

50/100

5

**CENTRAL ADMINISTRATIVE TRIBUNAL**  
**GUWAHATI BENCH**  
**GUWAHATI-05**

(DESTRUCTION OF RECORD RULES, 1990)

**INDEX**

O.A./T.A No. 97/2000.....

R.A/C.P No.....

E.P/M.A No.....

1. Orders Sheet. OA-97/2000.....Pg. 1.....to 4.....
2. Judgment/Order dtd. 16/07/2001.....Pg. 1.....to 3..... allowed
3. Judgment & Order dtd.....Received from H.C/Supreme Court
4. O.A..... 97/2000.....Pg. 1.....to 22.....
5. E.P/M.P..... NIL.....Pg. ....to.....
6. R.A/C.P..... NIL.....Pg. ....to.....
7. W.S.....Pg. 1.....to 16.....
8. Rejoinder.....Pg. ....to.....
9. Reply.....Pg. ....to.....
10. Any other Papers.....Pg. ....to.....
11. Memo of Appearance.....
12. Additional Affidavit.....
13. Written Arguments.....
14. Amendment Reply by Respondents.....
15. Amendment Reply filed by the Applicant.....
16. Counter Reply.....

SECTION OFFICER (Judl.)

FORM NO. 4  
( See Rule 42 )

**In The Central Administrative Tribunal**  
GUWAHATI BENCH : GUWAHATI

ORDER SHEET  
APPLICATION NO. 97/2000 OF 199

Applicant(s) *Dipak Nirmala and ones.*

Respondent(s) *Union of India and ones.*

Advocate for Applicant(s) *Mr. A.K. Roy*  
*Mr. B.C. Pathak*

Advocate for Respondent(s) *C.G. Se.*

Notes of the Registry	Date	Order of the Tribunal
<p>14.3.00</p> <p>Mr. A.K. Roy, learned counsel for the applicant.</p> <p>Mr. B.C. Pathak, learned Addl. C.G.S.C. for the respondents.</p> <p>Application is admitted. Issue notice on the respondents by registered post. Written statement within four weeks.</p> <p>List on 10.4.00 for written statement and further orders.</p> <p>Member(J)</p> <p>Member(A)</p>	<p>14.3.00</p>	<p>Mr. A.K. Roy, learned counsel for the applicant.</p> <p>Mr. B.C. Pathak, learned Addl. C.G.S.C. for the respondents.</p> <p>Application is admitted. Issue notice on the respondents by registered post. Written statement within four weeks.</p> <p>List on 10.4.00 for written statement and further orders.</p> <p>Member(J)</p> <p>Member(A)</p>

23 - 3 - 2000

Service of notices prepared and sent to D. Section for issuing of the same to the respondents through Regd. post with A.D. vide D.No. 879 to 889 Dtd. 27-3-2000.

Notes of the Registry

Date

Order of the Tribunal

4.4.00

On the prayer of B.S. Basumatary, on behalf of Mr. A. Deb Roy, learned Addl. C.G.S.C. the case is adjourned to 26.4.2000 for filing of written statement.

List on 26.4.2000 for written statement and further orders.

trd

*[Signature]*  
Member

26.4.00

On the prayer of Mr. B.S. Basumatary Addl. C.G.S.C. two weeks time is allowed for filing of written statement. List on 12.5.00 for filing of written statement and further orders.

*[Signature]*  
Member

lm

12.5.00

On the prayer of Mr. A. Deb Roy, learned Sr. C.G.S.C. 3 weeks time allowed for filing of written statement.

List on 5.6.00 for written statement and further orders.

*[Signature]*  
Member (J)

pg

5.6.00

None for the applicant. Mr. B.C. Pathak, learned Addl. C.G.S.C. requests for two weeks time to file written statement. Prayer allowed.

List on 19.6.2000 for written statement and further orders.

*[Signature]*  
Member (J)

trd

19.6.00

There is no Bench today.  
Adjourned to 13.7.00.

*[Signature]*  
Member

20130

11-5-00

no adj has been  
served

by

2/6/00

D/statement has not been  
filed by the respondent

*[Signature]*  
also

written statements  
has not been filed.

*[Signature]*  
12.7.00

Notice duly served on  
respondent No 1. Others are  
still adjourned.

*[Signature]*  
13/7/00

## Notes of the Registry

## Date

## Order of the Tribunal

13.7.2000 Present : The Hon'ble Shri S.Biswas,  
Administrative Member.

Mr B.C.Pathak, learned Addl.C.G.S.C  
for the respondents present. None for  
the applicant. The name of Mr A.Deb Roy  
has been wrongly printed, which should  
be corrected by the Registry. The case  
is adjourned to 4.8.00 at the request  
of Mr Pathak.

S. Datta  
Member(A)

pg

16-11-2000

① Notice duly served  
on R.No. 1, other  
respondants are still  
awaited.

By  
16/11/2000

4.8.00 There is no bench, adj. on  
13.9.00

13.9.00 no bench. To be listed on  
17.11.00

17.11.00 Present.: The Hon'ble Mr Justice D.N.  
Chowdhury, Vice-Chairman.

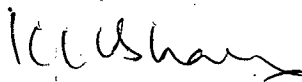
Service is complete. Written state-  
ment has been filed by the respondents.  
List on 16.3.2001 for hearing.

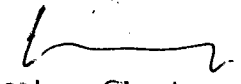
  
Vice-Chairman

pg

16.3.01

List this case on 11.5.01 as prayed  
for by the counsel for the applicant.

  
Member

  
Vice-Chairman

pg

11.5- There was a reversal.  
List on 8/6/2001

Mto  
A.C.F.  
11.5

Written statement  
has been filed.

By  
15.3.01

Written statement  
has been filed.

By  
10.7.01

Notes of the Registry	Date	Order of the Tribunal
	8.6.01	The case is adjourned to 15.6.2001 for hearing.  K. C. Sharma Member
Written statement filed on behalf of the R. No. 1-5.	mb 15.6.01	On the request made by Mr. B. C. Pathak, learned Addl. C.G.S.C., the case is adjourned to 25-6-2001 for hearing.  K. C. Sharma Member  Vice-Chairman
<u>22.6.01</u>  Written statement filed on behalf of respondent No. 1 to 5.	bb 25.6.01	Mr. A. Roy, counsel for the applicants prays that he has obtained instruction regarding the recent development in the case. Accordingly, the case is adjourned for the day. List on 12-7-2001 for hearing.  K. C. Sharma Member  Vice-Chairman
<u>11.7.01</u>  Received copy of judgement on behalf of the applicant  Ankuril Chagri Advocate 8/8/2001	mb 12.7.01	Heard learned counsel for the parties. Hearing concluded. Judgment reserved.  lm By Order
8.8.2001 Copy of the judgment has been sent to the office for security the same to the Addl. C.G.S.C. for the Respondent.	16.7.01	Judgement delivered. Application allowed.  K. C. Sharma Vice-Chairman

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

Original Application No. 97 of 2000

Date of Decision. 16.7.2001...

~~-----~~ Dipak Kumar Nirala & two Others.

~~-----~~ Petitioner(S)

~~-----~~ MR.A.K.ROY

~~-----~~ Advocate for the  
Petitioner(s)

~~-----~~ Versus-

~~-----~~ Union of India & Others

~~-----~~ Respondent(s)

~~-----~~ Mr.B.C.Pathak, learned Addl.C.G.S.C

~~-----~~ Advocate for the  
Respondent(s)

THE HON'BLE

**MR.JUSTICE D.N.CHOWDHURY, VICE CHAIRMAN.**

THE HON'BLE

**MR.K.K.SHARMA, ADMINISTRATIVE MEMBER.**

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.**

*16 WShaw*

X

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH

Original Application No. 97 of 2000.

Date of Order : This is the 16 th Day of July, 2001.

HON'BLE MR.JUSTICE D.N.CHOWDHURY, VICE CHAIRMAN.

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

- 1.Shri Dipak Kumar Nirala,  
S/o:-Late Dambarudhar Nirala,  
Vill:- purani Alimor,  
P.O:-Panchmile, Dist:-Sonitpur (Assam)
- 2.Md. Riazuddin Ahmed,  
S/o:-Late Hafizuddin Ahmed,  
Vill:-Saikia Chubari Muslim Gaon,  
P.O:-Dekargaon, Dist:-Sonitpur (Assam)
- 3.Smt.Fardia Begum,  
W/o:-Md.Nizamat Ali,  
Vill:-Saikia Chubari Muslim Gaon,  
P.O:-Dekargaon, Dist:-Sonitpur (Assam). . . Applicants.

By Mr.A.K. Roy

- Vs -

1. Union of India,  
represented by the Secretary,  
Govt. of India,  
Ministry of Defence,  
New Delhi.
2. HQ East Commandent (Sigs Branch),  
Fort William, Calcutta - 21.
3. Director General Signals, Sigs-4(C),  
G.S. Branch, Army HQ, DHQ,  
New Delhi - 11.
4. Signal Records, Post Bag No.5,  
Jabalpur - 482001.
5. Adm. Commandent, Station HQ,  
Missamari, C/o:-99 APO. . . . Respondents.

By Mr.B.Pathak, learned Addl.C.G.S.C.

O R D E R

K.K.SHARMA, (ADMN. MEMBER):

By order dated 25.5.1993 in Original Application No.185 of 1990 the respondents were directed to regularise the services of the three applicants, namely, Dipak

K K Sharma

Contd.. 2

Kumar Nirala, Md. Riazuddin and Smt. Farida Begum. Following this order the respondents passed an order dated 8.6.1995 (Annexure R-2 to the written statement), whereby the services of the three applicants have been regularised with effect from 5.1.1994. The applicants, not being satisfied with the order dated 8.6.1995, have filed the present O.A. claiming the benefit of regularisation with effect from the date of initial appointment. It is stated that the benefit of earlier service has been given to other similarly placed persons.

2. The applicant No.1 joined as Civilian Switch Board Operator on 17.12.1985. The applicant No.2 was appointed on 1.5.1985, while the applicant No.3 was appointed on 5.11.1986. However, the applicants were appointed for a period of 89 days but were allowed to continue for three years with artificial breaks. The jobs of the applicant are of permanent/continuous nature. The representations dated 17.12.1995 and 7.10.1998 made by the applicants for regularisation with effect from the date of initial appointment, received no response from the respondents. Hence, this application.

3. We have heard the parties. Mr.B.C.pathak, learned Addl.C.G.S.C. appearing for the respondents has stated that by order dated 8.6.1995 three posts were created at Station Headquarter, Missamari<sup>w.e.f.5.1.1994</sup> and the applicants were appointed against the newly created posts. Their seniority was reckoned from the date of the creation of these posts. The respondents have also placed on records order No.3681/1/CA6/PE/EC/46 dated 16.6.1995, whereby the services of 35 employees were regularised. Their services were regularised with effect from the

K. L. Shaw

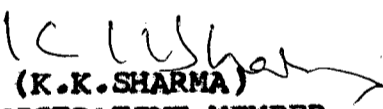
Contd..3

date of this Tribunal's order dated 25.5.1993. As similarly placed employees <sup>who</sup> approached this Tribunal for regularisation of their services <sup>got regularisation</sup> with effect from the date of order of this Tribunal, we see no reason as to why the applicants should be denied of regularisation from the date of order passed in their O.A.185 of 1990.

4. The action of the respondents in giving the applicants seniority with effect from 5.1.1994 is discriminatory. The respondents are directed to give the benefit of regularisation to the applicants with effect from 25.5.1993 the date on which this Tribunal gave direction for regularisation of the services of the three employees.

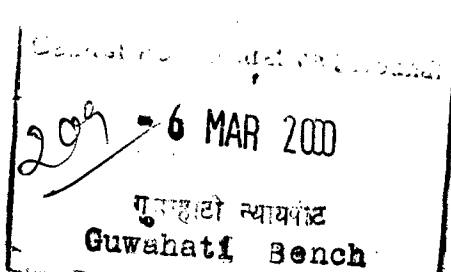
The application is allowed as above.

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

  
(K.K.SHARMA)  
ADMINISTRATIVE MEMBER

  
(D.N.CHOWDHURY)  
VICE CHAIRMAN

BB



10

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

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

Original Application NO 971

Shri Dipak Nirala and others

.....Applicants

- VS -

Union of India & others

.....Respondents

I N D E X

<u>Sl NO.</u>	<u>Documents</u>	<u>Pages</u>
1.	Application	1 to 7
2.	Verification	8
3.	Annexure -A	9-12
4.	Annexure - B	13-14
5.	Annexure - Cseries	15-16
6.	Annexure - D series	17-20
7.	Annexure - E series	21-22

For use in the office :-

Signature :-

Date :-

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

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

Filed by the applicant  
through -  
Ashok Kr. Ray  
Advocate.

O.A NO. & 97 /

- BETWEEN -

1. Dipak Kumar Nirala  
S/O-Late Dambarudhar Nirala,  
Vill- Purani Alimor,  
P.O-Panchmile, Dist- Sonitpur(Assam)
2. Md. Riazuddin Ahmed,  
S/O- Late Hafizuddin Ahmed,  
Vill- Saikia Chubari Muslim Gaon,  
P.O- Dekargaon, Dist- Sonitpur, (Assam)
3. Smt. Farida Begum,  
W/O- Md. Nizam Ali,  
Vill- Saikia Chubari Muslim Gaon,  
P.O- Dekargaon, Dist-Sonitpur,(Assam)

.....APPLICANTS

- AND -

1. Union of India, represented by the  
Secretary, Govt. of India,  
Ministry of Defence, New Delhi.
2. HQ East Commandant( Sigs Branch)  
Fort William, Calcutta- 21
3. Director General Signals, Sigs-4(C),  
G.S. Branch, Army HQ, DHQ, New Delhi- 11.
4. Signal Records, Post Bag NO.5,  
Jabalpur- 482001.
5. Adm. Commandant, Station HQ, Missamari,  
C/o- 99 APO.

.....RESPONDENTS

1. Particulars of order against which the application is made:-

This application is directed against the action of  
the respondents in non-regularising the services of the  
applicants with effect from the date of their initial appointment  
as was done in/other similar situated persons .

*Sri Dipak Kr Nirala*

2. Jurisdiction of the Tribunal :-

The applicant declares that the subject matter of the application is within the jurisdiction of this Hon'ble Tribunal .

3. Limitation :-

The applicant also declares that the application is within the limitation period as has been mentioned under section 21 of the Administrative Tribunal Act, 1985.

4. Fact of the case :-

i) That all the three applicants are similarly situated persons and have been aggrieved by the same cause of action and the reliefs prayed by them are same . They also state that they have common interest in the matter and hence they crave the leave of this Hon'ble Tribunal to file this application jointly under Rule 4 (5)(a) of the Central Administrative Tribunal (Procedure ) Rules 1987.

ii) That the applicant NO.1 was appointed as Civilian Switch Board Operator on 17.12.85 under the Respondent NO.5 for a period of 89 days and after 2 or 3 days break he was again appointed and accordingly continued for years together .

The applicant NO.2 was appointed on 1.5.85 on the same basis and continued for years together with some artificial breaks and applicant NO.3 ~~xxxxxx~~ was appointed on 5.11.86 and continued in the same post for years together with some artificial breaks . All of them were appointed as Civilian Switch Board Operator (In short CSBO) under the Respondent NO.5 for a period of 89 days initially , but were allowed to continue for years together with some artificial breaks . The jobs rendered by the applicants are of permanent nature and hence they were allowed to continue their jobs continuously .

Sd/- Dipak Kr. Nigala

9

iii) That though the applicants worked for years together in the same capacity under the respondents as parmanent employees ,the respondents did not regularised their services and hence they approached this Hon'ble Tribunal by filling different original applications alongwith some other applicants . Those applications were numbered as O.A 185/90 ; O.A. 70/92 and O?A . 104/92 and this Hon'ble Tribunal was pleased to hear all the cases together and passed one judgement dated 25.5.93 directing the respondents to regularise the services of the applicants withing a period of 90 days from the date of receipt of the copy of judgement .

One copy of the said judgement dated 25.5.93 is annexed herewith as Annexure -A.

iv) That after the judgement of this Hon'ble Tribunal the respondents regularised the services of the applicants with effect from 5.1.94 as is clear in the daily order NO. DO.pt.II NO.07/CSBO/95 dated 1.7.95 without regularising their services with effect from the date of initial appointment .

One copy of the daily order dated 1.7.95 is annexed herewith as Annexure -B

v) That the applicant begs to state that some simillarly situated persons who were appointed for 89 days initially as clerk under the respondents have been regularised in the year 1998 . The regularisation has been given <sup>with</sup> effect from their initial appointment . Be it stated here that those persons were also appointed on the same terms and conditions as were given in case of the present applicants and continued for years together with some artificial breaks .

Sri Dipak Kr. Nivakar

vi) That though those persons were initially appointed on the same terms and conditions as the applicants were appointed and continued for years together, the respondents have regularised with effect from the date of their initial date of appointment. For example one Shri Mukul Dey and Shri Chandra Kanta Ray. Shri Mukul Dey was initially appointed on 2.12.85 and was regularised vide order DO Pt.II NO. Acct/Clk/07/98 dated 2.9.98 w.e.f. 2.12.85. Shri Chandra Kanta Ray was initially appointed on 1.9.75 and was regularised vide order under DO. Pt.II NO. Acct/Clk/04/98 dated 5.5.98 w.e.f. ~~from~~ his initial date of appointment.

Copy of order dated 2.9.98 and one copy of order dated 5.5.98 is annexed herewith as Annexures - C-1 and C-2

vii) That after the regularisation order of the applicants, the submitted representations individually to the respondent NO.4 claiming for regularisation of their services with effect from the date of initial appointment but no response has been made in this regard whatsoever. As no response received, they again submitted representations in the month of February 1997 to the Respondent NO.2 praying same relief, but nothing was done by the said authority.

Copies of the representations dated 17.12.95, 12.2.97; 15.2.97 are annexed herewith as Annexures - D series.

viii) That after that the applicants remain silent thinking that nothing will come out in the matter and became disheartened. But in the last part of September 1998 they came to know that some other persons who were initially appointed on temporary basis for 89 days only in the post of clerk and continued for years together, have been regularised

*Sri Dipak K. Nigral*

with effect from the date of their initial appointment . After knowing the same the applicants collected two such order (i.e. Annexures- C1 and C-2) . After going through the same the applicants submitted representations dated 7.10.98 to the Respondent NO. 4 and 2 stating specifically about the said two appointments of Shri Mukul Dey and Shri Chandra Kanta Ray and claimed the same benefits in their cases .

Copies of the representations dated 7.10.98 are annexed herewith as Annexures -E series.

ix) That the applicants begs to state that though they sent their representations on 7.10.98 ,but till date no response has been made and no benefit has been given to that end, and hence they again approach to this Hon'ble Tribunal by filling this original application .

5. Grounds for Reliefs :-

- i) For that the action of the respondents is not impartial in as much as they treated the applicants differentially so far the date of regularisation is concern.
- ii) For that as the respondents have regularised the services of other persons with effect from the date of their initial appointment ,there is no hindrance to give the same benefits in cases of the applicants .
- iii) For that as this Hon'ble Tribunal directed to regularise the services of the applicants ,the respondents should regularise their earlier services as per law as implies the meaning of word 'Regularisation'.
- iv) For that if the earlier service benefits is not given to them , they will suffer irreparable loss and injury.
- v) For that as they rendered job in parmanent nature

*Sr. Dy. Secy. to Govt.*

for about 10 years continuously with~~in~~ some artificial breaks the benefit for the said period should be given to them.

vi) For that the action of the respondents is illegal arbitrary and whimsical in as much as they treated the applicants differently.

vii) For that the action of the respondents is against the principle of natural justice and administrative fair play.

viii) For that the action of respondents goes against the very provision as laid down under Article 14 of the Constitution of India.

ix) For that at any rate the action of the respondents is not maintainable in the eye of law and is liable to be quashed .

6. Detail of remedies availed :-

That the applicants declare that they have taken recourse to all the remedies available to them but failed to get justice and hence there is no other alternative efficacious remedy open to them other than to approach this Hon'ble Tribunal.

7. Matter not previously filed and /or pending before any court :-

That the applicants further declare that they have not previously filed any application ,except earlier Original application as mentioned in para (4) above ,or Writ petition or suit regarding the matter before any court , authority or any other ~~bench~~ bench of this Hon'ble Tribunal nor any such application ,writ petition or suit is pending before any court.

Sri Dipak Kumar Nanda

8. Reliefs sought for :-

Under the circumstances stated above the applicants prays for the following reliefs :-

- i) To direct the respondents to give effect of date of regularisation w.e.f. their initial date of appointment .
- ii) To direct the respondents to extend the benefits of earlier service benefits treating earlier services as regular service.
- iii) To grant any other relief as Your Lordships may deem fit and proper.
- iv) Cost of the application .

9. Interim relief ,if any :-

Under the fact and circumstances stated above the applicants do not pray any interim reliefs.

10. ....

11. Particulars of Indian Postal Order :

- i) I.P.O NO. : OG 493492
- ii) Date of Issue :- 2-3-2000
- iii) Payable at :- Guwahati

12. List of enclosures :-

As stated in the index .

Sri Dipank Kumar Nanda.

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

I, Shri Dipak Nirala, son of Late Dambarudhar Nirala, aged about 35 years, resident of Vill-Purani Alimor, P.O.-Panchmile, Dist-Sonitpur (Assam) now working as Civilian Signal Board Operator under the Respondent NO.5 do hereby verify that the contents of paragraphs 1 to 12 of the application are true to my personal knowledge and belief and that I have not suppressed any material fact of the case.

And I sign this verification on this the 29<sup>th</sup> day of February 2000 at Guwahati.

Place :- Guwahati  
Date :- 29/2/2000

Shri Dipak Nirala.  
SIGNATURE OF APPLICANT

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH: GUWAHATI.

O.A. No. 185/90, 70/92 &amp; 104/92

T.A.No.

DATE OF DECISION 25-5-1993;

at Shillong.

Smt Farida Begum (O.A.185/90)

Md Riajuddin Ahmed &amp; 6 Ors (O.A.70/92)

Shri Dipak Nirala &amp;

PETITIONER(S)

Shri Madan Chandra Urma (O.A.104/92)

M/S J.L.Sarkar, M.Chanda, R.N.

ADVOCATE FOR THE  
PETITIONER(S)

Purkayastha, A.Rashid &amp; Md Arif.

VERSUS

Union of India &amp; Ors.

RESPONDENT(S)

Mr S. Ali, Sr.C.G.S.C Mr S. Ali, Sr.

ADVOCATE FOR THE  
RESPONDENT(S)

THE HON'BLE JUSTICE SHRI S.HAQUE, VICE-CHAIRMAN

AND

THE HON'BLE SHRI G.L.SANGLYINE, MEMBER (ADMINISTRATIVE)

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 Justice Shri S.Haque, Vice-Chairman

Attested by

A. Ray

Adm. Secy.  
27/2/2000

J U D G M E N T

HAQUE J

Smt Farida Begum in O.A.185/90, Md.Riajuddin Ahmed, Sri Prasanna Kr. Das, Miss Moon Moon Das, Shri Jogeswar Nath, Shri Pulin Sarma, Shri Lakhindar Khosla and Smt Bedwati Das in O.A.70/92 and Shri Dipak Nirala and Shri Madan Ch. Urma in O.A.104/92 are applicants in these three applications.

2. All the ten applicants of the above three cases are Civilian Switch Board Operators at Military Telephone Exchange under Station Headquarters, Misamari. Their grievance and reliefs sought for are similar and similar consideration will be made for decision. Therefore, all the three cases have been taken up analogously for disposal by this single judgment.

3. Applicant Smt Farida Begum was initially appointed on 5.11.86 temporarily for 89 days as Civilian Switch Board Operator (CSBO), the applicant Md Riajuddin Ahmed and six others were appointed on 1.5.1985; and applicant Shri Dipak Nirala and Shri Madan Chandra Urma were appointed on 17.12.85 and 11.11.87 respectively as Civilian Switch Board Operator temporarily. They are discharging their duties as such all these years with a break of 2 or 3 days after each appointment for 89 days. presently all of them are serving in the said post without any break vide our order/ 30.10.90 in O.A.185/90 and order dated 23.12.92 in Misc.Petition No.164 & 165 of 1992 (O.A. No.70/92 and 104/92 respectively). Their grievance is for

contd..

regularisation in the said services. Learned counsel Mr M.Chanda on behalf of the applicants submits that the services of Switch Board Operators in the Military Telephone Exchange, Headquarters, Misamari are of permanent nature but instead of willingness of regularising services of the applicants, the local authorities could not fulfill it for want of regular sanction. In support of this submission, Mr Chanda refers to the decision reported in 1991 (1) S.L.R 417 (Akhil Ch. Deb & Ors. -Vs- U.C.I. & Ors). Mr Chanda has further refers to the letter No.104022/48/GS(SD) dated 13.1.90 of Headquarters Eastern Command, Fort William, Calcutta that the existing arrangement of according sanction is not a satisfactory one and the requirement of CSBOs being of permanent nature, Army Headquarters was once again, approached to reconsider the case. Learned Sr.C.C.S.C Mr S.Ali has no dispute on the facts. Mr Ali refers to para 4 and 5 of O.A.70/92 and O.A.104/92, wherein it was stated that though the applicants accepted offer of appointment under the terms and conditions given to them and joined temporarily on their respective duties yet efforts have been made from time to time for regularisation of their services but till now no regularisation orders have been received.

4. Upon hearing counsel of the parties and considering all facts it has been established that the job discharged by the applicants are of permanent nature and the department require regular employees for the said job namely C.S.60. Case law referred to above namely,

contd...

1991(1) S.L.R 417 was based on consideration of previous six rulings of the Supreme Court. The facts of the said cases are similar to our instant cases. There was short breaks with temporary appointments from time to time and under such circumstances ordered for regularisation. This decision is aptly applicable in the instant cases.

5. In the result, we decide that the applicants of the three cases are entitled to be regularised in their services as Civilian Switch Board Operators.

Accordingly, these three applications are allowed. We direct the respondents to regularise the services of the applicants and to implement the order within a period of 90 days from the date of receipt copy of the judgment. The respondents shall not discontinue services of applicants till regularisation.

6. We pass no order as to costs.

Sd/- S. Haque  
Vice-Chairman

Sd/- G.L. Sanglyine  
Member (Admin)

TRUE COPY

Deputy Registrar (Judicial),  
Central Administrative Tribunal  
Guwahati Bench, Guwahati

Attested by  
[Signature]  
Admin. Secy.  
29/2/2000

-13- ANNEXURE-B  
DAILY ORDER PART II: CIVILIAN SWITCH BOARD OPERATORS

Unit : Station Headquarters  
Misamari

DO Pt II No : 07/CSBO/95

Date : 01 Jul 95

LAST DO Pt II NO 06/CSBO/95 DT 19 MAY 95

1. Smt Farida Begum 05 Nov 86 (FN) Based on authority of HQ Eastern Command letter No 104022/37/GS (SD) (ii) dt 17 Jan 85, employed in the post of Civilian Switch Board Operator (CSBO) on casual basis wef 05 Nov 86 at the scale of Rs 950/- (basic pay) plus other allces as admissible.  
W/O : Md Nizam Ali  
Vill: Saikia Chubari Muslim Gaon  
PO : Dekargaon  
Dist: Sonitpur (Assam)  
Date of birth : 14 May 1960  
Employment Exchange  
Registration No : W-448/84  
Edn Qualification : H.S.L.C passed 05 Jan 94 (FN) Service regularised wef 05 Jan 94 and brought on regular Post Establishment (PE No IV/226/1946/3) in the post of Civilian Switch Board Operator Gde I under the authority of Govt of India, Min of Defence letter No 58932/SD7/22/C/D (GS-I) dt 05 Jan 94 and Signal Records Jabalpur letter No 3681/L/CA6/PE/01 dt 08 Jun 95 at the scale of Rs 950-20-1150-EB-25-1400 and taken into GS Branch common Roster wef 05 Jan 94.  
Tech : Nil
2. Md. Riazuddin Ahmed 01 May 85 (FN) Based on authority of HQ Eastern Command letter No 104022/37/GS (SD) (ii) dt 17 Jan 85, employed on the post of CSBO on casual basis wef 01 May 85 at the scale of Rs 260-6-290-EB-6-326-8-366-EB-8-390-10-400 plus other allces as admissible.  
S/O : Late Hafizuddin Ahmed  
Vill: Saikia Chubari Muslim Gaon  
PO : Dekargaon  
Dist: Sonitpur (Assam)  
Date of birth : 18 May 1964  
Employment Exchange  
Registration No : 3514/84/83  
Edn Qualification : H.S.S.L.C Passed  
Tech : Nil

Col  
Adm Comdt .... 2

Attested by  
Al Ray  
Advocate  
29/2/2000

2. Md. Riazuddin Ahmed.

05 Jan 94  
(FN)

Service regularised wef 05 Jan 94 and brought on regular Peace Establishment (PE No IV/26/1946/3) in the post of Civilian Switch Board Operator Gde II under the authority of Govt of India, Min of Def letter No 58932/SD7/22/C/D (GS-I) dt 05 Jan 94 and Signal Record Jabalpur letter No 3681/L/CA6/PE/01 dt 08 Jun 95 at the scale of Rs 950-20-1150-EB-25-1400 and taken into GS Branch Common Roster wef 05 Jan 94.

3. Shri Dipak Nirala  
S/O: Shri Dambarudhar Nirala  
Vill: Purani Alimor  
PO: Panchmille  
Dist: Sonitpur (Assam)

17 Dec 85  
(FN)

Based on authority of HQ Eastern Command letter No 104022/37/GS (D) (ii) dt 17 Jan 85, employed on the post of CSBO on casual basis wef 17 Dec 85 at the scale of Rs 260-6-290-EB-6-326-8-366-EB-8-390-10-400 plus other allces as admiss

Date of birth : 11 Jan 1964  
Employment Exchange  
Registration No : 3372/83/80

Edn qualification : PU Passed  
Tech : Nil

05 Jan 94  
(FN)

Service regularised wef 05 Jan 94 and brought on regular Peace Establishment (PE No IV/226/1946/3) in the post of CSBO Gde II under the authority of Govt of India Min of Def letter No 58932/SD7/22/C/D (GS-I) dt 05 Jan 94 and Signal Records Jabalpur letter No 3681/L/CA6/PE/01 dt 08 Jun 95 at the scale of Rs 950-20-1150-EB-25-1400 and taken into GS Branch Common Roster wef 05 Jan 94.

(Authority:- Army HQ (SD-7) Note No 58932/SD-7 dt 24 Mar 94; Army HQ (Sigs-4(C) letter No B/44624/Sigs 4(c) dt 28 Mar 95; Army HQ (SD-7) letter No 58932/SD7 dt 03 Apr 95; Army HQ (Sigs 4(C) letter No B/44572/Sigs 4(C) dt 27 Apr 95; Signal Records Jabalpur letter No 3681/1/CA6/PE/01 dt 08 Jun 95; HQ 101 Area letter No 10711/Misamari/GS(SD) dt 26 May 95)

(K Malaiappan)

Col

Adm Comdt C1 I.

#### Distribution

1. Dte Gen of Sigs, Sigs 4(C)  
GS Branch, ARMY HQ  
DHQ PO New Delhi-110 011.

2. Addl DGT SD Dte (SD-7)  
GS Branch, ARMY HQ  
DHQ PO New Delhi-110 011.

5. HQ 101 Area (Sigs & GS(SD)  
C/O 99 APO

7. CDA (Pension)  
Allahabad.

10. LAO (A) Tezpur.

11. ALO Shillong.

12. Indl Concerned File

13. Office

3. Signal Records  
Post Bag No -5  
Jabalpur (MP)-482 001.

6. HQ 51 Sub Area  
C/O 99 APO

8. JCDA (F) Meerut.

4. HQ Eastern Command  
(Sigs & GS(SD))  
Fort William  
Calcutta-21.

9. CDA Basistha  
Guwahati.

Approved by  
Adm Comdt  
29/2/2000

DAILY ORDER PART II : ACCOUNT CLERK

Unit : Station Headquarters  
Misamari

DO Pt II No : Acot/Clk/07/98

Date : 02 Sep 98

LAST DO PT II NO ACOT/CLK/06/98 DT 01 JUL 98

REGULARISATION

1. Smt Mukul Dey  
W/O Shri Dipankar Dey  
Vill: Namanigaon  
PO : Rangapara  
PS : Rangapara  
Dist: Sonitpur  
State: Assam

02 Dec 1985

Based on authority of Govt of India, Min of Def letter No B/60733/(1)/SD6B/889/DOI/D (GS-I) dt 14 Aug 98, service regularised in respect of Smt Mukul Dey in the post of Account Clerk wef 02 Dec 85 in Station Headquarters Misamari.

Date of birth : 17 Jan 1964

Emp Exch Regn No: W/1339/84

Edn qualification: PU Passed

(Auth : GOI, MCD. letter No B/60733/(1)/SD6B/889/DOI/D (GS-I) dt 14 Aug 98)

(Vijay Singh)  
Col  
Adm Comdt Cl I

Distribution

1. Addl Dte Gen of Staff Duties (SD6B)  
Army HQ, DHQ, PO New Delhi - 11.
2. HQ Eastern Command, GS (SD)  
Fort William, Calcutta-21
3. HQ 101 Area, GS (SD)  
C/O 99 APO
4. HQ 51 Sub Area, GS (SD)  
C/O 99 APO
5. CDA (P) Allahabad.
6. JCDA (F) Meerut.
7. CDA Narangi, Guwahati.
8. AAB Shillong.
9. Indl Concerned File.
10. Office Copy.

Attended by  
Advocate  
29/2/00

DAILY ORDER PART II : ACCOUNT CLERK

Station HQ  
Misamari

DO Pt II No : Acct/Clk/04/98

Date : 05 May 98

-----  
LAST DO PT II NO ACCT/CLK/03/98 DT 25 APR 98.  
-----

REGULARISATION

Shri Chandra Kanta Ray 01 Sep 75

Based on authority of GOI, MOD  
letter No B/60733/SD 6B/231/DOI/  
D(GS-I) dt 03 Apr 98, Service  
regularised in respect of  
Shri Chandra Kanta Ray in the post  
of LDC wef 01 Sep 75 to 02 Sep 85  
and Account Clerk wef 03 Sep 85  
in Station HQ Misamari.

S/O Late Jatin Ch. Ray

Vill : Lengtisingapara

P/O : Srijangram

Dist : Goalpara (Assam)

Date of Birth : 1 Oct 1946

Emp Exch Regn No : 461/72

Edn Qualification: HSLC Passed

Auth :- GOI, MOD letter No 13/60733/SD 6B/231/DOI/D(GS-I) dt 03 Apr 98.

*Vijay Singh*

(Vijay Singh)

Col

Adm Comdt Cl-I

Distr :-

1. Addl Dte Gen of Staff Duties (SD 6B)  
Army HQ, DHQ PO New Delhi - 11
2. HQ Eastern Comd, GS (SD)  
Fort William Calcutta - 21
3. HQ 101 Area, GS (SD)  
C/O 99 APO
4. CDA (P) Allahabad
5. JCDA (F) Meerut
6. CDA Narangi, Guwahati
7. AAO, Shillong
8. HQ 51 Sub Area, GS (SD)
9. Inl Concerned File
10. Office Copy.

*Attended by  
C. K. Ray  
27/5/98*

To,

The Signal Records  
Post Bag NO. 5  
Jabalpur - 482001

Sub : Prayer for regularisation of service w.e.f. date  
of initial appointment .

Sir,

With due respect I beg to state that I was initially appointed on 17.12.85 as Civilian Switch Board Operator under the Adm, Commandant, Missamari, C/O 99 APO for 89 days and I continued my work in the above capacity for years together with some artificial breaks . My service has been regularised w.e.f 5.1.94 vide DO.Pt.II NO. 07/CSBO/95 dated 1.7.95 (PE NO. IV/226/1946/3) . The above regularisation was made after the order of the Central Administrative Tribunal Guwahati Bench in Original Application NO. 104 of 1992 wherein the Tribunal directed you to regularise my service .

After the said order of the Tribunal ,though my service has been regularised ,but effect has not been given from my initial date of appointment for which I have lost the benefit of ten years of service.

I ,therefore, humbly pray your honour may please to give effect of regularisation from my initial date of appointment and I shall oblige thereby for ever.

Thanking you.

Yours Faithfully

Dated ; 17.12.95.

Sd/ Dipak Nirala  
C.S.B.O.  
C/O- Adm ,Commandant  
Missamari, C/O-99APO

Attended by  
*[Signature]*  
Advocate  
29/12/2000

To,

The Signal Records,  
Post Bag NO. 5  
Jabalpur- 482001

Sub :- An application for giving effect of regularisation from initial date of appointment.

Sir,

With due respect we beg to state that we were appointed as Civilian Switch Board Operator w.e.f 1.5.85 and 5.11.86 respectively under the Adm. Commandant, Missamari, C/O 99 APO and we continued for years together in the same capacity . But as our services were not regularised , we approached to the CAT, Guwahati Bench by filling Original Application NO. 185/90 and 70/92 and the Hon'ble Tribunal was pleased to direct you to regularise our services . Accordingly our services were regularised w.e.f. 5.1.94, but not from the date of our initial appointment and hence we have lost near about ten years of service benefit .

Hence , we humbly request your kind honour to give effect of regularisation w.e.f. date of our initial date of appointment and we shall oblige thereby.

Thanking you .

Yours faithfully-

Dated 17.12.95

Sd/- Md. Riazuddin Ahmed  
Sd/- Smt. Farida Begum  
Both are CSBO,  
C/o- 99 APO, Missamari

Attested by  
RK Baur  
Advocate  
29/12/2000

9

- 19 -

ANNEXURE - D series

To,

The HQ East Commandant (Sigs Branch)  
Fort William, Calcutta -21

Sub :- Prayer for regularisation of service w.e.f.  
date of initial appointment.

Sir,

With due respect I beg to state that I have been initially appointed on 17.12.35 as CSBO under the Adm. Commandant, Missamari, C/O 99APO for 89 days and continued as such for years together with some ~~xxx~~ artificial breaks. But as my service was not regularised I approached the CAT Guwahati Bench by filing Original Application NO. 104 of 1992 and the Hon'ble CAT directed to regularise my service. Accordingly my service was regularised w.e.f 5.1.94 vide DO.Pt.II.NO. 07/CSBO/95 dated 1.7.95 (PE NO.IV/226/1946/3), instead of regularising w.e.f. my initial date of appointment due to which I have lost a valuable period of my <sup>service</sup>/life.

Hence, I request your kind honor to regularise my service w.e.f. date of initial appointment. In this regard I have earlier submitted my representation to the Signal Records, Jabalpur, but I have not received any response.

Thanking you.

Yours faithfully

Dated - 12.2.97

Sd/- Dipak Nirala  
CSBO, C/O 99APO  
Missamari

Attended by  
*AK Ray*  
Advocate  
29/2/2000

To,

The HQ East Commandent (Sigs Branch)  
Fort William, Calcutta- 21

Dated : 15 .2.97

Sub :- An application for giving effect of regularisation from initial date of appointment.

Sir,

With due respect we beg to state that we were appointed as Civilian Switch Board Operator w.e.f. 1.5.85 and 5.11.86 respectively under the Adm. Commandent, Missamari, C/O 99 APO and we continued for years together in the same capacity. But as our services were not regularised, we approached to the Hon'ble CAT, Guwahati Bench by filling ~~xxx~~ Original Application NO. 185/90 and 70 /92 and the Hon'ble Tribunal was pleased to disposed of the same with direction to regularise our services. After the said order, our services were regularised w.e.f 5.1.94, but not from the date of our initial appointment and hence we have lost ten years of service benefit. Being aggrieved we wrote to the Signal Records, Jabalpur by one application dated 17.12.95 requesting to give effect of regularisation from the date of initial appointment, but till date no response has been made.

Hence we request your kind honour to consider our case sympathically and pass necessary order so that we may get the earlier service benefit and we ~~shall~~ shall ever oblige thereby.

Yours faithfully

Sd/- Md. Riazuddin Ahmed  
Sd/- Smt. Farida Begum  
Both are CSBO, 99, APO  
Missamari.

Attended by  
*AKB*  
Advocate  
24/2/2000

To,

The HQ East Commandent (Sigs Branch)  
Fort William, Calcutta - 21

Sub :- Prayed for giving effect of regularisation  
w.e.f. date of initial appointment.

Sir,

With due respect we beg to state that we were appointed as Civilian Switch Board Operator w.e.f 1.5.85 ; 17.12.85 and 5.11.86 respectively under the Adm. Commandent, Missamari, C/O 99 APO and we continued for years together in the same capacity. But as our services were not regularised, we approached to the Hon'ble CAT, Guwahati Bench by filling Original Applications NO. 185/90 ; 70/92 and 104 /92 and the Hon'ble Tribunal was pleased to direct all the respondents of those cases to regularise our services. After the said order our services have been regularised w.e.f. 5.1.94, but not from the initial date of our appointments due to which we have lost our earlier ten years service benefit. In this regard we earlier wrote to your kind honour ~~xx~~ for a number of times, but no response have been received. Recently we have come across two copy of orders under DO Pt. II NO. Acct/ Clk/07/98 dated 2.9.98 and DO Pt II NO. Acct/Clk/04/98 dated 5.5.98 whereby Smt. Mukul Dey and Shri Chandra Kanta Ray has been regularised w.e.f. from their initial date of appointment.

Hence, we request to your kind honour to give effect of regularisation from our initial date of appointment as has been done in other cases cited above and we shall oblige thereby.

Thanking you.

Dated 7.10.98

Yours faithfully-

Sd/Riazuddin Ahmed  
Sd/ Smt. Farida Begum  
Sd/ Dipak Nirala  
All are CSBO, C/O 99APO

Attended by  
[Signature]  
Adm. Secy.  
29/2/2000

To,

The Adm. Commandent, Station HQ,  
Missamari. C/O -99APO

Sub :- Prayer for giving effect of regularisation  
w.e.f. date of our initial appointment .

Sir,

With due respect we beg to state that we were appointed as Civilian Switch Board Operator w.e.f. 1.5.85 ; 17.12.85 5.11.86 respectively under the Adm Commandent, Missamari, C/O 99 APO and we continued for years together with some artificial breaks. But as our services were not regularised we approacher to the Hon'ble CAT, Guwahati Bench ~~and~~ by filling Original Application NO. 185/90 ; 70/92 and 104/92 and the Hon'ble Tribunal was pleased to direct all the respondents of those cases to regularise our services. After the said order our services ~~we~~ have been regularised w.e.f. 5.1.94, but not from the date of initial appointment due to which we have lost our earlier ten years of service benefits. In this regard, we earlier wrote to your kind honour fo a number of times, but no response has been received. Recently we have come through two copy of orders under DO Pt.II NO. Acct/Clk/07/98 dated 2.9.98 and DO Pt.II NO. Acct/Clk/04/98 dated 5-5-98 whereby Smt. Mukul Dey and Shri Chandra Kanta Ray has been regularised w.e.f. from their initial date of appointment.

Hence, we request your kind honour to give effect of regularisation from our initial date of appointment as has been done in orther cases cited above and we shall oblige thereby for ever.

Thanking you .

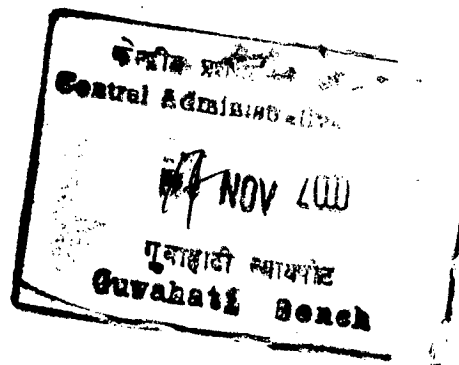
Yours faithfully

Dated. 7.10.98

Sd/ Riazuddin Ahme d  
Sd/ Smt. Farida Begum  
Sd/ Dipak Nirala

All are CSBO, C/O 99APO

Attested by  
*Alkany*  
Bdrc clh  
29/2/2000



Filed by  
Prof. Pathak  
17/11/2000  
(B. C. Pathak)  
Addl. Central Govt. Standing Counsel  
Central Administrative Tribunal  
Guwahati Bench : Guwahati  
23  
33

In the Central Administrative Tribunal  
Guwahati Bench :::: Guwahati.

Original Application No. 97 /2000

Shri Dipak Kumar Nirala & Others.

..... Applicants  
-Versus-

Union of India & Others.

..... Respondents.

( Written statements of Respondents No. 1, 2, 3,  
4 and 5 )

The Written Statements of the Respondents  
No. 1 to 5 are as follows :-

1. That the O.A. No.97/2000 ( referred to as "application") has been admitted by this Hon'ble - Tribunal for hearing and the respondents were directed to file written statements in the case if any. On receipt of the said direction the respondents have failed this common written statements, the interest involved in this case being common to all the respondents.
2. That the statements made in the application, save and except those which are specifically admitted, are hereby denied by the respondents.

Contd.....2/-

24  
34

-2-

3. That the answering respondents deny the correctness of the statements made in para 1 of the application. There is nothing to show in records that the respondents had ever acted by discriminating the applicants in so far as their regularisation of service was concerned.

4. That the respondents have comments regarding the statements made in para 2 and 3 and 4.1 of the application.

5. That with regard to the statements made in para 4(ii), the respondents state that the applicants were appointed as Temporary Civilian Switch Board Operators on temporary basis their appointments were terminated from time to time and they were given fresh appointment on temporary basis which the applicant accepted. The applicants accepted the offer of appointment under the terms and conditions given to them and joined duty on 17 December 1985, 01 May 1985 and 05 November 1986. The applicants continued performing the duties as Temporary Civilian Switch Board Operators with break in service. Only after the decision in O.A. No. 185/90, O.A. No. 70/92 and 104/92, the posts were created and they were appointed permanently vide Ministry of Defence/ letter dated 5.1.94. Therefore no benefits accrued for the period prior to 05 January 1994 by the Ministry of Defence with effect from 05 January 1994 as these were temporary appointments.

Contd...3/-

The copies of appointment letter dated 18.12.85 and the letter dated 8.6.85 and 16.6.95 communicating the Ministry letter dated 5.1.94 for creation of post are annexed as Annexure - R<sub>1</sub>, R<sub>2</sub>, R<sub>3</sub> respectively.

6. That with regard to the statements made in para 4(iii), the respondents state that the applicants were allowed to work on temporary basis as there were no permanent vacant post. Accordingly, as stated hereinabove, 3(three) posts were created and the applicants were appointed on permanent basis/regularised w.e.f. 5.1.94, the crucial date on which the said posts were created by the government. The respondents also state that the applicants were appointed/regularised on permanent basis by creating post w.e.f. 5.1.94. Moreover the judgement as referred to passed by the Hon'ble Tribunal is silent about its application with retrospective effect.

7. That with regard to the statements made in para 4(IX) of the application, the respondents state that as per government of India, Ministry of Defence letter No. 5892/SD-7/22/C/D(CS-I) dated 05 January 1994 (copies of Signals Records letter No. ~~3681/1~~ 3681/1/CA4/PE/EC/46 dated 16 Jun 1995 enclosed posts of Civilian Switch Board Operators were created in the Peace Establishment of Station Headquarters, Misamari with effect from 05 January 1994 and hence appointment regularised accordingly as ordered by Hon'ble CAT Guwahati.

8. That with regard to the statements made in para 4(V) and 4(VI), the respondents state that there were no such similarly situated person who has been regularised as alleged. The case of one such case is explained hereunder :-

Shri Chandra Kanta Ray.

- (i) From 01 September 1975 to 30 September 1980 appointed in the post sanctioned by Higher Headquarters on six monthly basis in lieu of Combatant ( on IAFD -497).
- (ii) From 01 October 1980 to 31 March 1985 - appointed as Civilian Clerk under Administration of Non Cantonment Grant on temporary basis.
- (iii) From 01 April 1985 to 31 March 1995 - Appointed as Account Clerk in the post sanctioned in the Conservancy Establishment by Higher Headquarters on five yearly basis.
- (iv) The service was regularised with effect from 01 September 1995 through Court decision vide Government of India, Ministry of Defence letter No. B/60733/SD 6B/231/DGI/D(GS-I) dated 03 April 1998 (~~copy enclosed as Appendix-D~~)

Now it is clear that Shri Chandra Kanta Ray is not a similarly situated with the applicants as he joined much earlier than them. Moreover the judgement referred does not say anything to regularise the applicant with

retrospective effect or by creating super numerary post from the initial appointment.

9. That with regard to the statements made in para 4(VII) , 4(VIII) and 4(IX) of the application, the answering respondents state that the respondents No. 2 and 4 has no such records in their respective office about the receipt of any such representations from the applicants as alleged in the application . However, since Peace Establishment of Station Headquarters, Missamari has come into effect from 5.1.1994 vide Signals Records letter No. 3681/1/CA 6/PE/01 dated 8.6.95 and 3691/1/CA 6/PE/EC/46 dated 16.6.95, the Civilian Switch Board Operators were regularised with effect from that date only.

10. That with regards to the grounds shown in para 5,1 to 5.IX of the application, the answering respondents state that there is no such ground as shown that it can sustain law. Hence the application is liable to be dismissed. In this regard, the respondents further submit that the law regarding regularisation of services of temporary/adhoc employees has already laid down by the Hon'ble Apex Court and hence the applicant can not seek regularisation with retrospective effect.

Contd.....6/-

11. That the respondents have no comments regarding the statements made in para 6 and 7 of the application.

12. That with regard to the prayer portion as in para 8.1 to 8.IV, the respondents state that the applicants are not entitled to any such relief as prayed for more so, where the applicant has failed to specifically state in that para the exact date and manner from which the relief may be granted. Hence the application is liable to be dismissed with cost.

13. That the respondents crave the leave of this Hon'ble Tribunal to allow them to file additional ~~within~~ written statements if so required and to file records during the course of hearing the case.

14. That in any view of the facts and circumstances of the case, the application has no merit and the same is liable to be dismissed.

In the premises aforesaid, it is therefore prayed that Your Lordships would be graciously pleased to hear the parties, peruse the records and after hearing the parties and pousing records, shall further be pleased to dismiss the application with cost, and or pass such other order that Your Lordships may deem fit and proper.

Verification....7/-

29  
39

-7-

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

I, Shri D. S. Teotia, presently  
working as Col. Officiating Commandant (Admin) Station  
Head Quarters, Misamari  
being competent and duly authorised to sign this veri-  
fication, do hereby solemnly affirm and verify that the  
statements made in para 1 to 4, 6 to 12 are  
true to my knowledge and belief, those made in para  
5 being matter of records, are true  
to my informations derived therefrom and the rest are  
my humble submission before this Hon'ble Tribunal. I  
also state that nothing has been suppressed in this  
written statements.

And I sign this verification on this 12 th  
day of June, 2000 at Guwahati.

Col. *[Signature]*  
Offg. Adm. Commandant CI-1  
Station HQ Misamari  
Assam-784506  
Deponent.

8

Annexure-R (30)  
12

Appendix A 40

APPOINTMENT LETTER

1. The undersigned hereby offers Shri/Miss Dipak Nirala a post of Temporary Civilian Switch Board Operator Grade II Military Telephone Exchange under Station Headquarters Misamari at the scale Rs 260-6-290-EB-6-326-8-366-EB-8-390-10-400(400). The appointee will also be entitled to draw dearness and other allowances at the rates admissible and subject to the conditions laid down in rules and orders governing the grant of such allowances.

2. The appointee will be on temporary post for a period three months from the date of his/her appointment which may be extended by the competent authority.

3. Other conditions of service will be governed by the relevant rules and orders in force time to time.

4. The appointment will be subject to the following :-

(a) Production of a medical certificate of fitness from the competent medical authority.

(b) No person, (i) who has entered in to or contracted a marriage with a person having a spouse living, or (ii) whom having a spouse living, has entered into or contracted a marriage with any person, shall be eligible for appointment to the post, provided that the Central Government may, if satisfied that such marriage is permissible under the personnel law applicable to such person and the other party to the marriage and that there are other grounds for so doing, exempt any person from the operation of this rules.

(c) Taking of an oath of allegiance/faithfulness to the constitution of India (or making a solemn affirmation to that effect) in the prescribed form.

(d) Production of the following original certificates:-

(i) Certificate of education.

(ii) Discharge certificate in the prescribed form the previous employment, if any.

(iii) Scheduled Caste/Scheduled Tribe certificate, if any.

...2/-

Attested  
Col. S. S. S. S.  
Offg Adm. Comdt CI-1  
Station HQ Misamari  
Assam-784506

5. If any declaration given or information furnished by the candidate proves to be false or if the candidate is found to have wilfully suppressed any material information he/she will be liable to removal from service and such other action as Government may deem necessary.

6. If Shri/Mr/Ms/ Dipak Nirala accepts the offer on the above, terms, he/she should report for duty on 07 Dec 85 at 0730 hours alongwith the medical certificate and other documents mentioned in the proceeding paragraphs.

400/53/EST  
Station Headquarters  
Misamari

~~Approved~~  
18 Dec 85

(C L Ohri)  
Lt Col  
Adm Comdt  
for Stn Cdr

To

Shri/Mr/Ms/ Dipak Nirala  
Vill : Purani Alimur  
PO : Panchmile  
Dist/Sonitpur (Assam)

*Attested*  
*Col*  
*offg* Adm Comdt Cl-1  
Station HQ Misamari  
Assam-784506

Tele Mil : 2327

Annexure R2

Appendix 'B'

OP IMMEDIATE/REGD SDS  
Signal Abhilekh Karyalaya  
SIGNALS Records  
Post Bag No-5  
Jabalpur (MP)-482001

8 Jun 95

3581/1/CA6/PE/01

Station Headquarters  
Bengdubi, Darjeeling (WB)

Station Headquarters  
Panagarh (W.B)-713420

Station Headquarters  
Binnaguri (W.B)

Station Headquarters  
Misamari, Assam-784506

Station Headquarters  
Gopalpur Cantt  
Ganjam (Orissa)



Alister  
Col [Signature]

Adm Comdt CI-1  
Station HQ Misamari  
Assam-784506

ADJUSTMENT/POSTING OF CSBOS ON REGULARISATION  
OF POSTS AS CSBOS GDE-II IN EASTERN COMMAND  
AND CENTRAL COMMAND

1. As per Govt of India, Min of Defence letter No 5892/SD-7/22/C/  
D(G-I) dated 05 Jan 94, the following additional posts of CSBOS have  
been created in the PE of your Station HQ as shown against each :-

- (a) Stn HQ Bengdubi - 03
- (b) Stn HQ Panagarh - 05
- (c) Stn HQ Binnaguri - 11
- ✓(d) Stn HQ Misamari - 03
- (e) Stn HQ Gopalpur - 05

2. The following CSBOS have been taken into the GS Branch Common  
roster against the regular vacancies after regularising their  
services as CSBO Grade II wef 05 Jan 94 and accommodated/posted to  
the units/Stn HQ as shown against each :-

Name of the CSBO	Name of Present Unit	Name of Unit/Stn HQ where accommodated/posted
(a)	(b)	(c)
(a) Shri Chandra Mohan Maitra	Stn HQ, Bengdubi	In Situ
(b) Alka Sharma	-CO-	In Situ

25/3/93

...2/-

(a)	(b)	(c)
c) Shri Madhusudan Naik	Stn HQ Panagarh	In Situ
d) Shri Bikas Dutta	-do-	In Situ
e) Shri SK Ghoshal	-do-	In Situ
f) Shri AK Gangopadhyay	-do-	In Situ
g) Shri AK Srivastava	-do-	In Situ
h) Shri Bisweshwar Banik	Stn HQ, Binnaguri	In Situ
i) Shri NK Rudra	-do-	In Situ
j) Shri AK Das	-do-	In Situ
k) Shri SN Choudhary	-do-	In Situ
l) Shri SC Nandi	-do-	In Situ
m) Shri BC Das	-do-	In Situ
n) Shri AC Sarkar	-do-	In Situ
o) Smt S Guha	-do-	In Situ
p) Shri Biswajit Bhaduri	Stn HQ, Bengdubi	Stn HQ Binnaguri
q) Shri BL Narayana	Stn HQ, Gopalpur	In Situ
r) Shri A Suryanarayana Rao	-do-	In Situ
s) Shri Sukanta Prusty	-do-	In Situ
t) Shri EK Naik	-do-	In Situ
u) Kum A Laxmi Mohanty	-do-	In Situ
v) Smt Farida Begum	Stn HQ, Misamari	In Situ
w) Shri Md Riazuddin Ahmed	-do-	In Situ
x) Shri Dipak Nirala	-do-	In Situ

Alb...  
Col...  
Offg Adm Comd CI-1  
Station HQ Misamar  
Assam-784506

ve of Shri Biswajit Bhaduri, CSBO shown at para 2 (c) above will  
ted as on public grounds and he will be eligible for TA/DA as  
sting rules.

regards, regularisation of posts and reckoning their seniority,  
lowing is pointed out :-

Their seniority to regular establishment will be reckoned  
y with effect from the date of regular appointment ie, 05 Jan  
(date of adoption of amended PE).

Service rendered on casual basis prior to appointment in  
ular establishment will not be counted for the purpose of pay  
ation etc.

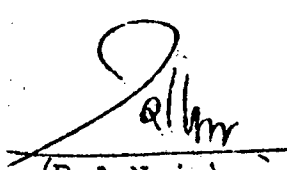
h :- (i) Army HQ (SD-7) Note No 58932/SD-7 dated 24 Mar 95;

(ii) Army HQ (Sigs 4(c) letter No B/44624/Sigs 4(c) dated  
28 Mar 95, and

(iii) Army HQ (Sigs 4(c)) letter No B/44572/Sigs 4(c) dated 27 Apr 95.

A copy of Part II Order promulgating regularisation of posts, bringing them into the GS Branch Common roster and their adjustment/changes etc may please be forwarded to this office quoting this letter as reference for updating our records. Service cards (Form 2004) in their respects may also be forwarded duly completed for their retention by this office.

Please acknowledge receipt.

  
(P A Nair)  
Lt Col  
Chief Record Officer  
For OIC Records

to :-

Headquarters of Signals, Sigs 4(c)  
General Staff Branch  
Headquarters  
New Delhi-110011

1. Refer to Army HQ letter No B/44624/Sigs 4(c) dated 28 Mar 95 and B/44572/Sigs 4(c) dated 27 Apr 95.

2. As intimated by HQ East Comd (Sigs Br) vide their letter No 140085/CSBOs/Sigs 4/46 dated 22 May 95, the name of 3 CSBOs have not been included in the above order due to the reasons as shown against each :-

- (a) Shri Akhil Chandra - Resigned  
Dev from  
(Stn HQ Binnaguri) service
- (b) Shri CR Sarker - do-  
(Stn HQ Binnaguri)
- (c) Anima Tigga - Service  
(Stn HQ Bengdubi) not yet  
regula-  
rised.

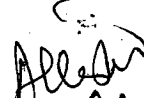
Eastern Command (Sigs Br)  
a-21

For info with ref to their HQ letter No 140085/CSBOs/sigs 4/46 of 22 May 95.

Eastern Command (GS/SD)  
a-21

General Command (Sigs Br)  
(UP)

X  
X For info please.  
X  
X  
X

  
Col  
Adm Comdt CI-1  
Station HQ Misamari  
Assam-784506

13

Annexure-R3

(122) 35

Appendix 'C'

OF IMMEDIATE REGD SDS

Signal Abhilekh Karyalawa

SIGNALS Records

Post Bag No 5

Jabalpur-482001

3681/1/CA6/PE/EC/16

16 Jun 95

Station Headquarters  
Missamari, Assam-784500Station Headquarters  
GangtokStation Headquarters  
Dibrubhii, Dibrugarh (IB)Station Headquarters  
Silchar, AssamStation Headquarters  
Tejpur

Sl. No.	230645
Date	16/6/95
From	Signal
To	Station HQ
Subject	Regularisation of posts as CSOs Grade II
Remarks	Info middle Implement history Orders and take act in given in this list SSO Development order Passed by court By 17 Nov 93

### REGULARISATION/POSTING OF CSOS OF GRADE II OF POSTS AS CSOS GRADE II

1. The services of 35 CSOs of following Station Headquarters have been regularised by the Govt of India, Ministry of Defence and they have been taken into the GS Branch Common Roster against the regular vacancies of CSOs Grade II w.e.f. the date of Court judgements decided in their favour :-

- |                      |      |
|----------------------|------|
| (a) Stn HQ Missamari | - 07 |
| (b) Stn HQ Gangtok   | - 09 |
| (c) Stn HQ Dibrubhii | - 01 |
| (d) Stn HQ Silchar   | - 05 |
| (e) Stn HQ Tejpur    | - 13 |

Col  
Adm Comdt CI-1  
Station HQ Misam  
Assam-784506

2. These 35 CSOs after taking them into the GS Branch Common Roster, the posting as per Annex 'A' to this letter is hereby ordered.

3. Move of the CSOs shown at Annex 'A' to this letter will be treated as on public grounds and they will be eligible for TA/DA as per existing rules.

4. As regards, regularisation of posts and reckoning their seniority, the following is pointed out :-

(a) Their seniority to regular establishment will be reckoned only with effect from the date of regular appointment i.e. date of Court judgement decided in their favour.

(b) Service rendered on casual basis prior to appointment in regular establishment will not be counted for the purpose of pay fixation etc.

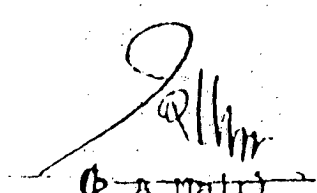
25/5/93

... 2/-

- with :- (i) Govt of India, Min of Def UO No 3877/  
JS(O)/95 dated 10 May 95;  
(ii) Army HQ (Sigs 4(c)) letter No B/44572/Sigs  
4(c) dated 18 May 95;  
(iii) Army HQ (Sigs 4(c)) signal No B/44572/Sigs  
4(c) dated 05 Jun 95.

5. A copy of Part II Order promulgating regularisation of posts, taking them into the GS Branch Common roster and their adjustment/postings etc may please be forwarded to this office quoting this letter as reference for updating our records. Service cards (IAFY-2004) in their respects may also be forwarded duly completed for further retention by this office.

6. Please acknowledge receipt,

  
~~C. A. Mair~~  
Lt Col  
Chief Record Officer  
For OIC Records

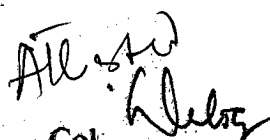
/upk:

Copy to :-

Dte Gen of Signals, Sigs 4(c) - For info with ref to (i) to  
General Staff Branch  
Army Headquarters  
Lt Col HQ New Delhi-110011  
letter No B/44572/Sigs 4(c)  
dated 18 May 95, signal No  
B/44572/Sigs 4(c) dated 05 Jun 95  
and our signal No A 8016 dated  
08 Jun 95.

HQ Eastern Command (Sigs Br) X - For info please.  
HQ Eastern Command (GS/SD) X

Stan HQ Dehradun	AT Centre and School
Stan HQ Binnaguri	Ahmednagar
Stan HQ Pokaran	IMA, Dehradun
Stan HQ Raigarh	Eastern Comd Sig Regt
Stan HQ Aurangabad	Calcutta
Stan HQ Ahmedabad	UP Area Sig Regt
Stan HQ Shillong	Patna
Stan HQ Jodhpur	UP Area Sig Regt
Stan HQ Belgaum	Ambala Cantt
Stan HQ Gaya	Bengal Area Sig Coy
Stan HQ Dimaapur	Calcutta
Stan HQ Guwahati	

  
Col  
offg Adm Comdt CI-1  
Station HQ Misamari  
Assam-784506

Appendix 'A'

(Refer to para 2 of Signals  
Records letter No 3581/1/  
CAS/PE/EC/46 of  
16 Jun 95)

Ser No	Particulars of the individual	From	Unit posted To
(a)	(b)	(c)	(d)
1.	Shri Madan Chandra Urma	Station HQ Misamari	AC Centre and School Ahmednagar
2.	Shri Jogeshwar Nath	-do-	-do-
3.	Shri Lakhinder Khosla	-do-	Stn HQ Dehradun
4.	Shri Pulan Sharma	-do-	-do-
5.	Kum Hun Mun Das	-do-	Stn HQ Binnaguri
6.	Smt Redvati Das	-do-	-do-
7.	Shri Prasanna Kumar Das	-do-	Bengal Area Sig Coy Calcutta
8.	Shri AK Patnaik	Station HQ Gangtok	East Comd Sig Reqt Calcutta
9.	Shri K D Tanang	-do-	-do-
10.	Shri B K Histry	-do-	Stn HQ Pokaran (Raj)
11.	Shri Vijay Rajan	-do-	Stn HQ Ramgarh
12.	Shri Amal Chanda	-do-	Stn HQ Aurangabad
13.	Shri Radha Krishnan	-do-	UP Area Sig Reqt Bareilly
14.	Shri Manoj Kumar Bishoyi	-do-	BMV, Dehradun
15.	Shri Sunil Kumar Das	-do-	Stn HQ Ahmedabad
16.	Shri Ravi Lama	-do-	-do-
17.	Shri Kumar Pashkar	Station HQ Binnaguri	Bengal Area Sig Coy Calcutta

Col

Adm Comdt CI-1  
Station HQ Misamari  
Assam 784506

... 2/-

16

48 28

2

## Appendix 'A'

(Refer to para 2 of Signals  
Records letter No 3681/1/  
dated 27/2/95 of 16 Jun 95)

(a)	(b)	(c)	(d)
18.	Smt Anita Bhattacharjee	Station HQ Silchar	Stn HQ Shillong
19.	Shri Babu Mia Chowdhary	-do-	Stn HQ Jodhpur
20.	Shri Ranjit Kumar Dutt	-do-	-do-
21.	Shri Shahabuddin Barbhuiya	-do-	Stn HQ Belgaum
22.	Km Indrani Biswas	-do-	Stn HQ Shillong
23.	Shri Indu Kumar Hazarika	Station HQ Tezpur	PH & IE Area Sig Regt, Umbala Cantt
24.	Shri Seroj Kumar Mohanta	-do-	-do-
25.	Shri Satyaki Baruah	-do-	Stn HQ, Patna Gaya
26.	Smt Deepali Gogoi (Kalita)	-do-	Stn HQ Dimapur
27.	Smt Chand Sarkar (Das)	-do-	-do-
28.	Smt Ratna Borah (Sarma)	-do-	-do-
29.	Smt Labanya Dora (Shekhawat)	-do-	-do-
30.	Smt Mina Saikia	-do-	-do-
31.	Shri Biren Lalita	-do-	Stn HQ Guwahati
32.	Smt Gayatri Devi	-do-	-do-
33.	Shri Dinesh Kumar Hazarika	-do-	Stn HQ Shillong
34.	Shri Sahil Paul	-do-	Stn HQ Guwahati
35.	Shri Manoj H. Deyan	-do-	Bengal Area Sig Coy Calcutta

*Mishra*  
Col *Sharma*  
Offg Adm Comdt CI-1  
Station HQ Misamari  
Assam-784506