

30/100

16

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

O.A./T.A No. 379/2000

R.A/C.P No.

E.P/M.A No.

1. Orders Sheet. OA-379/2000 Pg. 1 to 3
2. Judgment/Order dtd. 04/04/2001 Pg. No separate order dismissed
3. Judgment & Order dtd. Received from H.C/Supreme Court
4. O.A. 379/2000 Pg. 1 to 18
5. E.P/M.P. NIL Pg. to
6. R.A/C.P. NIL Pg. to
7. W.S. NIL Pg. to
8. Rejoinder. Pg. to
9. Reply. Pg. to
10. Any other Papers. Pg. to
11. Memo of Appearance.
12. Additional Affidavit.
13. Written Arguments.
14. Amendment Reply by Respondents.
15. Amendment Reply filed by the Applicant.
16. Counter Reply.

SECTION OFFICER (Judl.)

CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH: GUWAHATI. 5

ORIGINAL APPLICATION NO. 379/2000

..... *Sant: Chandra Baloniki* Applicant.
versus

Union of India & Ors Respondents.

For the Applicant(s) *Mr. A.C. Boragohain*
Mr. N. Borah, Mr. S. Borah

For the Respondents. *Mr. B.S. Basumaty*
Addl. C. G. S.

NOTES OF THE REGISTRAR

DATE

ORDER

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

Application is in
form but not in time
Constitution Petition is
filed / Not in C.F.
for Rs 5 / passed.
vide *503814*
Date *6.11.2000*

My
11/11/2000
Dy. Registrar.

*Note: Requisition & d
copy filed.*

Learned counsel A.C. Boragohain is appearing on behalf of the applicant and Mr. A. Deb Roy, learned Sr. C.G.S.C. for the respondents.

Admit. Call for the records. Four weeks time is granted to the respondents to file written statement. List on 12.12.2000.

In the meantime the respondents shall not make any regular appointment in the post of Safaiwala in the office of the SGPL, Biswanath Chariali until further orders.

[Signature]
Vice-Chairman

Steps are received. One copy short.
Slence R.No. 2, 3, 4 sent to D/S for
from the same by Regd A/D & by hand.
Vide D/N No 2890592 dtd 22/11/2000
RR No - 3628, 3629, 3630 dtd 22/11/2000.
17/11/00

17.1.01 Present : Hon'ble Mr. K.K.Sharma,
Member (A).

Three weeks time is allowed to the respondents to file written statement. List on 8.2.2001 for written statement and further orders.

Notice duly served on R No 3.
1,234 are awaited.
16/01/01.

[Signature]
Member

12-12 No S.B. Adjourned to 17.1.2001.

Mr

K. Roy

12.12

17.1 Adjourned to 24.1.2001.

Mr

K. Roy

17.1

No. written statement
has been filed.

30

23.1.2001


24.1.01

List it again on 15.2.2001 to
enable the respondents to file written
statement.

Notice has been served on
R No 1.

by
25/01/01.

trd


Vice-Chairman

15-2. No S.B. Adjourned to 28.2.2001

Mr

K. Roy

15-2

No. written statement
has been filed.

28.2.2001

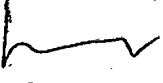
Four weeks time allowed to file written
statement and to obtain instructions as prayed
for by Mr A. Deb Roy, learned Sr. C.G.S.C.
List it on 4.4.01 for orders.

No. written statement
has been filed.

30

28.2.01

nkm


Vice-Chairman

4.4.2001

Heard Mr N. Borah, learned
counsel for the applicant and Mr A. Deb
Roy, learned Sr. C.G.S.C.

Mr Deb Roy has stated that by
this time, the applicant has been
granted full relief and the respondents
took steps for providing her the benefit
of full time casual labourer as per the
Directorate's approval. Mr Deb Roy, in
support of his statement referred to a
communication No. STES-21/30516 dated
28.3.2001 sent the Assistant General
Manager, stating therein that "it is
a fit case for conversion and engagement
as full time casual labourers. The ques-
tion of grant of Temporary Status and
regularisation will be decided in due
course." A copy of the said

30

3.4.01

Notes of the Registry


Date

Order of the Tribunal

4.4.2001

communication is kept on record.

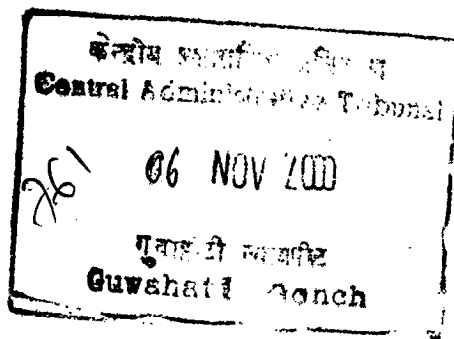
In that view of the matter the application has become infructuous. Accordingly the application is dismissed.


Vice-Chairman

nkm

123
6/4/0120.4.2001

Copy of the order
has been sent to the
D/Sec for issuing 10
days to the



BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH

O.A. NO. 379 OF 2000.

BETWEEN

Smti. Chandra Balmiki, ... Applicant.

AND

Union of India & Ors. ... Respondents.

- INDEX -

<u>Sl.No.</u>	<u>Particulars.</u>	<u>Page No.</u>
1.	Application.	1 to 8.
2.	Verification.	9
3.	Annexure - A.	10 to 11
4.	Annexure - B.	12
5.	Annexure - C.	13 to 15
6.	Annexure - D.	16
7.	Annexure - E.	17
8.	Annexure - F.	18

Filed By : Niran Barak.

Registration No.:

File :

Date:

DISTRICT : SONITPUR.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ::

GUWAHATI BRANCH.

CASE NO. 379/2000.

IN THE MATTER OF :

Smti. Chandra Balmiki,
D/O Late Sita Ram Balmiki,
Village- Kalyanpur,
P.O. Biswanath Chariali,
Dist. Sonitpur, Assam.

Last Employed:

- i) As Sweepar in the office of
SG.TL.I/C, DTC Biswanath Chariali,
No. 2/BNC/Safaiwalla/2000-2001,
Biswanath Chariali, Assam.
- And -
- ii) As Sweepar in the office of the Sub-
Divisional Engineer Phones (Group),
Biswanath Chariali for 2 hours per
day, Monthly salary @Rs.775/- .

... Petitioner.

- Vs -

1. Union of India. (Represented by the
Secy., Deptt. of Tele-Communication.)
Ministry of Communication, New Delhi-1.
2. The Chief General Manager,
Assam Circle, Tele-Communication,
Guwahati-7.

Filed by Mr. Petitioner
Smti Chandra Balmiki
through Nirar Barua
Advocate
6/11/2000

1372

10/11/2010 13:32

3. The Telecom District Manager,
Tezpur S.S.A., Tezpur, Assam.
4. The Sub-Divisional Engineer,
Telegraph Traffic, Tezpur, Assam.

... Respondents.

DETAILS OF APPLICATION :

1. Particulars of the Order : 1) Order dt. 14.7.2000 issued against which the application is made. by the Sub-Divisional Engineer(TT)/Tezpur for Disengagement of casual Labour(Safaiwalla/Sweepar) bearing No.X-1/2000-01/8.
- 2) Order under Ref:-TDM/TZ letter No.X-38/CMPT/00-01, Tezpur issued by the TDM/ ~~dt-14.7.2000~~ Tezpur, directed to inform the appellant/petitioner that her services will be no longer required as a casual labour(Safaiwalla).

Annexure-'E'

2. Jurisdiction of the Tribunal. : The applicant declares that the subject matter of the order against which she wants redressal is within the Jurisdiction of the Hon'ble Tribunal.

3. Limitation.

: The appellant further declares that the application is within the limitation period prescribed in Sec.21 of the Administrative Tribunal Act. 1985.

4. FACTS OF THE CASE :

(a) The applicant is a citizen of India and she is permanent resident of Village-Kalyanpur under Biswanath Chariali, Police Station of Sonitpur District. She belongs to the Harijan Community and belongs to Scheduled Caste Community. She is Sweepar (Safaiwali) by Profession.

(b) That, the petitioner was appointed since 1.8.95 as Casual Labour (Sweepar) in the office of the Telegraph Office, Telephone Exchange and ADEP (GR) Office of the Biswanath Chariali for the last several years and received regular salaries from the aforesaid offices under the Telecom Department. The offices are situated adjacent to each other and the appellant works in the Telegraph office, Telephone Exchange for about 3 hours per day and in the other offices i.e. SDEP (GR) offices of Biswanath Chariali for about 2 hours per day and she has been paid as casual labour by the aforesaid offices about Rs. ^{1100/-} ~~11,000/-~~ and from the other establishment. She received about Rs. ^{775/-} ~~7,075/-~~ P.M. for extending her service to the said offices. Both the offices are under the Department of Telecommunication.

(The Statement/receipt of salary from the above two establishment as casual labour is annexed as Annexure-'A' & 'B' respectively).

(c) That, the petitioner alongwith other similarly situated Casual Labours of the Deptt. of Telecommunication has moved this Hon'ble Tribunal for regularisation of their services by filing O.A. 184/1999 (Shri Prabin Dolly and Others - Vs - Union of India). The Hon'ble Tribunal by Judgment and Order dt. 18/8/1999, has dismissed the relevant Notifications issued by the Deptt. of Telecommunication proposing to confer status of Temporary Employees and confirm them phasemis, and also relied on the Judgment of the Apex Court, Daily Rated Casual Labourers employed in postal Deptt. - Vs - Union of India and others, reported in 1988(1) Sec. 122 and held as follows :-

" 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".

(A copy of the Judgment dt. 18/8/1997 passed in O.A. 299/96 is annexed as Annexure- 'C').

(d) That, the Asstt. Director Telecom (E&R) on the basis of the instruction contained in D.O.T., New Delhi, letter No. 269-13/99 STN dt. 16.9.99, directed with his letter dated 1-11-99, the District/SSA to "Convert the part-time casual

Labourers presently working for 4 hours or more a day who have worked for 240 days in the preceeding 12 months to full-time casual labourers.

(The said Notification dt. 4.11.99 bearing No.Estt.9/12/Pt-I/8 is annexed as Annexure- 'D').

(e) That, the petitioner/appellant beg to state that after the pronouncement of the above Judgment dt.18/8/97 and on the basis of the above Notification almost all the 21 appellants were regularised as full-time casual labourers but this present appellant whose name appears as the last appellant in the above O.A. 184/99 was not regularised/converted into full-time Casual Labour on the erroneous plea that the Appellant does not work for 4 hours per day in the D.O.T. conveniently forgetting the fact that the appellant works for 5 hours a day as Part-time Casual worker under D.O.T. i.e. 3 hours in the (i) Telegraph Office Biswanath Chariali under Telecom District Manager Tezpur, (Secondary Switching Area) and (ii) also works in the office of the Sub-Divisional Engineer Phones(Group), Biswanath Chariali, as Casual Sweepers for 2 (two) hours since 1995. She receives about Rs. 1136/- and Rs.775/- as salary per month from the above two offices. In short, she works for 5 hours per-day under the Department of Telecom.

(f) That, it may be mentioned that the Judgment dated 11.6.99 passed in O.A. 184/99 (Where the Appellant is Appellant No.22) is similar to that of the Judgment dated 18/8/1997 passed in O.A. 299/96 and 302/96.

(The Judgment dt. 11.6.99 passed in O.A.184/99 will be produce as and when necessary).

5. GROUND FOR RELIEF WITH LEGAL PROVISION :

- 5.1. For that prima-facie the action/inaction on the part of the respondent is illegal so far as termination of the service of the applicant is concerned that too without assigning any reason and hence the same is liable to be set aside and quashed.
- 5.2. For that the denial of benefit of the scheme to the casual workers whom the applicant union represent in the instant case is prima-facie illegal and arbitrary and same is liable to be set aside and quashed.
- 5.3. For that it is the settled law that when some principles have been laid down in a Judgment extending certain set of employees, the said benefits are required to be extended to the similarly situated employees without requiring them 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.
- 5.4. For that the discrimination meted out to the member of the applicant is not extending the benefit of the scheme and in not treating her at par with Postal employee is violative of Article 14 and 16 of the Constitution of India.
- 5.5. For that the respondents could not have deprived of the benefits of aforesaid scheme which has been applicable to their fellow employees which is also violative of Article 14 and 16 of the Constitution of India.
- 5.6. For that the issuance of the order dated 14.7.2000 by the respondent so far it relates to termination of the services of the applicant is illegal, arbitrary and violative of principles of natural justice.

5.7. 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 set aside and quashed.

6. DETAILS OF REMEDIES EXHAUSTED :

That the applicant declare that she have exhausted all the remedies available to her and there is no alternative remedy available to her.

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

The applicant further declare that the applicant alongwith other similarly situated casual labours of the deptt. of Telecommunication has moved this Hon'ble Tribunal for regularisation of their services by filing O.A.184/1999 (Sri Probin Doley & Others - Vs - Union of India). The Hon'ble Tribunal by Judgment and Order dt. 18.8.1997, has discussed the relevant notification issued by the Department of Telecommunication proposing to confer status of Temporary Employees and confirm them phasewise and also relied on the Judgement of the Apex Court. Thereafter, the same of the employees were regularised by terminating service of the applicant.

8. RELIEF SOUGHT FOR :

Under the facts and circumstances stated above, the applicant most respectfully prayed that the instent application be submitted, 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 applicant.

- 8.1. To set aside and quash the order dated 14.7.2000 in case the respondent terminate ~~the~~ her service in the light of the said order.
- 8.2. To direct the respondent to extend the benefits of the applicant and to regularise her service.
- 8.3. To direct the respondent to allow the applicant to continue in her respective service.
- 8.4. To direct the respondent to extend the benefits of the scheme to the applicant particularly who have joined in the year 1995 taking in to consideration the Hon'ble Ernakulam Bench judgment and to regularise her service.
- 8.5. Cost of the application.
- 8.6. Any other relief/reliefs to which the applicant is 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 applicant pray for an interim order directing the respondents to allow her to continue in her respective service till disposal of this Original Application.

10.

11. PARTICULARS OF I.P.O. :

- | | |
|---------------|------------------------|
| 1. I.P.O. No. | : 503814 dt. 6.11.2000 |
| 2. DATE | : |
| 3. PAYABLE AT | : GUWAHATI. |

12. LIST OF ENCLOSURES :

As stated in the " I N D E X ".

15
सुनील बाबू

VERIFICATION

I, Smti Chandra Balmiki, D/O Late Sita Ram Balmiki, aged about 45 years, working as regular Sweepar (Safaiwali) in the office of the D.T.C. Biswanath Chariali and S.D.E. Phones (Group) Biswanath Chariali, do hereby verify and state that the statements made in paragraphs 4(a), 4(c), 5(1), 5(4), 5(5), 5(6), 5(7), 6, 7 and those made in paragraphs 1, 2, 3, 4(b), 4(d), 4(e), 4(f), 5(2), 5(3) are matters of records which I believe to be true and rests are my humble submission before the Hon'ble Tribunal. I ~~xxxxxxx~~ have not suppressed any material facts.

And I sign this verification on this the day of 8th November, 2000.

सुनील बाबू

APPLICANT

ANNEXURE - 'A'.

ENGAGEMENT PARTICULARS FROM THE DATE OF INITIAL ENGAGEMENT.

O/O the T.D.M. Tezpur- 784001

Name : Smt. Chandra Balmiki. Date of engagement:-01-08-1995.

Year	Month	No of days	Made of payment is master roll/ ACC-17 particu- lars is voucher Nos.	Amount	Engaged by whom	Bill No/ passing autho- rity	Name of AO who has paid.
2000	June '2K	25 days	ACG-17 paid by	1100/-	SDE	Sr.A.O.	Sr.A.O.
	July '2K	26 days	the Sr.A.O. (1144/-	(TT)	(Cash)	Cash/Tz
	Aug '2K	11 days	cash) O/O TDM Tezpur Sba Tezpur.	484/-	Tz.	Tezpur.	

Certified that the above statements are true to the best of my knowledge which I have personally verified with the relevant records as available here at my office.

Sd/- (H. Nath)

SG.TL. I/C, DTO

Biswanath Chariali.

Certified to be true Copy


Advocate

ANNEXURE -

A₁

DEPARTMENT OF TELECOMMUNICATIONS

Office of the SG.TL.I/C, DTP Biswanath Chariali.

To No.2/BNC/Safaiwalla/2000-2001 dt.21/09/2000.

To,

The SDE
Telegraph Traffic,
Tezpur-784001.

Sub:- Engagement of Safaiwalla.

This is for your information and kind necessary action that no any person is engaged towards the works of Safaiwalla especially for the clearence of latrines and urinals after the release of Smt.Chandra Balmiki, Safaiwalla w.e.f. 14/08/2000 please.

Sd/- (H. NATH).

SG.TL.I/C, DTO Biswanath Chariali.

Certified to be true Copy


Advocate

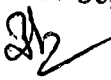
ANNEXURE - 'B'.

Collected from T.D.M. Office, Tezpur.

The Sub-Divisional Engineer Phones (Gropp)
Biswanath Chariali Paid Rs. 775/- for the month
of April/2000 vide his Voucher No. 03 dated
6/4/2000 (A/C period ending 30/4/2000) in
plain paper).

Sd/- Illegible

Certified to be true Copy


Advocate

ANNEXURE - 'C'.

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No. 299 of 1996.

and

302 of 1996

Date of order: This the 18th 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 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 applica No.1 in O.A. 299/96 represents the interest of the casual labourers referred to Annexure-A to the Original Application and the applican No.2 is one of the labourers in Annexure- A. Their grievences are :

Certified to be true Copy


Advocate

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 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 benefits had been granted to the casual labourers such as conferment of temporary Status, Wages and Daily Rates with reference to the minimum of the pays 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.

Certified to be true Copy


Advocate

..... 3.

- 3 -

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 29.12.1993 before the Chairman Telecom Commission, New Delhi but to the knowledge of the applicant the said representation has not been disposed of. Hence the present application.

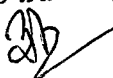
3. O.A.299/96 is also of similar facts. The grievances of the applicants are also same.

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.O 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.

Certified to be true Copy


Advocate

ANNEXURE - 'D'.

GOVERNMENT OF INDIA
DEPARTMENT OF TELECOMMUNICATIONS
OFFICE OF THE CHIEF GENERAL MANAGER TELECOM
ASSAM CIRCULE:ULUBARI:GUWAHATI-7.

NO. ESTT-9/12/Pt-I/6

Dated at Guwahati, the 04-11-99.

In accordance with the instructions contained in D.O.T.New Delhi letter No. 269-13/99-STN dated 16-09-99 the head of concerned district/S.S.A. is hereby authorised to convert the part-time casual labourers presently working for 04 hours or more a day who have worked for atleast 240 days in the preceding 12 months into full time casual labourers. This will be applicable only to the extent of the number shown below against respective S.S.A./District:-

Kamrup Telecom District	: 02 (Two).
Nowgaon S.S.A.	: 04 (Four)
Tezpur S.S.A.	: 09 (Nine)
Dibrugarh S.S.A.	: 03 (Three)
Bongaigaon S.S.A.	: 06 (Six)
Jorhat S.S.A.	: 12 (Twelve)
TOTAL	: 36 (Thirty-six)

The conversion of the part time casual labourers into full time casual labours as above will be further subject to the following :

(a) As a one-time relaxation, part time casual labourers with 04 ~~hours~~ or more hours of duty per day who have worked for 240 days in the preceding 12 months may be converted into full time casual labourers. This will be applicable only to the extent of the number indicated against respective field units in the Annexure.

(b) They should be engaged as casual labourers subject to suitability.

(c) They should be engaged as casual labourers only where there is shortage of Group 'D' staff(i.e. existence of vacant Group '1') posts after accounting for all T.S.Ms and existing full time casual labourers) and no posts should be created for the purpose.

(d) In the event, there is no shortage in Group'D at the station where the part time casual labourer is to be engaged to work as full time casual labourers, the part time casual labourers will not be converted into full time casual labourers.

(e) Payment to the above casual labourers may be made as provided for under Rule 331 of P & T F.H.B. Vol. I Under no circumstances should they are paid through muster roll.

(f) No part time casual labourers will be engaged hereafter and any violation will result in disciplinary action.


Sd/- (B.C. PAL)
Asstt. Director Telecom(E&R)

Copy to :-

1. The General Manager, Kamrup Telephones, Guwahati
2. The Telecom District Manager,
Jorhat/Nowgaon/Tezpur/Bongaigaon.

Sd/- (B.C. PAL)
Asstt. Director Telecom(E&R).

Certified to be true Copy


Advocate

ANNEXURE - E1.

Corr.- 7

DEPARTMENT OF TELECOMMUNICATIONS

Sub Divisional Engineer(TT)/Tezpur-784001.
Office of the

To,

NOTICE

NO:- X-1/2000-01/8

Dated at Tezpur the 14-7-2000.

To,

Mrs. Chendra Balmiki
Telegraph Office,
Biswanath Charali.

Sub:- Disengagement of casual labour.

Ref:- TDM/TZ letter No. X-38/CMPT/00-01 dtd at Tezpur
6.7.2000.

With ref. to TDM/Tezpur letter no, cited above,
the u/s is directed to inform you that your service to
the Department of Telecommunications will be no longer
required w.e.f. 14.8.2000 (One month notice). ✓

Sd/- Illegible
14/7/2000

Sub-Divisional Engineer
Telecommunication Traffic
Tezpur Sub-Division
Tezpur-784001.

Copy to TDM/Tezpur for information.

Sd/-

Sub-Divisional Engineer
Telecommunication Traffic
Tezpur Sub-Division
Tezpur-784001.

Certified to be true Copy

Advocate

Anax - 'F'

FORM NO. 4
(See Rule 42)

In the Central Administrative Tribunal
Guwahati Bench:Guwahati

ORDER SHEET
APPLICATION NO. 184/99 OF 1999.

Applicant(s) Sri Prabin Doley and Ors.
Respondent(s) Union of India and Ors.
Advocate for Applicant(s) Mr. B.K. Sharma
Mr. S. Sarma
Advocate for Respondent(s) Mr. A. Deb Roy
Sr.C.G.S.C.

Date

Order of the Tribunal

11.6.99

Present: Hon'ble Mr. Justice D.N. Baruah, Vice-Chairman and Hon'ble G.L. Sanglyine, Administrative Member.

The applicants have approached this Tribunal by filing the present application and seeking permission as per provision contained in Rule 4(5) of C.A.T. Procedure Rules 1987.

Heard Mr. B.K. Sharma learned counsel for the applicant and Mr. A. Deb Roy, learned Sr.C.G.S.C. for the respondents. On hearing permission is granted.

Application is admitted. Issue notice on the respondents. Returnable by 4 weeks. List on 13.7.99

Records shall be produced on the date of hearing.

Sd/- VICE CHAIRMAN
Sd/- MEMBER (ADMIN)

Certified to be true Copy


Advocate