

2/100

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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O.A./T.A No. 362/2000

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E.P/M.A No.

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4

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH: GUWAHATI. 5

ORIGINAL APPLICATION NO. 362/2000(T)

... Sri. Sudip Kar. APPLICANTS
versus.

Union of India & ors. Respondents.

FOR THE APPLICANT(S) Mr. A.K. Goowami
ADVOCATE

Ms. A. Talukdar.

FOR THE RESPONDENT(S)

C.G.S.C.

Notes of the Registry

DATE

COURT'S ORDER

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

Laid before Hon'ble Court for further orders.

7.11.00

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

lm

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 ~~admission~~ order.

Vice-Chairman

My Talukdar
D. Registrar.

27.11.00

pg

6.12.00

Inform the parties.

16/11/00

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

Vice-Chairman

mk

10.1.2001

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

Vice-Chairman

nkmm

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.

lm

Member

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 serving 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.

Vice-Chairman

No. 1006 has been filed.

230
20.1.2001

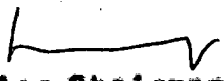

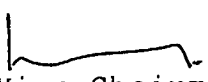
Steps are filed
11/01/01

8-2-1006-Adjourned to 14-3-2001
My
Sh

19-3-2001

Service of Notice issued to the respondents vide No. 1006-2904 19.3.2001

Ben

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> Vice-Chairman</p>
	bb	
	8-6-01	<p>The case is adjourned to 22-6-2001 for hearing.</p> <p> Member</p>
	ab	
	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> Vice-Chairman</p>
	nkm	

19.7.2001

Copy of the Judgment has been sent to the Office for study & are to be applied as well as to the Addl. C.G.S.C. for the Resp'ds.

HS.

Notes of the Registry	Date	Order of the Tribunal

(In Court of Assam Nagaland, Maghalaya, Manipur, Tripura;
Mizoram & Arunachal Pradesh)

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. Jalukder } Advocates

For Respondent
Opposite party

QASL

[illegible]

13.9.2000

BEFORE
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

① Rule
② From the collector
③ C. G. S. C. accepts notice
for all respondents
④ Writ is to be made
⑤ Transfer this matter to
Central Administrative Tribunal
at Guwahati.
15.9.2000
16/9/2000

Noting by officer or Advocate.	Serial No.	Date	Office notes, reports, orders, or proceeding with signature.
<p><u>26-9-20</u></p> <p>A order dt 13-9-20 communicate and need call for note Name No. 17, 997-18, over/RY dt. 26-9-20.</p> <p><i>[Signature]</i> 26/9/20</p> <p><u>26-9-20</u></p> <p>An acceptance has been filed on behalf of the respondent No. 1 to 4.</p> <p><i>[Signature]</i> 26/9/20.</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, Cashar,
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.

30 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**

CA. 362/2000

Cachar
DISTRICT: ~~Kamrup~~
DB/SB/A/B
FILING SL NO. 15, 313
NAME OF PARTY :

W.P.(C) CASE NO. 5082 /200

CATEGORI CODE : 10189

DATE OF FILING : 13/9/20

Shri Sudip kar

Union ^{vi} of India & ors
Signature of D. A.

1. Court Fee Due
Court Fee Paid
Deficit if any
2. Filed within Limitation : Yes/No
Condaton 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 t Yes/No
8. Any other defects (to be : Yes/No
name)

Rs. 58.80

CASE READY / DEFECTIVE13/9/20
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. : W.P. (C) NO- 5882 1990
1. (b) Related Case No. : _____ / _____ 199
1. (c) Related Information : _____
1. (d) Jurisdictional Value Rs. _____ 1. (e) Court Fee Rs. 58.80
1. (e) Provision of law under which the case is filed U/A 226

DATE / MONTH / YEAR

1. (f) Date of Registration : 13 09 20
2. (a) Case Category Code : 1 0 1 8 9
2. (b) Subject Category Code : 9 B
2. (c) Bench Code : A

3 State Name : Cachar 4. State Code _____

4. Petitioner (s) : Shri Sudip kar

5. Respondent (s) : Union of India & or

6. Petitioner (s) : Mr. A.k. Goswami
Ms. A. Talukdar

7. Respondent (s) : C. G. S. C.

8. State Code of the Case :

9. Court No. :

10. Caveat (if any) : Yes ☐ / No ☒

★ Kindly use appropriate codes

Debeswar Das
 13/9/2000

Signature with date :

DISTRICT : ~~SAMRAT~~ 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
BENCH : A allotted to Bench B.)

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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7.	Annexure - V _____	19 - 22
8.	Annexure - VI _____	23

Total pages — 23

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: CR 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

Filed by: 14
Sudip Kan... Petitioner
Through: Amrita Talukder
Advocate 13/9/20



Signature of Amrita Talukder
Amrita Talukder
Advocate

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.

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.

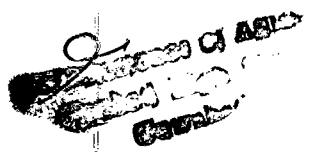
5. That in view of the long service rendered by the petitioner, ~~at~~ the Assistant Surveyor of Works (Administration), Telecom Civil Circle, Silchar:-4 had issued a letter dated 15.9.98 to the Executive Engineer, Telecom Civil Division :I/II, requesting him to submit detailed particulars in respect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

18



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

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. (e)

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.

[Handwritten signature and stamp]

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.

[Handwritten signature and stamp]
Sd/-
[Stamp]
[Signature]

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-

RECEIVED
20/11/2019
CHANDER

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

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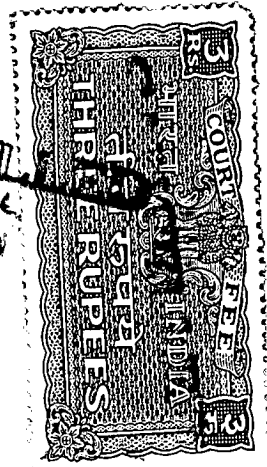
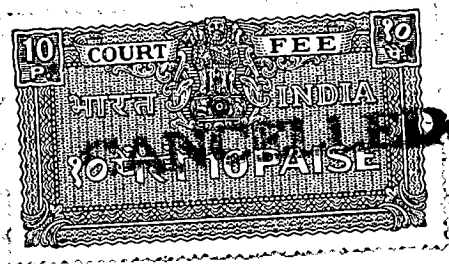
-11-

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.

[Handwritten signature]
[Illegible text]



-12-

A F F I D A V I T

I, Shri Sudip Kar, son of Late Krishnapada Kar,
aged about ³¹~~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 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 Barman
Advocate's Clerk

Sudip Kar
13/09/2k
DEPONENT

13th day of Sept 2000
The document is verified by Sri Madhab Barman, Person
known to me and acquainted with the facts and circumstances of the case and
declared that the contents of the document are true and correct.
13/9/2000
Commissioner of Affidavits
Cachar Dist.

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

OFFICE ORDER

Approval of Executive Engineer, Telecom Civil Division, Silchar is hereby conveyed for engaging ⁸⁵Shri Sudip Kar, as typist cum 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 whichever ever is earlier at a daily rate of 57.95. (Rupees Fifty Seven and paise Ninty 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.

Executive Engineer,
Telecom Civil Division,
Silchar.

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

Executive Engineer,
Telecom Civil Division,
Silchar.

Certified to be true copy

Asir Choudhary
Under Secretary

ANNEXURE:-II

CONFIDENTIAL/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

*Asstt. Surveyor of Works
(Advocate)*

14
DEPARTMENT OF TELECOMMUNICATIONS
OFFICE OF THE SUPERINTENDING ENGINEER TELECOM CIVIL CIRCLE
AMBICAPATTY, SILCHAR- 786 004

ANNEXURE - III

Dated at Silchar, the 17/9/98

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

To

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

Sub : Regulation of Services - TR

Ref : Your letter No. 1(40)94/CE-THE/AGU/964 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 your end please.

Encl : 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) TCD-I/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. 10-2-98

Assistant Surveyor of Works (Admin)
Telecom Civil Circle
Silchar

Attested
Kumar
Advocate

Certified to be true copy

Asw. Kumar
Advocate

Statement of contract labour under
Telecom Civil Circle, Silchar

1	2	3	4	5	6	7	8
	OF PERSONS	HOW REC- RUITED	BASIS OF CONTRACT	CONDITION OF CONTRACT	MODE OF PAYMENT	AMOUNT PAID	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 BQ 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 occa- sion upto 25-4-95. There- after on contract basis from 26.04.95	—do—	—do—	—do—	
3	Miss. Ranju Dwi Kairi	—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 occa- sion upto 24-4-95. From 26-4-95 on contract basis	—do—	—do—	—do—	

Assistant Surveyor of Works (A)
Telecom Civil Circle
Silchar

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,
Deptt. 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.

By 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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contd.. 2

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- 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

प्रतिप्रति

pg

Section Officer (J)

नियुक्त अधिकारी (न्यायिक शाखा)
Central Administrative Tribunal

केन्द्रीय प्रशासनिक अधिकरण
Guwahati Bench, Guwahati-8

गुवाहाटी न्यायालय, गुवाहाटी-8

48/5

ANNEXURE V

19

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

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

Dated at Silchar, the 25/4/2000

To,

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. In spite 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. 107/SC/R-198-99 dated 28-9-98 and by GMT, Agartala vide order No. E-289/TSM/99-2000/65 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.e.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	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	Store Chowkidar	Class-X	18-12-90	OBC	- do - as unskilled labour
7.	Smt. Jayshree	Typist	H.S.L.C.	28-1-91	U/R	- do - as skilled labour

Certified to be true copy

[Signature]
Advocate

8. Sri Pradip Das Store Chowkidar Class-VII 3-4-91

SC Completed more than 240 days & eligible for TSM as unskilled labour.

9. Sri Sujit Das O/Peon, Silchar Class-VIII 19-11-91
 10. Sri Sujit Roy O/Peon, Aizawl Class-VIII 9-12-91
 11. Miss Raju Steno Cum H.S.L.C. 12-8-92
 Devi Kari Typist B.A. 8-2-93
 12. Sri Sudip Kar Typist H.S.L.C. - do -
 13. Sri Souritra Paul Typist, Aizawl Class-VIII 18-11-93
 14. Sri Nana Sarkar Motor Driver, Agartala.

SC - do -
 SC - do -
 OBC - do - as skilled labour
 SC - do -
 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) - do -
2.	Sri Rajesh Rabi Das	O/Chowkidar	-do-	15-12-96	SC	

A copy of DGT order No 269-13/99-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 RM 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 Banamali 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.

(21)

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 Goala	Store Chowkidar
3.	Sri Bhola Sankar Debnath	- do -
4.	Subash Goala	- do -
5.	Jayshree DebRoy	Typist
6.	Pradip Das	Store Chowkidar
7.	Sujit Das	O/peon
8.	Sujit Roy	O/Peon
9.	Miss Ranju Devi Kairi	Steno Cum Typist
10.	Sri Sudip Kar	Typist
11.	Sri Soumitra Paul	Typist, Aizawl
12.	Sri Satadal Malakar	Driver, Aizawl
13.	Sri Nantu Sankar	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(Pt) 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

Encls: 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.
Encl: As above
2. The Chief Engineer(C), Telecom, N.E. Zone, Shillong along with above enclosures for kind information.
Encl: As above
3. Spare.

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A.C.
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) TEL. DEPT. IN
CIVIL CIRCLE AMBICAPATTY SILCHAR

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

Dated at Silchar, the 21-8-2011

To

Mrs. Ranju Devi Kairi

Sub :- Termination of services

Dear madam,

As directed by the Superintending Engineer (C) Tel. Dept. Silchar and in pursuance of the order of the Chief Engineer (C) T. & S. Silchar, it is regretted to inform you that your services are no longer required.

Thanking you,

Certified to be true copy

For Signature

12(4)95/SE-TCC/SC/1150