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CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

M.P-179/2000 ordersheet pg-1
disposed date-06/6/2000

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O.A/T.A No. 4/2000

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E.P/M.A No. 179/2000

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SECTION OFFICER (Judl.)

FORM NO. 4

(See Rule 42)

In The Central Administrative Tribunal

GUWAHATI BENCH : GUWAHATI

ORDER SHEET

APPLICATION NO. 4/2000

OF 199

Applicant(s)

Sri M. Budhi Singh and oes.

Respondent(s)

Union of India and oes.

Advocate for Applicant(s)



Mr. B. K. Sharma Mr. S. Sarma
Mr. A. K. Choudhry Mr. U. K. Gopinath

Advocate for Respondent(s)

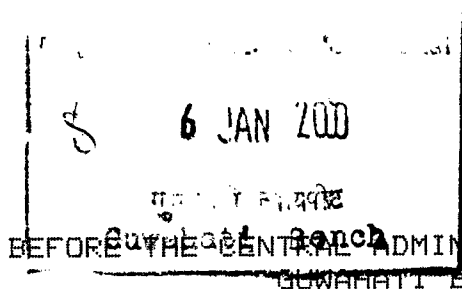
C. G. S. C.

Notes of the Registry	Date	Order of the Tribunal
<p>This application is in form and within time.</p> <p>C. F. of Rs 50/-</p> <p>Deposited vide</p> <p>IPO BD N 45/162</p> <p>Dated 5.5.2000</p> <p>10/11/2000</p> <p>10/11/2000</p> <p>10/11/2000</p>	11-1-2000	<p>Present: Hon'ble Mr. Justice D. N. Baruah, Vice-Chairman and Hon'ble Mr. G. L. Sanglying Administrative Member.</p> <p>The present application the applicant No. 1 is the Union and he represents the interest of 25 applicants reflected in Annexure-A to the O.A.. Applicant No. 2 is a similarly situated affected party belongs the Union. They have been prayed for permission to join in a single application under the provision of Rule 4(5)(b), C.A.T. Procedure Rules 1987.</p> <p>Heard Mr. B. K. Sharma learned counsel for the applicant and Mr. A. Deb Roy, Sr. C. G. S. C. for the respondents. Prayers for joining together in single application is granted.</p> <p>In the application the applicants have challenged the Annexure 9 order issued by the Telecom District Manager</p>

contd/-

Notes of the Registry	Date	Order of the Tribunal
	11-1-2000	
<p>4.2.2000</p> <p>Copy of the order has been sent to the D/sec. for issuing the same to the L/As of the parties.</p> <p>H.P.</p> <p>Issued vide D.Nos. 368 to 369. Dtd 4.2.2000</p> <p>H.P.</p>		<p>Dimapur, Nagaland SSA. The case of the applicants is that they have been working under the respondents since long and as such they are entitled to ^{get} the benefit prescribed in Annexure 1,2 and & 3 scheme. In addition to that as per A-5 order there are 50 vacant posts of DRM. Hence their cases are required to consider as priority basis.</p> <p>On hearing counsel for the parties we dispose of this application to the ^{as per direction} respondents to scrutinise the case of the applicants in the light of Supreme Court Order pursuant to which the scheme came into force and to pass reasons order to that effect. The applicants may file representation within a period of 15 days from the date of receipt of this order. The respondents while disposing of the same representation if file, to take into consideration the length of service as well as the scheme prepared in this regard. This must be done within a period of 1 month from the date of receipt of this representation. Application is disposed of. No order as to costs. Till disposal of the representation status quo as on to-day shall be maintained.</p> <p> Member</p> <p> Vice-Chairman</p>

MS
24/1/2000



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

Title of the case :

O.A.No. 4/2000 of 1999.

BETWEEN

All India Telecom Employees Union & ors.

Nagaland, Division. Represented By,

M. Buddhi Singh & ors.

VERSUS

Union of India & Ors.

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Filed by : Uk Goswami
Advocate

File No.: C:\WS7\M-DUD-1

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Filed by
the Applicant
through

W.K. Goswami
Advocate
5-1-2000

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

O.A.No. 4/2000

BETWEEN

1. All India Telecom Employees Union
Line Staff and Group-"D"
Nagaland, Division,
represented by, Divisional Secretary,
Shri M. Buddhi Singh.
2. Shri Khehuto Sema. Casual Worker,
Working under Sub Divisional Officer (Telecom)
Dimapur Nagaland. Applicants.

- A N D -

1. The Union of India,
Represented by the Secretary to the
Ministry of Communication, New Delhi.
2. The Chairman Telecom Commission,
Sanchar Bhawan, New Delhi.
3. The Chief General Manager,
N.E. Telecom Circle,
Shillong-793001.
4. The Telecom District Manager,
Nagaland, Telecom Division,
Dimapur, Nagaland.
..... Respondents.

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PARTICULARS OF THE APPLICATION

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

This application is directed against the order dated 21.9.98 issued by the Telecom District Manager, Dimapur, Nagaland SSA, by which representation filed by the applicant No 1 has been disposed of illegally. The instant application is also directed against the action of the respondents in not considering the case of the applicants for regularisation of their respective services pursuant to scheme and directions of the Hon'ble Supreme Court by which under the similar facts situation like that of the applications, others named been benefited.

2. LIMITATION:

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

3. JURISDICTION:

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

4. FACTS OF THE CASE

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

4.2. That in the instant application, the Applicant No.1 is the Divisional Secretary of All India Telecom Employees Union, Line Staff and group-D, Nagaland, Divisional Branch and he repre-

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presented the interests of casual workers more particularly reflected in the Annexure-A to this Original Application. Applicant No.2 is one of the casual labourers as listed in the Annexure-A is also similarly situated like that of the other applicants on whose behalf the instant application has been filed by the applicant No.1. Accordingly the cause of action and relief sought for by the applicants are same. Thus the instant applicants pray that they may be allowed to join together in a single application invoking rule 4(5)(b) of CAT (Procedure) Rules 1987 to minimise the number of litigation as well as the cost of the application.

A list containing the names and particulars of the applicants is annexed herewith and marked as ANNEXURE-A respectively.

4.3. That the casual labourers whose interests are being represented in the instant application were all appointed in various dates ranging from 1986 onwards on casual basis. The applicants are at present drawing their wages under ACG-17 and ACG-17 pay slips, which will show that they are casual workers of the Dept. of Telecommunication and hence the applicants pray for a direction to the respondents to produce all the relevant documents at the time of hearing of the case.

For better appreciation of the factual position the services particulars reflected in the Annexure-A may be referred to. They are still continuing in their respective posts as reflected in the Annexure-A till date.

4.4. That some of the similarly situated employees belonging to the postal Department had approached the Hon'ble Supreme Court for direction for regularisation, as has been prayed in the instant application and the Hon'ble Supreme Court acting on their Writ Petition had issued certain directions in regard to preparation of a scheme for those casual workers who have completed one

year of continuous service and for grant of temporary status and subsequent regularisation to those casual labourers of the Department of Posts. It is pertinent to mention here that claiming similar benefit a group of similarly situated employees under the respondents i.e. of department of Telecommunication had also approached the Hon'ble Supreme Court for a similar direction by way of filing writ petition (C) No.1280/89 (Ram Gopal & Ors.Vs. Union of India & Ors) along with several writ petition i.e. 1246/86, 1248/86 etc. In the aforesaid writ petitions the Hon'ble Supreme Court was pleased to pass a similar direction to the respondents authority to prepare a scheme on a rational basis for absorption the casual labourers as far as possible, who have been working more than one year in their respective posts. Pursuant to judgment the Govt.of India, Ministry of Communication, prepared a scheme in the name and style "Casual Labourers (Grant of Temporary Status and Regularisation)Scheme 1989" and the same was communicated vide letter No.269-10/89-STN dated 7.11.89. In the scheme Certain benefits.granted to the casual labourers such as conferment of temporary status, wages and daily Rates with reference to minimum pay scale of regular Group-D officials including DA/HRA etc.

A copy of the above mentioned scheme is annexed herewith and marked as ANNEXURE-1.

Applicants crave leave of the Hon'ble Tribunal to produce a copy of the order passed by the Hon'ble Supreme Court at the time of hearing of the case.

4.5. That as per the Annexure-1 scheme as well as the directions issued by the Hon'ble Supreme Court in the cases mentioned above, the applicants are entitled to the benefits described in the scheme. The applicants are in possession of all the qualifications mentioned in the said scheme as well as in the afore-

said verdict of the Hon'ble Supreme Court, and more specifically in the datas described in the Annexure-A may be refereed to for the better appreciation of the factual position.

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

A copy of the said letter dated 17.12.93 is annexed herewith and marked as ANNEXURE-2.

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

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

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

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

4.9. That the applicants state that the casual labourers working in the Deptt of Telecommunication are similarly situated like that of the casual workers working in the Deptt. of Posts and their nature of work and duties as well as responsibilities are also same. In both the cases relevant schemes was prepared as per the direction of the Hon'ble Court delivered their judgment in respect of the casual workers in the Deptt. of Telecommunication following the judgment delivered in respect of casual workers in the Deptt. of Posts. As stated earlier both the Deptts. are the same Ministry i.e. Ministry of Communication. Therefore, there is apparent discrimination in respect of both the sets of casual labourers though working under the same Ministry. It is pertinent to mention here that the casual workers of the Deptt of Posts on obtaining the Temporary Status are granted much more benefited than the casual workers of the Deptt. of Telecommunication. Similar benefits are required to be extended to the casual workers of the Deptt. of Telecommunication having regard to the facts both the Deptts are under the same ministry and the basic foundation of the scheme for both the Deptts are Supreme Court's

judgment referred to above. If the casual workers of the Deptt of Posts can be granted with the benefits as enumerated above based on Supreme Court's verdict, there is no earthly reason as to why the casual workers of the Deptt. of Telecommunication should not be extended with the similar benefits.

4.10. That the applicants state that the matter relating to filling up of Group-D posts came before the Regional Joint Consultancy Meeting held in Shillong on 28.11.95 under the Chairmanship of Shri V.P.Singh, Chief General Manager, N.E. Circle. In the aforesaid meeting including Chairman there were 6 competent officers and 11 union members from the staff side present to discuss the welfare of the Casual/Contractual Employees including regularisation of Group-D Employees. After a detailed discussion a decision was taken for one time relaxation of Group-D recruitment and to that effect both the sides, office side as well as staff side decided to approach Directorate for the appropriate steps.

A copy of Minutes of the aforesaid Regional Joint Consultancy Meeting dated 28.11.95 is annexed herewith and marked as ANNEXURE-4.

4.11. That pursuant to aforesaid agreement of the meeting both the side approached the Directorate and as per instruction issued to the Chief General Manager, Telecom, a letter was issued on 25.7.96 whereby 400 posts of Daily Rated Mazdoors under the Chief General Manager, Telecom, N.E.Circle have been distributed in six sub stations including Nagaland, SSA. As per the aforesaid distribution 50 posts have been allotted under the Nagaland Division.

A copy of the aforesaid letter dated 25.7.96 is annexed herewith and marked as ANNEXURE-5.

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4.12. That the applicants beg to state that in view of afore-said scheme as well as the verdict of the Hon'ble Supreme Court, they entitled to be regularised more so when there is at present 50 vacancies as per Annexure-5 letter. The case of the applicant is also covered by the various circulars as well as guidelines issued by the Govt from time to time in this regard.

The applicant craves leave of this Hon'ble Tribunal to produce the same at the time of hearing of the case.

4.13. That the Applicant No.1 in view of the above discrimination in respect of the applicants reflected in Annexure-A working under the Respondent No.4 made several representations to the authority concerned. In one of the said representations the grievances of the applicants on whose behalf this application is made along with some others have been reflected. In the said representations apart from the other grievances it was pointed out that there are at least 50 vacancies and at present the Deptt.concerned in the need of Group-D employees. Thereafter, having found no reply on the said representation the applicant No 1 exposing the cause of the applicants mentioned in the Annexure-A submitted yet another representation on 20.4.98.

A copy of one of the representations dated 3.2.98 and 20.4.98 are annexed herewith and marked as ANNEXURE-6 and 6A.

4.14. That the applicants beg to state that making a similar prayer a group of casual workers working under Assam Circle had approached this Hon'ble Tribunal by way of filing OA No.299/96 and 302/96 and this Hon'ble Tribunal pleased to allow the afore-said application on 13.8.97 by a common judgment and order.

A copy of the said order dated 13.8.97 is

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annexed herewith and marked as ANNEXURE-7.

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

4.16. That aggrieved by the aforesaid action of the respondents some of the casual workers of the Nagaland Division have filed O.A. No 125 of 1998 before the Hon'ble Tribunal seeking redressal of those grievances. In the aforesaid application prayed they for their regularisation as well as grant of temporary status in their respective services as has been done in the other cases. The said application came up before the Hon'ble Tribunal on 17.6.98 and this Hon'ble Tribunal was pleased to pass an order directing the respondents to dispose of the representation filed by the applicant within 30.9.98. The Hon'ble Tribunal was further pleased to give liberty to the applicants to submit fresh O.A. if they are still aggrieved by the said disposal order of the respondents.

A copy of the said order dated 17.6.98 passed in O.A. No 125 of 98 is annexed herewith and marked as ANNEXURE-8.

4.17. That thereafter the respondents i.e. the Telecom District Manager issued an order dated 21.9.98 to the applicant of

the said O.A. disposing of the representation filed by them stating some irrelevant facts which were not at all the subject matter of the case. In the said order the respondents have failed to apprise the exact factual position as to why the case of the applicants could not be considered as per the verdict of the Hon'ble Supreme Court as well as the Scheme prepared by themselves for grant of temporary status and regularisation.

A copy of the said order is annexed herewith and marked as ANNEXURE-9.

4.18. That the applicant begs to state that the present applicant No 1 has also filed the said O.A. and the present applicants reflected in the Annexure-A are also member of the said union, hence the said order dated 21.9.98 will also cover the case of the present applicants. Therefore the applicants have challenged the Annexure-9 order as they are also similarly situated like that of the applicants in O.A. No 125 of 1998.

4.19. That the applicants beg to state that the respondents have issued the aforesaid Annexure-9 order with some ulterior motive only to deprive the applicants from their legitimate claim of regularisation. As stated above the respondents have highlighted some irreverent facts in the Annexure -9 order while disposing of the representation filed by the applicants. The main crux of their representation was for regularisation and grant of temporary status and for consideration of their cases against the sanctioned 120 nos of posts for Gr D employees but in reply to the said representation, the respondents have issued the impugned order Annexure-9 with out going in to the merit of the representation. Again the said order (Annexure-9.) reflects total non application of mind by the respondents. The respondents being a model employer ought to have granted the benefit of temporary

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status as per the scheme as well as the verdict of the Hon'ble Supreme Court without requiring them to approach the doors of the Hon'ble Tribunal again and again, more so when all the applicants fulfill the required qualification as per the said scheme.

4.20. That the applicants state that in a nutshell their whole grievances are that to extend the benefit of the aforesaid scheme as well as similar treatment as has been granted to the casual workers working under Deptt. of Posts in regard to treating the cut of date of engagement as 10.9.93 for conferment of benefits of the aforesaid scheme and to regularise the service of the applicants taking in to account of the order of the Supreme Court wherein it has been categorically stated that to regularise the service the casual employees like of the applicant who have complied one year of continuous service. The applicants also prays for modification of the scheme taking into consideration their one year of continuous service in the light of Hon'ble Supreme Court's order.

~~4.20.~~ 4.21 That the applicants beg to state that the respondents are presently making arrangements for filling up those 50 posts of Gr.D Mazdoors within a short time and it is also learnt that the cases of the applicants will not be considered for those posts and some outsiders are going to be appointed in these posts. It is further stated that the reason behind the issuance of the aforesaid Annexure-9 order is very clear so that the applicants can not claim the said 50 posts in near future.

In view of the aforesaid facts and circumstances the applicants pray for an interim order directing the respondents not to fill up any vacant posts including those 50 sanctioned posts till disposal of this application.

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5. GROUND FOR RELIEF WITH LEGAL PROVISION:

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

5.2. For that it is the settled law that when some principles have been laid down in a judgement extending certain benefits to a certain set of employees, the said benefits are required to be similarly situated employee 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.

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

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

5.5. For that the impugned order at Annexure-9 is prima-facie illegal arbitrary and violative of the principles of natural justice and hence the same is liable to be set aside and quashed. The said order is also not a speaking order so far it relates to the claim of the applicants made in their representation.

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

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6. DETAILS OF REMEDIES EXHAUSTED:

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

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

That the applicants further declare that they have not filed previously any application, writ petition or suit regarding the grievances in respect of which this application is made before any court or nay other Bench of the Tribunal or any other authority nor any such application, writ petition or suit is pending before any of them.

8. RELIEF SOUGHT FOR:

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

8.1. To direct the respondents to extend the benefits of the said scheme to the members of the applicants and to regularised their services and to set aside and quash order dated 21.9.98.

8.2. To direct the respondents to extend the benefits of the scheme to the applicants particularly who have joined in the year 1993 taking in to consideration the judgement of the Hon'ble earnakulam Bench and to regularise their services.

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

of the applicants.

8.4. Cost of the applicants.

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

9. INTERIM ORDER PRAYED FOR:

Pending disposal of this application the applicants pray for an interim order directing the respondents not to fill up any vacant posts of Daily Rated Maxdoors without first considering the case of the applicants.

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11. PARTICULARS OF I.P.O.:

1. I.P.O. No. : OA 454622
2. Date : 5-1-2000
3. Payable at : Guwahati.


12. LIST OF ENCLOSURES:

As stated in the INDEX.

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

I, Shri M.Buddhi Singh., s/o I. Singh, aged about 52 years, Divisional Secretary, All India Telecom Employees Union, Line Staff and Group-D, Nagaland, Division, do hereby verify and state that the statements made in paragraphs 4.1, 4.3, 4.5, 4.8, 4.9, 4.12, 4.15, 4.18 to 4.21 are true to my knowledge and those made in paragraphs 4.2, 4.4, 4.6, 4.7, 4.10, 4.11, 4.13, 4.14, 4.16 are true to my legal advice and I have not suppressed any material facts. I am also duly authorised by the applicant No.2 to sign this verification on his behalf.

And I sign this verification on this the 5th day of ~~May 1999~~. January 2000


M. Buddhi Singh

Signature.

PARTICULARS OF THE CASUAL WORKER
WORKING UNDER DIMAPUR SUB.DVN/NAGALAND
IN THE OFFICE OF THE SDOT/ DIMAPUR.

Name	Present Posting	Edu. Qua.	Employment Exg.No.	Date of Entry	working under	Mode of Payment
1.P.D.Das	Casual M/D	Class VI		22.12.88	DET M/W(F) DMP.	ACG-17
2.T.C.Kalita	-do-	Class VIII		13.02.89	-do-	-do-
3.Ramprit Rai	-do-	Class-X	1360/89	12.7.89	-do-	-do-
4.Jaganath	-do-	Class-VII		1.1.91	Tele Xge Mokokchung	-do-
5.Johor Nag	-do-	Class-VIII		1.3.91	TDM Office	-do-
6.Mahesh Pradhan	-do-	Class-VII		1.3.91	-do-	-do-
7.Subir Das	-do-	Class-X		1.5.93	SDE(Grp)DMP	-do-
8.Taibur Rahman	-do-	Class-IX	M/84/98	1.3.94	SDOT, Mokokchung	-do-
9.Madhu Nath	Casual	B.Com III yr.	38/95	1.4.94	A.O. Computer o/o the TDM, NLD.	-do-
10.Khehuto Sema	-do-	Class-X	201/94	1.2.93	JTO(O/D) Tele Xge Dmp.	-do-
11.Dilip Mech	-do-	Class-X	3236/96	1.7.92	-do-	-do-
12.Ms.Kharitila Aier.	-do-	B.A.	W/732/94	3.9.93	SDOT, Dimapur	-do-
13.Ms.Nomita Saikia	-do-	PU II yr	W/2270/96	1.7.96	TDM, NLD, Dmp.	-do-
14.Uttam Prasad	-do-	Class-X	1540/97	1.4.91	SDE(Grp)Dmp	-do-
15.Hovishe Sema	-do-	Class-IX	4369/96	1.7.97	JTO(O/D) Tele Xge, Dmp.	-do-
16.Sanjib Dey	-do-	Class-X	787/96	1.3.94	-do-	-do-
17.Smti Sangla	-do-	PU		15.4.95	-do-	-do-
18.Prafullo Kr. Sinha	-do-	Class IX		1.5.91	SDE(Admn) TDM, NLD, Dmp.	-do-
19.M.D.Islam	-do-	B.A.		1.3.1991	SDE(OCB)Dmp	-do-
20.Anjan Roy	-do-	Class-X		1.3.91	-do-	-do-
21.Prabin Mech	-do-	Class-IX	588/95	1.1.96	JTO(O/D) Tele xge, Dmp.	-do-
22.Arun Mech	-do-	Class-X	3436/96	1.1.96	-do-	-do-
23.C.Moa	-do-	Class-X		1.5.96	SDE Grp, TDM Dmp	-do-
24.T.Ahoni Sema	-do-	Class-V		7.12.95	TDM, DMP	-do-
25.Uttam Kumar	-do-	Class-X		2.12.91	SDE(Grp)	-do-

CIRCULAR NO. 1
GOVERNMENT OF INDIA
DEPARTMENT OF TELECOMMUNICATIONS

STN SECTION

No. 269-10/89-STN

New Delhi 7.11.89

To

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

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

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

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

3. In this connection , your kind attention is invited to

letter No.270-6/84-STN dated 30.5.85 wherein instructions were issued to stop fresh recruitment and employment of casual labourers for any type of work in Telecom Circles/Districts. Casual labourers could be engaged after 30.3.85 in projects and Electrification circles only for specific works and on completion of the work the casual labourers so engaged were required to be retrenched. These instructions were reiterated in D.O letters

No.270-6/84-STN dated 22.4.87 and 22.5.87 from member(pers.and Secretary of the Telecom Department) respectively. According to the instructions subsequently issued vide this office letter No.270-6/84-STN dated 22.6.88 fresh specific periods in Projects and Electrification Circles also should not be resorted to.

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

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

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

SMF/78/98 dated 27.9.89.

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

sd/=

ASSISTANT DIRECTOR GENERAL (STN).

Copy to.

P.S. to MDS (C).

P.S. to Chairman Commission.

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

All recognised Unions/Associations/Federations.

sd/=

ASSISTANT DIRECTOR GENERAL (STN).

ANNEXURE - 2

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

1. This scheme shall be called "Casual Labourers (Grant of Temporary Status and Regularisation) Scheme of Department of Telecommunication. 1989"

2. This scheme will come in force with effect from 1.10.89. onwards.

3. This scheme is applicable to the casual labourers employed by the Department of Telecommunications.

4. The provisions in the scheme would be as under.

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

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

Temporary Status.

i) Temporary status would be conferred on all the casual labourers currently employed and who have rendered a continuous service at least one year, out of which they must have been engaged on work for a period of 240 days (206 days in case of offices observing five day week). Such casual labourers will be designated as Temporary Mazdoor.

ii) Such conferment of temporary status would be without reference to the creation / availability of regular Gr. D posts.

iii) Conferment of temporary status on a casual labourers would not involve any change in his duties and responsibilities. The engagement will be on daily rates of pay on a need basis. He may

be deployed any where within the recruitment unit/territorial circles on the basis of availability of work.

iv) Such casual labourers who acquire temporary status will not, however be brought on to the permanent establishment unless they are selected through regular selection process for Gr. posts.

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

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

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

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

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

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

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

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

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

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

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

@ @ @

ANNEXURE-3...

NO. 269-4/93 STN _ II
GOVERNMENT OF INDIA.
DEPARTMENT OF TELECOMMUNICATION;.
STN SECTION.

Dated New Delhi 17 Dec 1993.

To,
All Heads of Telecom Circles/Metro Telecom Distt.
All Heads of other Administrative Offices.

All Heads of Ntce Regions/Project Circles.

Sub;- Casual Labourers (Grant of Temporary Status and
Regularisation) Scheme, 1989 engaged in circles
after 30.3.85 and up to 22.06.88.

Sir,

I am directed to refer to this office order no 269-4/93-
STN dated 25.th June 1993 , where in orders were issued who were
engaged by the project Circles/Electrification Circles, during
the period 31.3.85 to 22.5.88 and who are still continuing for
such works where they were initially engaged and who were not
absent for last more than 365 days continuing from the date of
issue of the above said orders.

2. The matter has further been examined in this office and
it is decided that all those casual labourers who were engaged by
the circle during the period from 31.3.85 to 22.6.88 and who are
still continuing for such works in the circles where they were
initially engaged and who are not absent for last more then 365
days continuing from the date of issue of this order, be brought
under the aforesaid scheme.

3. The engagement of the casual mazdoors after 30.3.85 in
violation of the instruction of the Head Quarter ,has been viewed
very seriously and it is decided that all past cases wherein
recruitment has been made in violation of instruction of the Head
Quarter dated 30.3.85 should also be analyzed and disciplinary
action be initiated against defaulted officers.

4. It is also decided that engagement of any casual mazdoors
after the issuance of order should be viewed very seriously and
brought to the notice of the appropriate authority for taking
prompt and suitable action. This should be the personal responsi-
bility of the Head of the Circle, concerned Class-II Officers and
amount paid to such casual mazdoors towards wages should be
recovered from the person who has recruited/engaged casual la-
bourer in violation of these instructions.

5. It is further stated that the service of the casual
mazdoors who have rendered at least 240 days (206 days in case of
Administrative offices observing 5 days a week) of service in a
year on the date of issue of these orders , should be terminated
after following the condition laid down in I.D.Act 1947 under

section 25 F.G. & H.

6. These orders are issued with the concurrence of Member (Finance) vide U.O. No. 3811/93-FA-I dated 1.12.93.

Hindi version follows.

Yours faithfully:

(S.K.Dhawan)

Asstt. Director General (STN.)

copy to :-

1. All the staff members of Dept. JCM.
2. All recognised Unions/Associations.
3. Budget TE-I/TE-II/SNA/CVC/PAT/NCS/Sr Sections of the Telecom Commission.
4. SPP-I Section Dept. of Posts, New Delhi.

NO RECTT-3/10 part-II dated at Guwahati, 4.1.94. copy forwarded for information, guidance and necessary action to:-

- 1-2. The AMTs Guwahati/ Dibrugarh.
- 3-8. The TDM Guwahati.
9. The TDEs BGN/DR/SC/TZ/JRT.
- 10-14. The STTs BGN/DR/SC/TZ/JRT.
15. The C.S.C.T.O. Guwahati.
16. The A.E. I/C CTSD Guwahati.
17. The principal CTTC Guwahati.
18. The REM Guwahati.
19. The A.D. (Staff) C.D. Guwahati.
20. The concerned circle Secretaries of Service Unions.

sd/=

(K.S.K. Prasad Sarma.)

Asstt Director Telecom (E & R.)

O/O CGMT Ulubari, Ghy-7.

ANNEXURE-3
EXTRACT.

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

NO.66-52/92-SPB/I

dated 1.11.95.

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

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

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

This issue with the approval of I.S and F.A. vide Dy. No 2423/95 dated 9.10.95. ANNEXURE-3.

ANNEXURE- 4

Minutes of
XVII -R.J.C.M.Meeting dtd: 28.11.95.

The following are the Minutes of the XVII Regional J.C.M. Meeting held in Shillong on the 28.11.95, under the Chairmanship of Shri V.P.Sinha, Chief General Manager Telecom. N.E.C. Shillong.

Members present in the Meeting:

Official Side

1. Shri H.C.Singh, D.G.M. (A)
2. Shri G.K.Chin, D.F.A
3. Shri C.S.Kataria, T.D.M/SH.
4. Shri G.N.Chyne, A.G.M(A)
5. Shri M.Pal, A.D.T. (ESTT.)

Staff side

1. Shri B. Dutta, Leader Staff side.
2. Shri H. Chakraborty, Secy. Staff Side.
3. Shri Gopal Das
4. Shri S.S.T Gashnga.
5. Shri M. Kulla Singh.
6. Shri S.K. Ghosh.
7. Shri I.L.Roy.
8. Shri H.K. Bhattacharjee.
9. Shri G. Lyngdoh.
10. Shri H.R. Lyngdoh.
11. Shri B. Buddhi Singh.

Others

Observers.

1. Shri B.K.Chakraborty, SE(C)
2. Shri Sanjay Kumar, E.E. (C), SH
3. Shri R.P.Sharma, A.D.T (Bldg.)
1. Shri Surajit Chakraborty/SH.
2. Shri N.L. Sha, Mtanagar.
3. Shri S.K.Sharma, Imphal.
4. Shri Tridip Das, Shillong.

Before the agenda was placed into for discussion, the staff side pointed that (i) the word 'SORKAR' was misspelt at the entry of the Administrative building (ii) The brief was illegible (iii) Brief on old item may be sent along with meeting notice and (iv) Memo regarding approval of nom. of members be circulated to all R.J.C.M. Members.

REVIEW OF OLD ITEMS:

Item No.1

15-10/93
AD(Bldg.)/
SE(C)/SH.

I.B. A & GUMHATI: The first offer was rejected since it was not in a suitable area. However, new offer has been received and the same is being examined. *Possible to be accepted*

14-2/94
A.O. (TA)/
D.F.A

DEDUCTION OF G.P.F. OF TSM: A.O. (TA) has issued instruction to all Units to furnish G.P.F. Schedules of TSMs. Prov. Balance slip will be issued for amount deducted so far. *Not yet done*

14-4/94
SE/SC/
AD(Bldg.)

CONSTRUCTION OF OFFICE ACCOMDN. & QUARTERS: *Not yet done*

T.D.M. Office building at Imphal, Site plan & structure plan have been submitted to C.E. Office where estimate is being taken up. *Not yet done*

1/95
IMP.

XVIERJCM-MM
(New Points contd)

RECTT. OF SPORTS MAN IN GROUP 'C' AND 'D' POSTS
IN N.E. CIRCLE:

This may be discussed in LJCM, Manipur.

Closed.

30-11/95
AGM(P)/
AD(Bldg.)

IRREGULAR OCCUPATION OF TY.III TWO STORY QUARTERS IN
RYNJAH BY TASK FORCE (PROJECT):

This may be discussed in the Standing Committee.
Moreover, it is confirmed that the quarters was
alloted to project Officials doing project works
in the Circle and necessary deduction as per rules
will be made soon. Matter may be referred to standing
Committee.

Closed.

31-11/95
AD(Bldg.)/
DGM(A)

ABNORMAL EARMARKING OF BY-POST QUARTERS FOR E-10B
EXCHANGE/SHILLONG:

D.G.M(A) will look into it.

32-11/95
AD.(E)

ONE TIME RELAXATION OF RECTT. FOR GROUP 'D' CADRE:
The Directorate will be approached in respect of
suggestion given by the staff-side to request for
One-Time relaxation of Gr-D recruitment citing
the actual shortage of the cadre in the circle
with justification of the requirement.

33-11/95.
Princl-CTTC

RECREATION AMENITIES TO CTTC HOSTELIERS: Principal
will justify the requirement for providing the
amenities to the hosteliars.

Next date of Meeting?

(G.N.CHYNE)

- AGM(A),

Secretary,

Regional JCM, N.E. Telecom,
Shillong-1.

TWE/RJCM/MEETING/95. Dt. 27.02.96.

Copy to:

1. All Telecom District Managers/GTTs In N.E. Telecom Circle.
2. The Regional JCM Members;
3. The Sr.PAs to CGMT and DGM (Dev) in Circle Office, Shillong.
4. The DE, CTSD N.E. Circle) Guwahati/All Gr.Officers in C.O/SH.
5. Circle Secretaries of Unions.

For: Chief Genl. Manager Telecom,
N.E. Circle, Shillong.

DEPARTMENT OF TELECOMMUNICATIONS
OFFICE OF THE CHIEF GENERAL MANAGER TELECOMMUNICATIONS
N.E. CIRCLE: SHILLONG-793001

No. EST/DE-583/27

Dated at Shillong, the 25th June/96

In pursuance of DOT/New Delhi's letter No.269-5/96-
STN-II dated 10/4-96 regarding One time relaxation to N.E.
Telecom. Circle to recruit 400 DRMs, C.G.M.T., N.E. Circle,
Shillong is pleased to distribute the same as indicated below:

<u>Name of the SSA</u>	<u>No. of DRMs.</u>
1. Meghalaya SSA	45
2. Tripura SSA	45
3. Nagaland SSA	50
4. Manipur SSA	60
5. Arunachal Pradesh SSA	80
6. Mizoram SSA	120

Recruitment of DRMs should be done as per existing
rules. The distribution as indicated above is inclusive of
requisition placed by non recruiting units. However, the
recruitment will be subject to the ceiling limit of the total
strength of staff as on 1/4-1991.

(Signature)
(G.N. Chyno)
Asstt. General Manager (A)
for Chief General Manager Telecom.
N.E. Circle, Shillong.

Copy for information and necessary action to :-

- 1-6. The Telecom. District Manager,
Shillong/Dimapur/Imphal/Agartala/Itanagar/Aizawl.
They are requested to ensure that the over all
representation of persons belong to weaker section
of the society, who are recruited as DRM, does not
go below the prescribed percentage in accordance
with the Govt. of India instruction issued from
time to time.
- 7-x. The D.E., C.T.S.D., Guwahati.
8. The D.E., C.T.T.C., Shillong.
- 9-10. The A.D.T. (HRD)/A.D.T. (T), C.O., Shillong.
11. The G.M.M. (ETR), Shillong.
12. The C.G.M. (Task Force), Guwahati.
13. The S.E. (Civil), Shillong.
14. The S.E. (Elect), Shillong.
15. The DE Installation, C.O./SH
16. DE Shillong / Shillong
17. All c/s of Recruitment
in N.E. Circle

(Signature)
for Chief General Manager Telecom.
Shillong - 793001

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N. F. T. E. ANNEXURE - 6

India Telecom Employees' Union Line Staff & ...

NAGALAND DIVISIONAL BRANCH

C/O TELEPHONE EXCHANGE

DIMAPUR - 797 112

Ref. No. *111/Div(Dup) 97-98/05*

Date *7/8/98*

To

The Telecom District Manager,
Nagaland S.B.A.,
Dimapur.

Dated:

Subj:- Request for making the Casual Labour (paid in AGG-17) into regular casual labour.

Sir,

With due honour I beg to state that the following few lines for your immediate necessary action. For your kind information the above said matter discussed in different occasion from the office records all of we know that approximately not long back. The details of the contractual labour and date of joining in this S.B.A and names are enclosed for your ready reference. In view of the shortage of line staff and Development work rapidly in the S.B.A, engagement of the contractual labour as regular casual labour is very much required. And for maintenance of the Telecom net work regularisation of the contractual labour is very much essential.

We therefore, under this critical juncture, requesting you to take prompt necessary action, so that regularisation and engagement in the sanctioned D.R.M post of the contractual labour as per the list may be completed immediately.

Thanking you in anticipation,

Sincerely yours

(M. Buddhi Singh)

Divisional Secy.

A. I. T. E. U. L/B & Group-D
Nagaland Division, Dimapur.

Copy to:

1. The Chief General Manager Telecom, N.E. Circle, Shillong for information and necessary action for approval of the matter in connection with very much development & maintenance work in the trouble torn Nagaland state.

2. The Circle Secy., AITEU, L/B & Group-D N.E. Circle, Shillong for information and necessary action please.

3. The Branch Secy. of Nagaland S.B.A for information.

7/8/98
(M. Buddhi Singh)

Divisional Secy. / Dimapur

Divisional Secretary

A. I. T. E. U.

in. & ...

Nagaland Division

Dimapur

N. F. T. E.

ANNEXURE - 6A

India Telecom Employees' Union Line Staff & Gr-D

NAGALAND DIVISIONAL BRANCH

C/O TELEPHONE EXCHANGE

DIMAPUR - 797 112

Date. 20-04-98.

Ref. No. NLD/DIV/DMP/98-99

To,

The Telecom Dist. Manager
Nagaland S S A, Dimapur.

Sub:- Regularisation of casual labourer working under SSAs, Microwave Mtce, Microwave Project, OFC PROJECT & Telegraph wing.

Sir,

With due honour I beg to state that the following few lines for your immediate necessary action for your kind information & the above said matter discussed in different occasion from the office records all of we know that approximately 164 Nos of casual labour are working in this Nagaland SSA since long back. The details of the casual labour and date of joining in this ssa (Microwave Mtce, Microwave Project, OFC project, Telegraph wings) and names are enclosed for your ready reference. In view of the shortage of line staff and Development work rapidly in the S S A, engagement of the casual labour/contractual labour as regular casual labour is very much required and for maintenance of the Telecom Network regularisation of the casual labour/contractual labour is very much essential.

We therefore, under this critical juncture, requesting you to take prompt necessary action, so that regularisation of the casual labour/contractual labour as per the list may be completed immediately.

Thanking you in anticipation.

Yours Sincerely,

Enclo:- List enclosed of
(164) casual labour/
contractual labour and
also other sub-division
may have casual labour/
contractual labour which
is to be included due to
lack of communication.

(M.B. SINGH)
Divisional Secretary
L/S & Group 'D' Nagaland
Division, Dimapur.

Copy to:-

1. The C.G.M.T N.E. Telecom Circle Shillong for infn. and n/a for approval of the matter in connection with very much development and maintenance work in the trouble torn Nagaland state.
2. The Director Mtce, ETR, Shillong -- for infn. & n/a pl.
3. The D.E.T. M/W (M) Dimapur-- for infn. & n/a pl.
4. The D.E.T. M/W (P) Dimapur - for infn. & n/a pl.
5. The D.E. (OP) Kohima for infn. & n/a pl.
6. The S.D.O.T., Mokokchung for infn. & n/a pl.
7. The D.E. Mtce, Dimapur for infn. & n/a pl.
8. The Circle Secretary, L/S & Group 'D' N.E. Circle SH for n/a pl
9. The Divnl. Secy, Cl-III Dimapur.
10. The All Branch secy, L/S & Group 'D' Dimapur/MKG/Kohima.
11. Office copy.

(M.B. SINGH)
Divisional Secretary.

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ANNEXURE- 7

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No.299 of 1996.

and

302 of 1996.

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

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

O.A.No.299 of 1996

All India Telecom Employees Union,

Line Staff and Group-D,

Assam Circle, Guwahati & Others. Applicants.

- Versus -

Union of India & Ors.

..... Respondents.

O.A. No.302 of 1996.

All India Telecom Employees Union,

Line Staff and Group-D

Assam Circle, Guwahati & Others. Applicants.

- Versus -

Union of India & Ors.

..... Respondents.

Advocate for the applicants : Shri B.K. Sharma

Shri S. Sharma

Advocate for the respondents : Shri A.K. Choudhury

Addl.C.G.S.C.

ORDER

BARUAH J. (V.C.)

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

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. D.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.Nishra and also by Shri Upen Pradhan, a casual labourer in the office of the Divisional Engineer, Guwahati. In D.A. 299/96, the case has been filed by the same Union and the applicant No.2 is also a casual labourer. The applicant No.1 in D.A. No.299/96 represents the interest of the casual labourers referred to Annexure-A to the Original Application and the applicant No.2 is one of the labourers in Annexure-A. Their grievances are :
 2. They are working as casual labourers in the Department of Telecom under Ministry of Communication. They are similarly situated with the casual labourers working in the Department of Postal Department under the same Ministry. Similarly the members of the applicant No 1 are also casual labourers working in the telecom Department. They are also similarly situated with their counter parts in the Postal Department. They are working as casual labourers. However the benefits which had been extended to the casual labourers working in the Postal Department under the Ministry of Communications have not been given to the casual labourers of the applicants Unions. The applicants state that pursuant to the judgment of the Apex Court in daily rated casual labourers employed under Postal Department vs. Union of India & Ors. reported in (1988) in sec.122 the Apex Court directed the department to prepare a scheme for absorption of the casual labourers who were continuously working in the department for more than one year for giving certain benefits. Accordingly a scheme was prepared by the Department of Posts granting benefit

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

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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. 9/96 is also of similar facts. The grievances of the applicants are also same.

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

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

Sd/- Vice Chairman.

Atok
Base

In The Central Administrative Tribunal
GUWAHATI BENCH : GUWAHATI

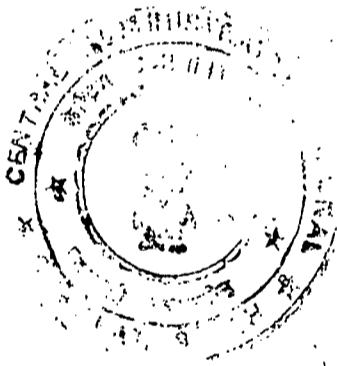
ORDER SHEET
APPLICATION NO. OA: 125 OF 1998

Applicant(s) All India Telecom employees union & Arms,
-Vs-

Respondent(s) Union of India & CPS

Advocate for Applicant(s) Mr. B.K. Sharma
Mr. S. Sharma
Mr. U.K. Nair

Advocate for Respondent(s) Mr. S. Ali, Sr.,
C.G.S.C

Notes of the Registry	Date	Order of the Tribunal
	17.6.98	<p>This application has been submitted by the applicants who are Contractual Casual Labour. They have submitted representation before the competent authorities of the respondents requesting them to make the applicants into regular casual labour. This representation dated 3.2.1998 has not been disposed of by the respondents. In the facts and circumstances, I consider that this application needs not be admitted at present for consideration on merit but it is to be disposed of with directions to the respondents.</p> <p>Accordingly the application is disposed of with a direction to the respondents No.3 and 4 to dispose of the representation of the applicants with a speaking order within 30.9.1998.</p>

contd..

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O.A. 125/98

s of the Registry

Date

17.6.98

Order of the Tribunal

17.6.98

Liberty granted to the applicants to submit fresh O.A. thereafter, if they so desire.

Application is disposed of. No order as to costs.

Sd/- MEMBER (ADMIN)

Mem.No. 1780

Dated 29/6/98

Copy for information and necessary action to :

1. The Secretary to the Govt. of India, Ministry of Communication, New Delhi.
2. The Chairman, Telecom Commission, Sansar Bhawan, New Delhi.
3. The Chief General Manager, N.E. Telecom Circle, Shillong -793001.
4. The Telecom District Manager, Dimapur Telecom Division, Dimapur, Nagaland.
5. The Director, Microwave Project, Under Task Force Telecom, Jorhat.
6. The Director, Maintenance, Eastern Telecom Region (ETR), Top Floor, E-10-B Exchange Building, Shillong -793001.
7. Shri M. Buddhi Singh, Divisional Secretary, All India Telecom Employees Union, Line Staff and Group-B, Nagaland Division, Dimapur.

SECTION OFFICER (J).

29/6/98

ANNEXURE- 9

DEPARTMENT OF TELECOMMUNICATIONS
OFFICE OF THE TELECOM DISTRICT MANAGER: DIMAPUR :
NAGALAND SSA:

NO:

Dated at Dimapur, the

To,

The Divisional Secretary,
AITTEU L/S and Group 'D'
Dimapur Division.

Sub:

Regularisation of Casual Labour.

With reference to your representation dated 17th July '98
I give the reply of your representation as follows :

1. That you being the Divisional Secy. AITTEU L/S and Group 'D' has no authority/power to represent the cases of Casual Labourers. You can only represent linestaff such as Lineman, SIs, LIs, Regular Mazdoors and Group 'D' Employees.

The casual labourers are engaged on casual basis for seasonal or intermitent nature of work. The concept of appointment/regularisation does not come under the purview of this representation. Their post cannot be created and does not fall under regular establishment.

It is further intimated that according to the Terms and conditions of recognition of the staff union appended with the compilation of instruction circulated vide DoT's letter No.10 12/87 SRT dtd.5.5.87, Membership of service union, is restricted to Govt.servant only. Neither the Mazdoors on whom Temporary status has been conferred nor the daily rated Mazdoors are regular Govt.servants. Hence they are not eligible to become members/office bearers of the staff unions. The staff union therefore cannot represent the cases of casual Mazdoors and other casual employees and are to be governed by the relevant department instructions/rules (Decision of the Hon'ble Supreme Court of India in SLP(c) No.587 88/92).

In view of the facts stated above the representation dt.17th July '98 from the union is disposed off.

(Signature)
(M.R.S.V.NAGAKUMAR)
Telecom District Manager,
Dimapur, Nagaland SSA.

Copy to :

The CGMT, N.E.Circle, Shillong 793001.

2.

Md Shaukat Ali, Sr, CGSC, Islampur, Islampur Rd, Guwahati 7.

(Signature)
(M.R.V.NAGAKUMAR)
Telecom District Manager,
Dimapur, Nagaland

*Accepted
W. J. J. J.
Advocate*