident of Village & P.O.

Shri Rampur, District Darbhanga, at present working as DRM under Sub-Divisional Engineer(G)

Darbhanga.

8. Rabindra Thakur, Son of Sri Jai Prakash

Thakur, resident of village Susari, P.S. Bahera, District Darbhanga, at present working as DRM under Sub-Divisional Engineer (G), Darbhanga.

9. Pramod Kumar Jha, Son of Sri Ram Prasad Saha, resident of Village Suhath, P.O. Pufai, District Darbhanga, at present working as DRM under Sub-Divisional Engineer (G), Dharbhanga

..... Applicants

- By Shri J.K.Karn, Advocate

Versus

1. The Union of India, through the Secretary,
Department of Telecommunication, Sanchar Bhawan,
New Delhi.
2. The Chief General Manager, Telecommunication,
Bihar Circle, Patna.
3. The Telecom District Manager, Darbhanga.
4. The Divisional Engineer (Admn.), Office of
the T.D.M., Darbhanga.
5. The Sub-Divisional Engineer, Telcom., Darbhanga.

..... Respondents

- By V.M.K.Sinha, Sr. Standing Counsel

17.

Registration No. OA-417 of 1998

Krishna Nand Mishra, Son of Shri Kapleshwar Mishra,
resident of Village Navhath, P.O. Rampatti,
District Madhubani, at present working as D.R.M.
under S.D.O. Telegraph, Madhubani.

.... Applicant

- By Shri J.K. Karn, Advocate

Versus

1. The Union of India, through the Secretary,
Department of Telecommunication, Sanchar Bhawan,
New Delhi.
2. The Chief General Manager, Telecommunication,
Bihar Circle, Patna.
3. The Telcom District Manager, Darbhanga.
4. The Divisional Engineer (Admn.), Office of the
T.D.M., Darbhanga.
5. The S.D.O., Telegraph, Madhubani.

.... Respondents

- By Shri V.M.K. Sinha, Sr. Standing Counsel

Registration No.OA-418 of 1998

1. Krishna Chand Jha, Son of Late B.L. Jha, resident of Village & P.O. Raima, District Madhubani, at present working as DRM under S.D.E.-P Indoor, Darbhanga.
2. Dharmendra Bhushan, Son of J.P. Singha, resident of village Usharahia, P.O. Sankhi, District Sitamarahi, at present working as DRM under S.D.E.-P Indoor, Darbhanga.

..... Applicants

- By Shri J.K.Karn, Advocate

Versus

1. The Union of India, through the Secretary, Department of Telecommunication, Sanchar Bhawan, New Delhi.
2. The Chief General Manager, Telecommunication, Bihar Circle, Patna.
3. The Telecom District Manager, Darbhanga
4. The Divisional Engineer (Admn), Office of the T.D.M., Darbhanga.
5. The Sub-Divisional Engineer-P Indoor, Darbhanga.

... Respondents

- By Shri V.M.K.Sinha, Sr. Standing Counsel

Registration No. OA-419 of 1998

1. Ajay Kumar Jha, Son of Shri Kapileshwar Jha, resident of village Chiranjiv Pur, P.S. Bachhawara, District Begusarai, at present working as DRM under S.D.O. Telegraph, Rosera.
2. Arjun Kumar Singh, Son of Shri Ramjee Singh, resident of Village Chak Jayeb, P.S. Tisiouta,

District Vaishali, at present working as
DRM under S.D.O. Telegraph, Rosera.

... Applicants

- By Shri J.K.Karn, Advocate

Versus

1. The Union of India, through the Secretary,
Department of Telecommunication, Sanchar Bhawan,
New Delhi.
2. The Chief General Manager, Telecommunication,
Bihar Circle, Patna.
3. The Telcom District Manager, Darbhanga.
4. The Divisional Engineer (Admn.), Office of the
T.D.M., Darbhanga.
5. The S.D.O., Telegraph, Rosera.

... Respondents

- By Shri V.M.K. Sinha, Sr. Standing Counsel

Registration No. OA-421 of 1998

1. Jawahar Jha, Son of Sri Mohan Jha, resident of
Village & P.O. Singhia, Distt. Samastipur, at
present working as D.R.M. under S.D.O. Telegraph,
Rosera.
2. Nand Kishore Sah, Son of Sri Ram Abtar Sah,
resident of Village Madhubani, P.S. Sadar Thana,
Muzaffarpur, Distt. Muzaffarpur, at present
working as DRM under S.D.O. Telegraph, Rosera.

... Applicants

- By Shri J.K.Karn, Advocate

Versus

1. The Union of India, through the Secretary, Department
of Telecommunication, Sanchar Bhawan, New Delhi.
2. The Chief Gneral Manager, Telecommunication,
Bihar Circle, Patna.

21.

3. The Telecom District Manager, Darbhanga.
4. The Divisional Engineer (Admn.), Office of the T.D.M. Darbhanga.
5. The S.D.O., Telegraph, Rosera.

..... Respondents

- By V.M.K.Sinha, Sr. Standing Counsel.

21.

Registration No.423 of 1998

Manoj Kumar Singh, Son of Madan Prasad Singh,
resident of Mahalla Ganga Sagar, Rualganj, P.S.
Lakhisarai, District Darbhanga

.... Applicant

- By Shri R.K. Sinha, Advocate
Versus

1. Union of India, through Secretary, Government of India, Department of Telecommunication, New Delhi.
2. Chief General Manager, Telecom., Bihar Circle, Patna.
3. District Manager, Telecom., Darbhanga.
4. Sub-Divisional Officer, Phones, Darbhanga

... Respondents

- By Shri V.M.K.Sinha, Sr.Standing Counsel.

22.

Registration No. OA-424 of 1998

1. Samar Prasad Singh, son of Late Ram Nandan Singh, resident of village Keyalakund, P.S. Hayaghat, District Samastipur.
2. Manoj Kumar Singh, Son of Sri Lal Singh, resident of village Buchchawara, P.O. Sundarpur Bira, District Darbhanga

.... Applicant

- By Shri R.K.Sinha, Advocate

Versus

1. Union of India, through Secretary, Government of India, Department of Telecommunication, New Delhi,

2. The Chief General Manager, Telecom, Bihar Circle,
Patna.

3. The District Manager, Telecom, Darbhanga.

4. The Sub-Divisional Officer, Telegraph, ~~Rosera~~.

5. The Sub-Divisional Officer, Telegraph, Madhubani.

.... Respondents

- By ~~Shri~~ V.M.K. Sinha, Sr. Standing Counsel.

Registration No. 429 of 1998

1. Shri Sheo Narain Sahni, Son of Sri Ram Bahadur Sahni resident of village Sundarpur, P.S. & District Darbhanga.
2. Dukharan Yadav @ Dukhan Yadav, son of resident of village Kakardhahi, P.O. Bhuskol, P.S. Sadar, District Darbhanga.
3. Ram Naresh Yadav, Son of Khokhai Yadav, resident of village Kakarghati, P.O. Bhuskol, P.S. Sadar, District Darbhanga.
4. Ghanshyam Sah, Son of Sri Radhe Sah, resident of village Simari, P.O. Kansi Simiri, District Darbhanga.
5. Yadubanshi Yadav, Son of Late Ram Lochan Yadav, resident of village Singhaso, P.O. Singhaso, P.S. Vishpi, District Madhubani.
6. Hari Kishun Yadav, Son of Sri Sonelal Yadav, resident of Village Mahajivan Toli, P.S. Kabaria, P.S. Sadar, District Darbhanga.
7. Ram Eqbal Yadav, son of Sri Sheoji Yadav, resident of village Kakarghati, P.S. Sadar, District Darbhanga.
8. Tulsi Sah, son of Sri Mahadeo Sah, resident of village Madhubani, P.O. Pantahi, District Muzaffarpur.

9. Ram Suresh Yadav, son of Shri Panjab Yadav, resident of village Naraur, P.S. Kewari, District Darbhanga.
10. Vinod Kumar Yadav, Son of Sxi Sitaram Yadav, resident of village Mohanpur, P.O. Sripurhat, District Madhubani.
11. Shyam Kishore Yadav, son of Dhannu Yadav, resident of village Nariyaltol, P.S. Kevti, District Darbhanga.
12. Kamod Thakur, Son of Sri Ramswroop Thakur, resident of viillage Simari, P.O. Kansi Simari, District Darbhanga.
13. Binod Kumar Jha, Son of Sri Kamdeo Jha, resident of village & P.O. Pahsoul, District Muzaffarpur.
14. Chulai Sah, Son of Sri Sheoraj Sah, resident of village Goriyara, P.O. Chamrua, District Muzaffarpur.
15. Vijay Kumar Yadav, Son of Sri Suddilal Yadav, resident of village Lakshmipur, Dohatha, P.O. Baghrash Via Ghansyampur, District Darbhanga.
16. Ramashankar Patel, Son of Sri Ramratan Patel, resident of village Dudhpura, P.O. & District Samastipur.
17. Ram Kumar Jha, Son of Sri Tejnarain Jha of village Bahadurpur, P.O. & P.S. Bahadurpur, District Darbhanga.
18. Md. Yx Ynnus, Son of Md. Kari, resident of village Pingi, P.S. Sxk Bahadurpur, District Darbhanga.
19. & Ghootar Yadav, Son of Late Khokhai Yadav, resident of Village Kakarghati, P.S. Sadar, District Darbhanga.
20. Brij Kishore Singh, Son of Chandrika Singh, resident of village Hasanchak, P.O. Lalbagh,

District Darbhanga.

21. Upendra Sah, Son of Sakaldeo Sah, resident of
village Madhubani, P.O. Patahi, District
Muzaffarpur

.... Applicants

- By Shri A.K. Tripathi, Advocate

Versus

1. Union of India, Department of Telecommunication
through its Secretary, New Delhi.
2. The Chief General Manager Telecom, Bihar Circle,
Meghdoot Bhavan, Patna.
3. The Divisional Engineer Telecom, Darbhanga Division,
Darbhanga, at & P.O. Darbhanga District Darbhanga.
4. The Telecom District Manager, Darbhanga at & P.O.
Darbhanga.
5. The S.D.O. Phones Darbhanga at & P.O. Darbhanga

... Respondents

- By V.M.K. Sinha, Sr. Standing Counsel.

Registration No. OA-430 of 1998

Sri Anil Kumar Jha, S/o Late Pramod Jha, resident of
the village & P.O. Karian, P.S. Rosera, District
Samastipur.

.... Applicant

- By Shri R.K. Jha, Advocate

Versus

1. Union of India represented through the Director-
General, Deptt. of the Telecom., Sanchar Bhawan,
New Delhi.
2. The Telecommunication District Manager, Darbhanga.
3. The S.D.O. (Telegraph), At & P.O. Rusera, District
Samastipur.

4. The Chief General Manager (Telecom.), Bihar
Circle, Patna.

... Respondents

- By Shri V.M.K. Sinha, Sr. Standing Counsel

25.

Registration No.431 of 1998

1. Bhagwan Lal Paswan, Son of Sri Jino Paswan,
resident of village Posanpura Kabirchak,
P.O. Kabirchak, District Darbhanga.
2. Sri Shushil Jha, Son of Panchkouri Jha, resident
of village Balia P.O. Lakhnor, District Madhubani.
3. Sri Narainji Mishra, Son of Late Gourikant Jha,
resident of village Ketuka, P.O. Warioul, District
Darbhanga.
4. Sri Dharmdeo Jha, Son of Jugeshwar Jha, resident
of village Rambhadrapur, P.O. Madanpur, District
Darbhanga.
5. Sri Ranvir Kumar Singh, Son of Pawan Kumar Singh,
Village & P.O. Gahiyari, District Darbhanga.
6. Vindeshwar Mahto, Son of Late Nathuni Mahto,
resident of village Tarsarai, P.O. Tarsarai, P.S.
Sadar, District Darbhanga.
7. Sri Baijnath Paswan, Son of Ram Lakhan Paswan,
resident of village Mabbi, P.O. Lalsahpur, District
Darbhanga.
8. Awadh Kumar Mishra, Son of Sri Narain Mishra, resident
of village Murlichak, P.O. Gonapur, District
Madhubani

..... Applicants

- By Shri Gyan Prakash Ojha, Advocate

Versus

1. Union of India, Department of Telecommunication through its Secretary, New Delhi.
2. The Chief General Manager Telcom., Bihar Circle, Meghdoot Bhavan, Patna.
3. The Divisional Engineer Telecom, Darbhanga Division, Darbhanga, at & P.O. Darbhanga, District Darbhanga.
4. The Telcom District Manager, Darbhanga at & P.O. Darbhanga.
5. The S.D.O. Phones, Darbhanga at & P.O. Darbhanga

.... Respondents

- By Shri V.M.K. Sinha, Senior Standing Counsel

26.

Registration No.432 of 1998

Surendra Nath Jha, Son of Shri Pitamber Jha,
resident of village Satghara, Post Satghara,
District Madhubani.

... Applicant

- By Shri K.K. Jha, Advocate

Versus

1. The Union of India through Director General, Telecom., New Delhi.
2. The Director General, Telecom., New Delhi.
3. The Chief General Manager, Telecom, Patna.
4. The Telecom. District Manager (T.D.M.), Darbhanga.
5. The S.D.O. Telegraphs, Madhubani.

... Respondents

- By Shri V.M.K.Sinha, Sr. Standing Counsel

27.

Registration No. OA-436 of 1998

1. Sujeet Kumar, Son of Sri Chandra Deo Singh,
aged about 36 years, resident of village Charia,
Bariyarpur, Post Office Sripur, P.S. Manjhaul,
District Begusarai.

2. Babu Ram Paswan, Son of Late Khantar Paswan, aged about 33 years, resident of village Sushil Nagar, Post Office Singhaul, Police Station - Muffasil, Begusarai, District Begusarai.
3. Harikant Jha, Son of Late Raghuni Jha, aged about 33 years, resident of village Mohabba, Post Office Mohabba, P.S. Sahebpur Kamal, District Begusarai.
4. Ranjit Kumar Sah, Son of Sri Bageshwari Sah, aged about 32 years, resident of village Garhara, Post Office Garhara, District Begusarai.
5. Kuldeep Prasad Singh, Son of Late Krishnadeo Pd. Singh, aged about 33 years, resident of village Pasraha, Post Office Pasraha, P.S. Gogri, District Khagaria.
6. Motilal Saha, Son of Sri Vishnudeo Saha, aged about 31 years resident of village Harraakh, Post Office Suhird Nagar, P.S. Begusarai, District Begusarai.
7. Arun Prasad Sinha, Son of Sri Yageshwar Prasad, aged about 32 years, resident of village Aanger Ghat, Post Office Aangar Ghat, P.S. Samastipur, District Samastipur.
8. Badri Singh, Son of Sri Baldeo Singh, aged about 30 years, resident of village Rajapur, Post Office Rajapur, Police Station Piro, District Bhojpur.
9. Chabhu Paswan, Son of Ram Charitra Paswan, aged about 35 years, resident of village Chauki, Post Office Chauki, P.S. Sabakamal, District Begusarai.
10. Dinesh Kumar Sah, Son of Late Govind Sah, aged about 37 years, resident of village Hardia, Post Office - Chilmil, Police Station Begusarai, District Begusarai.

11. Santosh Kumar Das, Son of Sri Bodhan Das, aged about 33 years, resident of village Sati Chaura, Post Office Balia, P.S. Balia, District Begusarai

... Applicants

- By Shri N.P.Sinha, Advocate.

Versus

1. Union of India, through Chief General Manager, Telecommunication, Bihar Telecom Circle, Patna.
2. The Chief General Manager, Bihar, Telecom Circle, Patna-800001.
3. The Telecom. District Manager, Department of Telecom, Darbhanga.
4. The Divisional Telecom. Engineer, Begusarai
5. The Sub-Divisional Officer, Telegraph, Begusarai.

.... Respondents

- By Shri V.M.K.Sinha, Sr. Standing Counsel

28.

Registration No. OA-437 of 1998

Repeated names of parties and names of the counsel for both the parties as in OA-436 of 1998 and cause of action in both the O.A. 436/98 and OA-437/98 is same.

29.

Registration No. OA-438 of 1998

Vikas Kumar Singh, Son of Jay Prakash Singh, resident of village & P.O. Pasraha, Distt. Khagaria, at present working as D.R.M. under S.D.O., Telegraph, Rosera

... Applicant

- By Shri J.K. Karan, Advocate

Versus

1. The Union of India, through the Secretary, Department of Telecommunication, Sanchar Bhawan, New Delhi.
2. The Chief General Manager, Telecommunication, Bihar Circle, Patna.
3. The Telecom District Manager, Telecommunication, Darbhanga.

4. The Divisional Engineer (Admn), Office of the T.D.M., Darbhanga.
5. The S.D.O., Telegraph, Rosera.

..... Respondents

- By Shri V.M.K.Sinha, Sr. Standing Counsel

30.

Registration No. OA-445 of 1998


1. Jay Nath Jha, Son of Trigunand Jha, resident of Maw, P.S. Vidyapati Nagar, Dist. Samastipur.
2. Ashok Kumar Jha, Son of Sri Nirash Jha, resident of Rudhauri, P.O. Rudhauri, District Begusarai.

.... Applicants

- By Shri S.B.Jha, Advocate

Versus

1. The Union of India through Chief General Manager, Telecommunication, Bihar Circle, Patna.
2. The Director (Telecom) (North), Bihar Circle, Patna.
3. The Telecom Divisional Manager, Darbhanga Division,

 Darbhanga.

..... Respondents

- By Shri V.M.K.Sinha, Sr. Standing Counsel

31.

Registration No. OA-446 of 1998

Kundar Kumar Jha, Son of Sri Krityanand Jha, resident of Barhari, P.O. Barhara, Kothi, District Purnea.

.... Applicant

- By Shri S.B.Jha, Advocate

Versus

1. The Union of India through Chief General Manager, Telecom, Bihar Circle, Patna.
2. The Director, Telecom (North), Bihar Circle, Patna.

3. The Telecom. District Manager, Darbhanga.
4. The Sub-Divisional Engineer, Telecom.(6),
Darbhanga.

.... Respondents

- By Shri V.M.K. Sinha, Sr. Standing Counsel

32.

Registration No. 452 of 1998

1. Md. Manzoor , Son of Md. Musraf, resident of
village Daheara, P.O. Sakari, District Darbhanga.
2. Sipahi Singh, son of Arjun Paswan, resident
at Darki Sirsia, P.O. Shobhapur Via Garkha,
District Chapra.
3. Ganga Prasad Yadav
4. Lalit Yadav, both sons of Sri Kusheshwar Yadav.
5. Ram Narayan Yadav, Son of Satya Narayan Yadav,
all resident at Sripur (Bihta), P.O. Karhouli,
District Darbhanga.
6. Lal Kumar Yadav, Son of Kasi Yadav, resident of
Mustafapur, District Darbhanga.
7. Ram Narayan Paswan, Son of Bahru Paswan,
resident at Bhagirathpur, P.O. Pandol, District
Madhubani.
8. Upendra Mishra, Son of Nitya Nand Mishra
9. Ripunjay Mishra, Son of Kripal Dhvaj Mishra
Both residents of Panan P.O. Sahuria,
District Gopalganj.

..... Applicants

-By S.B. Jha, Advocate

Versus

1. The Union of India through the Chief General
Manager, Telecom, Bihar Circle, Patna.
2. The Director Telecom. (North), Bihar Circle,
Patna.

3. The Telecom. District Manager, Darbhanga Division, Darbhanga.
4. The Sub-Divisional Engineer, Darbhanga Division, Darbhanga.

... Respondents

- By Shri V.M.K.Sinha, Senior Standing Counsel

33.

Registration No. OA-461 of 1998

1. Dilip Kumar Paswan, Son of Shri R.P. Paswan, resident of village & P.O. Kansi Simri, District Darbhanga.
2. Shri Kamlesh Kumar, Son of late Jhari Paswan, resident of Village Raghupura, P.O. Laheriasarai, Dist. Darbhanga.
3. Raj Kumar Paswan, Son of Sukendar Paswan, resident of Village & P.O. Ojhoi, Dist. Darbhanga.
4. Shri Jagdish Sah, Son of Sri Kankun Sah, at present Station Birol (VMF) Supal, Darbhanga, resident of Village & P.O. Chothan Birol (Supal)
5. Bimlesh Kumar Jha, Son of Ram Narayain Jha, resident of Village Barhari, P.O. Barhara Kothi, Dist. Purnea.
6. Bipin Kumar Mishra, Son of late Suresh Mishra, resident of village Raghunathpur, P.O. Kachri Balua, District Purnea.
7. Md. Ejaj Ahmad, Son of Afjal Ansari Ahmad, resident of village Mangalpura, P.O. Lalbag, District Darbhanga.
8. Shri Dasrath Jha, son of Late Ram Udit Jha, resident of village Kabilpur, P.O. Laheriasarai, District Darbhanga.
9. Swaran Singh, Son of Shri R.B.Singh, resident of village & P.O. Godhiyari, Dist. Darbhanga.

10. Md. Safique, Son of Md. L.M. Ansari, resident of village Rambhadrapur, P.S. Kalyanpur, District Samastipur.

11. Mahesh Prasad Yadav, Son of Late Ram Kumar Yadav, resident of village Jhilorla, P.O. Balha, P.S. Kuseshwarasthan, District Darbhanga.

12. Ujwal Kumar, Son of late R.N. Yadav, resident of Kathalasari, P.O. Lalbag, District Darbhanga

... Applicants

- By Shri S.B. Jha, Advocate

Versus

1. The Union of India through Chief General Manager, Telecommunication, Bihar Circle, General Post Office Compound, at Harding Park, P.S. Kotwali.

2. The Director, Telecom. (North) Bihar Circle, Patna.

3. The T.D.M., Darbhanga Division, Darbhanga.

4. The Divisional Engineer (Telecommunication), Darbhanga, District Darbhanga.

... Respondents

- By V.M.K. Sinha, Sr. Standing Counsel

Coram:- Hon'ble Shri L.R.K. Prasad, Member (Administrative)

Hon'ble Shri Lakshman Jha, Member (Judicial)

O R D E R

(at the admission stage)

Hon'ble Shri Lakshman Jha, Member (Judicial):-

1. All the aforesaid 33 Original Applications under section 19 of the Administrative Tribunals Act, 1985 (for short "A.T. Act") have been filed with similar prayer for quashing the notices/letters dated the 30th June, 1998 of the Sub-Divisional Officer (Telephones), Darbhanga Division, Darbhanga, issued pursuant to the direction dated 19.6.98 of the Telecommunication District Manager, Darbhanga Division, Darbhanga, whereby and

whereunder the applicants have been ~~issued notice of~~ ^{termination} from the services, as Daily Rated Mazdoors/Casual labours of the Respondents Department on completion of one month from the date of receipt of the notice, and for grant of temporary status and regularisation of their services as per the directions/scheme as contained in letter/circular No.(i) DOT Circular No.269-10/89 STN dated 7.11.1989 (as at Annexure-A-15 of OA No.436 of 1998 and (ii) subsequent clarificatory letter No.DOT letter No.269-10/89 STN dated 17.10.90 (as Annexure-A-45 of OA No.436/98; (iii) No.269-4/93-(STN II) dated 17.12.93 (as at Annexure-A-6 read with Annexure-A-7 of the OA No.402/98); (iv) Office order No.6(87) Estt. PPD 937 dated 24.8.90 of the Executive Engineer Postal Division, Patna (as at Annexure-A-2 of OA-599/96), (v) letter No.ST 37-1998 CL dated August, 1998 of the Chief Manager (Telecommunication), Bihar Circle, Patna (as at Annexure-A -15 of OA No.402/98 and (vi) O.M.No.49014/4/90-Estt.(C) dated 8.4.91 (as at ~~P/2 in Journal Section in~~ 1991(2)SLJ). Some of the applicants have only prayed for grant of temporary status and regularisation of their services as DRM with the Respondents Department.

2. In all the O.As. common facts and points of law are involved and the applicants of the majority of the O.As. have been allowed interim relief by way of status-quo as obtaining on the aforesaid date of termination notices dated 30.6.98. The Respondents have already filed written statements in all the aforesaid O As. and rejoinders have also been filed.

3. We have heard the learned counsels for the applicants and the learned Senior Standing Counsel, Shri V.M.K.Sinha, for the respondents Department on the interim relief as well as on the merit of the case. In all the O.As. similar matters relating to termination of the services and grant of temporary status and regularisation fall for consideration and, hence, they are finally disposed of by this common order at the admission stage itself.

4. In pith and substance, the case of the

applicants is that they were engaged as Daily Rated Mazdoors/casual workers by the respondents - Telecommunication Department, Darbhanga Division, Darbhanga, for the varying period from 1975, onwards till 1992-93. They were issued labour cards and were/are being paid remuneration through Master Rolls regularly as per the Financial Rules of the Respondents Department.

Some of them, who were engaged on or before 30.3.85, were affirmed temporary status with effect from 1.10.89 and some of them who were engaged after 30.3.85 and upto 22.6.88 were also granted temporary status in the light of the letter/scheme of the Government of India referred to above. But, it is stated that the applicants were/are being discriminated by ignoring their claim for grant of temporary status and regularisation of their services by the Respondents as Daily Rated Mazdoors. They represented their case for regularisation of their services before the Respondents authorities, but without success.

5. It is the further case of the applicants that the Respondents Divisional Engineer (Administration) Telecommunication Department, Darbhanga, constituted sub-committees for the interview of the Daily Rated Mazdoors (applicants) between 12.5.98 to 20.5.98, presumably to verify the genuineness of their claim for grant of temporary status and regularisation of their services with a check list. But the applicants, who appeared at the interview were asked nothing. They were simply made to hand over their labour cards against receipts with direction to report at the places of their work. The applicants were expecting

favourable outcome of their interview in the matter of regularisation of their services, but to their surprise, the Divisional Manager (Administration), Darbhanga, issued letter No.R1/DRM-TX 28 dated 19.6.98, directing the Sub-Divisional Engineer, Darbhanga/Begusarai to terminate the services of the applicants, who had not been found fit for grant of temporary status and regularisation of their services for the following reasons:-

- (i) Their service records were forged;
- (ii) There were break in their services after 22.6.88, and
- (iii) They started working after 22.6.88.

6. Accordingly, the applicants were issued imugned notice dated 30.6.98 terminating their services with effect from 31.7.98. It is the stand of the applicants that they are entitled to the grant of temporary status and regularisation in their services as have been done in the cases of 88 daily rated mazdoors, who included some juniors to the applicants also by the Director (Telecommunication), North Bihar, Patna, vide his letter No.R-1/DRM/TS/19 dated 22.5.95 (as at Annexure-3 & 3A of the OA No. 599 of 1996 and OA No.601 of 1996) in the light of the aforesaid circular orders/letters of the Respondents Department. It is stated that they (the applicants) fulfilled all the conditions laid down in the aforesaid circular letters i.e. to say (i) They were appointed before 22.6.88 (ii) they have rendered 240 days work in one year before 17.12.93 and (iii) they were not absent for more than 365 days preceding 17.12.93. Further, some of them were sent for completing training (as at Annexure-A/16 of OA-420 of 1998) and some of them were invited option for Telephone mechanic, vide Annexure-A/9

of the O.A. No.601 of 1996, and some of them were given bonus for 1993-94 (as at Annexure-A/8 of O.A. No.601/96. The officers, under whose signatures labour cards have been issued, have wrongly denied their signatures due to pressure of the higher authorities. The Respondents are required to maintain registers ACG17, with regard to the payment of their remuneration under Rule 103, 150, a64, and Appendix III of the financial hand Book Volume-III, which will show that they worked for the period claimed by them. The Respondents Department have not complied with the mandatory requirement of show cause notice before termination notices were issued and have also not paid statutory compensation as required under section 25(f) of the Industrial Disputes Act. The case of the applicants is fully covered by the decision of this tribunal rendered in OA No. 473 of 1991, O.A. No. 650 of 1991 (reported in 1993 (3) SLJ 477) and in OA No.394 of 1990).

Accordingly, prayer is made to set aside the termination notice dated 30.6.98, and also, for grant of temporary status and regularisation in the services of the Respondents.

7. The Respondents have resisted the prayer of the applicants mainly on the ground that they (the applicants) had not been engaged as DRM by the Respondents, ~~and they had forged signatures of the issuing officers/authorities on the labour cards and laid false claim on the basis of such forged labour cards. The officers purported to have issued the labour cards have denied their signatures (as at Annexure-R-1, series of OA No.402 of 1998). It is stated that according to the direction of the Department of the Telecommunication, New Delhi, as contained in letter No.269-20/89 STN dated 7.11.89, the~~

temporary status was required to be conferred on those Daily Rated Mazdoors, who were engaged on or before 30.3.85 with effect from 1.10.89, subject to certain conditions. Subsequently, this period was extended upto 22.6.88, by order dated 4.1.94. Accordingly, the departmental committee was constituted to confer temporary status to the eligible Daily Rated Mazdoors. The committee found only 9 candidates genuine and eligible for conferment of temporary status. The other (including the applicants) were found to have forged labour cards and/or there were break in their services. The officers, who are said to have signed on the labour cards, have denied their signatures in writing. The applicants procured the labour cards under forged signatures of the officers to take undue advantage of the aforesaid letter circular/orders of the Respondents regarding conferment of temporary status and regularisation. It is further stated that the Divisional Engineer (Telecommunication), Darbhanga had earlier sent the names of DRM, who were engaged prior to 1987, in which the names of most of the applicants are not shown. This also goes to show that they have forged labour cards and laid false claim to reap the benefits of getting temporary status and regularisation under the aforesaid circular orders.

8. From the aforesaid pleadings of the parties, it appears that the main ground for issue of the impugned termination notice dated 30.6.98 against the applicants is that they forged signatures on their labour cards and laid false claim for grant of temporary status and regularisation of their services. The learned Sr. Standing Counsel contended that according to the aforesaid scheme, the DRMs were required to be given temporary status and regularisation on fulfilling certain conditions.

The applicants forged signatures of the officers purported to have issued labour cards and laid false claim. The Respondents department constituted a committee to verify the genuineness of their claim for grant of temporary status which found that their labour cards had not been issued by the officers concerned, who had denied to have issued the same. Therefore, according to the learned Sr. Standing Counsel for the Respondents there was no need of giving show cause notice before terminating the services of the casual labours and they have been issued one month prior notice as provided under circular orders/rules of the department.

9. The learned counsel^s for the applicants, on the other hand, contended that the applicants were engaged for the last 14 to 16 years as Daily Rated Mazdoors and were entitled for grant of temporary status under the aforesaid scheme formulated on the directive of the judgment of the Hon'ble Apex Court. In this connection, the learned counsel for the applicants further referred to letter No. TDM/DBN/Verif/DRM/1996, dated DBN 8th May, 1998 (as at Annexure-A-1 of the OA No.407/98, by which the applicants were directed to appear for the interview before the committee between 12.5.98 to 20.5.98 with their original documents, and contended that there is nothing in this letter to show that the applicants were interviewed for the purpose of verifying their genuineness of their claim regarding grant of temporary status. However, the applicants in view of the letter No. TDM/DBN/Verify/96 dated DBN, the 9th May, 1997 (as at Annexure-A-2 of OA-461/98) came to know that sub-committee has been formed for verification of the genuineness of the mazdoors. Accordingly, they appeared before the committee with their original labour cards

in good faith. However, they (the applicants) were made to hand over original labour cards in the interview and they were asked nothing. The learned counsel for the applicants contended that this action on the part of the Respondents was only intended to deprive the applicants of their original labour cards and the officers who issued the same were pressurised to deny their signatures thereon. There was no need for conducting the interview for grant of temporary status to the applicants and the notice for interview, as said above, is also not clear as to for what purpose they had been called in the interview. Thus, Annexure-A-1 of OA-407/98, read with Annexure-A-2 of O.A. No. 461 of 1998, goes to show that the respondents had not come with clean hands in the matter of granting temporary status to the applicants. Besides, the learned counsel for the applicants submitted that the applicants have been paid their remuneration for several years against master roll ACG/17. The Respondents are under obligation to maintain registers in this respect under financial rules of the department. The Respondents have not denied that the applicants were not paid remuneration for the period they were engaged as DRMs. Therefore, there was no question of their being not engaged as DRM with the Respondents. The services of the applicants are being terminated on the ground of forging records, and, therefore, it was incumbent on the part of the Respondents to issue show cause before terminating their services. It appears admitted position that the impugned order is not termination simpliciter, as they are alleged to have committed acts of the aforesaid misconduct on the basis of which they have been served notices of termination. In such a situation, according to settled law, the Respondents were under legal obligation to give a show cause notice and consider their reply and then issue the order of termination.

10. The following decisions/rulings appear quite relevant, which fully support the aforesaid contention as advanced by the learned counsels for the applicants:-

- (i) Rahtulah Khan Versus Union of India reported in 1989 10 ATC 656;
- (ii) Menka Gandhi Versus the Union of India reported in 1978(1) SCC 248;
- (iii) Delhi Transport Corporation Versus DTC Mazdoor Congress as reported in 1999 (Supplementary) SCC 600;
- (iv) Olga Tellis Versus Bombay Municipal Corporation as reported in 1985(3) SCC 545;
- (v) Shrawan Kumar Jha & Others Versus the Union of India as reported in AIR 1991 SC 309;
- (vi) (1998) 38 ATC page 171, Madras Bench of the CAT.

In all the aforesaid decisions/rulings the casual labours have been held Government employees and before any punitive action depriving them of the benefits enjoyed by them, an opportunity is required to be given as a matter of principle of natural justice. The right to livelihood of the applicants in absence of show cause notice has been held violative of the article 21 of the Constitution of India. The Central Administrative Tribunal, Madras Bench, in a decision as reported in (1998) 38 ATC page 171, exactly under similar circumstances quashed the termination order of the casual labour and ordered for their reinstatement. We may profitably quote the placitum of the decisions as hereunder:-

"Termination of Service-Orders of -
in violation of principles of natural justice -
effect - the applicants working as casual labour
in telecommunication Department for 6 to 10 years -
inquiry committee on verification came to
conclusion that certificates produced by the
applicants are all bogus - Respondent 2 directed
respective units to discharge the applicant -
Hence they were discharged from service -held,
that the fact remains that inquiry committee

as relied upon certain report which were obtained behind the back of the applicant - it is not for applicant to prove that certificates produced by them are bogus - it is for the respondents to prove by acceptable evidence that certificates produced are bogus - unit officer who is said to have given the certificate could have been examined to prove that such certificates are genuine, but it was not done - As such respondents cannot rely upon the report taken behind the back of the applicants and terminate their services. Hence the impugned orders quashed!"

11. In view of the aforesaid settled position in law ~~are~~ are of the considered opinion that the impugned termination notices violate the philosophy of fairness and is arbitrary.

12. In the next place, the learned counsel for the applicants contended that the impugned order is discriminatory, in as much as, some of the daily rated Mazdoors, including some juniors to the applicants, have been granted temporary status vide letter No.R-1 DRM/TS/19 dated 22.5.95, including some juniors to the applicants, have been granted temporary status vide letter No.R-1 DRM/TS/19 dated 22.5.95, as at Annexures-3 & 3/A of the OA-599/96 and O.A.No.601 of 1996. Further, 9 more DRMs were granted temporary status by the departmental committee after so-called interview during the period between 12.5.98 to 20.5.98 (vide Annexure-A-18 dated 30.5.98 of O.A. No. 436/98). There appears no clear denial of the aforesaid averments regarding grant of temporary status to some of the similarly situated DRMs, including juniors also. Therefore, it is difficult to brush aside the contention of the learned counsel of the applicants that the applicants have been discriminated in the matter of granting temporary status as per the aforesaid departmental circular orders, by

adopting a pick and choose policy.

13. In the 3rd place, the learned counsel for the applicants contended that the P&T/Telecommunication Department is an industry, as has been held by the Hon'ble Supreme Court in AIR 1978 - SC - 969 (Bangalore Water Supply and Sewerage Board Versus A. Rajapa), which has subsequently been affirmed by the Apex Court itself in General Manager, Telecommunication Versus A. Shri Nivash and others, reported in 1998 SCC (L&S) 6. It is contended that any retrenchment order, therefore, must comply with the provision as laid down under section 25F of the Industrial Disputes Act, 1947. According to the provision as laid down under section 25F of the I.D. Act, the employer is; firstly, required to give reasons for retrenchment and secondly, the workmen is also required to be paid retrenchment compensation at the rate of half month's pay for each completed year of service. The aforesaid requirement is mandatory and their violation vitiates the termination of the workmen. Learned counsel for the applicants have cited the following rulings/decisions in support of the aforesaid contention:-

- (a) 1991 (Lab. IC) page 1633)
- (b) 1978 (Lab. IC) 1267
- (c) 1976 (Lab. IC) 1426
- (d) AIR 1976 SC 1111
- (e) AIR 1977 SC page 31,
- (f) AIR 1978 SC page 8,
- (g) AIR 1992 SC page 854 and
- (f) Full Bench Judgment of CAT (Allahabad Bench) on page 47 in S.K. Shisondhia's case (1986-1989).

14. The learned counsel for the applicants submitted that section 25F of the I.D. Act does not distinguish

the appointment/engagement as legal or illegal, valid or invalid and regular or irregular and there is no question of the closure of the telecommunication department. It has the potentialities of vast expansion, and, therefore, the applicants could have been granted temporary status and regularisation in conformity with the observation of Hon'ble Supreme Court in the case as reported in AIR 1987 - SC- 2342 (Para-8) which reads as follows:-

"It cannot be shown because there is so much development to be carried out in the Communication Department that you need more workers. The employees belonging to a skilled, semi-skilled and unskilled classes can be shifted from one department to another even if there is no work to be done in a given place."

Thus, there was no question of terminating the services of the applicant under section 25 FFF of the I.D. Act, 1947 and the impugned termination notices are illegal, mala fide and discriminatory. The Respondents Department have no reply to the aforesaid contention of the learned counsel for the applicants. It is, accordingly, held sound and acceptable.

15. Now, adverting to the claim for grant of temporary status and regularisation in the services of the Respondents Department, we find that the claim of the applicants that they have been working as Daily Rated Mazdoors for the period ranging from 1975 to 1992-93, is not controverted in specific and clear term. The learned counsel for the applicants relying upon numerous decisions of the Hon'ble Supreme Court, and also, the decisions of the Central Administrative Tribunal contended that the applicants are entitled to the grant of temporary status. They submitted that there is no need for sponsoring the names of the applicants through employment exchange for granting temporary status and they (the applicants) cannot be denied temporary

on the ground of break in their services or on the ground of break in their services or on the ground of over age.

16. In this connection, the learned counsel for the applicants referred to the earliest departmental scheme known as grant of "temporary status and regularisation scheme" issued by DOT, Government of India, New Delhi, vide circular letter No.(i) DOT circular No.269-10/89 STN dated 7.11.1989 (as at Annexure-A-15 of OA No.436 of 1998 and (ii) subsequent clarificatory letter No.DOT letter No.269-10/89; (iii) No.269-4/93- (STN II) dated 17.12.93 (as at Annexure-A-6 read with Annexure-A-7 of the OA No.402/98); (iv) Office order No.6(87) Estt. PPD 937 dated 24.8.90 of the Executive Engineer Postal Division, Patna (as at Annexure-A-2 of OA-599/96), (v) letter No. ST 37-1998 CL dated August, 1998 of the Chief Manager (Telecommunication), Bihar Circle, Patna (as at Annexure-A-15 of the OA No.402/98 and (vi) O.M.No.49014/4/90-Estt.(C) dated 8.4.91 (as at Annexure- of the O.A.) and submitted that it under the aforesaid schemes and the clarificatory letter/ circular orders of the Respondents, the applicants are entitled to grant of temporary status and regularisation of their services, as they fulfil all the following conditions:-

(1) They are currently employed

(2) They have rendered a continuous service of one year i.e. 240 days/206 days before 17.12.93;

(3) They were engaged prior to 22.6.88;

(4) They were not absent for more than 365 days preceding 17.12.93,

(5) They were recruited before 7.6.88 and, therefore even if otherwise than through Employment Exchange and had crossed the upper age limit prescribed for the post, provided, they are otherwise eligible for regular appointment

in all other respects, they are entitled to the grant of temporary status.

16A. The Respondents have not controverted provisions under rule for grant of temporary status and regularisation of the services of the applicants with the Respondents. There is also no denial of the facts of their fulfilling the aforesaid conditions in the streotype Written Statements in all the O.As.

17. Apart from the aforesaid circular orders/letters of the Respondents Department, the following pronouncements have also been relied upon in support of the claim for grant of temporary status and regularisation of their services with the Respondent, Department:-

(100) Jagrit Mazdoor Union (Registered) and others Versus Maha Nagar Telephone Nigam Limited and Others as reported in 1990 AT & T SC 1.

The Hon'ble Supreme Court while explaining the ambit of the scheme of grant of temporary status and regularisation scheme of grant of temporary status and regularisation scheme, 1989, held that the scheme is comprehensive and ~~apart from provision for conferment of temporary status and regularisation scheme, 1989~~ ~~held that the~~ (scheme is comprehensive and apart from provision for conferment of temporary status, it also specifies the benefits available on conferment of such status and regularisation in the services of the Respondents in term of the aforesaid scheme of the department.

(1A) Ram Swroop Versus State of Haryana, AIR 1978 SC page 1536-

"When the petitioner acquired experience of requisite number of years on the post of Labour-cum-Conciliation Officer - appointment to the post was considered deemed to have been regularised."

- (2) Dharwa District FWD Employees Association Versus State of Karnataka, AIR 1990 SC 883 -

"Casual and Daily Rated employees having completed 10 years of service - ordered to be regularised."

- (3) Jaico Versus Kerala Water Authority, AIR 1990 SC page 2228

"Employees served for long spell and having requisite qualification should be regularised."

- (4) Bhagwati Prasad Versus Delhi S.N.R. Corporation Committee, 1990(1) SCC 361.

"Daily Rated Workers serving for long with artificial break, three years' service ignoring artificial break, was considered sufficient for regularisation;"

- (5) H.C. Puttaswamy Versus the Hon'ble Chief Justice, Karnataka High Court, AIR 1991 SC 295 -

"Appointment made against statutory Rules, candidates continued for about 10 years, crossed age limit and ineligible for appointment elsewhere, appointment regularised."

- (6) Nieder Versus Delhi Administration, 1992 (4) SCC page 112 -

"Hon'ble Supreme Court issued direction for preparing a scheme for absorbing casual labour, who had worked for more than a year as regular employee within 6 months and until absorption to pay them wages equivalent to regular employees."

- (7) Bachchan Kumar Sahu Versus Orissa State Housing Part 1992(2) SLR 761 "Casual workers/employees since about seven years could not be allowed to be subject to selection test for the purpose of regularisation as their suitability stood proved by their continuance for the years."

- (8) Guru Charan Sahu Versus C.M.D. 1995(1) LLJ 707 Orissa High Court. "Employees working for more than 9 years as nominal master roll were held entitled to regularisation even though not having prescribed educational qualification. Long experience was considered sufficient for regularisation."

- (9) Mulraj Upadhya Versus State of Himachal Pradesh, 1994 (3) JT 450 3 SC,

"Daily wages Master Roll completed 10 years service were ordered"

to be regularised and to be given the pay scale of regular employees if all other benefits available to corresponding post."

- (10) As stated above, the Respondents department have not come with specific denial of the averment of the applicants that they worked for 240 days and they were fulfilling the aforesaid conditions required for grant of temporary status. Therefore, it amounts to admission of the fact that they (the applicants) were/are fulfilling the aforesaid conditions for grant of temporary status as has been held by the Hon'ble Supreme Court in Union of India & Others Versus Vashant Lal & Others, as reported in 1992 (1) page 190.
- (11) The Central Administrative Tribunal, Patna Bench in OA-650 of 1991 as reported in 1993 (3) SLJ page 477 held that if the DRMs who were engaged earlier were only entitled to grant of temporary status there should not be further engagement of DRMs in subsequent years, there is no reason not to grant temporary status to them if they completed 240 days of work in a year without break in service. Further, it was held that after re-engagement of the applicant and allowing them to continuously worked for years, their engagement cannot be impeached by the department on the ground that they were engaged without calling for their names from the employment exchange.
- (12) Syed Salm & Others Versus Union of India reported in (1997) 37 A.T.C. page 10-

"Central Administrative Tribunal Hyderabad Bench, while considering the question of termination of the services of casual labour in violation of D.G. Telecom. Orders in 1994 "directed the Respondents Department to draw seniority list of all casual labours from 1987 onwards who rendered more than 240 days service in a year from 1987 to 1990 and to assign proper seniority to them with reference to their initial date of engagement.

- (13) T. Nara Samma Versus General Manager, Hyderabad Telecom. District & Others reported in (1998) 37 ATC page 124 -

"Central Administrative Tribunal, Hyderabad Bench, while considering the case of part-time contingent employees rendering services for about 20 years held them entitled to the benefits of regularisation under the scheme of the department, by which it was directed

that all casual/part-time labours rendering seven years' service on 31.3.87, subject to their completing 240 days' service per year for four years prior to 31.3.87, without any age limit.

- (14) Daily Rated Casual labour employed in P&T Department Versus Union of India - AIR 1987 SC page 2342,

"The Hon'ble Supreme Court held that the casual labour recruited even after 30.3.85 were eligible for conferment of temporary status followed by regularisation of services as per their turn and seniority."

- (15) B.S. Chandalaya Versus Union of India and Others (1998) 37 ATC page 465 -

"The Central Administrative Tribunal Delhi relying upon the judgment in Sakku Bai Versus Secretary Ministry of Communication, CAT (Full Bench) III page 309 -

"held the applicant as part-time, casual sweeper of the P&T Department entitled to regularisation in case of their engagement for more than 7 years.

- (16) Bhagirathi Pusti Versus Union of India & Others. CA T, Cuttack Bench, in OA No.483 of 1992, reported in Swamy's News October, 1998, held that part-time casual labour, who have put in 240 days of service, in each of the proceedings for four years, be brought into common panel for recruitment to Group 'D' post.
- (17) Raj Kamal & Others Versus Union of India, 1990 (2) SLJ 176, the

"The Full Bench of the Tribunal held that temporary status of casual workers cannot be taken away on the ground that they were not sponsored by the Employment Exchange.

19. We have seen above that the applicants in these cases were subjected to interview for granting them temporary status. In the notice directing ^{them} to appear before the Selection Committee, there was no clear mention of the fact that they were being called for grant of temporary status and they were made to part with their labour cards which followed the impugned termination notices issued. Moreover, the denial of signatures by issuing officers on the labour cards, that too, behind their back, in stereotyped manner, ^{smacks of} unfair practice on the part of the Respondents department. Therefore, the impugned termination notice to the applicants are not innocuous, and are tainted with mala fide intention.

20. This Tribunal in OA No.473/91, OA-650/93, as reported in 1993 (3) SLJ page 777, O.A. No.360/91 and OA-39490, relying upon the rulings of the Hon'ble Supreme Court referred to therein under similar circumstances held that the DRM/Casual labour of the Respondents Department are entitled for consideration for grant of temporary status and regularisation in their services.

21. In view of the aforesaid discussions of the factual and legal aspects of the matter involved, we dispose of all the aforesaid O.As. with the following directions:-

(i) The impugned termination notices/orders dated 30.6.98 issued by the Respondents Department to the applicants are quashed;

(ii) Those of the applicants, who have been either disengaged and/or engaged under the interim orders of the Tribunal or otherwise shall continue to be engaged on the term and conditions as applicable to them;

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(iii) Those of the applicants, who have been disengaged by the impugned order shall be re-engaged with continuity of service, but without back wages on the terms & condition as applicable to them.

(iv) The Respondents shall draw up a seniority list of the DRMs/Casual labours and assign them proper seniority with reference to their initial dates of engagement as well as length of service;

(v) The Respondents shall examine the question of conferment of temporary status and regularisation of their services as per the relevant rules. The exercises relating to IV and V shall be completed within four months from the receipt of a copy of this order.

(vi) The Respondents shall, however, be at liberty to make necessary inquiry into the allegations regarding their engagement on the basis of alleged forged records and to take appropriate action in the matter in accordance with law.

In the facts and circumstances, there shall be no order as to costs.

Lakshman Jha
18.2.99
(Lakshman Jha)
Member (Judicial)

SKS

L.R.K. Prasad
18.2.99
(L.R.K. Prasad)
Member (Administrative)