

50/100
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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SECTION OFFICER (JUDL.)

CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH: GUWAHATI.5

ORIGINAL APPLICATION NO. 426/00

Arabinda Haloi & Ors. Applicant.

versus

Union of India & Ors Respondents.

For the Applicant(s) Mr. B. K. Sharma.

" S. Sarma

" K. Nair

For the Respondents. C.G.S.C.

NOTES OF THE REGISTRAR

DATE

ORDER

This application is in form
 but not in time. ~~Constitutional
 Petition~~
 M.P. ~~for the said side~~
 for K. Nair C.R.
 IPO/2000/1000/2000
 Dated 20.1.01. No. 503961

AM postponed
 Dy. Registrar

17.1.2001 Present: Hon'ble Mr K.K. Sharma,
 Administrative Member

Heard Mr. S. Sarma, learned
 counsel for the applicant. The
 application is admitted. Two weeks
 time allowed to the respondents to
 file written statement. List it for
 orders on 1.2.01.

There are some defects
 in this application.

Now the defects are
 removed & it is in
 order.

placed before the
 Hon'ble Court for orders.

nkm

NS

15/1/01

1.1.2001
 Member (A)

1.2. Circuit Bench at Shillong.
 Postponed to 16.2.2001.

mm
 16.2.
 16.2.

16.2. No. 5. B. Adjourned to 5.3.2001.

M/s

Ar. K. K. Sharma
 16.2.

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

Issue notice
 notice to the respondents.

of service
 27/1/01
 S.O.C.)

Vice-Chairman

Notice prepared and sent
 to D/S for serving the respondent
 No 1 to 5 by Regd. A/D

lm

Wd. D/No _____

 off

b
 22/1/01

11.4.01

List on 16.5.01 to enable the respondents to file written statement.

28.3.2001

Notice Duly served
on Respondent 3.2.

1m

Vice-Chairmanben

16.5.2001

Written statement has been filed.
The applicant may file rejoinder, if any, within two weeks. List the matter for hearing on 13.6.01.

Written statement
and rejoinder has
not yet filed.

nkm

Vice-Chairman3/6/01

13.6.01

Mr. A. Deb Roy, Sr.C.G.S.C. for the respondents stated that he wrongly mentioned that the written statement has been filed. But in this case the written statement has yet to be filed. List on 4.7.01 to file written statement. In the meantime the applicant may file rejoinder if, any, within two weeks thereafter.

I.C.U.Sharma
Member3/7/01

1m

04.07.01

Mr. A. Deb Roy, learned Sr.C.G.S.C. for the respondents, requests for adjournment.

Mr. S. Sarma, appearing for the applicant has no objection. Prayer is accepted.

List on 27-07-2001 for hearing.

5.7.2001
W/S has been
submitted by the
Respondents.

mb

Pray

27.7. There is a dependence.
The Date is adjourned to
31-8-2001.

DWD
7/8/2001
2001

31.8. Adjourned to 6.9.2001.

MJST. Jay

(3)

3

6.9.01

Mr.S.Sarma, learned counsel for the applicant says there is some development in the matter.

List on 17/10/01 for ~~andar~~ hearing.

Written statement has been filed.

By
16.10.01

mb

IC Usha
Member

17.10.01

Mr. B.C.Pathak, learned Addl.C.G.S.C on behalf of Mr A.Deb Roy who is hospitalised prays for a short adjournment. Prayer allowed.

List on 12.12.01 for hearing.

29.1.2002
Copy of the Judgment has been sent to the Office for receiving the same to the applicant by post.
HS

pg

IC Usha
Member

13.12.2001

Heard learned counsels for parties. Judgment delivered in open Court, kept in separate sheets.

The application is disposed of in terms of the order. No order as to costs.

Recd copy
21.3.01/02

bb

IC Usha
Member (A)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No. 426 of 2000.

Date of Decision. 13.12.2001.

Shri Arabinda Haloi & 217 Others.

Petitioner(s)

Mr. S. Sarma.

Advocate for the
Petitioner(s)

Versus-

Union of India & Others.

Respondent(s)

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

Advocate for the
Respondent(s)

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

THE HON'BLE

1. Whether Reporters of local papers may be allowed to see the judgment ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgment ?
4. Whether the Judgment is to be circulated to the other Benches ?

Judgment delivered by Hon'ble : Administrative Member.

1C 1C hours

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No. 426 of 2000.

Date of Order : This the 12th Day of December, 2001.

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

Shri Arabinda Haloi & 216 Others.
All are working under the respondents
under their various field offices. . . . Applicants.

By Advocate Mr. S:Sarma.

- Versus -

1. Union of India
Represented by the Secretary to the
Government of India
Ministry of Communication
New Delhi-1.
2. The Chairman, Telecom Commission
"Sansar Bhawan"
New Delhi.
3. The Chief General Manager, (Telecom)
Assam Circle, Ulubari,
Guwahati-781007.
4. The Telecom District Manager
Department of Telecommunication
Tezpur-784001.
5. The Divisional Engineer, (P&A)
Department of Telecommunication
Office of the Telecom District Manager
Tezpur-784001, Assam. . . . Respondents.

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

O R D E R

K.K.SHARMA, ADMN.MEMBER :

There are 217 applicants who have joined together under Rule 4(5)(A)of Central Administrative Tribunal (Procedure) Rules, 1987. The grievances made in this application is same and the relief sought by the applicants is common. All the applicants are claiming the benefit of temporary status.

[Signature]

2. All the applicants claims that they were from time to time employed by the respondent Nos. 3, 4 & 5. They claim that they were engaged from time to time and they have also been granted temporary status on 27.5.1996. All of them were terminated on the ground that they have produced false and fabricated certificates to claim temporary status. However, all of them are continuing on the basis of order dated the Hon'ble Tribunal order dated 19.8.1998 in O.A.188 of 1998. The TDM, Tezpur by order dated 22.10.1998 (Annexure - 8 to the O.A.) directed the Circle Offices to cancel the order dated 27.5.1996 conferring temporary status to the applicants on the ground that the matter has been investigated by CBI, Guwahati. Mr.S.Sarma, learned counsel appearing for the applicants submits that the impugned action of the respondents is illegal and violative of principles of natural justice. Mr.Sarma informs that CBI enquiry is over now and the matter has reached trial stage.

3. The respondents have filed written statement. Mr.A.Deb Roy, learned Sr.C.G.S.C. for the respondents stated that the order conferring temporary status was issued by TDE, Tezpur on 27.5.1996 without verifying the correctness of the certificates. The record maintained by the TDE, Tezpur shows all the 217 casual mazdoors were given temporary status

ICLWShan

Contd.. 3

provisionally. The matter was investigated and was referred to the CBI. On the basis of the CBI report it was found that the field officers issued false and fabricated certificates. The CBI recommended prosecution of the mazdoors and R.D.A. against the concerned officers. In the written statement it was stated that the conspiracy was hatched by the applicants in nexus with some departmental staff to gain temporary status by unfair means and disciplinary proceeding has been initiated against the concerned officials. According to the respondents, the applicants were not entitled for grant of temporary status.

4. Having heard the learned counsels for the parties and having perused the records, I am of the view that as the CBI enquiry into the appointment of casual workers has reached final stage, a direction can be issued to the respondents to consider the case of all those applicants for grant of temporary status, who have been cleared by the CBI. In respect of others no relief can be granted by this Tribunal. The respondents are directed to pass the final order within six months from the date of receipt of the order of the CBI Court.

LCWShanmugam

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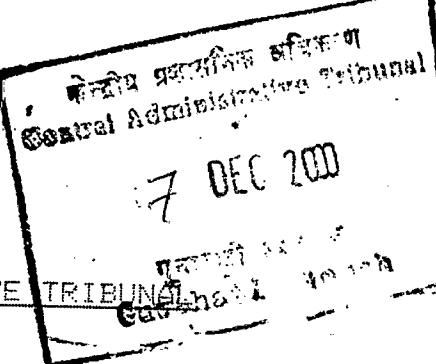
The application is disposed of as above.

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

IC Usha
(K.K.SHARMA)

ADMINISTRATIVE MEMBER

bb



BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH

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

Title of the case : O.A. No. 4126 of 2000.

BETWEEN

Arabinda Haloi & Ors. Applicants.

AND

Union of India & Ors. Respondents.

I N D E X

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For Office use : Registration No.

Date :

Filed by : U.K. *Das*, Advocate.

C:\WS7\ARABINDA

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GAUHATI BENCH

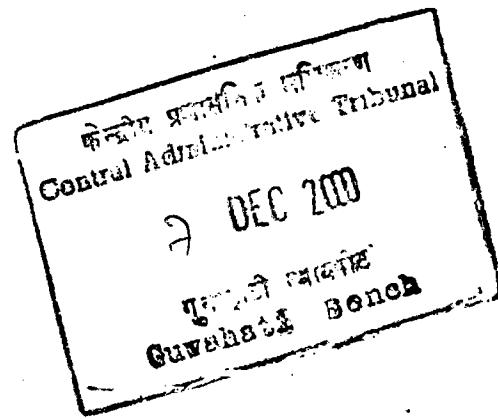
(An Application under section 19 of the Central Administrative
Tribunal Act.1985)

Filed by:
The Applicants
Through
Vijaylakshmi
Advocate
1/12/2000

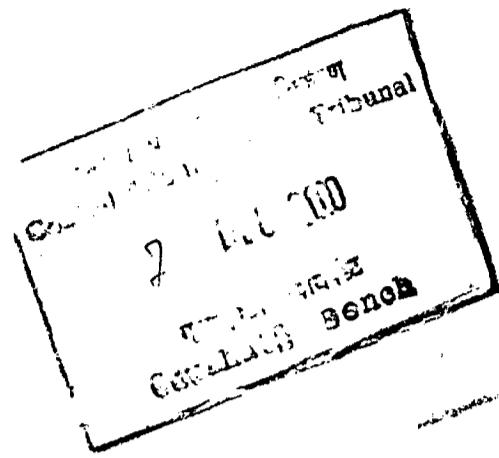
O.A. No. 426 of 2000

BETWEEN

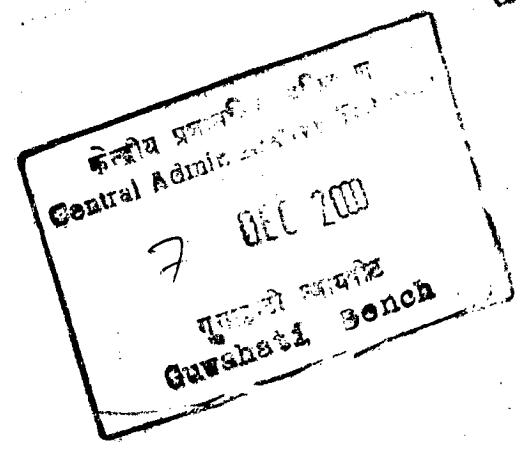
1. Shri Arabinda Haloi
2. Shri Pulin Bora
3. Shri Prasanta Koch
4. Shri Digambar Das
5. Shri Babul Bhuyan
6. Shri Jitu Talukdar
7. Shri Basanta Bijoy Mahanta
8. Shri Rana Sur
9. Shri Sankar Ghatak
10. Shri Uttam Saha
11. Ranjit Das
12. Shri Mahesh Deka
13. Ghanashyam Lakhkar
14. Shri Kamal Ch.Das
15. Shri Nripen Ch.Haloi
16. Shri Balin Das
17. Shri Nipul Choudhury
18. Shri Fulak Haloi
19. Shri Bipul Nath
20. Shri Babul Saikia
21. Shri Bijit Bora
22. Smt.Kalpana Saikia
23. Shri Ramesh Ch.Nath
24. Shri Pankaj Chetri
25. Shri Bhaben Ch.Saikia
26. Shri Anil Thakur
27. Shri Mridul Deka
28. Shri Purna Ch.Nath
29. Shri Balin Swargiary
30. Shri Bhagya Sangma
31. Shri Rajib Gogoi
32. Shri Dharani Swargiary
33. Shri Naba Kr.Sarma
34. Shri Arani Ch.Talukdar
35. Shri Mridul Kr.Das
36. Shri Nagen Saikia
37. Shri Dandhar Das
38. Shri Jiten Kr.Sut
39. Shri Prasanna Sarania
40. Shri Indreswar Bhuyan
41. Shri Kandarpa Saikia
42. Shri Ranaprasad Bodo
43. Shri Pankaj Sutradhar
44. Shri Jitu Sarma
45. Shri Jyoti Prasad Saikia
46. Shri Dhanpad Swargiary
47. Shri Juri Sarma
48. Shri Kishore Kr.Pathak
49. Shri Maina Bora/Khargeswar Bora
50. Shri Babul Saikia



51. Shri Paban Kataki
52. Shri Gobinda Bhuyan
53. Shri Biren Das
54. Shri Gagan Bhuyan
55. Shri Jiten Sarma
56. Shri Gobinda Bora
57. Shri Chemiram Sarma
58. Shri Prabhat Sarma
59. Shri Ramdeb Bhagat
60. Shri Tilak Bora
61. Shri Pranjal Kakati
62. Shri Abani Barua
63. Shri Tunmoni Saikia
64. Shri Biren Bora
65. Shri Basanta Bhuyan
66. Shri Dharmendra Kr.Rai
67. Shri Fulin Borah
68. Shri Amika Barman
69. Shri Prabhat Kalita
70. Shri Dwepen Bhuyan
71. Shri Bharat Basfore
72. Shri Jayanta Phukan
73. Shri Kalyan Mech
74. Shri Biman Kr.Payeng
75. Shri Biren Duwara
76. Shri Lila Ram Fayang
77. Shri Sunanda Sonowal
78. Shri Ananda Sonowal
79. Shri Mohan Sonowal
80. Shri Nabin Sonowal
81. Shri Lolit Sonowal
82. Shri Prafulla Sonowal
83. Shri Cheni Ram Bora
84. Shri Robin Doley
85. Shri Khemchand Pegu
86. Shri Dinesh Pegu
87. Shri Kamal Ch. Nath
88. Shri Babul Bora
89. Shri Kalipada Bora
90. Shri Thagi Ram Taye
91. Shri Bibekanada Pegu
92. Shri Gagan Deka
93. Shri Anil Kr.Das
94. Shri Ranjan Adhikari
95. Shri Shivjyoti Mazumdar
96. Shri Ujjal Mahanta
97. Shri Abdul Karim
98. Shri Dipak Deka
99. Shri Satya Ranjan Kalita
100. Shri mahesh Baroi
101. Shri Swadesh Seal
102. Shri Debasis Das
103. Shari Ajit Das
104. Shri Abdul Jabbar
105. Shri Chintamoni Bora
106. Shri Siba Pd.Sarma
107. Shri Jadab Deka
108. Shri Nanki Devi
109. Shri Nayan Kalita
110. Shri Reba Kanta Saikia
111. Shri Dinen Ch.Deka
112. Shri Rohini Kanta Basumatari



113. Shri Bhupen Barman
 114. Shri Mainul Haque
 115. Shri Mozamil Haque
 116. Shri Rajat Bhattacharjee
 117. Shri Jatin Saloi
 118. Shri Miran Daimary
 119. Shri Nabin Rabha
 120. Shri Daya Ram Boro
 121. Shri Durlav Barua
 122. Shri Binendra Basumatary
 123. Shri Rajin Kr.Boro
 124. Shri Baneswar Boro
 125. Shri Nigam Swargiary
 126. Shri Sanjay Dutta
 127. Shri Narendra Basumatary
 128. Shri Kamaleswar Narzary
 129. Shri Yama Kanta Chamlagain
 130. Shri Piar Ali
 131. Shri Biren Rabha
 132. Shri Tamu Ram Boro
 133. Shri Bhaba Kanta Sarma
 134. Shri Rajkumar Kakati
 135. Shri Pradip Sut
 136. Shri Pulak Ch Mahanta
 137. Shri Pradip Kr.Bora
 138. Shri Babul Ch.Das
 139. Shri Pradip Borah
 140. Shri Narendra Kakati
 141. Shri Ganesh Das
 142. Shri Nagina Roy
 143. Shri Ramesh katal
 144. Shri gautam Kr.Paul
 145. Shri Swapan Kr.saha
 146. Shri Indira Bora
 147. Shri Inarmal Goal
 148. Shri Gajen Barua
 149. Shri Mazibur Rahman
 150. Shri Taizuddin Ahmed
 151. Shri Pabin Ch.Bodo
 152. Shri Khagendra Nath Deka
 152. Shri Sartaz Ahmed
 153. Shri Sadhi Ram Deka
 154. Shri Mazznur Ali
 155. Shri Babul Ch.Kalita
 156. Shri Balo Saikia
 157. Shri Ratneswar Sonowal
 158. Shri Rohit Sonowal
 159. Shri Dambaru Chutia
 160. Shri Dilip Neog
 161. Shri Maina Sonowal
 162. Shri Jorgeswar Borah
 163. Shri Bahin Sonowal
 164. Shri Dimbeswar Sonowal
 165. Shri Jiten Thengal
 166. Shri Mehendra Chelleng
 167. Shri Dhani Ram Basumatary
 168. Shri Rebat Sonowal
 169. Shri Dimbeswar Saikia
 170. Shri Motilal Mili
 171. Shri Gobin Sonowal
 172. Shri Lohit Borah
 173. Shri Ghana Sonowal



174. Shri Lokeswar Sonowal
175. Shri Nizu Hazarika
176. Shri Dibya Sonowal
177. Shri Atul Sonowal
178. Shri Prafulla Sonowal
179. Shri Giridhar Saikia
180. Shri Upendra Nath Saikia
181. Shri Siba Gogoi
182. Shri Nirmal Pawe
183. Shri Rudra Thengal
184. Shri Tulan Thengal
185. Shri Khargeswar Sonowal
186. Shri Anil Nath
187. Shri Ghana Kanta Sonowal
188. Shri Maheswar Saikia
189. Shri Jogen Sonowal
190. Shri Dipali Hazarika
191. Shri Dwijen Baishya
192. Shri Atul Ch.Deka
193. Shri Parimal Sarkar
194. Shri Saki Ram Mazhi
195. Shri Karuna Ch.Lahkar
196. Shri Biswajit Malakar
197. Shri Mina Das
198. Shri Paramita Dey
199. Shri Rupen Ch.Das
200. Shri Sanjay Kr.Deb
201. Shri Dukhan Ray
202. Shri Anup Kr. Dutta
203. Shri Dina Kanta Ghatowal
204. Shri Manjula Das
205. Shri Shekhar Chetia
206. Shri Ranjan Das
207. Shri Aloke Shome
208. Shri Prasanta Das
209. Shri Sabitri Das Roy
210. Shri Biswa Das
211. Shri Baneswar Baishya
212. Shri Rumi Kalita.
213. Shri Upen Kalita.
214. Smt Rasmi Acahrjee.
215. Shri Dukhan Rai.
216. Md.Samsad Alam.
217. Anil Thakur.

..... Applicants.

All the applicants at present working under the respondents under his various field offices.

A N D

1. Union of India,

Represented by the Secretary to the

Government of India,

Ministry of Communication,

New Delhi-1.

2. The Chairman, Telecom Commission,

"Sansar Bhawan"

New Delhi.

3. The Chief General Manager, (Telecom)

Assam Circle, Ulubari,

Guwahati. 781007.

4. The Telecom District Manager,

Department of Telecommunication.

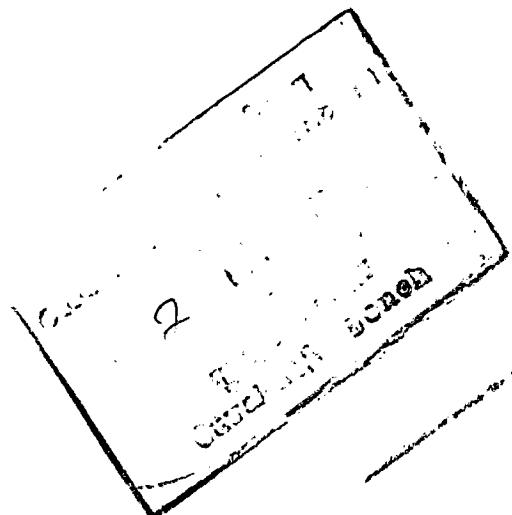
Tezpur- 784001.

5. The Divisional Engineer, (P&A).

Department of Telecommunication.

Office of the Telecom District Manager.

Tezpur. Assam- 784001.



..... Respondents.

DETAILS OF THE APPLICATION

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

This application is not made against any particular order but has been made for an appropriate direction from this Hon'ble Tribunal to the respondents to allow the applicants the benefits made applicable to them as per the scheme for grant of temporary status and regularisation. As per the scheme the applicant are entitled to various benefits namely benefits in respect of increments in the pay scale admissible every one year and secondly counting of 50% service rendered under temporary status for the purpose of retirement benefits etc. The applicants have completed more than two years of service as temporary status mazdoor but till date they have not been given their due increments in the revised scale and their service book is yet to be

open for counting 50% service for retirement benefits and other consequential benefits as per the scheme. The applicants through this application have also challenged the action of the respondents in refusing to grant temporary status as per the scheme. The applicants also claim the benefits of subsequent clarification issued by the concerned Ministry extending the benefit of the scheme.

2. LIMITATION

The applicants declare that the instant application has been filed under sec.21 of the Administrative Tribunal Act.1985.

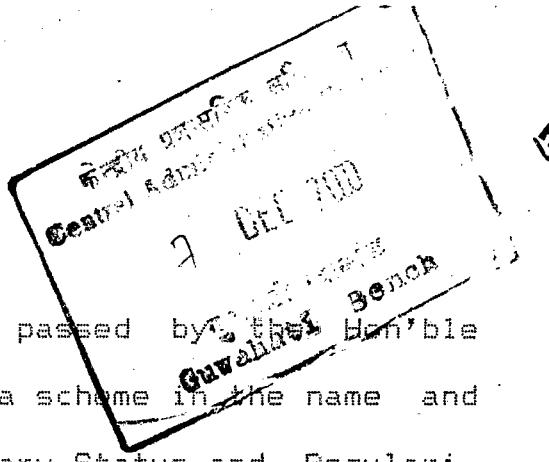
3. JURISDICTION

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 all the applicants are citizen of India and permanent resident of Assam 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 all the applicants are at present working under the respondents as Temporary Status Mazdoor, more specifically under the Telecom District Manager Tezpur. The grievances made by them in this application and the relief sought for in this application are same and hence they pray before the Hon'ble Tribunal to allow them to join together in a single application to minimise the number of litigation as well as the cost of the application, invoking the power under Rule 4 (5) (a) of the Central Administrative Tribunal (Procedure) Rules 1987.



4.3. That pursuant to a judgment passed by the Hon'ble Supreme Court the respondents 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 dated 7.11.89. In the said scheme certain benefits have been granted to the casual workers such as conferment of temporary status, wages and daily rates with reference to the minimum of pay scale of regular Gr-D employees including DA, HRA etc.

A copy of the aforesaid letter dated.

7.11.89, forwarding the scheme is

annexed herewith and marked as

ANNEXURE- 1.

4.4. That the applicants beg to state that in the aforesaid scheme the respondents have incorporated certain eligibility criteria for grant of benefits of temporary status. Among these eligibility criteria the basic criteria is the number of days that an employee work in a particular year. All the applicants fulfill each and every eligibility criteria as has been laid down in the aforesaid scheme.

4.5. That a duly constituted Departmental Promotion Committee meeting was held for the purpose of determining and pointing out the eligible and suitable candidates for granting temporary status in the light of the aforesaid scheme. The said D.P.C. meeting was held on 9.4.96 and the names of the applicants along with others were placed for consideration for grant of temporary status under the scheme of 1989 (Annexure- 1.) before the D.P.C. meeting. After due consideration of the matter and after scrutiny of the relevant records, the names of the applicants were considered for grant of temporary status.

4.6. That pursuant to the minutes of the aforesaid duly

constituted D.P.C. meeting, the Telecom District Engineer, Tezpur, issued an order vide order No. X-1/CMPT/96-97/Con-7, dated 27.5.96, by which all the applicants were given Temporary Status as per the Annexure-1 scheme.

A copy of the aforesaid letter dated 27.5.96 is annexed herewith and marked as **ANNEXURE - 2.**

4.7. That as per the aforesaid Annexure 2 order granting temporary status, the applicant are entitled to certain benefits like fixation of wages, DA, HRA, CCA, benefits of increments after completion of one year service, leave entitlement, retirement benefits, GPF, festival Advance/flood advance, productivity linked bonus etc. All the applicant as per the Annexure 2 order joined in their services as temporary status mazdoor on 30.5.1996 and by now they have completed more than two years of service. But contrary to the aforesaid Annexure-2 order of granting temporary status they have not been granted with the benefits mainly increments in the pay scale after completion of one year of service and for granting of various benefits under the said order, their service book is yet to be opened. The service book of the applicants are very much necessary for granting of certain benefits like increment, retirement benefits, bonus and advances etc.

4.8. That the respondents i.e. the Chief General Manager, Assam Telecom Circle issued an order vide order No. Rectt-3/10 dated 12.8.92 to all the concerned officials for opening service Book for each and every temporary status Mazdoors to facilitated in maintenance of records. This office order was issued in view of the Annexure-1 scheme prepared for grant of temporary status and regularisation and there has been a specific mention regarding

the aforesaid scheme.

A copy of the aforesaid letter dated 12.8.92
is annexed herewith and marked as ANNEXURE-3.

4.9. That the applicants beg to state that after the recommendation of Fifth Central Pay Commission an order has been issued by the respondents on 24.10.97 by which the benefits of increments at the same rate as applicable to Group-D Employees has been made applicable to the casual labourers with temporary status at the revised rate. The said order has been published in the Tele-Crusader Vol-I, dated Dec, 1997.

A copy of the said order dated 24.10.97
annexed herewith and marked as ANNEXURE-4.

The applicants crave leave of the Hon'ble Tribunal to produce the said Tele-Crusader dated Dec 1997 at the time of hearing of the O.A.

4.10. That the applicants beg to state that after the recommendation of Fifth Central Pay Commission all the earlier pay scales have been revised and the applicants are now entitled to the revised rate of pay and increments and other dues.

4.11. That the applicants beg to state that the respondents have acted contrary to their own order granting temporary status by not granting the benefits as enumerated in the scheme. The applicants are entitled to various benefits like counting of 50% service for retirement benefits and hence opening of their service book is utmost necessary for granting the aforesaid benefits as well as to keep the records of their service. It is pertinent to mention here that in case of other similarly situated employees like that of the applicant have been granted with the benefits of increments and in their cases service books have

been opened for counting their service records. The employees who have been granted with temporary status along with the applicants are now allowed their 2nd increments and in their cases service book has also been opened. In the instant case the applicants are entitled to their increments w.e.f.30.5.96 and their first increment was due on 1.5.97 and 2nd was due on 1.5.98. To that effect the applicant made several requests to the authority concerned for releasing their due increments but till date they have not been given any favorable order.

4.12. That the applicants being aggrieved by the action of the respondents made representations to the authority concerned praying for grant of monetary benefits including increments etc. as per the order granting temporary status. All the applicants made the aforesaid representation on 6.4.98 to the Telecom District Manager, Tezpur and the said representations have been forwarded by the SDO Phones, Tezpur vide his letter No. E-12/TSM/98-99/1 dated 21.4.98. But till date nothing has been communicated to the applicants. -

Copies of one of such representations dated 6.4.98 and order dated 21.4.98 is annexed herewith and marked as ANNEXURE-5 & 6. respectively.

4.13. That the applicants being aggrieved by the action of the respondents have approached the Hon'ble Tribunal by way of filing OA No. 188/98 challenging the aforesaid action of the respondents. The Hon'ble Tribunal after hearing the parties the proceeding was pleased to dispose of the said OA with a direction to dispose the representation with his speaking orders.

A copy of the order dated 19.8.98 passed in OA No. 188/98 is annexed herewith and marked as ANNEX

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URE-7.

4.14. That the applicants beg to state that on receipt of the individual representation from each applicant, the respondents issued an order dated 22.10.98 highlighting the factual position of the case. As per the said order it has been stated that investigation is still going on in the matter.

A copy of the order dated 22.10.98 is annexed herewith and marked as ANNEXURE-8.

4.15. That the applicants beg to state that the respondents have indicated the fact that some CBI enquiries have been going on. The applicants on enquiry in the office of the respondents as well as CBI could come to know that some sort of report (stated to be final) have been submitted by the CBI Authority in favour of the applicants in the month of October 2000. However, the respondents have not issued any order in favour of the applicants. It is also revealed from the said order dated 28.10.98 that the order granting temporary status to the applicants is still in force and same could not be implemented. However, in spite of the aforesaid facts the respondents have not yet granted with the benefit of the scheme.

4.16. That the applicants beg to state that in any view of the matter the contention made in the impugned order dated 22.10.98 is not at all tenable because for cancellation of the temporary status certain procedures are to be followed such as one month prior notice etc. In the present case, since there is no such notice for cancellation of order granting temporary status dated 27.5.96 (Annexure-2) has been issued, said order can not be treated as null and void under any circumstances. On the other hand since the operation of the said order has not yet been kept in abeyance, the respondents are duty bound to grant the benefit such as increment in pay scale after completion of

one year of service as temporary mazdoor opening of service book
retirement benefit, bonus, advance, leave etc.

4.16A That the applicants beg to state that some of the casual workers working in the Telecom Deptt. had approached the Hon'ble Tribunal praying for grant of temporary status under the scheme of 1989. The Hon'ble Tribunal gave direction to the respondents to consider their cases in the light of Apex Court decision. Pursuant to the aforesaid judgement and order as well as the observation made in the said judgement and order, the respondents have issued an order dated 1.9.99 modifying the scheme so far it relates to date of its effect. It is stated that even otherwise also the applicants are entitled to the benefits of the said scheme as well as its subsequent clarification. In fact, there is no dispute regarding their engagement and days of work and also their eligibility to come under the purview of the said scheme. Now, after submission of CBI report there should not have been any doubt and the respondents ought to have issued necessary order granting the benefit of the scheme.

4.17. That the applicants beg to state that after issuance of the impugned Annexure-8 order dated 22.10.98 , they have been waiting for the result of CBI investigation. On enquiry they could come to know from reliable source that the CBI Authority has submitted their final report in favour of the applicants only in the month of October 2000 . However, the respondents have not yet issued any order in their favour after repeated requests. Having no other alternative the applicants have come before this Hon'ble Tribunal seeking appropriate relief at the earliest opportunity

5. GROUNDS FOR RELIEF WITH LEGAL PROVISION:

5.1. For that the action/inaction of the respondents are illegal, arbitrary and violative of principles of natural justice

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28/10/05

and hence the same is liable to be set aside and quashed.

5.2. For that there being an order by which certain benefits have been granted to the applicants and hence without canceling the said order, respondents could not have been acted in such a manner as has been done in the instant case.

5.3. For that there being a scheme issued by the Ministry concerned for grant of temporary status and regularisation and hence the respondents are duty bound to extend the same without any fail and denial for the same amounts to violation of art 14 and 16 of the Constitution of India and laws framed thereunder.

5.4. For that the respondents have acted illegally and arbitrarily in granting the similar benefits to the other similarly situated persons without considering the case of the applicants and same has amounted in gross violation of Natural Justice and administrative fair play.

5.5. For that the respondents have indicated in the impugned order dated 28.10.98 the fact that some CBI enquiries have been going on. The applicants on enquiry in the office of the respondents as well as CBI could come to know that some sort of report (stated to be final) have been submitted by the CBI Authority in favour of the applicants in the month of October 2000. However, the respondents have not issued any order in favour of the applicants. It is also revealed from the said order dated 28.10.98 that the order granting temporary status to the applicants is still in force and same could not be implemented. However, in spite of the aforesaid facts the respondents have not yet granted with the benefit of the scheme.

5.6. For that in any view of the matter the contention made in the impugned order dated 22.10.98 (Annexure-8) is not at all tenable because for cancellation of the temporary status certain procedures are to be followed such as one month prior notice etc.

In the present case, since there is no such notice for cancellation of order granting temporary status dated 27.5.96 (Annexure-2) has been issued, said order can not be treated as null and void under any circumstances. On the other hand since the operation of the said order has not yet been kept in abeyance, the respondents are duty bound to grant the benefit such as increment in pay scale after completion of one year of service as temporary mazdoor opening of service book retirement benefit, bonus, advance, leave etc.

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

The applicants crave leave of this Hon'ble Tribunal to advance further grounds at the time of hearing of this instant application.

6. DETAILS OF REMEDIES EXHAUSTED:

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

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

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

8. RELIEF SOUGHT FOR:

Under the facts and circumstances stated above, the applicants most respectfully prayed that the instant application

be submitted, records be called for and after hearing the parties on the cause or causes that may be shown and on ~~refusal~~ of the records be grant the following reliefs to the applicants :-

8.1. To direct the respondents to issue necessary orders for issuance of annual increments to the applicant for the aforesaid two years of service and consequently refix their pay and allowance at the revised rate.

8.2. To direct the respondents to open service book of the applicants immediately for granting of pensionary and other service benefits as per the Annexure 2 order granting temporary status.

8.3. To direct the respondent to allow the revised rate of pay and increments to the applicants.

8.4. To set aside and quash the impugned order dated 22.10.98 (Annexure-8).

8.5. Cost of the application.

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

9. INTERIM ORDER PRAYED FOR:

The applicants pray for an interim order directing the respondents to issue the current increment and revised rate of pay after the commencement of 5th pay commission pending disposal of the O.A.

10. *****

11. PARTICULARS OF THE I.P.O.:

1.I.P.O.NO. : 26 503941

2.DATE : 20.11.2000

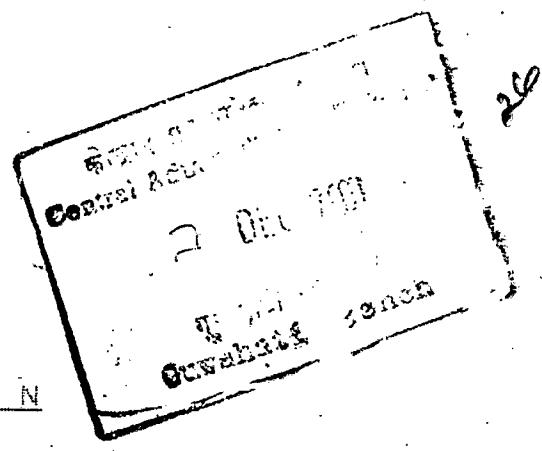
3.PAYABLE AT : GUWAHATI.

12. LIST OF ENCLOSURES:

As stated in the I N D E X.

R

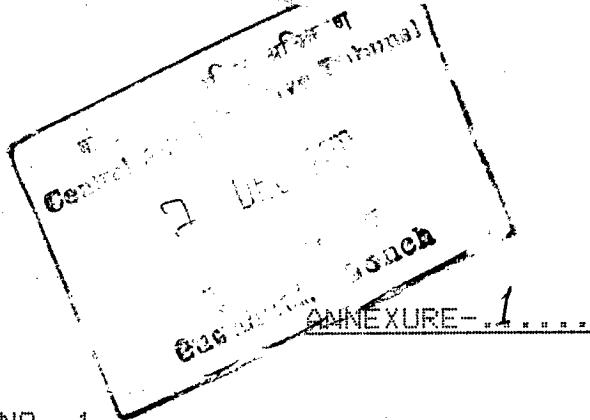
VERIFICATION



I, Shri Anil Kr. Das, s/o I. Das aged about 40 years, at present working as Temporary Status Mazdoor in the office of the SDE Phones, Tezpur, do hereby verify and state that the statements made in paragraphs 4.1, 4.2, 4.4, 4.5, 4.7, 4.10, 4.11, 4.15 - 4.17 are true to my knowledge and those made in paragraphs 4.3, 4.6, 4.8, 4.9, 4.12, 4.13, 4.14 are matters of records which I believe to be true and rests are my humble submission before the Hon'ble Tribunal. I am also duly authorised by the applicants to sign this verification and I have not suppressed any material facts.

And I sign this verification on this the 1st day of Nov 2000.

Sri Anil Kr Das
APPLICANT



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 (S).

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

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.

@@@

DEPARTMENT OF TELECOMMUNICATIONS
OFFICE OF THE TDE, TEZPUR
TEZPUR-784001

No. X-1/CMPT/96-97/Con-2

Dated at Tezpur the 27th May 196-

With reference to the CGMT, Assam Circle, Guwahati RJCM Minute & C.O. forwarded under GMST/2/Vol-IV/58 dtd. 29/8/95 the under mentioned Casual Mazdoors/Part Time Casual Mazdoors, are hereby conferred Temporary Status^{provisionally} under the scheme "Casual Labourers (Grant of Temporary Status & Regularisation) with immediate effect.

The terms & Conditions are as under:-

- (i) Conferment of Temporary Status to the Casual Labourers would not involve any change in their duties & responsibilities. The engagement will be on daily rate of pay on a need basis. They may be deployed anywhere within the recruitment unit/territorial circles on the basis of availability of work.
- (ii) Such Casual Labourers who acquire Temporary Status will not, however, be brought on the permanent establishment unless they are selected through regular selection process for Group 'D' posts.
- (iii) Temporary Status would entitle the Casual Labourers to the following benefits,-
 - (a) Wages at daily rate with reference to the minimum of the scale of pay for a regular Gr. 'D' official including DA, HRA & CCA.
 - (b) Benefit in respect of increments in the pay scale will be admissible for every one year of service subject to performance of duty for at least 240 days in a year.
 - (c) Leave entitlement will be on a pro-rata basis, one day for every 10 days of work. Casual leave or any other kind of 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 service for any reason or their quieting service.
 - (d) Counting of 50% of service rendered under Temporary Status for the purpose of retirement benefits after their regularisation.
 - (e) After rendering three years continuous service on attainment of Temporary Status the Casual Labourers would be treated at par with temporary Gr. 'D' employees for the purpose of contribution of G.P.F. & would also further be eligible for the grant of Festival Advance/Flood Advance on the same conditions as per applicable to temporary Gr. 'D' employees, provided they furnish two sureties from permanent Govt. servant of this department.
 - (f) Until they are regularised, they would be entitled to productivity linked bonus only at rates as applicable to casual labourers.

(g) Despite conferment of temporary status, the service of a casual labourer may be dispensed with in accordance with the relevant provisions of the Industrial disputes Act, 1947 on the ground of non availability of work. A casual labourer with temporary status can quit service by giving one month's notice.

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

(i) The payments will be given w.e.f. joining date.

(j) N.B. - their names are not being arranged in order of seniority.

**LIST OF CASUAL MAZDOORS/PART TIME MAZDOORS SELECTED FOR
CONFERRING TEMPORARY STATUS**

SL. NO	NAME OF THE CASUAL MAZDOOR	WORKING NUMBER	OT_ENTRY IN DEPT.
SDE (CABLE), TIEFUR			
1.	Arabinda Halsi	SDECABL	03/03/88
2.	Pulin Bora	SDECABL	05/03/88
3.	Prasanta Koch	SDECABL	05/03/88
4.	Digambar Das	SDECABL	08/03/88
5.	Babul Bhuyan	SDECABL	11/03/88
6.	Jitu Talukdar	SDECABL	11/03/88
7.	Basanti Bijoy Mahanta	SDECABL	15/03/88
8.	Rana Sur	SDECABL	15/03/88
9.	Sankar Ghatak	SDECABL	15/03/88
10.	Uttam Saha	SDECABL	15/03/88
11.	Ranjit Das	SDECABL	20/03/88
12.	Maheesh Deka	SDECABL	26/03/88
13.	Ghanashyam Lahkar	SDECABL	26/03/88
14.	Ramal Ch Das	SDECABL	26/03/88
15.	Nripen Ch Haloi	SDECABL	26/03/88
16.	Balin Das	SDECABL	26/03/88
17.	Nipul Chaudhury	SDECABL	26/03/88
18.	Pulak Haloi	SDECABL	26/03/88
19.	Bipul Nath	SDECABL	26/03/88
20.	Babul Saikia	SDECABL	26/03/88
21.	Bitit Bora	SDECABL	26/03/88
22.	Smt Kalpana Saikia	SDECABL	26/03/88
23.	Ramesh Ch Nath	SDECABL	26/03/88
24.	Pankaj Chatri	SDECABL	26/03/88
25.	Bhaben Ch Saikia	SDECABL	26/03/88
26.	Anil Thakur	SDECABL	26/03/88
27.	Mridul Deka	SDECABL	30/03/88
28.	Purna Ch Nath	SDECABL	30/03/88
29.	Balin Swargiary	SDECABL	30/03/88
30.	Bhagya Sangma	SDECABL	30/03/88

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SDE (COMPUTER), TEZPUR

1.	Rajib Bogoi	SDECOM	01/01/88
2.	Dharani Swargiary	SDECOM	01/01/88
3.	Naba Kumar Sarma	SDECOM	01/01/88
4.	Arani Ch Talukdar	SDECOM	01/01/88
5.	Mridul Ke Das	SDECOM	01/02/88
6.	Nagen Saikia	SDECOM	01/02/88
7.	Dandhar Das	SDECOM	01/02/88

SDE (CONSTRUCTION), TEZPUR ✓

1.	Jiven Kr Sut	SDECONS	19/04/88
2.	Prasanna Sarania	SDECONS	20/04/88
3.	Indreswar Bhuyan	SDECONS	21/04/88
4.	Kandarpa Saikia	SDECONS	22/04/88
5.	Ranaprasad Bodo	SDECONS	23/04/88
6.	Pankaj Satradhar	SDECONS	25/04/88

SDE (PHONES), CHARITALI ✓

1.	Jitu Sarman	SDEPCLI	01/01/88
2.	Jyoti Prasad Saikia	SDEPCLI	01/01/88
3.	Bhanupad Swargiary	SDEPCLI	01/01/88
4.	Juri Sarma	SDEPCLI	01/01/88
5.	Kishore Kr Pathak	SDEPCLI	01/01/88
6.	Maina Borsh/Khargeshwar Bora	SDEPCLI	01/01/88
7.	Babul Saikia	SDEPCLI	01/01/88
8.	Paban Kataki	SDEPCLI	01/01/88
9.	Gobinda Bhuyan	SDEPCLI	01/01/88
10.	Biren Das	SDEPCLI	01/01/88
11.	Gagan Bhuyan	SDEPCLI	01/01/88
12.	Jiten Barma	SDEPCLI	01/01/88
13.	Gobinda Borah	SDEPCLI	01/01/88
14.	Ceniram Sarman	SDEPCLI	01/01/88
15.	Prabhat Sarmish	SDEPCLI	01/01/88
16.	Ramdeb Bhakat	SDEPCLI	01/01/88
17.	Tilak Bora	SDEPCLI	01/02/88
18.	Pranjal Kataki	SDEPCLI	01/02/88
19.	Abani Baruah	SDEPCLI	01/02/88
20.	Tunmoni Saikia	SDEPCLI	01/02/88
21.	Biren Bora	SDEPCLI	01/02/88
22.	Basanta Bhuyan	SDEPCLI	01/02/88
23.	Dharmendra Kr Rai	SDEPCLI	01/03/88
24.	Pulin Borah	SDEPCLI	01/03/88
25.	Amika Barman	SDEPCLI	01/03/88
26.	Prabhat Kallita	SDEPCLI	15/02/88
27.	Swepen Bhuyan	SDEPCLI	15/02/88

* Held up due to non submission of Employment
Exchange Card

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SDE (PHONES), DHEMAJI

1.	Bharat Basphore	SDEPDMJ	01/01/88
2.	Jayanta Phukan	SDEPDMJ	01/01/88
3.	Kalyan Mech	SDEPDMJ	01/02/88
4.	Biman Kr. Payeng	SDEPDMJ	01/04/88
5.	Biren Duwarah	SDEPDMJ	01/04/88
6.	Lila Ram Panyang	SDEPDMJ	01/04/88
7.	Gunanda Sonowal	SDEPDMJ	01/04/88
8.	Ananda Sonowal	SDEPDMJ	01/04/88
9.	Mohan Sonowal	SDEPDMJ	01/04/88
10.	Nabin Sonowal	SDEPDMJ	01/04/88
11.	Lolit Sonowal	SDEPDMJ	01/04/88
12.	Prafulla Sonowal	SDEPDMJ	01/04/88
13.	Chenu Ram Bora	SDEPDMJ	01/04/88
14.	Robin Doley	SDEPDMJ	01/04/88
15.	Khemachand Pegu	SDEPDMJ	01/05/88
16.	Dinesh Pegu	SDEPDMJ	01/05/88
17.	Kamal Ch. Nath	SDEPDMJ	01/05/88
18.	Sabul Bora	SDEPDMJ	01/05/88
19.	Kalipada Bora	SDEPDMJ	01/05/88
20.	Thasi Ram Taye	SDEPDMJ	25/03/88
21.	Bibekananda Pegu	SDEPDMJ	25/03/88
22.	Gagan Deka	SDEPDMJ	26/03/88

SDE (PHONES), NERPUR

1.	Amuli Kumar Das	SDEPTZ	01/01/88
2.	Rajjan Adhikari	SDEPTZ	01/01/88
3.	Shivjoyty Majumder	SDEPTZ	01/01/88
4.	Ujjal Mahanta	SDEPTZ	01/01/88
5.	Abdul Karim	SDEPTZ	01/01/88
6.	Dipak Deka	SDEPTZ	01/02/88
7.	Sabya Ranjan Kalita	SDEPTZ	01/02/88
8.	Rahesh Baroi	SDEPTZ	01/02/88
9.	Reomi Acharyee	SDEPTZ	01/02/88
10.	Swadesh Seal	SDEPTZ	01/02/88
11.	Debasis Das	SDEPTZ	01/02/88
12.	Ajit Das	SDEPTZ	01/02/88
13.	Abdul Jabbar	SDEPTZ	01/02/88
14.	Chintumoni Borah	SDEPTZ	01/02/88
15.	Siba Rd Sarmah	SDEPTZ	01/02/88
16.	Nabajoyty Deka	SDEPTZ	01/04/88
17.	Jadav Deka	SDEPTZ	01/05/88
18.	Manki Devi	SDEPTZ	01/05/88
19.	Nayan Kaliga	SDEPTZ	01/06/88
20.	Reba Kanta Saikia	SDEPTZ	01/06/88
21.	Dinem Ch Deka	SDEPTZ	01/06/88
22.	Phulena Basphore	SDEPTZ	21/07/88

SDE (PHONES), UDALGURI

1.	Rahini Kanta Basumatary	SDEPUDL	01/05/88
2.	Bhupen Barman	SDEPUDL	01/05/88
3.	Moinul Haque	SDEPUDL	01/05/88
4.	Mosamul Haque	SDEPUDL	01/05/88

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LUMA L. A.

• 5.	Rajat Bhattacharjee	SDEPUDL	01/05/88
• 6.	Jatin Saloi	SDEPUDL	01/05/88
• 7.	Miran Daimary	SDEPUDL	02/05/88
• 8.	Nabin Rava	SDEPUDL	02/05/88
• 9.	Dayaram Bodo	SDEPUDL	03/05/88
• 10.	Burikab Baruah	SDEPUDL	16/04/88
• 11.	Binendra Basumatary	SDEPUDL	16/04/88
• 12.	Rajin Kr Bodo	SDEPUDL	24/04/88
• 13.	Banesswar Bodo	SDEPUDL	25/04/88
• 14.	Nigam Saengiary	SDEPUDL	26/04/88
• 15.	Sanjoy Dutta	SDEPUDL	26/04/88
• 16.	Narendra Basumatary	SDEPUDL	27/04/88
• 17.	Kamaleswar Narzary	SDEPUDL	28/04/88
• 18.	Yama Et Chamlagain	SDEPUDL	28/04/88
• 19.	Piar Ali	SDEPUDL	28/04/88
• 20.	Biran Rava	SDEPUDL	30/04/88
• 21.	Tanurem Bodo	SDEPUDL	30/04/88

SDO (PHONES), TEZPUR

• 1.	Dhaba Et Sarooj	SDOPTZ	01/01/88
• 2.	Rajkumar Kataki	SDOPTZ	01/01/88
• 3.	Pradip Sut	SDOPTZ	01/01/88
• 4.	Pulak Ch Mahaeta	SDOPTZ	01/01/88
• 5.	Pradip Kr Bora	SDOPTZ	01/01/88
• 6.	Babul Ch Das	SDOPTZ	01/01/88
• 7.	Pradip Borah	SDOPTZ	01/01/88
• 8.	Mareshra Kataki	SDOPTZ	01/01/88
• 9.	Ganesh Das	SDOPTZ	01/01/88
• 10.	Nagina Ray	SDOPTZ	01/01/88
• 11.	Ramesh Kabel	SDOPTZ	01/01/88
• 12.	Gautam Kr Pauli	SDOPTZ	01/01/88

SDO (T), MANGALDII

• 1.	Swapan Kr Saha	SDOTMLD	01/01/88
• 2.	Indira Borah	SDOTMLD	01/01/88
• 3.	Inarmal Gowals	SDOTMLD	01/01/88 - Held
• 4.	Gajen Baruah	SDOTMLD	01/01/88 UP
5.	Samshad Alam	SDOTMLD	01/01/88
6.	Binod Ch Bodo	SDOTMLD	01/01/88
7.	Mazibur Rahman	SDOTMLD	01/01/88
8.	Taizuddin Ahmed	SDOTMLD	01/01/88
9.	Pabin Ch Bodo	SDOTMLD	01/01/88
10.	Khagendra Nath Deka	SDOTMLD	01/01/88
11.	Sartaz Ahmed	SDOTMLD	01/01/88
12.	Sadhu Ram Deka	SDOTMLD	01/01/88
13.	Maznur Ali	SDOTMLD	01/01/88
14.	Babul Ch Kalita	SDOTMLD	01/01/88

* Held Up due to non submission of
Employment Exchange Cards

SDO (T), TEZPUR

1.	Salu Saikia	SDOTNMP	01/01/88
2.	Ratneswar Sonowal	SDOTNMP	01/01/88
3.	Rohit Sonowal	SDOTNMP	01/01/88
4.	Daudbaru Chutia	SDOTNMP	01/01/88
5.	Philip Neog	SDOTNMP	01/01/88
6.	Maina Sonowal	SDOTNMP	01/01/88
7.	Jogeswar Borah	SDOTNMP	01/01/88
8.	Gabin Sonowal	SDOTNMP	01/01/88
9.	Dimbeswar Sonowal	SDOTNMP	01/01/88
10.	Jiten Thengal	SDOTNMP	01/01/88
11.	Mahendra Chillettu	SDOTNMP	01/01/88
12.	Dhaniram Basumatary	SDOTNMP	01/01/88
13.	Rebat Sonowal	SDOTNMP	01/01/88
14.	Dimbeswar Saikia	SDOTNMP	01/01/88
15.	Motilal Milti	SDOTNMP	01/01/88
16.	Gobin Sonowal	SDOTNMP	01/01/88
17.	Lohit Borah	SDOTNMP	01/01/88
18.	Shana Sonowal	SDOTNMP	01/01/88
19.	Lokeswar Sonowal	SDOTNMP	01/01/88
20.	Niju Hazarika	SDOTNMP	01/01/88
21.	Gibya Sonowal	SDOTNMP	01/01/88
22.	Atul Sonowal	SDOTNMP	01/01/88
23.	Prafulla Sonowal	SDOTNMP	01/01/88
24.	Giridhar Saikia	SDOTNMP	01/01/88
25.	Upendra Nath Saikia	SDOTNMP	01/01/88
26.	Giba Gogoi	SDOTNMP	01/01/88
27.	Nirmal Pawi	SDOTNMP	01/01/88
28.	Rudra Thengal	SDOTNMP	01/01/88
29.	Tulan Thengal	SDOTNMP	01/01/88
30.	Khargeswar Sonowal	SDOTNMP	01/01/88
31.	Anil Nath	SDOTNMP	01/01/88
32.	Shana Kt Sonowal	SDOTNMP	01/01/88
33.	Maheswar Saikia	SDOTNMP	01/01/88
34.	Jogen Sonowal	SDOTNMP	01/10/88

SDO (T), TEZPUR

1.	Dipali Hazarika	SDOTTZ	01/01/88
2.	Dwijen Daishya	SDOTTZ	01/03/88
3.	Atul Ch Deka	SDOTTZ	01/05/88
4.	<u>Mazhar Khanan</u>	SDOTTZ	01/05/88
5.	Phulena (Golapmani) Basphore	SDOTTZ	01/05/88 X Held
6.	Parimal Sarker	SDOTTZ	10/05/88 Up
7.	Sakiram Mazhi	SDOTTZ	15/05/88
8.	Karuna Ch Lahkar	SDOTTZ	15/05/88
9.	Biswajit Malakar	SDOTTZ	15/05/88
10.	Mina Das	SDOTTZ	15/05/88
11.	Paramita Dey	SDOTTZ	20/05/88
12.	Rupen Ch Das	SDOTTZ	21/05/88
13.	Sanjoy Kr Deb	SDOTTZ	21/05/88
14.	Dukham Ray	SDOTTZ	21/05/88
15.	Anup kr Dutta	SDOTTZ	30/05/88
16.	Dina Kanta Ghatowal	SDOTTZ	01/06/88 X Held

UP

* Held Up due to non submission of Educational, Age
Certificates & Employment Exchange Card .

Page 3 2

TDE, Tezpur

1.	Manjula Das	TDETZ	07/05/88
2.	Sukumar Dibetia	TDETZ	07/05/88
3.	Kanjan Das	TDETZ	07/05/88
4.	Alka Shome	TDETZ	07/05/88
5.	Prasantan Das	TDETZ	07/05/88
6.	Sabitri Dasgupta	TDETZ	07/05/88
7.	Aswita Ray	TDETZ	07/05/88
8.	Biswa Das	TDETZ	07/05/88
9.	Baneswar Baishya	TDETZ	07/05/88
10.	Rumi Kalita	TDETZ	07/05/88

Sd/-

TDE, Tezpur

Copy for information to :

1. COMT/GH w.r.t to his letter no
2. ADT(S&E), O/O COMT, GH
3. AMT/GH
4. All Gr. /D Officers of Tezpur SSA
5. JAO's, SSS (Construction, Staff & General) // TDE, TZ
6. Spares
7. File NO E-38/CMPT/TZ

Nygel

TDE, Tezpur

J. Choudhury
SDB (HRD) TZ

WAILAT OF 1991
DEPARTMENT OF TELECOMMUNICATIONS
OFFICE OF THE CHIEF GENERAL MANAGER, ASSAM TELECOM CIRCLE
GUWAHATI-7

Ref. No. 22-3/10

Dtd. at Guwahati on 12-08-1992

To

1. The Telecom Dist. Manager, Guwahati.
2. The Area Director Telecom, Dibrugarh/Guwahati.
3. All T.OEs, Assam Telecom Circle.
4. All D.OEs, Assam Telecom Circle.
5. The C.S., C.T.O., Guwahati.
6. The Cont.Os, D/o the DGM, Guwahati.
7. All Accounts Officers, Assam Telecom Circle.
8. All S.A.Os, Assam Telecom Circle.
9. All A.T.Os, Assam Telecom Circle.
10. All S.O.T.Os, Assam Telecom Circle.

Sub:-

Grant of temporary status & regularization
scheme of Casual Mazdoors.

A scheme has been evolved by the DoT, New Delhi and is called "Casual Laijumero (Grant of Temporary Status & Regularization Scheme)". Details of scheme forwarded vide DoT's No.269-10/89-STH dtd. 07-12-89 has already been circulated to field units vide this office letter of even No. dtd. 20-12-89. A clarification in this regard received from Directorate vide Ltr. No.269-10/89-STH dtd. 17-12-90 has also been circulated to field units vide this office letter of even No. dtd. 17-01-91. All the concerned AOs/Controlling Officers may ensure that the Service Book is opened for each & every Temporary Status Mazdoor. Service Book will facilitate in maintenance of records and merely opening of this will not confer the regular status.

H. B. M.
(M. A. NASEER)

DEPUTY GENERAL MANAGER (ADMN)
O/O THE CHIEF GENERAL MANAGER
ASSAM TELECOM CIRCLE, GUWAHATI-7

90
S.S.S
S.S.S
Fwd
O.C.H.O.
O.C.H.O.
Blank
Blank
B' Office
B' Office
A/C
A/C
B/S 2nd
B/S 2nd
L. Cell

86 -

Govt. Orders on Pay Commission Recommendations

Recommendation of Fifth Central Pay Commission - Applicability of revised Group 'D' pay scales to Casual Labourers with Temporary Status.

No. 49011/2/97-Estt. (C) dt. 24-10-97.

The undersigned is directed to say that references have been received in this Department seeking clarification regarding the applicability of revised Group 'D' pay scales for casual labourers with temporary status.

2. As per para 5 of the Casual Labourers (Grant of Temporary Status and Regularisation) Scheme, 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 for a corresponding regular Group 'D' official including DA, HRA and CCA.

(ii) Benefits of increments at the same rate as applicable to a Group 'D' employees would be taken into account for calculating pro-rata wages for every one year of service subject to performance of duty for at least 240 days (200 days in administrative offices observing five days week) in the year from the date of conferment of temporary status.

3. It is obvious from points (i) and (ii) above that if any revision of Group 'D' pay scale takes place casual labourers with temporary status will be entitled to receive their wages with reference to the minimum of the revised pay scale with effect from the date as applicable to regular Group 'D' employees and no separate orders would be necessary for the purpose. Their pay for the purpose of calculation of wages will be determined in the same

way as in the case of regular Group 'D' employees.

4. This has the approval of Ministry of Finance (Department of Expenditure).

ANNEXURE-5

DEPARTMENT OF TELECOMMUNICATIONS

OFFICE OF THE S.D.O,PHONES, TEZPUR

To

The T.D.M , Tezpur

No.E-12/TSM/98-99

Dated at Tezpur, the 21.4.98

Sub: Annual Increment.

Kindly find enclosed here with the applications for annual increment of the following GMSs for favour of your information please.

Name of the TSMs

1. Shri Bhaba Kanta Sarma

2.,, Gautam Paul

3.,, Raj Kumar kataki

4.,, Pradip Sut

5.,, Upen Kalita

6.,, Mridul Das

7.,, Ramesh Ketel

Enclosed : 7 (seven)

Sub Divisional Officer,Phones
Tezpur-784 001.

To

ANNEXURE-6.

The Telecom District Manager,
Tezpur.

Through proper channel.

Dated 6.4.98

Sub: Non-receipt of Annual Increment.

Sir,

Respectfully I am to lay before you that I have joined the Department as TSM on 30.5.96, office of the S.D.O, Phones, Tezpur, and I have completed nearly two years working for more than 100 days a year. Therefore I am entitled to get the annual increment due on June'97. But for some reasons not known to me I am not received the same till now.

Kindly do the needful so that I can get my due at an earliest oblige.

Thanking you.

Yours faithfully

(Mridul Ch. Das)

Name: Shri Mridul Das

Design: TSM

Office: Office of the S.D.O, Phones, Tezpur.

FORM NO. 4.

(See Rule 42)

In The Central Administrative Tribunal

GUWAHATI BENCH : GUWAHATI

ORDER SHEET

APPLICATION NO.

188

OF 1998

Applicant(s) Sri Arbindra Haloi & Ors

vs

Respondent(s) Union of India & OrsAdvocate for Applicant(s) Mrs. B.K. SarmaMrs. S. SarmaAdvocate for Respondent(s) Mr. K.K. Nair

C.C.S.C

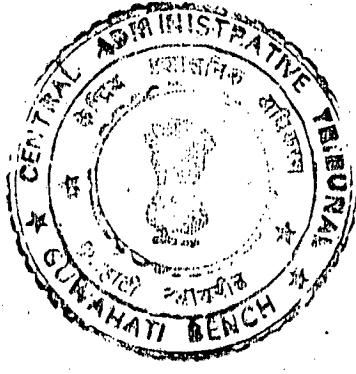
Date	Order of the Tribunal
19.8.98	<p>Mr S. Sarma, learned counsel for the applicants and Mr S. Ali, learned Sr.C.G. for the respondents are present.</p> <p>The applicants are Casual Mazdoor/ Part Time Casual Mazdoors who had been granted temporary status vide order dated 27.5.1996, Annexure-2. In this application they seek a direction on respondents to grant them annual increments, opening of their service books, allowing them the revised pay on the basis of the Fifth Central Pay Commission and increments thereon. It however appears that the applicants have not approached the competent authorities of respondents for granting these benefits to them. Even Annexure-5 letter shows that only 7 applicants have approached the respondents for granting them annual increments. In the circumstances this application is disposed of with the</p>



Notes of the Registry

Date

Order of the Tribunal



19.8.98

following directions :-

- (i) The applicants shall individually submit representations to their respective competent authorities for granting of the benefits as prayed for in this application.
- (ii) The representations shall be submitted to the competent authorities within 30 days from today.
- (iii) On receipt of such representations, the competent authorities of the respondents shall consider the case of the applicants and dispose of the representations with a speaking order in each case. Such order shall be issued by the competent authorities within 30 days from the date of receipt of the representations in each case.

Application is disposed of. No order as to costs.

SD/-

MEMBER(A)

Certified to be true Copy

प्रमाणित प्रतिलिपि

W. J. D. M.
Section Officer (4) 20/8/98

आनुसारा अधिकारी | प्राधिकारी
Central Administrative Tribunal
केन्द्रीय प्रशासनिक अधिकारी
Guwahati Bench, Guwahati-6
मुख्यालय : न्यायपीठ, गुवाहाटी-6

W. J. D. M.
20/8

GOVT OF INDIA
DEPARTMENT OF TELECOMMUNICATIONS

From :
B. K. Goswami
T. D. M/Tezpur

To : Sri Rajib Gogoi
TSM (Pwv.)
80 SDO Phones/Tezpur.

No. X-1/CC/188/TSM/98-99/ 7 (26)

Dated at Tezpur the 22-10-98

Sub:- Grant of Service benefits to TSMs as per order sheet dt. 19-08-98 of CAT, Guwahati Branch against O. A. No. 188/98. (Applicants: A. Haloi and others, Respondents: Union of India and others).

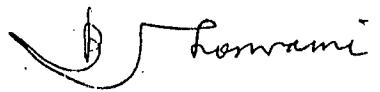
This has reference to your application dt. 07-09-98 on the above subject. The benefits as prayed for in your application cannot be granted in view of following reasons.

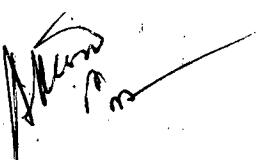
(i) Ty. status was conferred to you only provisionally vide No. X-1/CMPT/96-97/Con-7 dt. 27-05-96 of TDE, Tezpur.

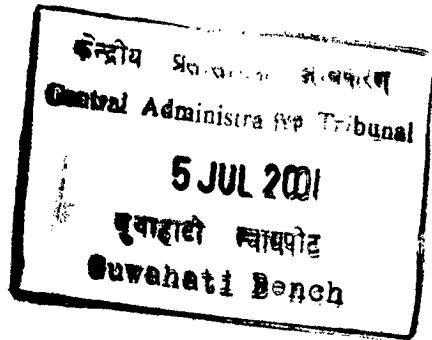
(ii) The case of engagement as Casual Workers and conferment of provisional Ty. status was scrutinized by the office of the CGMT, Guwahati and it has been observed that Ty. Status was conferred on the basis of post-facto certificate issued by Line staff and countersigned by controlling officer and authenticity of these certificates has not been verified from paid vouchers.

In view of this anomaly, the undersigned was directed by the Circle office to cancel the order dt. 27-05-96 of TDE, Tezpur conferring the Ty. status. Though the Circle Office order could not be implemented due to local problem, the order still stands.

(iii) The case as above is also being investigated by the CBI:ACB, Guwahati vide case No. RC-10(A)/97-SHG to RC-14(A)/97-SHG and investigations are still not concluded.


(B. K. Goswami)
Telecom District Manager
Tezpur-784001





IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH :::: GUWAHATI.

O.A. NO. 426 of 2000

Shri Arbindor Haloi

- Vs -

Union of India & Others.

- And -

In the written matter of :

Written Statement submitted by the
respondents

The respondents beg to submit the written
statement as follows :

The O.A. admitted on 07.01.2001 and notice ^{was} issued to
the respondents for filing of Written Statement with 2 weeks
(Notice received on 14.02.2001)

Relief sought by the Applicants :- Fixation of
revised pay in accordance with the recommendation of 5th CPC
and release of annual increments.

The applicants were conferred Temporary Status
on a provisional basis under TDE Tezpur memo no. X-1/CPT/96-97/
Con.7 dated 27.05.1996. The order was issued by field officers
without verifying the correctness of the certificates.

According to the reports submitted by TDE Tezpur
from time to time and the records maintained in this office
all the casual mazdoors of the SSA had already been regularised
and there was no Casual Mazdoors left out for grant of Temporary
Status in the Tezpur Division. The order of TDE, Tezpur granting

Temporary Status to 217 Casual Mazdoors without the knowledge and prior consultation raised serious doubt about the bonafide of the order. Besides, there was complaint of serious irregularity and also paper news highlighting largescale irregularities and malpractices in the Tezpur Division in the matter of appointment of mazdoors. In the face of the serious allegation, TDM, Tezpur was instructed to cancel the order dated 27.05.96 followed by in-depth verification of the eligibility of the mazdoors, in question, for such Temporary Status. TDM Tezpur cancelled the order dated 27.05.96 but the mazdoors alongwith some departmental officials 'Gheraced' the TDM and forced him to cancel the said cancellation order under threat.

The CBI intervened in the matter and registered as many 5 cases being Nos. 10(A)/97-SHG to 14(A)/97-SHG. The premier investigating Agency made investigation and submitted finding/reports in each case. According to the CBI reports, the certificates issued by the field officers are false and fabricated. It is their conclusion that the person were actually not engaged for the period shown in the certificates.

Finally, the CBI authority has recommended ~~for~~ prosecution of the mazdoors and R.D.A. against the certificates issuing authority.

It transpires that a conspiracy was hatched by the applicants in nexus with some departmental staff to gain unlawful engagement in the department by fraudulent means. The department is initiating disciplinary action against departmental employees guilty of issuing false certificates in favour of the applicant to make them eligible for grant of Temporary Status.

The applicant are the very person who have muster-minded the conspiracy in unholy alliance with the corrupt departmental employees and gained unlawful entry int' the department through fraudulent means. They have also compelled the TDM Tezpur to issue cancellation order under threat. They have broken all laws to further their self interest and now they are before the Hon'ble Tribunal for fairness and justice.

VERIFICATION

I, Shri Ganesh Chandra Sarma, Asst. Director Telecom. (Legal) being authorised do hereby verify and declare that the statements made in this written statement are true to my knowledge, information and believe and I have not suppressed any material fact.

And I sign this verification on this 29 th day of June, 2001.

Ganesh Ch. Sarma
Declarant.