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CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH : GUWAHATI-5.

O.A.No. 154 of 1997

24-2-1999.  
DATE OF DECISION.....

Miss. Bhanu Das

(PETITIONER(S))

Mr.B.Banerjee and Ors.

ADVOCATE FOR THE  
PETITIONER(S)

VERSUS

Union of India & Ors.

RESPONDENT(S)

Mr.A.Deb Roy, Pr.C.G.S.C.

ADVOCATE FOR THE  
RESPONDENT(S)

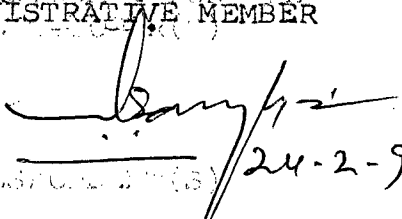
THE HON'BLE MR.G.L.SANGLYINE,ADMINISTRATIVE MEMBER

THE HON'BLE

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

Judgment delivered by Hon'ble ADMINISTRATIVE MEMBER

VERIFIED

  
24-2-99

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CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

Original Application No.154 of 1997

Date of Order: This the 24th Day of February 1999  
HON'BLE MR.G.L.SANGLYINE,ADMINISTRATIVE MEMBER

1. Miss Bhanu Das  
D/o Late Nabin Chandra Das  
Murhateteli  
Tezpur, Assam. ... ... Applicant.

By Advocate Mr.B.Banerjee, Mr.S.C.Biswas,  
Mr.K.Bhattacharjee, Mr.M.Chanda and Mrs. N.D.Goswami

-Vs-

1. Union of India  
represented by the Secretary to  
the Govt. of India,  
Ministry of Communications,  
Department of Telecommunications  
New Delhi.
2. Chief General Manager Telecom  
Assam Circle,  
Department of Telecommunications,  
Guwahati.
3. Telecom District Manager,  
Ministry of Communications,  
Department of Telecommunications  
Tezpur.

By Advocate Mr.A.Deb Roy, Sr.C.G.S.C.

O R D E R.

SANGLYINE,ADMINISTRATIVE MEMBER:

According to the applicant she was engaged as temporary Casual Worker with effect from 1-9-1990 in the office of the Telecom District Engineer, Tezpur. She was entrusted with different types of work including typing work. She continued in the job as Casual Worker till 30-3-1993 without any break and she ~~was~~ regularly worked as casual workers. However, on 31-3-1993 she was informed verbally by the office of the Telecom District Engineer that her service was no longer required and she could however be considered when vacancy of Casual Workers arose. No action was taken to appoint her thereafter. But some regular

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vacancies arose in the office of Telecom District Manager, Guwahati and in the office of the Chief General Manager, Assam Circle, Guwahati. The respondents appointed new persons against the vacancies ignoring the claim of the applicant. This is against the Casual Labourers (Grant of Temporary Status and Regularisation) Scheme <sup>which provides that</sup> filling up of the vacancies in the Group 'D' posts by outsiders will be permitted only when eligible retrenched Casual Workers are not available. This failure of the respondents to consider her appointment against those vacancies is therefore illegal. There are still vacancies available and her name should be considered for appointment by the respondents. But though she had submitted representations to that effect no appointment was given to her. Further, according to the applicant, she had completed two continuous years of service as Casual Worker and, therefore, the respondents should have at least granted her temporary status under the scheme. But no temporary status was granted by the respondents to her. The respondents however, granted temporary status to other similarly situated Casual Workers vide order DE/OFC/EE9/95-96 dated 23-1-96, Annexure 5. Mr.M.Chanda learned counsel for the applicant submitted that the respondents have illegally denied both fresh appointment and granting of temporary status to the applicant.

The respondents denied that the applicant was engaged as casual worker from 1-9-1990 to 30-3-1993 in the office of Sub Divisional Officer, Telecom, Tezpur. They also stated that the records do not show that she was ever engaged as Casual Worker during the aforesaid <sup>that</sup> period. The respondents also stated the Certificate ,

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Annexure 4, allegedly issued by the Sub-Divisional Officer, Telecom, Tezpur is unvariable as the officer who issued the Certificate had expired.

The applicant had submitted Misc. Petition No. 336 of 1997 praying for production by the respondents of the following records.


- i) Pay bill Register of Casual Workers/contingent workers of the office of the Sub Divisional Telegraph, Telecom Tezpur for the period from 1-9-90 to 30-3-93."

The petition was disposed of in the presence of counsel of both sides vide order dated 11-3-1998 directing the respondents to produce the records at the time of hearing. Copy of this order was issued to the respondents. Hearing was fixed on 17-6-98 and thereafter adjournments were granted from time to time. Final hearing was concluded on 10-2-99. The respondents however did not care to produce the records. Adverse inference is possible to be drawn against the respondents on account of this failure to produce the records. However, I decline to draw such inference. On the other hand, I dispose of this application with a direction to the respondents to consider the prayer of the applicant as contained in her representation at Annexure 2 & 3. The applicant may, if so advised, submit fresh representation to the competent authority of the respondents within 1 month from the date of receipt of this order. The respondents shall dispose of the representations of the applicant by taking into consideration the aforesaid scheme. Before disposal of the representations the respondents shall allow the applicant or her representative to inspect the above mentioned

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records of the office of Sub Divisional Officer, Telecom,  
Tezpur  
/ which were called for. For this purpose reasonable  
opportunity shall be granted by them to the applicant.  
The respondents shall thereafter communicate a speaking  
order to the applicant. This must be done within 3 (three)  
months from the date of receipt of this order by the  
respondent No.2 the Chief General Manager, Telecom,  
Assam Circle, Department of Telecommunication, Guwahati.  
Application is disposed of. No order as to costs.

  
(G.L. SANGLYINE) 24.2.99  
ADMINISTRATIVE MEMBER

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