

5/100

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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allowed Date - 12/8/02

O.A/T.A No. 327/2000

R.A/C.P No.

E.P/M.A No. 100/2002

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SECTION OFFICER (Judl.)

CUWAHATI BENCH: CUWAHATI, 5 (FORM NO. 4)

(see Rule-42)

APPLICATION NO. 322/2000

Applicant(s) Radip Sahu

Respondent(s) *Union of India and on.*

Advocate for Applicant(s) Ab. B. K. Sharma

Advocate for Respondent(s)

Notes of the Registry

DATE _____

ORDER OF THE TRIBUNAL

29.9.2000

Present: Hon'ble Mr Justice D.N. Chowdhury,
Vice-Chairman

Heard Mr B.K. Sharma, learned counsel

for the applicant. The application is admitted.

Issue notice. List for orders on 28.11.00. Mean-

while status quo as on today shall be maintained.

Pendency of this application shall not stand

in the way of the respondents for consideration

of grant of temporary status and regularisation

as per the Scheme.

Vice-Chairman

nkm

28.11.00

Four weeks time granted to file written statement on the prayer of Mr. A. Deb Roy, Learned Sr. C.G.S.C.

List on 2.1.2001 for further order.

Vice-Chairman

| trd |

12.1.2001

Heard Mr.S. Sarma, learned
counsel for the applicant.

Mr. A. Deb Roy, learned Sr. C.G.S.C. is accommodated due to his indisposition.

Mr.B.S. Basumatary,learned

Addl....

(2)

O.A. 327/2000

① Service report are still awaited.

34
27.1.2000

1-1-2001

① Service report are still awaited.

mk

② No. W.B. has been filed.

34

24.1.01

18.1. MS.B. Adjourned to 24.1.2001.
M/s
A.C. 72
18.1.

Vice-Chairman

Notice has served on R No 182. Others are awaited.
34
31.7.2001.

trd

Adjourned to 23.2.01 to enable the respondents to file written statement.
List on 23.2.01.

Vice-Chairman

23.2 MS.B. Adjourned to 5.3.2001.
M/s
A.C. 72

5.3.01

List on 11.4.01 to enable the respondents to file written statement.

Vice-Chairman

lm

11.4.01

List on 23.5.01 to enable the respondents to file written statement.

Vice-Chairman

lm

No. written statement has been filed.

34
26.6.01

23.5.01

Two weeks further time is allowed to the respondents to file written statement.

List on 27.6.2001 for further orders.

Vice-Chairman

trd

Notes of the Registry	Date	Order of the Tribunal
02-08-2001 W/statement has not been filed. <u>Don</u>	27.6.01 lm	List on 3.8.01 to enable the respondents to obtain necessary instruction or for filing of written statement. Vice-Chairman
17.8.2001 W/s on behalf of the Resp't. 1, 2 and 3 have been submitted.	3.8.01 trd 7.9.01	List on 7.9.2001 to enable the respondents for filing of written statement. Vice-Chairman
No rejoinder has been filed. <u>By</u> 5.10.01	mb 10.10.01	Written statement has been filed. Four weeks time is allowed to the applicant to file rejoinder. List on 8/10/01 for order. Member
No rejoinder has been filed by the Counsel for the applicant. NB 4/12/01	pg 5.12.01	Written statement filed. The case may now be listed for hearing. The applicant may file rejoinder, if any within 2 weeks. List on 5.12.01 for hearing. Vice-Chairman
26.12.2001 Copy of the Judgment has been sent to the Office for issuing to me to the 1/Advocates in the parties.	pg 7.12.01	On the prayer of the learned counsel for the applicant the case is adjourned to 7.12.2001 for hearing. Member (J) Member (A)
		Heard counsel for the parties. Judgment delivered in open Court, kept in separate sheets. The application is allowed in terms of the order. No order as to costs. Member (J) Member (A)

Notes of the Registry	Date	Order of the Tribunal
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17-0
CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application Nos. 313/2000 & 327/2000.

Date of Order : This the 7th Day of December, 2001.

THE HON'BLE MR. K.K.SHARMA, ADMINISTRATIVE MEMBER.

THE HON'BLE MRS. BHARATI RAY, JUDICIAL MEMBER.

O.A.313/2000

1. Sri Kandarpa Das

Son of Upen Das

Resident of Sualkuchi, Kamrup.

2. Sri Kamal Kalita

Son of Nipen Kalita

Resident of Nalbari, Assam.

... Applicants.

By Advocate Mr.S.Sarma.

- Versus -

1. Union of India,

Represented by the Secretary to the

Government of India, Ministry of Communication,

Sansar Bhawan, New Delhi- 1.

2. The Chief General Manager, Telecom
Assam Telecom Circle, Guwahati.

3. The Divisional Engineer, (Store)
Circle Telecom Store Depot

Assam Circle.

... Respondents.

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

O.A.327/2000.

1. Sri Pradip Sahu,

At present working under Telecom District Manager
Dibrugarh.

2. The All India Telecom Employees Union L.S & Gr- D
Represented by its Circle Secretary, Sri J.N.Mishra.

.. Applicants.

By Advocate Mr.S.Sarma.

- Versus -

1. Union of India

Represented by the Secretary to the

Ministry of Communication, New Delhi.

2. The Chief General Manager

Assam Telecom Circle, Guwahati.

11/11/2001

Contd.. 2

7.

3. The Telecom District Manager,
Dibrugarh, Telecom Division,
Assam.

... Respondents.

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

O R D E R

K.K.SHARMA, ADMN.MEMBER :

Both these applications are taken up together as the issue involved in these cases are same. The issue in these applications is for grant of temporary status. In O.A.313/2000 there are two applicants, while in O.A. 327/2000 there are 35 applicants. All these applicants had come earlier before this Tribunal in a series of O.A.s and This Tribunal decided the series of O.A.s by a common order dated 31.8.1999 in O.A.107/2000 & Others (Annexure -6).

2. The applicants are casual workers and working under TDM Nagaon, and The Divisional Engineer, (Store), Circle Telecom Store Depot, Assam Circle. In the order dated 31.8.1999 direction was given to the applicants to file representations individually within a period of one month from the receipt of the order and the respondents were also directed to scrutinise and examine the representations in consultation with their records and to pass a reasoned order. Accordingly, the applicants filed representations which had been disposed by the respondents rejecting their claims by passing an identical order. The

K K Sharma

Contd...3

said order was passed on 9.8.2000 informing the applicants that on verification of the relevant documents, it was found that the applicants had not worked the requisite number of days in any preceeding year. Para 3 of the written statement filed by the respondents have been stated as under :

"That with regard to the statements in para 1 of the application, the respondents state that the petitioner's case was indeed considered and examined by the verification committee set up for the purpose. The committee worked out the engagement particulars of the applicants on the basis of authentic official records including payment particulars and based on the findings it was found that some of the applicants are not entitled for the benefit of the Temporary Status scheme. Accordingly applicants are informed by the GM/Dibrugarh office that they were not eligible for temporary status. The order dated 9.8.2000 was issued after thorough scrutiny and proper verification of the applicant's cases."

3. Though the respondents have mentioned that some of the applicants ^{are} not entitled to the benefit of temporary status, yet as argued by Mr.S.Sarma, learned counsel for the applicant all applicants had been issued identical letters rejecting their claims. Mr.Sarma has produced minutes of the verification committee in respect of the applicant which shows that many of the applicants had actually worked for more than 240 days in a calender year. As such the impugned order dated 9.8.2000 does not appear to be corrct. By the aforesaid judgment of this Tribunal dated 31.8.1999 the respondents had been directed to pass a reasoned order

11/11/2000

contd. 4

on the basis of the documents produced before them. It cannot be inferred that the respondents have verified the records properly ^{or U} and have ^U not passed a reasoned order.

4. Mr.A.Deb Roy, learned Sr.C.G.S.C. has also been heard. He submits that the process of the verification is still going on. U

5. Upon hearing learned counsel for the parties and on consideration of the facts and materials on records, we are of the view that ends of justice will be met if a direction is given to the applicants ^U to place the same records produced before us before the respondents within 15 days from the receipt of this order, so that the respondents can re-consider each and every case on the basis of the records produced before them and pass a detailed order. In case, the records produced before them is not accepted as correct, the respondents will pass a reasoned order U
U The respondents are directed to dispose of the representations of the applicants. The respondents will complete the exercise within a period of 3 months from the date of production of records by the applicants.

Subject to the observation made above, the applications are treated as allowed.

There shall, however, be no order as to costs.

Bharati Ray
(MRS. BHARATI RAY)
JUDICIAL MEMBER

K.K. Sharma
(MR. K.K. SHARMA)
ADMINISTRATIVE MEMBER

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**BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH**

(An application under section 19 of the Administrative Tribunal
Act.1985)

Title of the case :

O.A.No. **327**..... of 2000.

BETWEEN

Shri Pradip Sahu & Ors.

VERSUS

Union of India & Ors.

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Filed by : *Alsha Das*

File No.: C:\WS7\PRADIP

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Filed by
the applicant through
Alsha Das,
Advocate.

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

(An application under section 19 of the Central Administrative
Tribunal Act.1985)

O.A.No. '2000

BETWEEN

1. Sri Pradip Sahu ,
at present working under Telecom District Manager Dibrugarh.
2. The All India Telecom Employees Union L.S & Gr-D , represen-
tade by its Circle Seretary , Sri J.N. Mishra.

..... Applicants.

- A N D -

1. The Union of India,
Represented by the Secretary to the
Ministry of Communication. New Delhi.
2. The Chief General Manager,
Assam Telecom Circle,
Guwahati.
3. The Telecom District Manager
Dibrugarh, Telecom Division,
Assam.

..... Respondents.

PARTICULARS OF THE APPLICATION

1. PARTICULARS OF THE ORDER AGAINST WHICH THIS APPLICATION IS
MADE:

This application is directed against the action of the
respondents in issuing the orders dated 9.8.2000 and in not

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considering the case of the applicants for grant of temporary status and regularisation of their respective services pursuant to scheme and directions of the Hon'ble Supreme Court by which under the similar facts situation like that of the applications, others named been benefited. This application is also directed against the action of the respondents in not implementing the order dated 31.8.99 passed in the Hon'ble Tribunal, wherein directions have been issued for scrutinising their documents.

2. LIMITATION:

The applicants declare that the instant application has been filed within the limitation period prescribed under section 21 of the Administrative Tribunal Act.1985.

3. JURISDICTION:

The applicants further declare that the subject matter of the instant case is within the jurisdiction of the Hon'ble Tribunal.

4. FACTS OF THE CASE

4.1. That the applicants are citizen of India and as such they are entitled to all the rights, protections and privileges as guaranteed by the Constitution of India and laws framed thereunder.

4.2. That in the instant application, the applicant No 1 is a casual worker presently holding the post of casual worker under the T D M Nagaon. The applicant No 2 is the circle secretary of the AITEU and he represents the interest of all the casual workers listed in the Annexure-A. The respondents have issued the impugned orders (identical) dated 9.8.2000 to each applicants. Accordingly the cause of action and relief sought for by the

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applicants are same. Thus the instant applicants pray that they may be allowed to join together in a single application invoking rule 4(5)(a) of CAT (Procedure) Rules 1987 to minimise the number of litigation as well as the cost of the application.

4.3. That the applicants as listed in the Annexure-A list are presently continuing as casual workers and all of them were appointed in various dates on casual basis. The applicants are at present drawing their wages under departmental pay slips, which will show that they are casual workers of the Dept. of Telecommunication and hence the applicants pray for a direction to the respondents to produce all the relevant documents at the time of hearing of the case.

For better appreciation of the factual position the applicants crave leave at the Hon'ble Tribunal to annex a list containing the service particulars as . They are still continuing in their respective posts as stated above.

4.4. That some of the similarly situated employees belonging to the postal Department had approached the Hon'ble Supreme Court for direction for regularisation, as has been prayed in the instant application and the Hon'ble Supreme Court acting on their Writ Petition had issued certain directions in regard to regularisation as well as grant of temporary status to those casual labourers of the Department of Posts. It is pertinent to mention here that claiming similar benefit a group of similarly situated employees under the respondents i.e. of department of Telecommunication had also approached the Hon'ble Supreme Court for a similar direction by way of filing writ petition (C) No.1288/89 (Ram Gopal & Ors.Vs. Union of India & Ors) along with several writ petition i.e. 1246/86, 1248/86 etc. In the aforesaid writ petitions the Hon'ble Supreme Court was pleased to pass a similar direction to the respondents authority to prepare a scheme on a

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rational basis for absorption the casual labourers as far as possible, who have been working more than one year in their respective posts. Pursuant to judgment the Govt. of India, Ministry of Communication, prepared a scheme in the name and style "Casual Labourers (Grant of Temporary Status and Regularisation) Scheme 1989" and the same was communicated vide letter No.269-10/89-STN dated 7.11.89. In the scheme Certain benefits granted to the casual labourers such as conferment of temporary status, wages and daily Rates with reference to minimum pay scale of regular Group-D officials including DA/HRA etc.

Copies of the Apex Court Judgment and the above mentioned scheme is annexed herewith and marked as ANNEXURE-1 and 2..

4.5. That as per the Annexure-2 scheme as well as the directions issued by the Hon'ble Supreme Court (Annexure-1) in the cases mentioned above, the applicants are entitled to the benefits described in the scheme. The applicants are in possession of all the qualifications mentioned in the said scheme as well as in the aforesaid verdict of the Hon'ble Supreme Court, and more specifically in the dates described in the Annexure-A may be referred to for the better appreciation of the factual position.

4.6. That the respondents after issuance of the aforesaid scheme, issued further clarification from time to time of which mention may be made of letter No.269-4/93-STN-II dated 17.12.93 by which it was stipulated that the benefits of the scheme should be conferred to the casual labourers who were engaged during the period from 13.3.85 to 22.6.88.

The applicants crave leaves of the Hon'ble Tribunal to produce the said order at the time of hearing of the case.

4.7. That on the other hand casual workers of the Deptt. of Posts who were employed on 29.11.89 were eligible to be conferred the temporary status on satisfying other eligible conditions. The stipulated dated 29.11.89 has now further been extended up to 10.9.93 pursuant to a judgment of the Ernakulam Bench of the Hon'ble Tribunal delivered on 13.3.95 in OA No.750/94. Pursuant to the said judgment delivered by the Ernakulam Bench, Govt of India, Ministry of Communication issued letter No.66-52/92-SPD-I dated 1.11.95 by which the benefits of conferring temporary status to the casual labourers have been extended up to the recruitees up to the 10.9.93.

A copy of the aforesaid letter dated 1.11.95 as annexed herewith and marked as ANNEXURE-3.

The applicants have not been able to get hold of an authentic copy of the said letter and accordingly they pray for a direction to produce an authenticated copy of the same at the time of hearing of the instant application.

4.8. That the benefits of the aforesaid judgment and circular of Govt. of India is required to be extended to the applicants in the instant application more so when they are similarly circumstance with that of the casual workers to whom benefits have been granted and presently working in the Deptt. of Posts. As stated above both the Deptts. are under the same Ministry i.e. the Ministry of Communication, and the scheme were pursuant to the Supreme Court's Judgment as mentioned above. There can not be any earthly reason as to why the applicants shall not be extended the same benefits as have been granted to the casual labourers working in the Dept. of Posts.

4.9. That the applicants state that the casual labourers

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working in the Deptt of Telecommunication are similarly situated like that of the casual workers working in the Deptt.of Posts. In both the cases relevant schemes was prepared as per the direction of the Hon'ble Court delivered their judgment in respect of the casual workers in the Deptt.of Telecommunication following the judgment delivered in respect of casual workers in the Deptt.of Posts. As stated earlier both the Deptts. are the same Ministry i.e. Ministry of Communication. Therefore, there is apparent discrimination in respect of both the sets of casual labourers though working under the same Ministry. It is pertinent to mention here that the casual workers of the Deptt of Posts on obtaining the Temporary Status are granted much more benefited than the casual workers of the Deptt.of Telecommunication. Similar benefits are required to be extended to the casual workers of the Deptt.of Telecommunication having regard to the facts both the Deptts are under the same ministry and the basic foundation of the scheme for both the Deptts are Supreme Court's judgment referred to above. If the casual workers of the Deptt of Posts can be granted with the benefits as enumerated above based on Supreme Court's verdict, there is no earthly reason as to why the casual workers of the Deptt.of Telecommunication should not be extended with the similar benefits.

4.10. That the applicants beg to state that in view of afore-said scheme as well as the verdict of the Hon'ble Supreme Court, they entitled to be regularised more so when there is at present more that 750 posts of DRM have been allotted to Assam Circle.

4.11. That the applicants beg to state that making a similar prayer a group of casual workers working under Assam Circle had approached this Hon'ble Tribunal by way of filing OA No.299/96

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and 302/96 and this Hon'ble Tribunal pleased to allow the aforesaid application on 13.8.97 by a common judgment and order.

A copy of the said order dated 13.8.97 is annexed herewith and marked as ANNEXURE-4.

4.12. That the applicants state that it is settled position of law that when some principles have laid down in a given case those principles are required to be made applicable to other similarly situated cases without requiring them to approach the Hon'ble Court again and again. But in a nutshell case in spite of judgment of Hon'ble Ernakulam Bench delivered in respect of casual labourers of Deptt. of Posts, the Deptt. of Telecommunication under the same ministry has not yet extended the benefits to the casual labourers working under them.

4.13. That the applicants beg to state that the action of the respondents towards the non implementation of the case of the applicants are with some ulterior motive only to deprive them from their legitimate claim of regularisation. The main crux of their prayer was for regularisation and grant of temporary status and for consideration of their cases against the 750 posts as mentioned above but in reply, the respondents have not issued any order as yet. The respondents being a model employer ought to have granted the benefit of temporary status as per the scheme without requiring them to approach the doors of the Hon'ble Tribunal again and again, more so when all the applicants fulfill the required qualification as per the said scheme.

4.14. That the applicants state that in a nutshell their whole grievances are that to extend the benefit of the aforesaid scheme as well as similar treatment as has been granted to the

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casual workers working under Deptt. of Posts in regard to treating the cut of date of engagement as has been modified from time to time by issuing various orders, of which mention may be made of order dated 1.9.99 by which the benefit of the scheme has been extended to the recruitees up to 1998.

A copy of the order dated 1.9.99 is annexed herewith as Annexure-5.

4.15 That the applicant begs to state that highlighting their grievance, they had approached the Hon'ble Tribunal by way of filing OA No. 112, 131, 289, 192 of 98 praying for grant of temporary status and regularisation. The Hon'ble Tribunal was pleased to dispose of the said OA along with other connected matters vide its order dated 31.8.99 with a direction to the respondents to consider their cases after due scrutinise of the documents.

A copy of the order dated 31.8.99 is annexed herewith and marked as Annexure-6.

4.16 That the applicants beg to state that pursuant to the aforesaid order dated 31.8.99, the higher authorities of the respondents have issued various orders to the Divisional authorities for furnishing documents/certificates to ascertain the facts. To that effect mention may be made of order dated 9.11.99 issued by the respondent No. 3 asking for documents and certificates.

4.17 That the applicants beg to state that after the judgment and order dated 31.8.99, they have submitted representations individually highlighting their date of appointment as well as number

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of working days etc. in other divisions, the casual workers, who are also asked to appear in interview held by the respondent. However, the respondents have not yet held any interview in respect of the present applicants. Suddenly the respondent No. 3 issued an identical orders dated 9.8.2000 by which the representations filed by the applicants have been disposed of

A copy of one of such orders dated 9.8.2000 is annexed herewith and marked as Annexures-7.

4.18 That the applicants beg to state that barring the cases of the present applicants, in all other cases interviews have been held for scrutinising the records but only the present applicants have been debarred for the same. The respondents have treated the present applicants differently violating Article 14 and 16 of the Constitution of India. all the other similarly placed employees (Casual workers) have been given chance to point out personally the facts and figures pertaining to their service particulars but the said opportunity has not been granted to the present applicants. Hence the either action on the of the respondents are illegal and violative of Article 14 and 16 of the constitution of India.

4.19. That the applicants begs to state that in their cases the Annexure-A certificates submitted by them as well as by the subordinate authorities of the respondents have not been examined properly. It is further stated that juniors to the applicants even outsiders have been granted with temporary status but only the applicants in whose case no personnel hearing i.e. interview was held, have been denied the said benefit of temporary status as well as its subsequent clarification issued from

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time to time. The aforesaid discriminatory action leads to issuance of Annexure-7 order dated 9.8.2000 and hence same is liable to be set aside and quashed only on the ground of same being discriminatory in nature and further direction may issued for granting temporary status to the applicants with all consequential benefits.

4.20. That the applicants beg to states that the respondents have not clarified the records before issuing by the impugned order dated 9.8.2000. In fact the respondents have violated the direction issued by the Hon'ble Tribunal in its judgment and order dated 31.8.99.

4.21. That the applicants beg to stat that the respondent have violated the directions issued by the Hon'ble Tribunal. In implementing the said judgment and order the respondents have held interviews in other cases but same procedure has not been maintained in case of the present applicants which has resulted in issuance of the impugned order dated 9.8.2000.

4.22. That the applicants begs to state that the respondents have not apply their mind properly in issuing the order dated 9.8.2000. Although the orders dated 9.8.2000 have been issued as speaking order but infact no definite ground has been defined in the said order. Only ground is regarding fulfillment of 240 days of work in a particular year, but taking into consideration the Annexure-A certificates issued by the respondents only the fact will be clear.

4.23. That the applicants beg to state that they are still continuing in their respective posts without any termination. On

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the other hand the respondents are now granting the temporary status to the juniors of the applicants, even some of the outsiders have also been granted with the benefits of the temporary status.

The applicants in view of the aforesaid facts and circumstances have prayed for a direction to the respondents to produce all the relevant documents at the time of hearing of the case.

4.24. That the applicants beg to state that the respondents are now granting the said benefits and filling up all most 750 posts of DRM within a very short time without considering their cases. The applicants are now in employments as casual workers but in view of the aforesaid order dated 14.7.00 their services may be discontinued without giving them any opportunity of hearing. In that view of the matter the applicants pray for an interim order directing the respondents not to disengage them from their present employments and not to fill up the posts of DRM till the disposal of the case. in case the interim order is not granted the applicants will suffer irreparable loss and injury.

5. GROUNDS FOR RELIEF WITH LEGAL PROVISION:

5.1. For that the denial of benefit of the scheme to the casual labourers whom the applicants union represent in the instant case is prima-facie illegal and arbitrary and same are liable to be set aside and quashed.

5.2. For that it is the settled law that when some principles have been laid down in a judgment extending certain benefits to a certain set of employees, the said benefits are required to be similarly situated employee without requiring them

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to approach the court again and again. The Central Govt. should set an example of a model employer by extending the said benefit to the applicants.

5.3. For that the discrimination meted out to the members of the applicants in not extending the benefits of the scheme and in not treating them at par with postal employees is violative of Articles 14 and 16 of the Constitution of India.

5.4. For that the respondents could not have deprived of the benefits of the aforesaid scheme which has been applicable to their fellow employees which is also violative of Article 14 and 16 of the Constitution of India.

5.5. For that the respondents have acted illegally in issuing that impugned Annexure-7 order dated 9.8.2000 without examining the relevant documents submitted by the applicants as well as the authorities of their respondents. And hence the impugned Annexure-7 order dated 9.8.2000 is liable to be set aside and quashed.

5.6. For that as per the order dated 1.9.99 the cases of the applicants are required to be considered under the scheme of 1989 and since the applicant have completed 240 days of continuous service in a year, respondents are duty bound to grant temporary status as per the scheme, more so when the other similarly situated employees like that of the applicants have been granted with the said benefit.

5.7. For that the respondents have violative the judgment and order dated 31.8.99 passed by this Hon'ble Tribunal in the calling for the applicants for interview and by issuing the impugned order dated 9.8.2000 without consulting the records. On that score alone the impugned order dated 9.8.2000 is liable to be

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set aside and quashed.

5.B. For that in any view of the matter the action/inaction of the respondents are not sustainable in the eye of law and liable to be set aside and quashed.

The applicants crave leave of the Hon'ble Tribunal to advance more grounds at the time of hearing of the case.

6. DETAILS OF REMEDIES EXHAUSTED:

That the applicants declare that they have exhausted all the remedies available to them and there is no alternative remedies available to them.

7. MATTERS NOT PREVIOUSLY FILED OR PENDING IN ANY OTHER COURT:

The applicants further declare that he has not filed previously any application, writ petition or suit regarding the grievances in respect of which this application is made before any other court or any other Bench of the Tribunal or any other authority nor any such application, writ petition or suit is pending before any of them. It is further stated that since the respondents have not yet issued any impugned order, and due to paucity of time and having regard to the urgency in the matter the applicants even have not file any representation however, they have made several verbal representations.

8. RELIEF SOUGHT FOR:

Under the facts and circumstances stated above the applicants most respectfully prayed that the instant application be admitted records be called for and after hearing the parties on the cause or causes that may be shown and on perusal of the records be grant the following reliefs to the applicants:

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8.1 To set aside and quashed Annexure-7 order dated 9.8.2000 in respect of all the applicants.

8.2. To direct the respondents to extend the benefits of the said scheme to the members of the applicants and to regularised their services .

8.3. To direct the respondents not to fill up any vacant posts of Daily Rated mazdoors without first considering the case of the applicants.

8.4. Cost of the applicants.

8.5. Any other relief/reliefs to which the applicants are entitled to under the facts and circumstances of the case and deemed fit and proper.

9. INTERIM ORDER PRAYED FOR:

Pending disposal of this application the applicants pray for an interim order directing the respondents not to fill up any vacant posts of Daily Rated Mazdoors without first considering the case of the applicants. The applicants further prays for an interim order direction the respondents not to disturb their services and to allow them to continue in their respective posts during the pendency of the case.

10.

11. PARTICULARS OF I.P.O.:

1. I.P.O. No. :
2. Date :
3. Payable at : Guwahati.

12. LIST OF ENCLOSURES:

As stated in the INDEX.

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VERIFICATION

I, Shri Jay Narayan, s/o Late Shalbal Mishra, aged about 52 years, Circle Seretary AITEU, do hereby verify and state that the statements made in paragraphs _____ are true to my knowledge and those made in paragraphs _____ are true to my legal advice and I have not suppressed any material facts. I am also duly authorised by the other applicants to sign this verification on their behalf.

And I sign this verification on this the 28th day of September, 2000.

⑦ - not worked for 40 days
1989 Scheme - after Ram Chahal i can 18
Extended to the securities of 10.9.93 Ann. III
Ann. IV OK 295
OK 302
28 1.9.99
Ann. VI 25

LIST OF CASUAL MAZDOORS THOSE ARE NOT FOUND 240 DAYS IN
SCRUTINY COMMITTEE AT DIBRUGARH SSA. AND SPEAKING ORDER HAS
BEEN ISSUED.

S/No.	NAMAE OF CASUAL MAZDOOR	FATHERS NAME.	WORKING UNDER
1.	Pradip Sahu OA 112/98	S/O Sankar Sahu	SDOT Moran.
2.	Hemanta Kr. Singh OA 113/98	S/O Kameswar Singh	" "
3.	Mafizur Rahman OA 112/98	S/O Late Yusuf	" "
4.	Gautam Kr. Mishra OA 131/98	S/O J.N. Mishra	" "
5.	Dimanlal Mahato OA 131/98	S/O Basu Mahato	" "
6.	Birendra Kr. Singh OA 112/98	S/O Kusewar Singh	" "
7.	Rejeah Das OA 112/98	" Dhruva Das	" "
8.	Sailndra Das OA 112/98	" Nil	" "
9.	Nirup Deb OA 112/98	" Narmada Deb	" "
10.	Raju Deb OA 112/98	" Bakul Deb	" "
11.	Subodh Sarkar OA 112/98	" Fulchand Sarkar	" "
12.	Prabin Changmai OA 112/98	" Premadhar Changmai	" "
13.	Jadav Chnagmai OA 112/98	" Puneswar Changmai	" "
14.	Pabtra Gogoi OA 112/98	" Loveswar Gogoi	" "
15.	Dilwar Rahman CA 287/99	" Late Azizur Rahman	" "
1.	Nishi Kanta Dutta OA 131/98	S/O Nirjan Dutta	SDOT Dibrugar
2.	Nareswar Gondhia OA 131/98	" Late Juleswar Gondhia	" "
3.	Suresh Sahu CA 131/98	" Raghunath Sahu	" "
4.	Dignta Konwar CA 131/98	" Gupen konwar	" "
5.	Nagen Das CA 112/98	" Late Nabin nama Das	" "
6.	Paresh Kalita CA 131/98	" Late Haren Kalita	" "
7.	Samar Malakar CA 131/98	" Upendra Malakar	" "
8.	Ajit Chakraborty OA 112/98	" Pramode Chakraborty	" "
1.	Balbahadur Chetri CA 287/99	S/O Padembahudar Chetri	SDOT Tansu- -kia.
1.	Gopal Barua CA 287/99	S/O Late Dhaniram Barua	SDOT Marghe- -rita.
1.	Pradip Deka OA 131/98	S/O Gaurikanta Deka	SDE Naharkatia
2.	Mantu Rajkanwar CA 131/98	S/O Bagat Rajkanwar	SDE " "
3.	Dinesh Deka CA 131/98	S/O Sukhrum Deka	" "
4.	Rabindra Das CA 287/99	S/O Birendra Das	" "
5.	Medan Das CA 287/99	" Narendra Ch. Das.	" "
1.	Miss Safia Begum CA 192/98	U/O Late Abdul Rashid	AE CARRIER
2.	Mukut Gogoi CA 112/98	S/O Mukheswar Gogoi	" "
1.	Sant Kumar	S/O Biswanath Mahato	SDE PRX Dibrugarh.
Total 33 Members.			
1.	Krishna Choudhary Thapa OA 112/98	S/O Bishnu Thapa	SDOT Moran
2.	Zaboor Hussain CA 112/98	S/O Abdul Hussain	SDOT Moran

Attested
[Signature]
 Advocate.

ANNEXURE-1..

Absorption of Casual Labours
Supreme Court directive Department of Telecom take back all
Casual Mazdoors who have been disengaged after 30.3.85.

In the Supreme Court of India
Civil Original Jurisdiction.

Writ Petition (C) No 1280 of 1989.

Ram Gopal & ors. Petitioners.

-versus-

Union of India & ors Respondents.

With

Writ Petition Nos 1246, 1248 of 1986 176 , 177 and 1248 of 1988.

Jant Singh & ors etc. etc. Petitioners.

-versus-

Union of India & ors. Respondents.

ORDER

We have heard counsel for the petitioners. Though a counter affidavit has been filed no one turns up for the Union of India even when we have waited for more then 10 minutes for appearance of counsel for the Union of India .

The principal allegation in these petitions under Art 32 of the Constitution on behalf of the petitioners is that they are working under the Telecom Department of the Union of India as Casual Labourers and one of them was in employment for more then four years while the others have served for two or three years. Instead of regularising them in employment their services have been terminated on 30 th September 1988. It is contended that the principle of the decision of this Court in Daily Rated Casual Labour Vs. Union of India & ors. 1988 (1) Section (122) squarely applies to the petitioner though that was rendered in case of Casual Employees of Posts and Telegraphs Department. It is also contended by the counsel that the decision rendered in that case also relates to the Telecom Department as earlier Posts and Telegraphs Department was covering both sections and now Telecom has become a separate department. We find from paragraph 4 of the reported decision that communication issued to General Managers Telecom have been referred to which support the stand of the petitioners.

By the said Judgment this Court said :

" We direct the respondents to prepare a scheme on a rational basis for absorbing as far possible the casual labourers who have been continuously working for more than one year in the

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[Signature]
Advocate.

posts and Telegraphs Department".

We find the though in paragraph 3 of the writ petition, it has been asserted by the petitioners that they have been working more than one year, the counter affidavit does not dispute that petition. No distinction can be drawn between the petitioners as a class of employees and those who were before this court in the reported decision. On principles, therefore the benefits of the decision must be taken to apply to the petitioners. We accordingly direct that the respondents shall prepare a scheme on a rational basis absorbing as far as practical who have continuously worked for more than one year in the Telecom Deptt. and this should be done within six months from now. After the scheme is formulated on a rational basis, the claim of the petitioners in terms of the scheme should be worked out. The writ petitions are also disposed of accordingly. There will be no order as to costs on account of the facts that the respondents counsel has not chosen to appear and contact at the time of hearing though they have filed a counter affidavit.

Sd/-

Sd/-

(Ranganath Mishra) J.

(Kuldeep Singh) J.

New Delhi

April 17, 1990.

Attested
[Signature]
Advocate.

29

- 19 -

ANNEXURE-2.

CIRCULAR NO. 1
GOVERNMENT OF INDIA
DEPARTMENT OF TELECOMMUNICATIONS

STN SECTION

No. 269-10/89-STN

New Delhi 7.11.89

To

The Chief General Managers, Telecom Circles
M.T.H.I New Delhi/Bombay, Metro Dist. Madras/
Calcutta.
Heads of all other Administrative Units.

Subject : Casual Labourers (Grant of Temporary Status and
Regularisation) Scheme.

Subsequent to the issue of instruction regarding regularisation of casual labourers vide this office letter No.269-29/87-STC dated 18.11.88 a scheme for conferring temporary status on casual labourers who are currently employed and have rendered a continuous service of at least one year has been approved by the Telecom Commission. Details of the scheme are furnished in the Annexure.

2. Immediate action may kindly be taken to confer temporary status on all eligible casual labourers in accordance with the above scheme.

3. In this connection, your kind attention is invited to letter No.270-6/84-STN dated 30.5.85 wherein instructions were issued to stop fresh recruitment and employment of casual labourers for any type of work in Telecom Circles/Districts. Casual labourers could be engaged after 30.3.85 in projects and Electrification circles only for specific works and on completion of the work the casual labourers so engaged were required to be retrenched. These instructions were reiterated in D.O letters No.270-6/84-STN dated 22.4.87 and 22.5.87 from member (pers. and Secretary of the Telecom Department) respectively. According to the instructions subsequently issued vide this office letter No.270-6/84-STN dated 22.6.88 fresh specific periods in Projects and Electrification Circles also should not be resorted to.

3.2. In view of the above instructions normally no casual labourers engaged after 30.3.85 would be available for consideration for conferring temporary status. In the unlikely event of there being any case of casual labourers engaged after 30.3.85 requiring consideration for conferment of temporary status. Such cases should be referred to the Telecom Commission with relevant details and particulars regarding the action taken against the officer under whose authorisation/approval the irregular engagement/non retrenchment was resorted to.

3.3. No Casual Labourer who has been recruited after 30.3.85 should be granted temporary status without specific approval from this office.

4. The scheme finalised in the Annexure has the concurrence of Member (Finance) of the Telecom Commission vide No

Attested

[Signature]
Advocate.

SMF/78/98 dated 27.9.89.

5 Necessary instructions for expeditious implementation of the scheme may kindly be issued and payment for arrears of wages relating to the period from 1.10.89 arranged before 31.12.89.

sd/=

ASSISTANT DIRECTOR GENERAL (STN).

Copy to.

P.S. to MDS (C).

P.S. to Chairman Commission.

Member (S) / Adviser (HRD). GM (IR) for information.
MCG/SEA/TE -II/IPS/Admn. I/CSE/PAT/SPB-I/SR Secs.

All recognised Unions/Associations/Federations.

sd/=

ASSISTANT DIRECTOR GENERAL (STN).

Attested



Advocate.

ANNEXURE

CASUAL LABOURERS (GRANT OF TEMPORARY STATUS AND REGULARISATION) SCHEME.

1. This scheme shall be called "Casual Labourers (Grant of Temporary Status and Regularisation) Scheme of Department of Telecommunication. 1989"
2. This scheme will come in force with effect from 1.10.89 onwards.
3. This scheme is applicable to the casual labourers employed by the Department of Telecommunications.
4. The provisions in the scheme would be as under.

A) Vacancies in the group D cadres in various offices of the Department of Telecommunications would be exclusively filled by regularisation of casual labourers and no outsiders would be appointed to the cadre except in the case of appointment on compassionate grounds, till the absorption of all existing casual labourers fulfilling the eligibility qualification prescribed in the relevant Recruitment Rules. However regular Group D staff rendered surplus for any reason will have prior claim for absorption against the existing/future vacancies. In the case of illiterate casual labourers, the regularisation will be considered only against those posts in respect of which illiteracy will not be an impediment in the performance of duties. They would be allowed age relaxation equivalent to the period for which they had worked continuously as actual labour for the purpose of the age limit prescribed for appointment to the group D cadre, if required. Outside recruitment for filling up the vacancies in Gr. D will be permitted only under the condition when eligible casual labourers are NOT available.

B) Till regular Group D vacancies are available to absorb all the casual labourers to whom this scheme is applicable, the casual labourers would be conferred a Temporary Status as per the details given below.

Temporary Status.

- i) Temporary status would be conferred on all the casual labourers currently employed and who have rendered a continuous service at least one year, out of which they must have been engaged on work for a period of 240 days (206 days in case of offices observing five day week). Such casual labourers will be designated as Temporary Mazdoor.
- ii) Such conferment of temporary status would be without reference to the creation / availability of regular Gr. D posts.
- iii) Conferment of temporary status on a casual labourers would not involve any change in his duties and responsibilities. The engagement will be on daily rates of pay on a need basis. He may be deployed any where within the recruitment unit/territorial circles on the basis of availability of work.
- iv) Such casual labourers who acquire temporary status will not, however be brought on to the permanent establishment unless they are selected through regular selection process for Gr. posts.

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[Signature]
Advocate.

6. Temporary status would entitle the casual labourers to the following benefits :

i) Wages at daily rates with reference to the minimum of the pay scale of regular Gr.D officials including DA, HRA, and CCA.

ii) Benefits in respect of increments in pay scale will be admissible for every one year of service subject to performance of duty for at least 240 days (206 days in administrative offices observing 5 days week) in the year.

iii) Leave entitlement will be on a pro-rata basis one day for every 10 days of week. Casual leave or any other leave will not be admissible. They will also be allowed to carry forward the leave at their credit on their regularisation. They will not be entitled to the benefit of encasement of leave on termination of services for any reason or their quitting service.

iv) Counting of 50 % of service rendered under Temporary Status for the purpose of retirement benefit after their regularisation.

v) After rendering three years continuous service on attainment of temporary status, the casual labourers would be treated at par with the regular Gr. D employees for the purpose of contribution to General Provident Fund and would also further be eligible for the grant of Festival Advance/ food advance on the same condition as are applicable to temporary Gr.D employees, provided they furnish two sureties from permanent Govt. servants of this Department.

vi) Until they are regularised they will be entitled to Productivity linked bonus only at rates as applicable to casual labour.

7. No benefits other than the specified above will be admissible to casual labourers with temporary status.

8. Despite conferment of temporary status, the offices of a casual labour may be dispensed within accordance with the relevant provisions of the industrial Disputes Act. 1947 on the ground of availability of work. A casual labourer with temporary status can quit service by giving one months notice.

9. If a labourer with temporary status commits a misconduct and the same is proved in an enquiry after giving him reasonable opportunity, his services will be dispensed with. They will not be entitled to the benefit of encasement of leave on termination of services.

10. The Department of Telecommunications will have the power to make amendments in the scheme and/or to issue instructions in details within the framing of the scheme.

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Attested
[Signature]
Advocate.

ANNEXURE-..3.
EXTRACT.

CASUAL LABOURERS (GRANT OF TEMPORARY STATUS AND REGULARISATION)
SCHEME.

NO.66-52/92-SPB/I

dated 1.11.95.

I am directed to refer to the scheme on the above subject issued by this office vide letter No 45-95/87 SPB-I dated 12.4.91 and 66-9/91-SPB-I dated 30.11.92 as per which full time casual labourers who were in employment as on 29.11.89 were eligible to be conferred "temporary status" on satisfying other eligibility conditions.

The question of extending the benefit of the scheme to those full time casual labourers who were engaged /recruited after 29.11.89 has been considered in the office in the light of the judgement of the CAT Ernakulam Bench delivered on 13.3.95 in O.A. No 750/94 .

It has been decided the full time casual labourers recruited after 29.11.89 and up to 10.9.93 may also be considered for the grant of benefit under the scheme.

This issue with the approval of I.S and F.A. vide Dy. No 2423/95 dated 9.10.95.

Attested
[Signature]
Advocate.

ANNEXURE-4.

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No. 299 of 1996.

and

302 of 1996.

Date of order : This the 13th day of August, 1997.

Justice Shri D.N. Baruah, Vice-Chairman.

O.A. No. 299 of 1996

All India Telecom Employees Union,
Line Staff and Group-D,
Assam Circle, Guwahati & Others. Applicants.

- Versus -

Union of India & Ors. Respondents.

O.A. No. 302 of 1996.

All India Telecom Employees Union,
Line Staff and Group-D
Assam Circle, Guwahati & Others. Applicants.

- Versus -

Union of India & Ors. Respondents.

Advocate for the applicants : Shri B.K. Sharma

Shri S. Sharma

Advocate for the respondents : Shri A.K. Choudhury

Addl. C.G.S.C.

ORDER

BARUAH J. (V.C.)

Both the applications involve common question of law and similar facts. In both the applications the applicants have

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[Signature]
Advocate.

prayed for a direction to the respondents to give them certain benefits which are being given to their counter parts working in the Postal Department. The facts of the cases are :

1. O.A. No.302/96 has been filed by All India Telecom Employees Union, Line Staff and Group-D, Assam Circle, Guwahati, represented by the Secretary Shri J.N.Mishra and also by Shri Upen Pradhan, a casual labourer in the office of the Divisional Engineer, Guwahati. In O.A. 299/96, the case has been filed by the same Union and the applicant No.2 is also a casual labourer. The applicant No.1 in O.A. No.299/96 represents the interest of the casual labourers referred to Annexure-A to the Original Application and the applicant No.2 is one of the labourers in Annexure-A. Their grievances are :

2. They are working as casual labourers in the Department of Telecom under Ministry of Communication. They are similarly situated with the casual labourers working in the Department of Postal Department under the same Ministry. Similarly the members of the applicant No 1 are also casual labourers working in the telecom Department. They are also similarly situated with their counter parts in the Postal Department. They are working as casual labourers. However the benefits which had been extended to the casual labourers working in the Postal Department under the Ministry of Communications have not been given to the casual labourers of the applicants Unions. The applicants state that pursuant to the judgment of the Apex Court in daily rated casual labourers employed under Postal Department vs. Union of India & Ors. reported in (1988) in sec.122 the Apex Court directed the department to prepare a scheme for absorption of the casual labourers who were continuously working in the department for more than one year for giving certain benefits. Accordingly a scheme was prepared by the Department of Posts granting benefit

Attested

[Signature]

Advocate.

to the casual labourers who had rendered 240 days of service in a year. Thereafter many writ petitions had been filed by the casual labourers , working under the department of Telecommunication before the Apex Court praying for directing to give similar benefits to them as was extended to the casual labourers of Department of Posts. Those cases were disposed of in similar terms as in the judgment of Daily Rated Casual Labourers(Supra). The Apex Court, after considering the entire matter directed the Department to give the similar benefit to the casual labourers working under the Telecom Department in similar manner. Pursuant to the said judgment the Ministry of Communication prepared a scheme known as "Casual Labourers (Grant of Temporary Status and regularisation)Scheme" on 7.11.89. Under the said scheme certain benefit had been granted to the casual labourers such as conferment of temporary Status, Wages and Daily Rates with reference to the minimum of the pay scale etc. Thereafter, by a letter dated 17.3.93 certain clarification was issued in respect of the scheme in which it had been stipulated that the benefits of the scheme should be confined to the casual labourers engaged during the period from 31.3.1985 to 22.6.1988. On the other hand the casual labourers worked in the Department of Posts as on 21.11.1989 were eligible for temporary Status. The time fixed as 21.11.1989 had been further extended pursuant to a judgment of the Ernakulam Bench of the Tribunal dated 13.3.1995 passed in O.A.No.750/94 . Pursuant to that judgment, the Govt.of India issued a letter dated 1.11.95 conferring the benefit of Temporary Status to the casual labourers. The present applicants being employees under the Telecom Department under the Ministry of Communication also urged before the concerned authorities that they should also be given same benefit. In this connection the casual employees submitted a representation dated 29.12.1995 before the Chairman

Attested
[Signature]
Advocate.

, Telecom Commission, New Delhi but to the knowledge of the applicant the said representation has not been disposed of. Hence the present application.

3. O.A.299/96 is also of similar facts. The grievances of the applicants are also same.

4. Heard both sides, Mr.B.K.Sharma, learned Counsel, appearing on behalf of the applicants in both the cases submits that the Apex Court having been granted the benefit of temporary status and regularisation to the casual labourers, should also be made available to the casual labourers working under Telecom Department under the same Ministry. Mr.Sharma further submits that the action in not giving the benefits to the applicants is unfair and unreasonable. Mr.A.K.Choudhury, learned Addl.C.G.S.C for respondents does not dispute the submission of Mr.Sharma. He submits that the entire matter relating to the regularisation of casual labourers are being discussed in the J.C.M level at New Delhi, however, no decision has yet been taken. In view of the above, I am of the opinion that the present applicants who are similarly situated are also entitled to get the benefit of the scheme of casual labourers (grant of temporary Status and Regularisation) prepared by the Department of Telecom. Therefore, I direct the respondents to give the similar benefit as has been extended to the casual labourers working under the Department of Posts as per Annexure-3 (in O.A.302/96) and Annexure-4 (in O.A.No.299/96) to the applicants respectively and this must be done as early as possible and at any rate within a period of 3 months from the date of receipt copy of this order.

However, considering the entire facts and circumstances of the case I make no order as to costs.

Sd/- Vice Chairman.

Attested
[Signature]
Advocate.

ANNEXURE.5

No.269-13/99-STN-II
Government of India
Department of Telecommunications
Sanchar Bhawan
STN-II Section
New Delhi

Dated 1.9.99.

To

All Chief General Managers Telecom Circles,
All Chief General Managers Telephones District,
All Heads of other Administrative Offices
All the IFAs in Telecom. Circles/Districts and
other Administrative Units.

Sub: Regularisation/grant of temporary status to Casual
Labourers regarding.

Sir,

I am directed to refer to letter No.269-4/93-STN-II dated 12.2.99 circulated with letter No.269-13/99-STN-II dated 12.2.99 on the subject mentioned above.

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U
In the above referred letter this office has conveyed approval on the two items, one is grant of temporary status to the Casual Labourers eligible as on 1.8.98 and another on regularisation of Casual Labourers with temporary status who are eligible as on 31.3.97. Some doubts have been raised regarding date of effect of these decision. It is therefore clarified that in case of grant of temporary status to the Casual Labourers, the order dated 12.2.99 will be effected w.e.f. the date of issue of this order and in case of regularisation to the temporary status Mazdoors eligible as on 31.3.97, this order will be effected w.e.f. 1.4.97.

Yours faithfully

(HARDAS SINGH)
ASSISTANT DIRECTOR GENERAL (STN)

All recognised Unions/Fedarations/Associations.

(HARDAS SINGH)
ASSISTANT DIRECTOR GENERAL (STN)

Attested
[Signature]
Advocate.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No.107 of 1998 and others.
Date of decision : This the 31 st day of August 1999.

The Hon'ble Justice D.N.Baruah, Vice-Chairman.

The Hon'ble Mr.G.L.Sanglyine, Administrative Member.

1. O.A. No.107/1998
Shri Subal Nath and 27 others. Applicants.
By Advocate Mr. J.L. Sarkar and Mr. M.Chanda
- versus -
The Union of India and others. Respondents.
By Advocate Mr. B.C. Pathak, Addl. C.G.S.C.
.....
2. O.A. No.112/1998
All India Telecom Employees Union,
Line Staff and Group- D and another..... Applicants.
By Advocates Mr.B.K. Sharma and Mr.S.Sarma.
- versus -
Union of India and others. Respondents.
By Advocate Mr.Mr.A.Deb Roy, Sr. C.G.S.C.
.....
3. O.A.No. 114/1998
All India Telecom Employees Union
Line Staff and Group-D and another. Applicants.
By Advocates Mr. B.K. Sharma and Mr. S.Sarma.
- versus -
The Union of India and others Respondents.
By Advocate Mr. A.Deb Roy, Sr. C.G.S.C.
.....
4. O.A.No.118/1998
Shri Bhuban Kalita and 4 others. Applicants.
By Advocates Mr. J.L. Sarkar, Mr.M.Chanda
and Ms.N.D. Goswami.
- versus -
The Union of India and others. Respondents.
By Advocate Mr.A.Deb Roy, Sr. C.G.S.C.
.....
5. O.A.No.120/1998
Shri Kamala Kanta Das and 6 others Applicant.
By Advocates Mr. J.L. Sarkar, Mr.M.Chanda
and Ms. N.D. Goswami.
- versus -
The Union of India and Others Respondents.
By Advocate Mr.B.C. Pathak, Addl.C.G.S.C.
.....
6. O.A.No.131/1998 ---
All India Telecom Employees Union and another...Applicants.
By Advocates Mr.B.K.Sharma, Mr.S.Sarma and Mr.U.K.Nair.
- versus -

Attested

Advocate.

The Union of India and others. Respondents.
By Advocate Mr. B.C. Patha, Addl.C.G.S.C.
.....

7. O.A.No.135/98

All India Telecom Employees Union
Line Staff and Group-D and 6 others. Applicants.
By Advocates Mr.B.K.Sharma, Mr.S.Sarma and
Mr.U.K.Nair.

- versus -

The Union of India and others . . . Respondents.,
By Advocate Mr.A.Deb Roy, Sr. C.G.S.C.
.....

8. O.A.No.136/1998

All India Telecom Employees Union,
Line Staff and Group-D and 6 others. Applicants.
By Advocates Mr.B.K.Sharma, Mr.S.Sarma and Mr.U.K.Nair.

- versus -

The Union of India and others. Respondents.
By Advocate Mr.A.Deb Roy, Sr.C.G.S.C.
.....

9. O.A.No.141/1998

All India Telecom Employees Union,
Line Staff and Group-D and another Applicants.
By Advocates Mr.B.K.Sharma, Mr.S.Sarma
and Mr.U.K.Nair.

- versus -

The Union of India and others Respondents.
By Advocate Mr.A.Deb Roy, Sr.C.G.S.C.
.....

10. O.A. No.142/1998

All India Telecom Employees Union,
Civil Wing Branch. Applicants.
By Advocate Mr.B.Malakkar

- versus -

The Union of India and others. Respondents.
By Advocate Mr.B.C. Pathak, Addl. C.G.S.C.
.....

11. O.A. No.145/1998

Shri Dhani Ram Deka and 10 others. Applicants
By Advocate Mr.I.Hussain.

- versus -

The Union of India and others. Respondents.
By Advocate Mr.A, Deb Roy, Sr. C.G.S.C.
.....

12. O.A.No. 192/1998

All India Telecom Employees Union,
Line Staff and Group-D and another Applicants
By Advocates Mr.B.K. Sharma, Mr.S.Sarma
and Mr.U.K.Nair.

-versus-

The Union of India and others..... Respondents
By Advocate Mr.A.Deb Roy, Sr.C.G.S.C.
.....

Attested
Advocate

13. O.A.No.223/1998

All India Telecom Employees Union,
Line Staff and Group-D and another Applicants
By advocates Mr. B.K.Sharma and Mr.S.Sarma.

- versus -

The Union of India and others .. Respondents.
By Advocate Mr.A.Deb Roy, Sr.C.G.S.C.

.....

14. O.A.No.269/1998

All India Telecom Employees Union,
Line Staff and Group-D and another Applicants
By advocates Mr. B.K.Sharma and Mr.S.Sarma,
Mr.U.K.nair and Mr.D.K.Sharma

- versus -

The Union of India and others .. Respondents.
By Advocate Mr.B.C.Pathak, Addl. Sr.C.G.S.C.

15. O.A.No.293/1998

All India Telecom Employees Union,
Line Staff and Group-D and another Applicants
By advocates Mr. B.K.Sharma and Mr.S.Sarma,
and Mr.D.K.Sharma.

- versus -

The Union of India and others .. Respondents.
By Advocate Mr.B.C.Pathak, Addl. Sr.C.G.S.C.

.....

O R D E R

BARUAH.J. (V.C.)

All the above applicants involve common question of law and similar facts. Therefore, we propose to dispose of all the above applications by a common order.

2. The All India Telecom Employees Union is a recognised union of the Telecommunication Department. This union takes up the cause of the members of the said union. Some of the applicants were submitted by the said union, namely the Line Staff and Group-D employees and some other application were filed by the casual employees individually. Those applications were filed as the casual employees engaged in the Telecommunication Department came to know that the services of the casual Mazdoors under the respondents were likely to be terminated with effect from 1.6.1998. The applicants in these applications, pray that the respondents be directed not to implement the decision of terminating the services of the casual Mazdoors . but to grant them

similar benefits as had been granted to the employees under the Department of Posts and to extend the benefits of the scheme, namely casual Labourers (Grant of Temporary Status and Regularisation) Scheme of 7.11.1998, to the casual Mazdoors concerned O.A.s, however, in O.A. No.269/1998 there is no prayer against the order of termination. In O.A. No.141/1998, the prayer is against the cancellation of the temporary status earlier granted to the applicants having considered their length of services and they being fully covered by the scheme. According to the applicants of this O.A., the cancellation was made without giving any notice to them in complete violation of the principles of natural justice and the rules holding the field.

3. The applicants state that the casual Mazdoors have been continuing their service in different office in the Department of Telecommunication under Assam Circle and N.E. Circle. The Govt. of India, Ministry of Communication made a scheme known as Casual Labourers (Grant of Temporary Status and Regularisation) Scheme. This scheme was communicated by letter No.269-10/89-STN dated 7/11/89 and it came in to operation with effect from 1989. Certain casual employees had been given the benefits under the said scheme, such as conferment of temporary status, wages and daily wages with reference to the minimum pay scale of regular Group-D employees including D.A. and HRA. Later on, by letter dated 17.12.1993 the Government of India clarified that the benefits of the scheme should be confined to the casual employees who were engaged during the period from 31.3.1985 to 22.6.1988. However, in the Department of Posts, those casual labourers who were engaged as on 29.11.89 were granted the benefits of temporary status on satisfying the eligibility criteria. The benefits were further extended to the casual labourers of the Department of Posts as on 10.9.93 pursuant to the judgement of the Ernakulam

Attested*[Signature]*
Advocate.

Bench of the Tribunal passed on 13.3.1995 in O.A. No.750/1994. The present applicants claim that the benefits extended to the casual employees working under the Department of Posts are liable to be extended to the casual employees working in the Telecom Department in view of the fact that they are similarly situated. As nothing was done in their favour by the authority they approached this Tribunal by filing O.A. No.s 302 and 229 of 1996. This Tribunal by order dated 13.8.1997 directed the respondents to give similar benefits to the applicants in those two applications as was given to the casual labourers working in the Department of Posts. It may be mentioned here that some of the casual employees in the present O.A.s were applicants in O.A.Nos.302 and 229 of 1996. The applicants state that instead of complying with the direction given by this Tribunal, their services were terminated with effect from 1.6.1998 by oral order. According to the applicants such order was illegal and contrary to the rules. Situated thus the applicants have approached this Tribunal by filing the present O.As.

4. At the time of admission of the applications, this Tribunal passed interim orders. On the strength of the interim orders passed by this Tribunal some of the applicants are still working. However, there has been complaint from the applicants of some of the O.A.s that in spite of the interim orders those were not given effect to and the authority remained silent.

5. The contention of the respondents in all the above O.As is that the Association had no authority to represent the so called casual employees as the casual employees are not members of the union Line Staff and Group-D. The casual employees not being regular Government servant are not eligible to become members or office bearers to the staff union. Further, the respondents have stated that the names of the casual employees

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[Signature]
Advocate.

furnished in the applications are not verifiable, because of the lack of particulars. The records, according to the respondents, reveal that some of the casual employees were never engaged by the Department. In fact, enquiries in to their engagement as casual employees are in progress. The respondents justify the action to dispense with the services of the casual employees on the ground that they were engaged purely on temporary basis for special requirement of specific work. The respondents further state that the casual employees were to be disengaged when there was no further need for continuation of their services. Besides, the respondents also state that the present applicants in the O.As were engaged by persons having no authority and without following the formal procedure for appointment/engagement. According to the respondents such casual employees are not entitled to re-engagement or regularisation and they can not get the benefit of the scheme of 1989 as this scheme was retrospective and not prospective. The scheme is applicable only the casual employees who were engaged before the scheme came in to effect. The respondents further state that the casual employees of the Telecommunication Department are not similarly placed as those of the Department of Posts. The respondents also state that they have approached the Hon'ble Gauhati High Court against the order of the Tribunal dated 13.8.1997 passed in O.A. No.302 and 229 of 1996. The applicants does not dispute the fact that against the order of the Tribunal dated 13.8.1997 passed in O.A. Nos.302 and 229 of 1996 the respondents have filed writ application, before the Hon'ble Gauhati High Court. However according to the applicants no interim order has been passed against the order of the Tribunal.

6. We have heard Mr.B.K.Sharma, Mr J.L.Sarkar, Mr.I. Hussain and Mr.B.Malakar, learned counsel appearing on behalf of

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[Signature]
Advocate.

the applicants and also Mr.A.Deb Roy, learned Sr.C.B.S.C. and Mr.B.C. Pathak, learned Sr.C.B.S.C. appearing on behalf of the respondents. The learned counsel for the applicants dispute the claim of the respondents that the scheme was retrospective and not prospective and they also submit that it was up to 1989 and then extended up to 1993 and thereafter by subsequent circulars. According to the learned counsel for the applicants the scheme is also applicable to the present applicants. The learned counsel for the applicants further submit that they have documents to show in that connection. The learned counser for the applicants also submits that the respondents can not put any cut off date for implementation of the scheme, inasmuch as the Apex Court has not given any such cut off date and had issued directin for conferment of temporary status and subsequent regularisation to those casual workers who have completed 240 days of service in a year.

7. On hearing the learned counsel for the parties we feel that the applications require further examination regarding the factual position. Due to the paucity of material it is not possible for this Tribunal to come to a definite conclusion. We, therefore, feel that theb matter should be re-examined by the respondents themselves taking in to consideration of the submissions of the learned counsel for the applicants.

8. In view of the above we dispose of these applications with direction to the respondents to examine the case of each applicant. The applicants may file representations individually within a period of one month from the date of receipt of the order and if such representations are filed individually, the respondents shall scritinise and examine each case in consultation with the records and thereafter pass a reasoned order on merits of each case within a period of six months thereafter. The

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Advocate.

interim order passed in any of the cases shall remain in force till the disposal of the representations.

9. No order as to costs.

SD/- VICE CHAIRMAN

SD/- MEMBER (A)

Attested

[Signature]
Attested

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ANNEXURE - 7 37

Government of India
Department of Telecommunications
Office of the General Manager Telecom District, Dibrugarh

No. E-176/TSM/2000-01/22

Dated at DR the 9-8-2000

To
Sri Diman Lal Mahato
36 Basudeb Mahato
Chalkhoun, P.O. Lohoni.

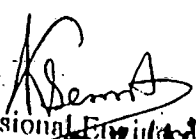
SPEAKING ORDER


In pursuance of the Hon'ble CAT Guwahati Case no. 289/99. Your representation was received through the SDO, Morani. Your case was scrutinised by a Committee formed by the Chief General Manager Telecom, Assam Circle, Guwahati-7.

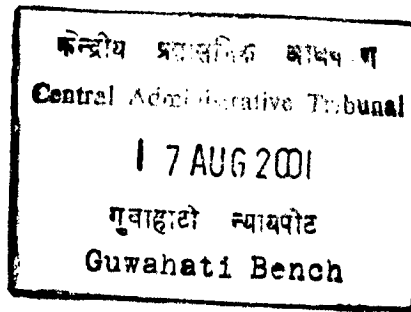
The above committee had scrutinised and examined your representation as well as the payment particulars and wages paid to you in respect of the years under review by the disbursing authority.

The said scrutiny and verification of the relevant documents revealed that in any of the years the no. of days worked by you was below the requisite no. of days (i.e. 240 days). in any preceding year.

As such your claim for conferment of temporary status mazdoor could not be entertained.


Sub-divisional Engineer (Admin)
O/O the General Manager Telecom District
Dibrugarh

Attested

Advocate



File No. 327/2000
(S. C. P. N.)
Addl. Central Govt. Standing Counsel
Central Administrative Tribunal
Guwahati Bench : Guwahati

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH L.: GUWAHATI

O.A. NO. 327 OF 2000

Shri Pradip Sahu

.... Applicant

-Vs-

Union of India & Others.

.... Respondents

(Written Statements on behalf of the respondents
No. 1, 2 and 3)

The written statements of the abovenoted
respondents are as follows :

1. That a copy of the O.A. No. 327/2000 (referred
to as the "application") has been served on the respondents.
The respondents have gone through the same and understood
the contents thereof. The interest of all the respondents
being similar, common written statements are filed by them.

2. That the statements made in the application
which are not specifically admitted, are hereby denied
by me.

✓ 3. That with regard to the statements in para 1
of the application, the respondents state that the petiti-
oner's case was indeed considered and examined by the veri-
fication committee set up for the purpose. The committee
worked out the engagement particulars of the applicants on
the basis of authentic official records including payment

particulars and based on the findings it was found that some of the applicants are not entitled for the benefit of the Temporary Status scheme. Accordingly applicants are informed by the GM/Dibrugarh office that they were not eligible for Temporary Status. The order dated 9.8.2000 was issued after thorough scrutiny and proper verification of the applicant's cases.

4. That the respondents have no comments with regard to para 2, 3 and 4.1 of the application.

5. That with regard to para 4.2, the respondents state that the applicant No.1 shown as a candidate/casual labourers under TDM/Nagaon, is not correct. The applicant No.2 is the circle Secretary of ATTKU and is a matter of record. The Annexure - A referred to the O.A has however cannot be traced.

The Respondent Department has issued the order dated 9.8.2000 after detailed scrutiny and examination of records, who were found not eligible for conferment of Temporary Status.

6. That with regard to para 4.3, the respondents state that the Verification Committee was constituted which included among other a Circle Office member as observer. The Committee was given access to all the records of the Casual labourers to find out their engagement particulars in full. The committee after thorough scrutiny of all connected records, submitted its findings to head of the

respective Division. In the instant case, the GMT/Dibrugarh has assessed the eligibility of casual labourers for grant of TSM. A list of casual labourers who were found to satisfy the eligibility conditions has been forwarded to Circle Office for approval of grant of Temporary Status. The casual labourers, who were found ineligible for grant of Temporary Status, were informed about their ineligibility by a speaking order on 9.8.2000.

7. That with regard to para 4.4, the respondents state that pursuant to the judgement delivered by the Hon'ble Supreme Court of India, the Deptt. of Telecom prepared a scheme in 1989 for absorption of all casual labourers who have put in at least 240 days casual service in a year. The scheme is known as casual labourers (grant of Temporary Status and Regularisation) scheme, 1989 and came into effect on 01.10.89.

8. That with regard to the para 4.5, the respondents state that the applicants are not covered by the provisions of the scheme and hence cannot be conferred Temporary Status under the scheme.

9. That with regard to the para 4.6, the respondents state that the Department has imposed complete ban on engagement of casual labourer w.e.f. 22.6.88 and restraining order was issued to all concerned. The telecom officers are devoid of any power/competance to engage casual labourers for any type of work.

10. That with regard to para 4.7, the respondents state that till that time the DOT scheme was available to casual labourers who were engaged upto 22.6.88 where as the scheme adopted by the Deptt. of Posts accomodated the casual labourers who entered the DOP upto 10.09.93.

Now the Deptt. of Telecom has liberalized to take care of all the casual labourers who were engaged prior to 1.8.98 and completed 240 days or more in a year.

In any case the member of days put on duty by the applicant is the determining factor for granting TSM to them. The applicants' cases are rightly considered by the Department under the scheme and found that they were not eligible for grant of Tempoarary Status.

It is made abundantly clear that orders have been passed for conferment of Temporary Status to hundreds of casual labourers who have been found to have completed 206/240 days in a year praceeding 1.8.98 including 46 nos under GM/Dibrugarh also. The present applicants are not similarly situated to those casual labourers as they have not put in 206/240 days service in a year.

11. That with regard to para 4.10, the respondents state that the situation arising out of large scale engagement of casual labourers after 22.6.88 (i.e. ban period with cut - off -date), has been addressed by the department on humani-
tarian ground and as a one time relaxation it has been decided that all the casual labourers on engagement as on 1. 8.98 and here continuously worked for atleast one year would be granted

Temporary Status. In the process Telecom HQ/ND has approved 672 posts of TSM to Assam Telecom Circle. Till now 497 casual labourers of this circle including 46 nos. Dibrugarh Division have been granted Temporary Status as they have fulfilled the eligibility criteria for the same. The applicants were found not eligible for the benefit of the scheme.

12. That with regard to para 4.11 and 4.12, the respondents state that the O.A. Nos. 299/96 and 302/96 were aimed at ending the alleged discrimination between the Postal scheme and Telecom Scheme as regards to cut off date. Till that time DOT scheme was available upto 22.6.88 and Postal scheme was upto 10.9.93. Now the DOT has liberalized the scheme to take care of all casual Mazdoors who have at least completed 240 days in a year and are available on engagement as on 1.8.98. The O.A. No. 299/96 and 302/96 and judgement dated 13.08.97 has lost its relevance.

13. That with regard to the statements made in para 4.13 and 4.14 the respondents state that the Respondents have considered the cases of eligible casual Mazdoors and granted them Temporary Status. As the applicants have not fulfilled the required eligibility conditions their representations were disposed of by a speaking order.

14. That with regard to statements the para 4.15, the respondents state that the liberalized scheme of the Department also does not help the applicants as they have not completed 240 days in any year, which is a minimum requirement.

15. That with regard to the statements made in para 4.16 and 4.17, the respondents state that pursuant to the above order dated 31.8.99, Divisionwise Verification Committees were constituted to verify the claim of the applicants. The committee after thorough scrutiny of all concerned records submitted its findings to the Head of each Division. The 46 nos. of eligible casual Mazdoors were granted Temporary Status for approval of Circle administration authority.

The applicants' individual representations
order

have been verified and speaking ~~order~~ was issued to the Casual Mazdoors who were found not eligible for grant of Temporary Status.

16. That with regard to statements in para 4.18, the respondents state that the necessary steps were taken by the Verification Committee for those casual labourers who were on engagement for at least 240 days in a year preceeding 1.8.98. The applicants have not completed 240 days in any year and as such they are not similarly situated with those of other casual Mazdoors.

17. That with regard to para 4.19, the respondents state that the respondents have acted on the basis of records. No such cases of juniors or outsiders have been screened as the initial date of engagement is not the Guiding factor for grant of TSM, the total no. of days put on engagement is prime factor as per the scheme.

18. That with regard to para 4.20, 4.21, 4.22 & 4.23 the respondents state that the order dated 9.8.2000 was issued after complete verification of records by the committee, as directed by the Hon'ble Tribunal in its order dated 31.8.99. The applicants were not on job after 31.5.98, and only the eligible casual Mazdoors were granted Temporary Status.

The copy of the order dated 19.1.01 issued by GM, Dibrugarh conferring Temporary Status 46 Casual labourers is annexed as Annexure - R₁.

19. That with regard to para 4.24, the respondents state that the respondent department (CGMT, Assam Circle) has granted Temporary Status to 497 casual Mazdoors including 46 nos. in Dibrugarh Division against the 672 posts approved by Telecom HQ/New Delhi. Another 117 cases including 42 cases of casual labourers which need some clarification/approval were forwarded to BSNL/HQ New Delhi for getting approval.

The genuine cases were considered and the cases who were found not eligible by the committee are disposed of with a reasoned order.

The applicants' of this cases who are not ~~cases~~ covered by the provisions of the scheme, no benefit can be extended to them.

20. That with regard to the statements made in para 5.1 to 5.8 the respondents state that the grounds shown are no grounds in the eye of law and cannot sustain in the instant case. Hence the application is liable to be dismissed with cost.

20x

~~That with regard to the statements made in~~

~~para~~

21. That the answering respondents have no comments with regard to the statements made in para 6 and 7 of the application.

22. That with regard to the statements made in para 8.1 to 8.5 and 9, the respondents state that in view of the facts of the case, provision of law and rules, the applicant is not entitled to any relief whatsoever as prayed for and the application is liable to be dismissed with cost.

In the premises aforesaid, it is therefore, prayed that Your Lordships would be pleased to hear the parties, peruse the records and after hearing the parties and perusing the records shall further be pleased to dismiss the application with cost.

Verification.....

V E R I F I C A T I O N

I, Shri Ganesh Chandra Sarma , presently
working as Asst. Director Telecom. (Legal) , being
competent and duly authorised to sign this verification,
do hereby solemnly affirm and state that the statements
made in para 1 to 17, 19 to 22 . are true to
my knowledge and I believe to be true, those made in
para 18 — being matter of records, are
true to my information derived therefrom and the rest are
my humble submission before this Hon'ble Tribunal. I have
not suppressed /concealed any material fact.

And I sign this verification on this 06 th day
of ^{August} ~~July~~, 2001 at Guwahati.

Ganesh Ch. Sarma,
Deponent.

No. E-176/TSM/99/40

BHARAT SANCHARNIGAM LIMITED
(A GOVT. OF INDIA ENTERPRISE)
THE GENERAL MANAGER TELECOM DISTRICT
DIBRUGARH - 786 001

Dated at DR the 19-1-01

In pursuance of Chief General Manager, Assam Telecom Circle, BSNL, Guwahati letter No. Estt-9/12 (P-II)/29 dtd. 20-7-2000, No. Estt-9/12/DR dtd. 29-12-2000, No. Estt-9/12/DR/5 dtd. 27-7-2000 General Manager Telecom District, Dibrugarh is pleased to grant temporary status w.e.f. 1-9-99 to the following casual labours who were engaged on full time basis on fulfillment of criteria and laid down conditions. The temporary status mazdoors are hereby placed at the disposal of DE/SDEs shown against their names.

Conferment of temporary status to these 46 (forty six) Casual Mazdoors mentioned is provisional subject to satisfactory police verification report.

S/N	Name of C/M	Father's name	Commy	Date of birth	Date of initial engagements	Present unit of working	Posted under
1.	Sri Pradip Handique	Late Ratneswar Handique	OC	31-10-66	1-5-87	SDOP-I/TSK	SDOP-I/TSK
2.	Sri Bijoy Borah	Late Mineswar Borah	OC	30-6-66	1-4-91	DTO/TSK(SDOT/TSK)	Under SDOT/TSK
3.	Sri Sanjit Kr. Neog	Sri Sashidhar Neog	OBC	31-10-66	1-10-88	SDE(C-II)/TSK	SDE(C-II)/TSK
4.	Sri Dilip Patel	Sri Santlal Patel	OC	12-4-65	1-6-89	SDOP-I/TSK	SDE(C-II)/TSK
5.	Sri Mukul Baruah	Sri Someswar Baruah	OBC	12-6-66	2-5-88	SDE(C-I)/TSK	SDE(C-I)/TSK
6.	Sri Jayanta Moran	Sri Kanteswar Moran	OBC	1-8-66	2-1-89	SDE(C-I)/TSK	SDE(C-I)/TSK
7.	Sri Anup Kr. Bhattacharjee	Sri Arun Kr. Bhattacharjee	OC	17-2-66	1-4-87	SDOP-II/TSK	SDOP-II/TSK
8.	Sri Brahmadeo Yadav	Sri Biswanath Yadav	OC	10-2-69	1-2-88	SDOP-II/TSK	SDOP-II/TSK
9.	Sri Hunbar Gogoi	Late Lilakanta Gogoi	OBC	11-10-64	1-5-90	SDE(C-I)TSK	SDE(C-I)TSK
10.	Sri Tankeswar Gogoi	Sri Umesh Ch. Gogoi	OBC	31-5-69	15-2-88	SDOT/TSK	SDOT/TSK
11.	Sri Hiteswar Hazarika	Late Someswar Hazarika	OC	31-3-78	1-6-89	SDOP-II/TSK	SDOP-II/TSK
12.	Sri Bishu Ranjan Sen	Late Kedar Ch. Sen	OC	29-2-66	1-6-89	SDE(C-I)/TSK	SDE(C-I)TSK
13.	Sri Bhaben Konwar	Late Ratneswar Konwar	OC	1-11-68	1-5-87	SDOT/DR	SDOT/DR
14.	Sri Rajy Ch. Roy	Late Upendra Roy	OC	21-8-69	1-6-87	SDOP-I/TSK	SDOP-I/TSK
15.	Sri Rekheswar Handique	Late Dimbeswar Handique	OBC	15-8-66	1-11-88	SDOP-I/TSK	SDOP-I/TSK
16.	Sri Narayan Ch. Dey	Sri Ramesh Ch. Dev	OC	1-11-65	1-2-89	CTO/DR (SDOT/DR)	SDOT/DR
17.	Sri Harbeswar Gohain	Sri Hemo Kt. Gohain	OC	1-8-66	1-2-87	SDOT/DR	SDOT/DR
18.	Sri Biswajit Dutta	Late Dulal Dutta	OC	10-1-67	1-5-88	SDE(C-II)TSK	GMTD office/DR
19.	Sri Tarun Chakraborty	Late Anitylal Chakraborty	OC	1-1-65	1-4-87	SDE(C-I)/TSK	SDE(C-I)TSK
20.	Sri Bipul Gogoi	Late Jogen Gogoi	OC	10-7-69	1-3-90	SDE(C-II)/TSK	SDE(C-I)/TSK
21.	Sri Ranjit Hazarika	Late Ananda Ch. Hazarika	SC	1-10-66	1-1-88	SDOT/DDM	SDOT/DDM
22.	Sri Khirod Neog	Late Khogeswar Neog	OBC	31-12-66	1-4-90	SDE(C-II)/TSK	SDE(C-II)TSK
23.	Sri Motilal Shah	Late Biswanath Shah	OBC	5-8-61	1-8-88	SDE/NHK	SDE/NHK
24.	Sri Lalit Ch. Gogoi	Late Sorbin Gogoi	OBC	21-2-59	1-4-92	SDOT/DR	SDOT/DR
25.	Sri Kanhia Paswan	Late Hanikishan Paswan	OC	1-1-71	1-1-89	GMTD office/DR	GMTD office/DR
26.	Sri Manoj Kr. Sharma	Sri Ramjanam Sharma	OC	31-3-66	1-6-90	GMTD office/DR	GMTD office/DR
27.	Sri Kantakha Pd. Thakur	Late Mukha Thakur	OC	24-8-59	1-1-90	SDOT/TSK	SDOT/TSK

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28.	Sri Durgeswar Gogoi	Late Pumakanta Gogoi	OBC	10-5-65	1-4-90	SDE(C-II)TSK	SDE(C-II)TSK
29.	Sri Ashim Kr. Das	Late Gour Nitai Das	OC	25-3-72	1-5-90	SDOT/DR	SDOT/DR
30.	Sri Rajendra Pd. Paswan	Sri Banat Pd. Paswan	SC	22-9-68	1-3-88	SDOT/DR	SDOT/DR
31.	Sri Chandreswar Baruah	Sri Tileswar Baruah	ST	31-12-63	1-9-87	SDOT/DR	SDOT/DR
32.	Sri Gopal Kr. Malakar	Late Sachindra Malakar	OC	2-1-65	1-1-88	SDOT/TSK	SDOT/TSK
33.	Sri Eugen Gogoi	Sri Cheniram Gogoi	OC	21-2-70	1-4-89	SDOT/DR	SDOT/DR
34.	Sri Subal Ch. Roy	Late Chitta Ranjan Roy	OC	15-6-71	1-6-92	SDE/MHT	SDE/MHT
35.	Sri Jibon Ghosh	Late Rabindra Ghosh	OC	1-4-72	1-7-91	SDE/MHT	SDE/MHT
36.	Sri Kumud Hazarika	Late Muhiram Hazarika	OBC	1-3-68	1-4-90	SDOT/DR	SDOT/DR
37.	Sri Nando Namo Das	Late Nain Nama Das	OC	8-8-70	1-3-91	SDOT/DDM	SDOT/DDM
38.	Sri Nikhil Ch. Ghosh	Sri Nimai Ghosh	OC	30-11-64	1-6-92	SDE/MHT	SDE/MHT
39.	Sri Jagadish Kanungue	Late Banshi Kanungue	OC	22-7-61	17-7-89	SDE/MHT	SDE/MHT
40.	Sri Sumeswar Gogoi	Late Matiram Gogoi	OC	31-12-61	1-6-92	SDE/MHT	SDE/MHT
41.	Sri Jibon Gogoi	Sri Khageswar Gogoi	OC	31-3-60	1-8-80	SDE/MHT	SDE/MHT
42.	Miss Bijoya Tapadar	Late Harendra Ch. Tapadar	OC	1-11-62	1-10-87	SDOP-I/DR	SDOP-I/DR
43.	Sri Rabi Das	Sri Gopal Ch. Das	SG	23-3-67	1-12-86	SDE(Trans)DR	SDE(Trans)DR
44.	Sri Purna Kanta Hazarika	Late Kamaleswar Hazarika	OBC	21-3-62	1-8-90	SDOT/DR	SDOT/DR
45.	Sri Kuladhar Sonowal	Sri Davananda Sonowal	ST	12-9-65	1-3-91	CTO/DR (SDOT/DR)	CTO/DR under SDOT/DR
46.	Sri Ram prasad Das	Late Ram Nihali Das	SC	1-12-68	1-5-90	SDE/Digboi	SDE/Digboi

Sd/-
Divisional Engineer (Admn)
O/O the GMTD/Dibrugarh

Copy to :-

1. The CGMT, BSNL, Guwahati for information.
2. The DGM (Admn), o/o the CGMT, BSNL, Guwahati
3. The DE (Mtce), Dibrugarh & Tinsukia
4. All SDEs/SDOs under Dibrugarh SSA
5. CAO/Sr. AO(Cash), o/o the GMTD, BSNL, Dibrugarh
6. SDE(Admn), o/o the GMTD, BSNL, Dibrugarh
7. All 46 concerned Casual Mazdoors.

Dh.
Divisional Engineer (Admn)
O/O the GMTD/Dibrugarh