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4

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

✓ O.A/T.A No. 426/2000

R.A/C.P No.

E.P/M.A No.

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SECTION OFFICER (Judl.)

CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH: GUWAHATI. 5

ORIGINAL APPLICATION NO. 426/00

..Arabeinda.. Haloi & vs:.... Applicant.

Versus

Union of India & Ors Respondents.

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

" S. Sarma.

" U.K. Nain

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

NOTES OF THE REGISTRAR

DATE

ORDER

This application is in form
but not in time. Consideration
Petition is not in time.
M.P. is not in time.
for the purpose of the
IPC/12 is not in time.
Dated 20/11/01.

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.

Member(A)

There are some defects
in this application.
Now the defects are
removed & it is in
order.

nkm

NS
15/10/01

1.2

Discontinue Benchnot Shillong.

Adjudicated to 16.2.2001.

mm

1.2.

16.2

no s. b. Adjudicated to 5.3.2001.

mm

16.2

5.3.01

List on 11.4.01 to enable the
respondents to file written statement

Vice-Chairman

Issue usual
notice to the respondents.

NS

18/10/01

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

1m

ddt

22/11/01

11.4.01

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

28.3.2001

Notice duly served on respondent No. 3, 2.

Vice-Chairman

lm

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.

Vice-Chairman

nk m

13.6.01

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

Member

lm

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

Member

27.7. There is a divergence. The case is adjourned to 31.8.2001.

mb
f.k.
28.3.

31.8. Adjourned to 6.9.2001.

mb

f.k.

Written statement has
been filed.

By
16.10.01

17.10.01

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

pg

And c/m
21/30/02

6.9.01

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

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

ICUShan
Member

mb

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.

ICUShan
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.

ICUShan
Memeber (A)

bb

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
----- Versus ----- Petitioner(s)

----- 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.

K C Sharma

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.

K K Sharma

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

10/11/98

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.

16/11/84

Contd.. 4

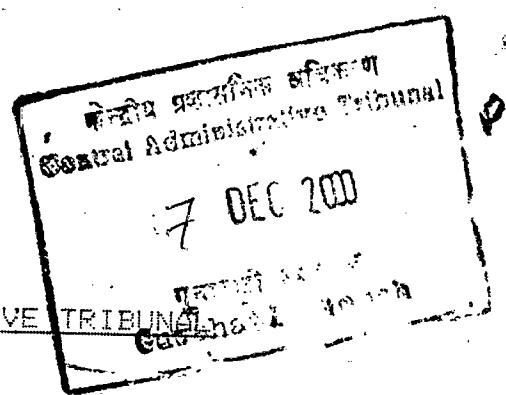
The application is disposed of as above.

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

1C Ushay
(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. 426 of 2000.

BETWEEN

Arabinda Haloi & Ors Applicants.

A N D

Union of India & Ors. Respondents.

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For Office use :Registration No.

Date :

Filed by : U.K. Goswami, Advocate.

C:\WS7\ARABINDA

Filed by.
the Applicant,
through
Vijal Kr. Goswami
Advocate
11/12/2000

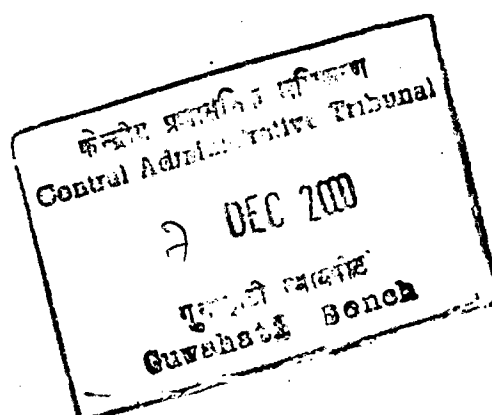
BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GAUHATI BENCH

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

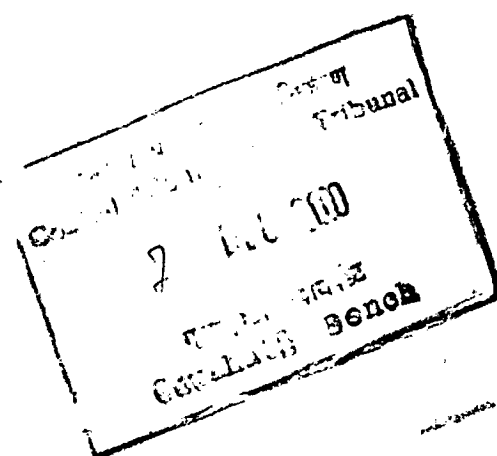
D.A. No. 426 of 2000

BETWEEN

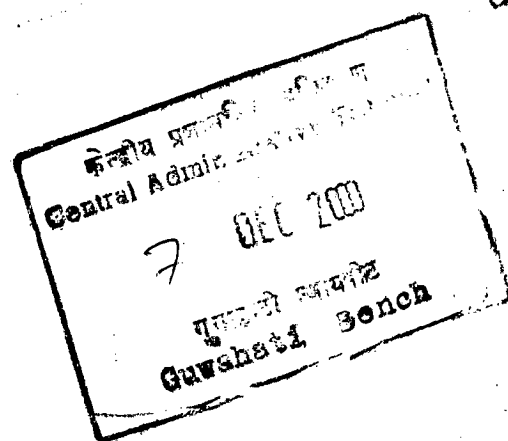
1. Shri Arabinda Haloi
2. Shri Pulin Bora
3. Shri Prasanta Koch
4. Shri Digambar Das
5. Shri Babul Bhuyan
6. Shri Jitu Talukdar
7. Shri Basanta Bijoy Mahanta
8. Shri Rana Sur
9. Shri Sankar Ghatak
10. Shri Uttam Saha
11. Ranjit Das
12. Shri Mahesh Deka
13. Ghanashyam Lahkar
14. Shri Kamal Ch.Das
15. Shri Nripen Ch.Haloi
16. Shri Balin Das
17. Shri Nipul Choudhury
18. Shri Pulak 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 Cheniram 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 Pulin 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 Payang
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 Nerendra Basumatary
128. Shri Kamaleswar Narzary
129. Shri Yama Kanta Chamlagain
130. Shri Fiar Ali
131. Shri Biren Rabha
132. Shri Tanu 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 Goala
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 Maznur 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 Jogeswar Borah
163. Shri Gahin 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 Pawa
 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.

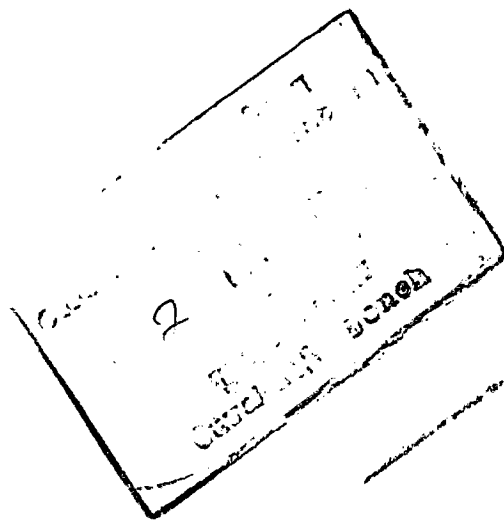
All the applicants at present working under the respondents under his various field offices.

A N D

1. Union of India,

Represented by the Secretary to the
 Government of India,
 Ministry of Communication,

- 5
- 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.

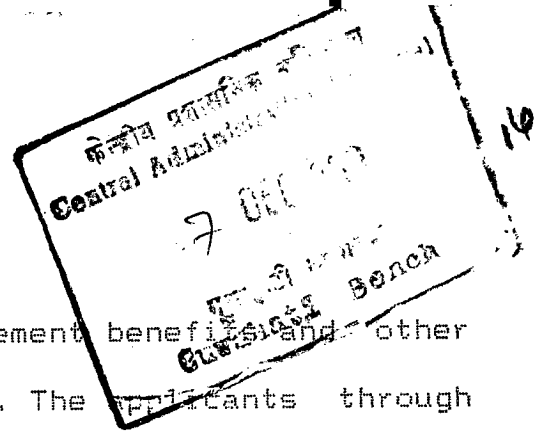


..... Respondents.

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 applicants 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.

17

केन्द्रीय प्रशासनिक आयोग
Central Administrative Tribunal
7 DEC 1989
Guwahati Bench

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

7 JUL 1996
T. K. B. B. B.
Guvahati Bench

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.

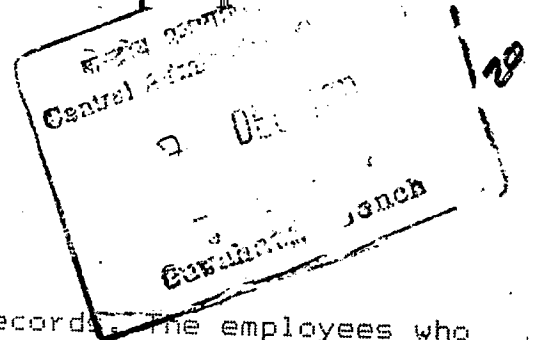
4.9. That the applicants beg to state that after the recommendation of Fifth Central Pay Commission an order has been issued by the respondents on 24.10.97 by which the benefits of increments at the same rate as applicable to Group-D Employees has been made applicable to the casual labourers with temporary 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

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

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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. GROUND 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

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.

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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.

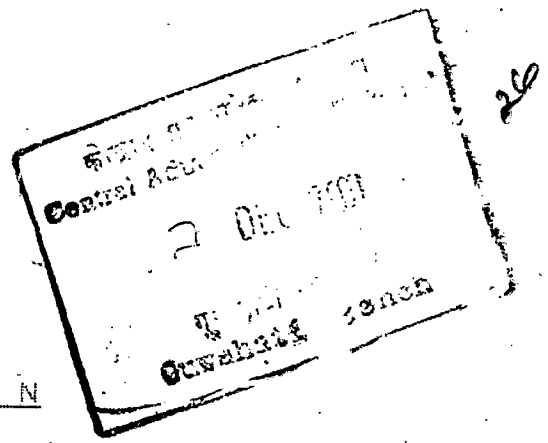
10.

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.



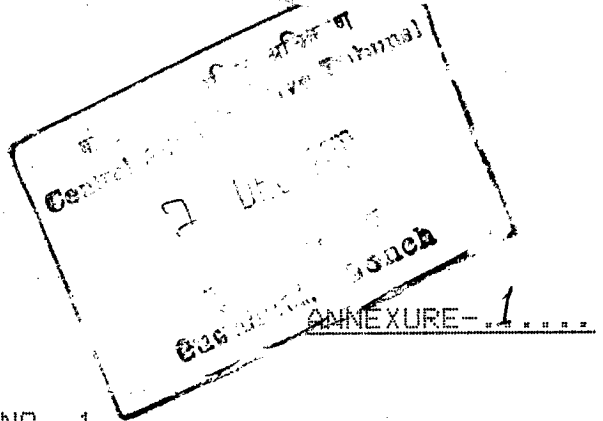
VERIFICATION

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

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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

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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 (G).

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.

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ANNEXURE - 2

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

No. X-1/CMPT/96-97/Con-7

Dated at Tezpur the 27th May 96.

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

The terms & Conditions are as under, -

(i) Conferment of Temporary Status to the Casual Labours 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 any where 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-rate 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 quitting 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 encashment of leave on termination of services.

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

(j) N.S.--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 UNDER	DT ENTRY IN DEPT.
<u>SDE (CABLE), TEZPUR</u>			
1.	Arabinda Halai	SDECABL	03/02/88
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.	Basanta Bijoy Mahanta	SDECABL	15/03/88
8.	Rana Sur	SDECABL	15/03/88
9.	Sankar Ghatak	SDECABL	15/03/88
10.	Uttam Saha	SDECABL	20/03/88
11.	Ranjit Das	SDECABL	26/03/88
12.	Mahesh Deka	SDECABL	26/03/88
13.	Ghanashyam Lahkar	SDECABL	26/03/88
14.	Kamal 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	28/03/88
20.	Babul Saikia	SDECABL	28/03/88
21.	Dijit Bora	SDECABL	28/03/88
22.	Smt Kalpana Saikia	SDECABL	28/03/88
23.	Ramesh Ch Nath	SDECABL	28/03/88
24.	Pankaj Chetri	SDECABL	28/03/88
25.	Bhaben Ch Saikia	SDECABL	28/03/88
26.	Anil Thakur	SDECABL	28/03/88
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 Gogoi	SDECOM	01/01/88
2.	Dharani Swargiacy	SDECOM	01/01/88
3.	Naba Kumar Sarma	SDECOM	01/01/88
4.	Arani Ch Lalukdar	SDECOM	01/01/88
5.	Mridul Kr Das	SDECOM	01/02/88
6.	Nagen Saikia	SDECOM	01/02/88
7.	Dandhar Das	SDECOM	01/02/88

SDE (CONSTRUCTION), TEZPUR ✓

1.	Jiten Kr Sut	SDECONS	19/04/88
2.	Prasanna Sarania	SDECONS	20/04/88
3.	Indraswar Bhuyan	SDECONS	21/04/88
4.	Kandarpa Saikia	SDECONS	22/04/88
5.	Ranaprasad Bodo	SDECONS	25/04/88
6.	Pankaj Sutradhar	SDECONS	25/04/88

SDE (PHONES), CHARITALI ✓

1.	Jitu Sarma	SDEPCLI	01/01/88	
2.	Jyoti Prasad Saikia	SDEPCLI	01/01/88	
3.	Dhanpud Swargiacy	SDEPCLI	01/01/88	
4.	Juri Sarma	SDEPCLI	01/01/88	
5.	Kishore Kr Pathak	SDEPCLI	01/01/88	
6.	Maina Borah/Khargueswar 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	>*Held
12.	Jiten Sarma	SDEPCLI	01/01/88	UP
13.	Gobinda Borah	SDEPCLI	01/01/88	
14.	Geniram Sarma	SDEPCLI	01/01/88	
15.	Prabhat Sarma	SDEPCLI	01/01/88	
16.	Ramdeb Bhakat	SDEPCLI	01/01/88	>*Held
17.	Tilak Bora	SDEPCLI	01/02/88	Up
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.	Apika Barman	SDEPCLI	01/03/88	
26.	Prabhat Kalita	SDEPCLI	15/02/88	
27.	Sweepen Bhuyan	SDEPCLI	15/02/88	

* Held up due to non submission of Employment Exchange Card

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 Dumarah	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.	Chen 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.	Babul Bora	SDEPDMJ	01/05/88
19.	Kalipada Bora	SDEPDMJ	01/05/88
20.	Thagi Ram Taya	SDEPDMJ	04/04/88
21.	Bibekananda Pegu	SDEPDMJ	25/03/88
22.	Gagan Deka	SDEPDMJ	25/03/88
		SDEPDMJ	25/03/88

SDE (PHONES), TELPUR

1.	Anil Kumar Das	SDEPTZ	01/01/88
2.	Ranjan Adhikari	SDEPTZ	01/01/88
3.	Shivjyoty Majumder	SDEPTZ	01/01/88
4.	Ujjal Mahanta	SDEPTZ	01/01/88
5.	Abdul Karim	SDEPTZ	01/02/88
6.	Dipak Deka	SDEPTZ	01/02/88
7.	Sabya Ranjan Kalita	SDEPTZ	01/02/88
8.	Mahesh Baroi	SDEPTZ	01/02/88
9.	Rasmi Acharjee	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 Pd Garmah	SDEPTZ	01/02/88
16.	Nabajyoty Deka	SDEPTZ	01/04/88
17.	Jadav Deka	SDEPTZ	01/05/88
18.	Manki Devi	SDEPTZ	01/05/88
19.	Nayan Kalita	SDEPTZ	01/06/88
20.	Raba Kanta Saikia	SDEPTZ	01/06/88
21.	Dinen 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.	Mozamil Haque	SDEPUDL	01/05/88

L.PUR 1 2

135	5.	Rajat Bhattacharyya	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.	Buriah Baruah	SDEPUDL	16/04/88
	11.	Binendra Basumatary	SDEPUDL	18/04/88
	12.	Rajin Kr Bodo	SDEPUDL	24/04/88
	13.	Baneswar Bodo	SDEPUDL	25/04/88
	14.	Nigan Bhargiary	SDEPUDL	26/04/88
	15.	Sanjoy Dutta	SDEPUDL	26/04/88
	16.	Narendra Basumatary	SDEPUDL	27/04/88
	17.	Kamaleswar Marzary	SDEPUDL	28/04/88
	18.	Yama Kt Chamlagain	SDEPUDL	28/04/88
	19.	Piar Ali	SDEPUDL	28/04/88
	20.	Biran Rava	SDEPUDL	30/04/88
	21.	Tanuram Bodo	SDEPUDL	30/04/88

SDO (PHONES), TEZPUR

136	1.	Dhaha Kt Sarao	SDOPTZ	01/01/88
	2.	Rajkumar Katak	SDOPTZ	01/01/88
	3.	Pradip Sut	SDOPTZ	01/01/88
	4.	Pulak Ch Mahanta	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.	narendra Katak	SDOPTZ	01/01/88
	9.	Ganesh Das	SDOPTZ	01/01/88
	10.	Nagina Ray	SDOPTZ	01/01/88
	11.	Ramesh Katak	SDOPTZ	01/01/88
147	12.	Gautam Kr Paul	SDOPTZ	01/01/88

SDO (T), NANGALDOI

148	1.	Swapen Kr Saha	SDOTMLD	01/01/88
	2.	Indira Borah	SDOTMLD	01/01/88
	3.	Inarnal Gowala	SDOTMLD	01/01/88 - *Held
	4.	Gajon 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
149	14.	Babul Ch Kalita	SDOTMLD	01/01/88

* Held Up due to non submission of
Employment Exchange Card

SDO (T) TEZPUR

1.	Balo Saikia	SDOTMMP	01/01/88
2.	Ratneswar Sonowal	SDOTMMP	01/01/88
3.	Rohit Sonowal	SDOTMMP	01/01/88
4.	Dambaru Chutia	SDOTMMP	01/01/88
5.	Dilip Neog	SDOTMMP	01/01/88
6.	Maina Sonowal	SDOTMMP	01/01/88
7.	Jogeswar Borah	SDOTMMP	01/01/88
8.	Bahin Sonowal	SDOTMMP	01/01/88
9.	Dimbeswar Sonowal	SDOTMMP	01/01/88
10.	Jiten Thengal	SDOTMMP	01/01/88
11.	Mahendra Chelleng	SDOTMMP	01/01/88
12.	Dhaniram Basumatary	SDOTMMP	01/01/88
13.	Rebat Sonowal	SDOTMMP	01/01/88
14.	Dimbeswar Saikia	SDOTMMP	01/01/88
15.	Motilal Mili	SDOTMMP	01/01/88
16.	Eobin Sonowal	SDOTMMP	01/01/88
17.	Lohit Borah	SDOTMMP	01/01/88
18.	Ghana Sonowal	SDOTMMP	01/01/88
19.	Lokeswar Sonowal	SDOTMMP	01/01/88
20.	Niju hazarika	SDOTMMP	01/01/88
21.	Dibya Sonowal	SDOTMMP	01/01/88
22.	Atul Sonowal	SDOTMMP	01/01/88
23.	Prafulla Sonowal	SDOTMMP	01/01/88
24.	Giridhar Saikia	SDOTMMP	01/01/88
25.	Uppendra Nath Saikia	SDOTMMP	01/01/88
26.	Siba Gogoi	SDOTMMP	01/01/88
27.	Nirmal Pawa	SDOTMMP	01/01/88
28.	Rudra Thengal	SDOTMMP	01/01/88
29.	Tulan Thengal	SDOTMMP	01/01/88
30.	Khargeswar Sonowal	SDOTMMP	01/01/88
31.	Anil Nath	SDOTMMP	01/01/88
32.	Ghana Kt Sonowal	SDOTMMP	01/01/88
33.	Maheswar Saikia	SDOTMMP	01/01/88
34.	Jogen Sonowal	SDOTMMP	01/10/88

SDO (T) TEZPUR

1.	Dipali Hazarika	SDOTTZ	01/01/88
2.	Dwijen Baishya	SDOTTZ	01/05/88
3.	Atul Ch Deka	SDOTTZ	01/05/88
4.	Karuna Karan	SDOTTZ	01/05/88
5.	Phulena (Golapeani) Esophore	SDOTTZ	01/05/88
6.	Parimal Sarkar	SDOTTZ	10/05/88
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 Doh	SDOTTZ	21/05/88
14.	Dukhan Ray	SDOTTZ	21/05/88
15.	Anup Kr Dutta	SDOTTZ	30/05/88
16.	Dina Kanta Ghatowal	SDOTTZ	01/06/88

*Held Up

*Held UP

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

TDE, TEZPUR

- 21/
1. Manjula Das
 2. Sukhar Chetia
 3. Ranjan Das
 4. Aloke Shome
 5. Prasanta Das
 6. Sabitri Dasgroy
 7. ~~Acanda Rayn~~
 8. Biswa Das
 9. Baneswar Baishya
 - 21/10. Rumi Kalita

TDET1 01/01/88
TDET2 05/05/88
TDET2 05/05/88
TDET2 05/05/88
TDET2 05/05/88
TDET2 07/05/88
~~TDET2 07/05/88~~
TDET2 07/05/88
TDET2 07/05/88
TDET2 07/05/88

Sd/-
TDE, Tezpur

Copy for information to :

1. CGMT/GH w.r.f to his letter no
2. ADT(S&E), O/O CGMT, 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

A. Choudhury
SDB (HRD) T2

Mysg
TDE, Tezpur

- 29 - 28 -

ANNEXURE - 3

DEPARTMENT OF TELECOMMUNICATIONS
OFFICE OF THE CHIEF GENERAL MANAGER, ASSAM TELECOM CIRCLE
GUWAHATI

ASSAM TELECOM CIRCLE

OFFICE OF THE CHIEF GENERAL MANAGER

Guwahati, Assam 12-08-1992

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

Subject:

Grant of temporary status & regularisation scheme of Casual Mazdoors.

A scheme has been evolved by the DoT, New Delhi and is called "Casual Labourers (Grant of Temporary Status & Regularisation Scheme)". Details of scheme forwarded vide DoT's No. 269-10/89-STN dtd. 07-11-89 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 their No. 269-10/89-STN 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 Mazdoors. S/Book will facilitate in maintenance of records and merely opening of this will not confer them regular status.

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

90
JSS
Dr. Pankaj
all
action
Blank
B-1
officers
6/3 2000

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.

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

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

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 (206 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

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 GSMs 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 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

Desgn: 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

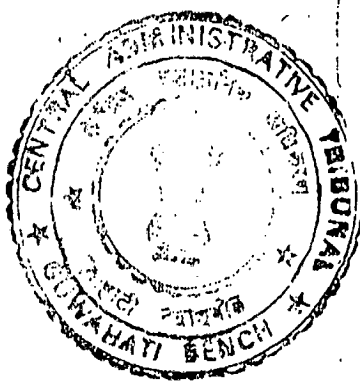
Applicant(s) Sri Arbinda Holo & ops

Respondent(s) Union of Guwahati & ops

Advocate for Applicant(s) Ms. B.K. Sharma

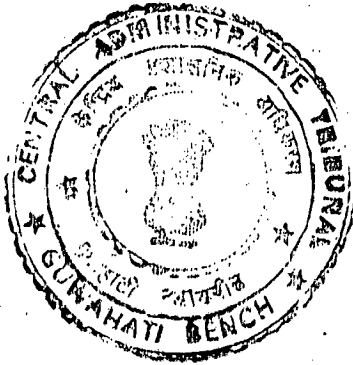
Advocate for Respondent(s) Mr. U.K. Nair

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 the 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	<p>following directions :-</p> <p>(i) The applicants shall individually submit representations to their respective competent authorities for granting of the benefits as prayed for in this application.</p> <p>The representation shall be submitted to the competent authorities within 30 days from today.</p> <p>(ii) On receipt of such representations, the competent authorities of the respondents shall consider the case of the applicants and dispose of the representation 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 representation in each case.</p> <p>Application is disposed of. No order as to costs.</p>



SD/-
MEMBER(A)

Certified to be true Copy
प्रमाणित प्रतिलिपि

[Signature]
Section Officer (J) 20/8/98
आनुमान अधिकारी (अ) 20/8/98
Central Administrative Tribunal
केन्द्रीय प्रशासनिक अधिकरण
Guwahati Bench, Guwahati-6
गुवाहाटी न्यायपीठ, गुवाहाटी-6

[Signature]
20/8/98

GOVT OF INDIA
DEPARTMENT OF TELECOMMUNICATIONS

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

To, Sri Rajib Gogoi
TSM (Pwv.)
800 SDD phones/Tezpur

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

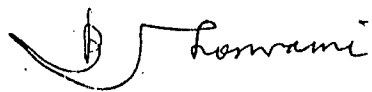
This has reference to your application
dt. 07-09-98 on the above subject. The benefits as prayed for in
your application cannot be granted in view of following reasons.

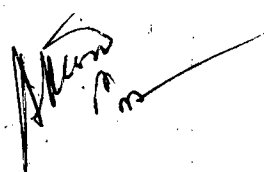
(i) Ty. status was conferred to you only provisionally
vide No. X-1/CMPT/96-97/Con-7 dt. 27-05-96 of TDE, Tezpur.

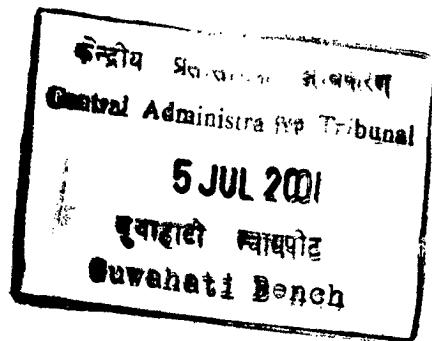
(ii) The case of engagement as Casual Workers and con-
ferment of provisional Ty. status was scrutinized by the office of
the CGMT, Guwahati and it has been observed that Ty. Status was
conferred on the basis of post-facto certificate issued by Line
staff and countersigned by controlling officer and 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 Arbindo 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 provision/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 srious allegation, TDM, Tezpur was instructed to cancell 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 'Gheraoed' the TDM and forced him to cancell 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 ~~me~~ 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 unlaw ful 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 mustered-minded the conspiracy in unholy alliance with the corrupt departmental employees and gained unlawful entry into 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.

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

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 29th day of *June*, 2001.

Ganesh Ch. Sarma
Declarant.