

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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E.P/M.A No.....

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(W)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH: GUWAHATI.5

ORIGINAL APPLICATION NO. 362/2000(T)

. . . *Shri. Sudip. Kar.* APPLICANTS
versus.

Union of India &ors Respondents.

FOR THE APPLICANT(S) *Mr. A.K. Goojamani*
ADVOCATE
Ms. A. Talukdar.

FOR THE RESPONDENT(S)

C.G.S.C.

Notes of the Registry

This W.P.(C) 5082/
-2000 has been derived
from Gauhati High
Court case. It is not
maintainable before
Gauhati High Court.
Hence this case
registered as Original
Application.

*Laid before
Affable Court for
further orders.*

My X/10/2000
D.G. Registrar.

for

23/10/2000

Inform the parties.

16/11/00

*Received
by Shri
16/11/00*

DATE
7.11.00

COURT'S ORDER

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

*Office to inform the applicant
about the transfer of the case from
Gauhati High Court for taking necessary
steps.*

Vice-Chairman

1m

*WS
8/11/2000*

27.11.00

*Miss A. Talukdar, learned counsel for
the applicant submits that she will take
fresh steps for service of copies within
3 days.*

List on 6.12.2000 for ~~admit~~ order.

Vice-Chairman

*pg
Ayer
27/11/00
6.12.00*

*List it on 9.1.2001 to enable the
respondents to file written statement
and for further orders.*

Vice-Chairman

mk

(2)

10.1.2001 None appears for the applicant, nor any steps taken. List the matter on 8.2.01 for orders.

[Signature]
Vice-Chairman

nkm

8.2.2001 No S.R. Adjourned to 14.3.2001

*Mr.
M.
H.*

14.3.01 Ms.A.Talukdar learned counsel appearing on behalf of the applicant. Mr.B.C.Pathak, Addl.C.G.S.C. for the respondents says that he has not received copy of the application. The office note shows that steps have been taken. The applicant is requested to furnish the copy of the respondents. Issue usual notices. List on 11.4.01 for orders.

[Signature]
Member

19.3.2001
Service of Notice
issued to the
respondents vide
No.1006-2924
19.3.2001

lm

11.4.01

It has been stated by Mr.B.C. Pathak, Addl.C.G.S.C. that as per instructions the written statement was filed by the High Court itself in the form of the Affidavit. But Ms.A.Talukdar learned counsel for the applicant has submitted that she has not received any affidavit or written statement. The respondents ~~may~~ shall take necessary steps for ~~receiving~~ of copy of the Affidavit or written statement filed in the High Court, with copy to the counsel for the applicant. It is open for the applicant to file rejoinder if so advised. List on 9.5.01 for hearing.

[Signature]
Vice-Chairman

Notes of the Registry	Date	Order of the Tribunal
	9.5.2001	<p>Re: A. Talukdar, learned counsel for the applicant has stated that she has received the written statement today only and requires more time to file rejoinder. Prayer is allowed.</p> <p>List on 8.6.2001 for hearing.</p> <p>bb</p>
	8-6-01	<p>The case is adjourned to 22-6-2001 for hearing.</p> <p>bb</p>
19.7.2001 Copy of the Judgment has been sent to the D.P.C. for issuing 15 days to the applicant as well as to the Add. C.G.S.C. for the response.	22.6.2001	<p>Heard the learned counsel for the parties. Hearing concluded. Judgment delivered in open court, kept in separate sheets. The application stands disposed of. No order as to costs.</p> <p>nkm</p>

Notes of the Registry	Date	Order of the Tribunal

IN THE GAUHATI HIGH COURT

(High Court of Assam Nagaland, Meghalaya, Manipur, Tripura;
Mizoram & Arunachal Pradesh)

CIVIL APPELLATE SIDE

Appeal from.
Civil Rule.

W.P. (c)

No. 5082 of 2000

Appellant.
Petitioner

Shri Sudip Kar

- Versus -

Union of India Co.

Respondent.

Opp. Party.

Appellant
For Petitioner

Mr. A. K. Goswami }
Ms. A. Balkader } Advocates

For Respondent
Opposite party

case

66

Noting by Officer of ' Serial ' Date ' Office notcs, reports,orders
' ' ' proceeding with signature.

13.9.2000

B E F O R E
THE HON'BLE MR.JUSTICE JN SARMA

Heard Mr.AK Goswami,Learned Advocate for the petitioner.

Call for the records.

Let a Rule issue calling upon the respondents to show cause as to why a Writ should not be issued as prayed for;and/or why such further order or other orders shall not be passed as to this court may seem fit and proper.

Mr.K.K.Mahanta,Learned Sr.C.G.S.C. accepts notice on behalf of all the respondents.Extra copies of the petition shall be served on him during the course of the day.

In the meantime the service of the petitioner shall not be terminated.Transfer this matter to Central Administrative Tribunal at Guwahati.This writ application is entertained in view of the fact that as on to-day C.A.T. at Guwahati is not functioning.

Liberty is granted to the respondents to move the application for vacating the stay.

✓
JUDGE

UPADHAYA

✓
16/9/2000

Noting by officer or Advocate.	Serial No.	Date	Office notes, reports, orders, or proceeding with signature.
<u>26-9-202</u>			
<p>A order dt 13-9-202 communicat and need call for note No. No. 13, 997-18, 002/PR dt. 26-9-202.</p> <p><i>(R)or 26/9/202</i></p>			
<p><u>26-9-202</u></p> <p>An acceptance has been filed on behalf of the respondent No. 1 to 4.</p> <p><i>(R)or 26/9/202</i></p>			

Noting by Officer or Advocate	Serial No.	Date	Office notes, reports, orders or proceeding with signature

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No.361 of 2000

Original Application No.362 of 2000

And

Original Application No.363 of 2000

Date of decision: This the 22nd day of June 2001

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

O.A.No.361/2000

Shri Soumitra Paul,
C/o Alok Nath, Tarapur,
Sib-bari, P.O. Silchar, Cachar,
Assam.

O.A.No.362/2000

Shri Sudip Kar,
Ambikapatty,
P.O. Silchar, Cachar,
Assam.

O.A.No.363/2000

Smt Ranju Devi Kairi,
Baghar Kona, P.O. Sabganga,
Silchar.

.....Applicants

By Advocates Mr A.K. Goswami and
Ms A. Talukdar.

- versus -

1. The Union of India, represented by the Commissioner & Secretary to the Government of India, Department of Telecommunication, New Delhi.
2. The Chief Engineer (Civil), Department of Telecom Operations, North East Zone, Guwahati.
3. The Executive Engineer, Telecom Civil Division, Department of Telecommunications, Silchar.
4. The Assistant Surveyor of Works (Admn.), Telecom Civil Circle, Silchar.

.....Respondents

By Advocate Mr B.C. Pathak, Addl. C.G.S.C.

105
551

.....
Bn Go

O R D E R (ORAL)

CHOWDHURY.J. (V.C.)

All these cases are analogous in nature involving the same and similar issues and accordingly all these cases were taken up together for consideration.

2. The key issue involved in these applications relates to regularisation of service of the applicants who are/were working under the Executive Engineer, Telecommunications, Civil Division.

3. I have heard Ms A. Talukdar, learned counsel for the applicants and Mr B.C. Pathak, learned Addl. C.G.S.C. The learned counsel for the applicants submitted that since the applicants worked more than the statutory period, their services are needed to be regularised. Mr B.C. Pathak has produced the records alongwith the Office Order No.34/2001/CE-NEZ/SH/348 dated 1.6.2001. As per the said Office Order, fourteen persons including the present applicants were conferred temporary status in conformity with the 'Casual Labourers (Grant of Temporary Status) Scheme of Department of Telecommunication, 1989'. The said order included the names Shri Soumitra Paul, Shri Sudip Kar and Smt Ranju Devi Kairi, the present applicants.

4. In view of the aforementioned order granting temporary status to the present applicants, the applications have become infructuous.

5. Accordingly the applications stands disposed of. The Office Order dated 1.6.2001 shall form part of the record. It would, however, be open to the applicants to move the Tribunal if they are otherwise aggrieved by the order.

No order as to costs.

Sd/ VICE CHAIRMAN

THE GAUHATI HIGH COURT(THE HIGH COURT OF ASSAM : NAGALAND : MEGHALAYA : MANIPUR
TRIPURA : MIZORAM AND ARUNACHAL PRADESH)**CHECK SLIP**

07.362/2000

Cachar

DISTRICT: ~~KAMrup~~

DB/SB/A/B

FILING SL NO. 151912

NAME OF PARTY :

W. P. (C) CASE NO. 5082/2000

CATEGORI CODE: 10189

DATE OF FILING: 13/9/2k

Shri Sudip Kar

Union of India & ors
Signature of D. A.

1. Court Fee Due : Yes/No
Court Fee Paid *Rs. 58.80*
Deficit if any
2. Filed within Limitation : Yes/No
Condation Petition : Yes/No
if any
3. Related information For : Yes/No
Caveat Matching
4. Vakalatnama File : Yes/No
5. Certified copy of order : Yes/No
Judgement, if required, :
Filed
6. Affidavit/Verification : Yes/No
in order
7. From in Proper : Yes/No
8. Any other defects (to be : Yes/No
name)

CASE READY / DEFECTIVE151912000
SIGNATURE OF THE SUPDT.
FILING SECTIONSIGNATURE OF THE STAMP
REPORTER

IN THE GAUHATI HIGH COURT
 (THE HIGH COURT OF ASSAM : NAGALAND : MEGHALAYA : MANIPUR
 TRIPURA : MIZORAM AND ARUNACHAL PRADESH)

	Category	No.	Year
1.	(a) Case No. : <u>W.P. (C) NO -</u>	<u>5,882</u>	<u>2000</u>
1.	(b) Related Case No. : _____	1	199
1.	(c) Related Information : _____		
1.	(d) Jurisdictional Value Rs. _____	1. (e) Court Fee Rs. <u>58.80</u>	
1.	(e) Provision of law under which the case is filed <u>21/A 226</u>		

DATE / MONTH / YEAR

1.	(f) Date of Registration : <u>13 09 2000</u>	
2.	(a) Case Category Code : <u>10189</u> _____	
2.	(b) Subject Category Code : <u>S B</u> <u>A</u>	
2.	(c) Bench Code : <u>AA</u>	
3.	State Name : <u>Cachar</u>	4. State Code _____
4.	Petitioner (s) : <u>Shri Sudip Kar</u>	_____
5.	Respondent (s) : <u>Union of India & ors</u>	_____
6.	Petitioner (s) : <u>Mr. A. K. Goswami</u> <u>Ms. A. Talukdar</u>	_____
7.	Respondent (s) : <u>C. G. S. C.</u>	_____
8.	State Code of the Case : <u> </u>	
9.	Court No. : <u> </u>	
10.	Caveat (if any) : Yes <input type="checkbox"/> / No <input checked="" type="checkbox"/>	<i>Debbaran Das 13/9/2000</i>

★ Kindly use appropriate codes

Signature with date :

DISTRICT : ~~SAMARUP~~ Cachar

IN THE GAUHATI HIGH COURT

(The High Court of Assam, Nagaland, Meghalaya, Manipur,
Tripura, Mizoram and Arunachal Pradesh)

(Civil Extra-Ordinary Jurisdiction)

Writ Petition (C) No. 5682 /2000

CATEGORY OF CASE : OTHER CIVIL RULES (casual employee in Telecom Deptt)

CATEGORY CODE : OR 10189

Matter relating to C.A.T. - not
allotted to Bench B)

BENCH : A

Shri Sudip Kar Petitioner
Versus
Union of India and ors. .. Respondents

I N D E X

<u>Sl.No.</u>	<u>Particulars</u>	<u>Page Nos.</u>
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Filed by

Anju Talukdar
Advocate



DISTRICT : CACHAR

IN THE GAUHATI HIGH COURT

(The High Court of Assam, Nagaland, Meghalaya, Manipur, Tripura, Mizoram and Arunachal Pradesh)

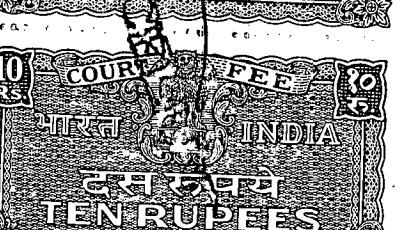
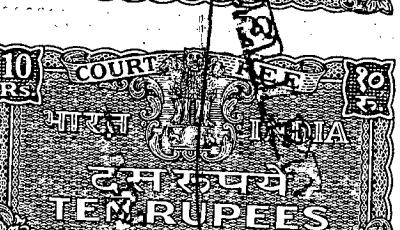
(Civil Extra-Ordinary Jurisdiction)

Writ Petition (C) No. 5082/2000

Category: CP 10189 Other Civil Rule

To

The Hon'ble Shri Brijesh Kumar, B.A., LL.B., the Chief Justice of the Hon'ble Gauhati High Court and His Lordships other companion Justices of the said Hon'ble Court.



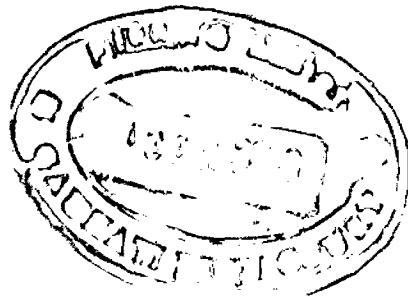
IN THE MATTER OF :-

An application under Article 226 of the Constitution of India praying for a writ in the nature of Mandamus and/or certiorari and/or any other appropriate writ, order or direction.

AND

IN THE MATTER OF :-

Enforcement of the petitioner's



Subdip Kumar
Advocate

1/5
Filed by
Subdip Kumar
Filing Fee
At
dated 13/9/2000

fundamental and legal rights.

AND

IN THE MATTER OF :-

Threatened termination of
services of the petitioner.

AND

IN THE MATTER OF :-

Non-regularisation of the
service of the petitioner.

AND

IN THE MATTER OF :-

Shri Sudip Kar,
son of late Krishnapada Kar,
Ambikapatty,
P.O. Silchar:- 788004.
Cachar, Assam.

Petitioner.

Versus.

[Handwritten signature]
Subash Kar
Petitioner

1. Union of India,
represented by the Commissioner
& Secretary, to the Govt. of
India, Department of
Telecommunications, Sanchar
Bhawan, New Delhi.

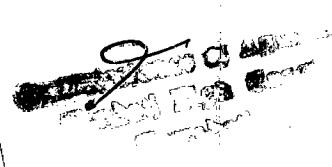
2. Chief Engineer (Civil),
Department of Telecom Opera-
tions, North East Zone,
Guwahati.

3. Executive Engineer,
Telecom Civil Division,
Department of Telecommunica-
tions, Dr Surendra Dhar Lane.
Ambikapatty, Silchar:-788 004,

4. Assistant Surveyor of Works
(Admn), Telecom Civil Circle,
Silchar.

Respondents.

The humble petition of the
petitioner abovenamed:



MOST RESPECTFULLY SHEWETH:

1. That the petitioner is a citizen of India and a permanent resident of Cachar, Assam, and as such is entitled to all the rights and privileges guaranteed to Indian citizens under the Constitution of India and other laws for the time being in force.

2. That the petitioner states that he is a graduate. He was registered with the employment exchange and his name was sponsored for appearing in a interview for the post of temporary typist-cum-work clerk, Grade II, on daily rate basis. The petitioner having qualified and being selected in the interview so conducted, the petitioner was appointed vide order dated 25.1.93 issued by the Executive Engineer, Telecom Civil Division for a period of not more than 89 days or till regular incumbent is posted.

A copy of the order dated 25.1.93 is annexed hereto and is marked as Annexure:-I.

3. That the petitioner states that although the appointment order showed that the appointment was for a period of 89 days only, the service of the petitioner was extended from time to time and the petitioner is still continuing in service.

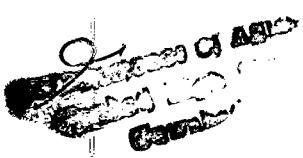
4. That the petitioner is continuously and regularly discharging the duties to the satisfaction of all concerned for nearly 8 years and there has been no complaint from any quarter whatsoever.

5. That in view of the long service rendered by the petitioner, ~~at~~ the Assistant Surveyor of Works (Administration), Telecom Civil Circle, Silchar:-4 had issued a letter dated 15.9.98 to the Executive Engineer, Telecom Civil Division :I/II, requesting him to submit detailed particulars in respect of the petitioner for the purpose of regularisation of the service of the petitioner.

A copy of the said letter dated 15.9.98 is annexed hereto and marked as Annexure:-II.

6. That in response to the letter dated 15.9.98, particulars as sought for were furnished and the Assistant Surveyor of Works (Admn), vide his letter dated 17.9.98 had forwarded the same to the Executive Engineer (H/Q), Office of the Chief Engineer (C), for further necessary action in this regard.

A copy of the said letter dated 17.9.98 along with

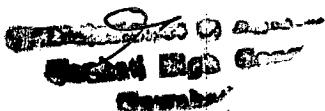


the enclosure is annexed hereto and is marked as Annexure:-
III.

7. That the petitioner had also filed representations from time to time and had also filed an application being O.A. No. 258/98 before the Guwahati Bench of the Central Administrative Tribunal praying for amongst others a direction to regularise the services of the petitioner and the ~~other~~ co-applicant with retrospective effect, i.e. from the date of their initial appointment with all consequential service benefits including arrears salary, etc, and to direct the respondents to allow them to continue in service. However, the said application was dismissed vide order dated 4.6.99 with cost. The Hon'ble Tribunal dismissed the application on the ground that there was no material placed that the authority was going to terminate the service of the applicant. It is stated that the petitioner has paid the cost that was imposed on him by the Hon'ble Tribunal.

A copy of the order dated 4.6.99 is annexed hereto and is marked as Annexure:-IV.

8. That the petitioner continued in service notwithstanding the dismissal of the said application before the Hon'ble Tribunal which, however, did not go into the aspect of regularisation at all. The petitioner begs to state that


Central High Court
Guwahati

the Superintending Engineer (Civil), Telecom Civil Circle, wrote a letter dated 25.4.2000 in connection with the regularisation of the service of the petitioner and some others and details of each of such employees who were engaged for long periods of time was given. By the said letter the Superintending Engineer solicited the kind intervention ^{of the Chief Engineer} in the matter for regularisation.

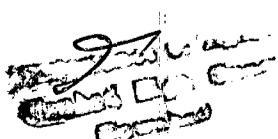
A copy of the said letter dated 25.4.2000 is annexed hereto and is marked as Annexure:-V.

9. That the petitioner states that the petitioner came to learn that Smt Ranju Devi Kairi, who was similarly situated with the petitioner and whose case was also forwarded for regularisation, was terminated from service vide order dated 31.8.2000 w.e.f. 1.9.2000. No reason was assigned in the said order. The aforesaid Ms Kairi was appointed as a steno-cum-typist on 12.8.92. The petitioner also has reliably come to learn that termination of his service is also imminent and such order of termination will be passed by the competent authority immediately on arrival at the station from a tour on 14.9.2000 and as such the petitioner has approached this Hon'ble Court invoking the writ jurisdiction in view of the fact that the Central Administrative Tribunal, in absence of Vice-Chairman and Member, is not functioning in the judicial side.

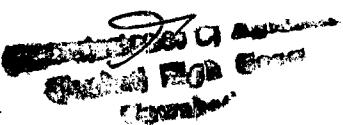
John C.
GORDON
GORDON

A copy of the order dated 31.8.2000 is annexed hereto and is marked as Annexure:-VI.

10. That the petitioner states that the petitioner having rendered continuous service for nearly 8 years, as recommended by the Superintending Engineer (Civil) by his letter dated 25.4.2000, his case is liable to be considered for regularisation.
11. That the respondents acted illegally acted arbitrarily in not considering the case of the petitioner of regularisation in view of his long satisfactory service and as such the same is violative of Article 14 and 16 of the Constitution of India.
12. That the petitioner states that the post in which the petitioner is discharging his duties, is a sanctioned post and the fact that the petitioner has rendered service for almost 8 years would go to show that the service of the petitioner is needed on a permanent basis and the duties which the petitioner is discharging is regular in nature and as such the respondents are liable to be directed to consider the case of the petitioner, if necessary by framing a scheme, for the ends of justice.



13. That your petitioner submits that in the facts and circumstances of the case, termination of the service of the petitioner would be against the interest of justice and as such the respondents are liable to be directed not to terminate the services of the petitioner summarily.
14. That your petitioner submits that the respondents acted illegally and arbitrarily in not taking up the matter relating to the regularisation of the petitioner's services and as such the respondents are liable to be directed to consider the case of the petitioner for regularisation of service.
15. That unless during the pendency of the case the respondent are directed not to terminate services of the petitioner, the petitioner will suffer irreparable loss and injury.
16. That the petitioner demanded justice and the same was denied to him.
17. That there is no other alternative, equally effi-



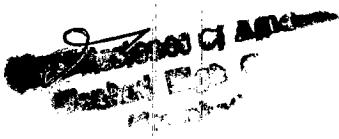
cacious remedy and the remedy prayed for is just, proper and adequate.

18. That this application is made bonafide and for the ends of justice.

In the premises aforesaid it is humbly prayed that Your Lordships may be pleased to call for the records, issue a Rule, calling upon the Respondents to show cause as to why a writ in the nature of Mandamus be not issued directing the respondents to regularise the services of the petitioner and on cause or causes shown and after hearing the parties, make the Rule absolute, and/or pass such further and/or other order/orders as Your Lordships may deem fit and proper;

-And-

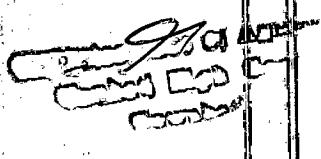
In the interim it is further prayed that Your Lordships may be pleased to direct the respondents

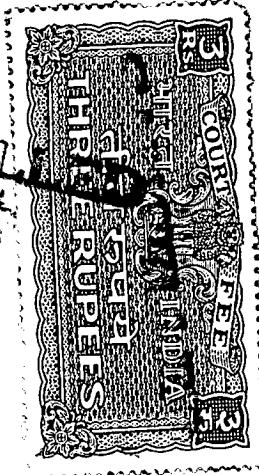
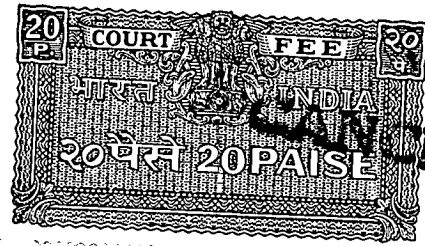
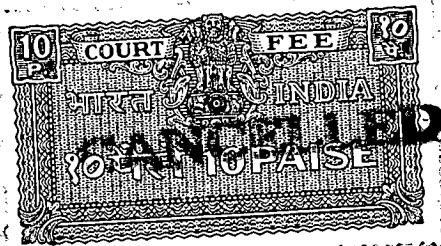


not to terminate the services of
the petitioner and/or pass such
further and/or other order/orders
as Your Lordships may deem fit
and proper.

And for this the petitioner as in duty bound shall
ever pray.

Affidavit.





-12-

A F F I D A V I T

I, Shri Sudip Kar, son of Late Krishnapada Kar,
aged about 35 years, resident of Ambikapathy, P.O.Silchar:-
788 004, Cachar, Assam, do hereby solemnly affirm and say as
follows:-

1. That I am the petitioner in the instant case and such am acquainted with the facts and circumstances of the case and hence competent to swear this affidavit.
2. That the statements made in this affidavit and in paragraphs 1-4, 7, 9-12, 15-18 of the accompanying petition are true to my knowledge and those made in paragraphs 5, 6, 8 being matter of records of the case are true to my knowledge and information derived therefrom which I believe to be true and the rest are my humble submissions before this Hon'ble Court.

And I sign this affidavit on this the 13th day of Sept, 2000 at Guwahati.

Identified by me.

Madhab Berman (13/9/2000)
Advocate's Clerk

Sudip Kar
13/9/2000
DEPONENT

13th day of Sept/2000

The deponent is examined by Sri.....
M. Berman, P.C.
Searched and indexed.....
Signed and sealed.....
Date.....

S. T. A. P. M.
Commissioner of
Court of Law

Annexure - I

(13)

DEPARTMENT OF TELECOMMUNICATIONS
OFFICE OF THE EXECUTIVE ENGINEER: TELECOM CIVIL DIVISION:
SILCHAR: 788001.

16(3)/TCD/SC/ 185 / Dated at Silchar, the 25 / 1 / 1993
O F F I C E O R D E R

Approval of Executive Engineer, Telecom Civil Division,
Silchar is hereby conveyed for engaging ^{SB} Shri Sudip Kar, as typist
Gum W.C. Gr-II purely on casual basis under Telecom Civil Division,
Silchar.

for a period not more than 89(eighty nine) days or till regular
incumbent is posted which ever is earlier at a daily rate of ^{57.95/-} (Rupees Fifty Seven and paise Ninety Five) only.

per day on no work no pay basis w.e.f. 8/2/93,..... only

His service is on casual basis and will not confer any
right for his regular engagement in this Department and will
automatically cease after 89 days.

Regd A/P

Copy to:- Shri Sudip Kar, C/o Krishnapada Kar, Ambikapatty,
P.O. - Silchar-788004 Dist- Cachar.

Executive Engineer,
Telecom Civil Division,
Silchar.

Executive Engineer,
Telecom Civil Division,
Silchar.

Certified to be true copy

Atty. Addl.
(Address)

ANNEXURE:-IICONFIDENTIAL/BY
PEON POST

DEPARTMENT OF TELECOMMUNICATIONS
 OFFICE OF THE SUPERINTENDING ENGINEER::TELECOM CIVIL CIRCLE
 SILCHAR-788 004

No. 12(4)95/SE/TCC/SC/Conf/58 DATED AT SILCHR, THE 15.9.98

To

The Executive Engineer(C)
 Telecom Civil Division:I/II.
 Silchar-4.

Sub Regularisation of service regarding.

With reference to the subject mentioned above, you are requested to furnish the particulars in respect of :-

- | | |
|---------------------------|--|
| (1) Shri Sudip Kar | Presently working in O/O the Superintending Engineer(C) Telecom Civil Circle, Silchar, (Previously working in O/O the Executive Engineer, Telecom Civil Divn, Silchar. |
| (2) Mrs Jayashree Deb Roy | Presently working in O/O the Executive Engineer (C), Telecom Civil Divn.II, Silchar |
| (3) Sri Soumitra Paul | Presently working in O/O the Asstt. Engineer(C), Telecom, Civil Sub: Divn. Aizawl. |
| (4) Miss Ranju Devi Kairi | Presently working in O/O the Executive Engineer (C), Telecom Civil Divn.I, Silchar. |

The following particulars in respect of them are to be submitted immediately for onward transmission of the same to the higher authority.

- (1) How recruited.
- (2) Basis of contract.
- (3) Condition of Contract.
- (4) Mode of payment.
- (5) Amount paid.

Matter is most urgent

Asstt, Surveyor of Works(ADMN)
 Telecom Civil Circle.
 Silchar-4.

Certified to be true copy

*Jag. Chaudhary
 Advocate*

No.12(4)96/SE-TCC/SCI 848

To

The Executive Engineer(HH/2)
Office of the Chief Engineer(C)
N. E. Telecom Zone,
Guwahati

Sub :- Regularisation of Services - TCR

Ref :- Your letter No. 1(4)94/CH-II/SC/11 dated. 11-9-98

With reference to your letter No cited above on the above mentioned subject, the requisite information asked for therein has been enclosed herewith as per Annexure - I for taking further necessary action at S. N. C. please.

Enclo :- As above

Assistant Surveyor of Works(Admin)
Telecom Civil Circle
Silchar

Copy to :-

1. The Executive Engineer (C) Telecom Civil Division- I Silchar along with a copy of the above statement with reference to his letter No. 16(3)1(C)-II/SC/1167 dated. 16-9-98
2. The Executive Engineer(C) Telecom Civil Division- II Silchar along with a copy of the above statement with reference to his letter No.16(8)96/TCD-II/SC/662 dated. 16-2-98

Assistant Surveyor of Works (Admin)
Telecom Civil Circle
Silchar

Attested
Parmanu
Advocate

Certified to be true copy

Attested
Parmanu
Advocate

Dated at Silchar, the 17/9/98

15

~~Amounts - to be settled~~

Statement of contract labour under
Telecom Civil Circle, Silchar

1. OF PERSONS	2. HOW RECRUITED	3. BASIS OF CONTRACT	4. CONDITION OF CONTRACT	5. MODE OF PAYMENT	6. AMOUNT PAID	7. REMARKS
1 Sri Sudip Kar	✓ Through the Employment Exchange	Purely temporary on Casual basis for not more than 89 days in each occasion upto 25-4-95. Thereafter on contract basis	No work no pay basis	Upto 25-4-95 daily rate basis and from 26-4-95 against bill submitted by contract labour on monthly basis	Rs. 1600.00 per month	
2 Sri Soumitra Paul	—do—	Purely on temporary casual basis for a period not more than 89 days in each occasion upto 25-4-95. Thereafter on contract basis from 26-4-95	—do—	—do—	—do—	
3 Miss. Ranju Dini Kaur	—do—	—do—	—do—	—do—	—do—	
4 Mrs. Jayashree Deb Roy	—do—	Purely temporary on casual basis for a period not more than 89 days in each occasion upto 24-4-95. From 26-4-95 on contract basis	—do—	—do—	—do—	

26/4/1995
Assistant Surveyor of Works (A)
Telecom Civil Circle
Silchar

*Attested
Ranjan*

ANNEXURE - IV

17

5

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No. 258 of 1998.

Date of Order : This the 4th Day of June, 1999.

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

Shri G.L.Sanglyine, Administrative Member.

1. Shri Sudip Kar &
2. Miss Ranju Devi Kairi
Office of the Executive Engineer,
Telecom Civil Division, Silchar. . . . Applicants.

By Advocate Shri S. Sarma.

- Versus -

1. Union of India
represented by the Secretary to the
Govt. of India, Ministry of Communication,
Dept. of Telecommunication,
Sanchar Bhawan, New Delhi.
 2. The Chairman, Telecom Commission,
Sanchar Bhawan, New Delhi.
 3. The Chief General Manager,
Telecom Assam Circle,
Ulubari, Guwahati-7.
 4. The Executive Engineer,
Telecom Civil Division,
Silchar.

. . . Respondents.

Advocate Sri A. Deb Roy, Sr.C.G.S.C.

ORDER

BARUAH J. (V.C.)

These two applicants have filed this application apprehending that their services are likely to be terminated. There was no notice of termination.

2. We have heard Mr S.Sarma, learned counsel for the applicants and Mr A.Deb Roy, learned Sr.C.G.S.C for the respondents. Mr Sarma is unable to show anything before us that the authority was going to terminate the services

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Edwards

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18

- 2 -

of the applicants. We find no ground to proceed with the case. In view of the above the application is dismissed with a cost of Rs. 1000/- and that has to be paid by the applicants to the respondents within 15 days from the date of receipt copy of this order.

SD/- VICE-CHAIRMAN

SD/- MEMBER(A)



TRUE COPY

প্রতিপাদ্য

Section Officer (J)

গুৱাহাটী অধিকারী (ন্যায়িক শাখা)

Central Administrative Tribunal

কেন্দ্ৰীয় প্ৰশাসনিক অধিকৰণ

Guwahati Bench, Guwahati-8

গুৱাহাটী বাবুৰাহী, প্ৰদৰ্শন-৬

8/6/99

pg

ANNEXURE V

19

DEPARTMENT OF TELECOM SERVICES
OFFICE OF THE SUPERINTENDING ENGINEER : TELECOM CIVIL CIRCLE
SILCHAR - 788 004

No. 12(4)95/SI-TCC/SC/595

Dated at Silchar, the. 25 4 2000

101

Shri H.R. Das
Chief Engineer(C)
Telecom Assam
Guwahati

Sub: Regularisation / Grant of Temporary status to Casual labourers under TCC, Silchar.

Kindly refer to your letter No.1(40)94/CE-NEZ/GH/1067 dated 9-7-99 and even No. 2175 dated 27-12-99 regarding grant of Temporary status to Casual labourers and subsequent even No.2654 dated 16-3-2K regarding regularisation of service of Sri Amarjit Singh, TSM, office Peon , addressed to C.G.M.T. Telecom N.E. Circle, Shillong and copy endorsed to this office

The fate of the casual labourers with /without Temporary status still now working under this Circle who have come from the weaker section of the society is uncertain and in fact , is hanging in a thin thread . Inspite of furnishing several reports from this office and your correspondences with C.G.M.T, N.E. Circle, Shillong , no action seems to have been taken by the O/O the CGMT, N.E. Circle, Shillong for regularisation /grant of Temporary status of the casual labourers of Telecom Civil Wing , though similar category of casual labourers attached to different SSA and Task Force of Telecom Department are enjoying the benefits of R.M. /TSM/ . Casual labour with protection of wage w.e.f. 1-1-96 in accordance with Vth pay commission . A copy each of such benefits extended by Area Director, Telecom, Task Force, Silchar vide order No. TPF/SC/R-1/98-99 dated 28-9-98 and by G.M.T, Agartala vide order No. E-289/TSM/99-2000/165 dated 9-3-2K is enclosed for your kind perusal .

The particulars of aforesaid ill fated casual labourers under this circle are further reproduced below:

Sl.No.	Name	Present status	Educational Qualification	Initial date of engagement	Whether SC/ST/ OBC	Remarks
1.	Sri Amarjit Singh	TSM(O/Peon)	Class-X	14-11-85 TSM w.c.f 5-5-93	OBC	Eligible for R.M.
2.	Sri Janamajoy Roy	O/Chowkidar	Class-VI	20-7-87	SC	Completed more than 240 days & Eligible for TSM as unskilled labour.
3.	Bhola Sankar Debnath	Store ..	Class-X	1-7-88	OBC	- do -
4.	Rup Chand Goala	- do -	Class-VI	8-3-90	- do -	- do -
5.	Satadal Malakar	Motor Driver	Class-X	15-5-90	SC	- do - as Motor Driver
6.	Subhash Goala	Arizawl	Store Chowkidar	18-12-90	OBC	- do - as unskilled labour
7.	Smt. Jayshree	Typist	Class-X	11 S.L.C. 28-1-91	U/R	- do - as skilled labour

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8. Sri Pradip Das Store Chowkidar Class-VII (3..4.0)

(20)

9. Sri Sujit Das	O/Peon, Silchar	Class-VIII	19-11-91	SC	Completed more than 240 days & eligible for TSM as unskilled labour.
10. Sri Sujit Roy	O/Peon, Aizawl	Class-VIII	9-12-91	SC	- do -
11. Miss Ranju Devi Kuri	Steno Cum Typist	H.S.L.C.	12-8-92	SC	- do -
12. Sri Sudip Kar	Typist	B.A.	8-2-93	OBC	- do - as skilled labour
13. Sri Sourinna Paul	Typist, Aizawl	H.S.L.C.	- do -	SC	- do -
14. Sri Nanu Sarkar	Motor Driver, Agartala	Class-VIII	18-11-93	U/R	- do -
				SC	- do - as Motor Driver.

In addition to above, following persons were engaged on contract basis w.e.f. the date mentioned against each

Sl.No	Name	Present status	Educational Qualification	Initial date of engagement	Whether SC/ST/ OBC	Remarks
1.	Sri Baramali Debnath	O/Peon	Class-X	6-3-96	OBC	Eligible for wages as casual labour(unskilled)
2.	Sri Rajesh Rabi Das	O/Chowkidar	-do-	15-12-96	SC	- do -

A copy of DOT order No 269-1.3/99-STN-II dated 1-9-99 on the above subject is enclosed for your kind perusal, wherein approval has been conveyed regarding grant of temporary status to the casual labourers eligible as on 1-8-98 w.e.f. 1-9-99 and regularisation of casual labourers with Temporary status eligible as on 31-3-97 w.e.f. 1-4-97. Thus TSM at Sl.No.1 is eligible for R.M in the scale of Rs.2550-3200 w.e.f. 1-4-97. The other casual labourers at Sl.No 2, 3, 4, 6, 8, 9 & 10 are eligible for TSM w.e.f 1-9-99 in the minimum of the scale of Rs.2550-3200 i.e. at Rs.2550/- + D.A., HRA and CCA as admissible.

Also, the casual labourers at S. No. 5 & 14 are eligible for TSM w.e.f 1-9-99 at the minimum of the scale 3050-4590 i.e. at Rs.3050/- + D.A., HRA & CCA as Motor Driver.

The remaining casual labourers at Sl.No 7, 11, 12 & 13 are eligible for TSM w.e.f 1-9-99 at minimum of the scale of Rs.3050- 4590 i.e. at Rs.3050/- + D.A., HRA & CCA as skilled labour.

The other labourers S/Shri Baramali Debnath & Rajesh Rabi Das may be considered eligible for Daily wage of casual labour (unskilled) @ Rs.2550/- + D.A 38% i.e. Rs.117.30 w.e.f. either the date of engagement or the date of approval as deemed fit.

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As it may take sometime to consider the casual labourers to be conferred with temporary status, it is requested to provide them the interim relief with the daily wage calculated at the minimum of the scale of Rs.3050/- + 38% D.A per month for Sl.No. 5, 7, 11, 12, 13 & 14 as for Casual Motor Driver/ skilled casual labour as applicable w.e.f. the date of your kind approval.

Similarly, the daily wage calculated at the minimum of the scale of Rs.2550/- + 38% D.A per month for unskilled labourers at Sl.No.2, 3, 4, 6, 8, 9 & 10 may be granted with w.e.f. the date of your approval.

In connection with admissibility of minimum of the scale + D.A for casual labourers, a copy each of DOT order No.10-13/87-Rates dated 23-2-1988 enclosed along with DOT order No.269-11/98/STN-II dated 15-9-98 for casual labourers without temporary status and DOT order No. 10-13/87-R dated 26-7-89 regarding casual labourers engaged as casual Motor Drivers is enclosed for your kind perusal.

Several representations of the casual labourers were forwarded to you earlier. Many of them have further represented for consideration of at least daily wage as applicable for casual labourer. The representations of the following casual labourers are enclosed herewith for your kind consideration.

<u>Sl.No.</u>	<u>Name</u>	<u>Present status</u>
1.	Sri Janmajoy Roy	O/Chowkidar
2.	Rupchand Goalan	Store Chowkidar
3.	Sri Bhola Sankar Debnath	-- do --
4.	Subash Goalan	-- do --
5.	Jayshree DebRoy	Typist
6.	Pradip Das	Store Chowkidar
7.	Sujit Das	O/peon
8.	Sujit Roy	O/Peon
9.	Miss Ranju Devi Kaiti	Steno Cum Typist
10.	Sri Sudip Kar	Typist
11.	Sri Soumitra Paul	Typist, Aizawl
12.	Sri Satadal Malakar	Driver, Aizawl
13.	Sri Nantu Sarkar	Driver, Agartala
14.	Sri Banamali Debnath	O/Peon
15.	Sri Rajesh Rabidas	N/Chowkidar.

It will not be out of place to mention that DOT(now DTS) has approved for Assam Telecom Circle regularisation of 13 (thirteen)TSM and conferring TSM to 672 casual labourers vide order No.269-4/93/STN-II(Pl) dated 9-2-2000 (copy enclosed). Similar approval might have been conveyed for N.E Telecom Circle. In view of natural law of justice, the TSM/Casual labourers listed above should get similar monetary benefits and upliftment in their career, since they have been performing their duties continuously and satisfactorily from the date of their initial engagement. The matter was also discussed with your good self during your recent visit at Silchar.

Under the circumstances stated above, I solicit your kind intervention in the matter for regularisation/ TSM and your approval for interim relief as discussed above.

An early action is requested

Enclo: As above

Superintending Engineer(C)
Telecom Civil Circle
Silchar

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1. The Chief General Manager Telecom, N.E.Circle, Shillong along with above enclosures for kind information & necessary action.
Enclo : As above
2. The Chief Engineers(C), Telecom, N.E. Zone, Shillong along with above enclosures for kind information.
Enclo : As above.
3. Spare.

Superintending Engineer(C)
Telecom Civil Circle
Silchar.

ANNEXURE - VI

(23) 56

GOVT. OF INDIA
DEPARTMENT OF TELECOM OPERATIONS
(CIVIL WING)
OFFICE OF THE SUPERINTENDING ENGINEER(C)
CIVIL CIRCLE AMBICAPATTI SILCHAR

No.12(4)95/SE-TCC/SC/1150

Dated at Silchar, the 21-6-95.

To

Mrs. Ranju Devi Kaini

Sub :- Termination of services

Dear madam,

As directed by the Superintending Engineer (C) Telecom Circle, Silchar and in pursuance of the order of the Chief Engineer (C) TCC, Shillong, it is regretted to inform you that your services are no longer required.

Thanking you,

Certified to be true copy

Aj. Tudu

Superintending Engineer (C)

No.12(4)95/SE-TCC/SC/1150

21-6-95