

CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH: GUWAHATI.5

Coatempt ORIGINAL APPLICATION NO. 44/2000 (CA 357/2000)

... Sri ... Srijit ... Das and ors ... Applicant.

Versus

Union of India & Ors ... B. Nair. Respondents.

For the Applicant(s)

Mr. B.K. Sharma  
Mr. S. Sarma  
Mr. U.K. Nair.

For the Respondents.

NOTES OF THE REGISTRAR

DATE

O R D E R

The learned applicant Advocate has been filed this Contempt petition for non compliance of the Tribunal order dtd. 25-10-2000 passed by this Hon'ble Tribunal.

Said before Hon'ble Court for further orders.

29.11.00 present : The Hon'ble Mr Justice D.N. Chowdhury, Vice-Chairman.

Heard Mr U.K. Goswami, learned counsel on behalf of Mr B.K. Sharma.

Issue notice to show cause as to why a contempt proceeding should not be drawn up against the alleged contemner. Returnable by four weeks.

List on 1.1.2001 for show cause and further order.

Vice-Chairman

pg

1.1.2001

List after service.

Vice-Chairman

30.1.01

Await Service Report. List

16.2.01 for orders.

Member

Vice-Chairman

lm

16x2x01

XXXXXXXXXXXXXXXXXXXX

XXXXXXXXXXXXXXXXXXXX

Vice-Chairman

Section officer. A.K. Jeng

28/11/2000 mk

Re. comply order dated 29.11.2000

29/11/2000

Order dtd 29/11/00 Communicated to Respondent No 1 to 3 by Regd ALD Note along with C.A. by vide D.N. No 2990 to 92 dated 5/12/00

4/12/00

① Service report are still awaited.

② No. Show cause has been filed.

34  
15.12.2000

16.2.01

The respondents has submitted the reply. The learned counsel for the applicant prays for adjournment to examine the case. Prayer is allowed. List on 26.2.01 for orders.

IC Usha  
Member

[Signature]  
Vice-Chairman

lm

13-2-2001

26.2.01

The case is ready as regards exchange of written statement and rejoinder by the parties.

List on 12.3.2001 for order.

Affidavit - in opposition has filed by the respondents/ alleged contemners No. 1, 2 and 3.

IC Usha  
Member

[Signature]  
Vice-Chairman

pg

Pras  
18/2

12.3.01

Case is ready for hearing. List for hearing on 14.5.01.

IC Usha  
Member

[Signature]  
Vice-Chairman

17.3.2001

Rejoinder to the reply has been filed by contemner No. 1, 2 and 3.

lm

14.5: Left msg  
List on 24.5 along with the  
O A 357/2000

MW  
A.K.3  
14/5

Pras

24.5.01

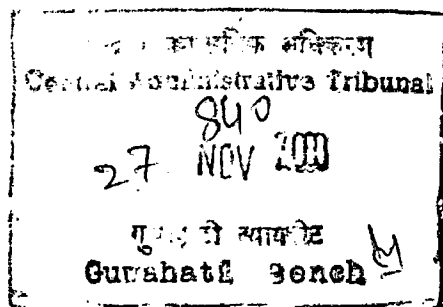
The judgment and order dated 25.10.2000 in O.A.No.357 of 2000 has been implemented. Accordingly, Contempt proceedings is closed.

IC Usha  
Member

[Signature]  
Vice-Chairman

lm

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH.



Contempt Petition No. 44/2000.

O.A. No. 357/2000.

Shri Sujit Das & Ors.

-VS-

Union of India & ors.

IN THE MATTER OF:

An application under Section 17 of the Administrative Tribunal Act 1985 for drawing up contempt of Court's proceedings for non implementation of judgment and order dated 25.10.2000 passed in O.A. No 357/2000.

IN THE MATTER OF:

An application under section 24 of the CAT (Procedure) Rules 1987 for execution of the order dated 25.10.2000 passed in OA No. 357/2000.

AND

IN THE MATTER OF:

1. SUJIT DAS
2. KAJAL NATH
3. KAJAL DAS
4. BADAL BANIK

Filed by:  
the applicant  
through  
Official for government  
Advocate  
27/11/2000

5. NARU CH DAS
6. PARITOSH CH DAS
7. SHYAMAL BISWASH
8. SATYANDRA KUMAR DAS
9. AJAY KR DAS
10. PARESH MALAKAR
11. PARESH DAS
12. PRATAP MALAKAR
13. PARIMAL MALAKAR
14. SAMBHU DAS
15. MAINUL HAQUE LASKAR
16. SANKAR ROY

All the 16 applicants are working as casual labour under the Sub Divisional Officer, Telecom, Halflong since 1986 and 1987.

..... Applicants.

- VERSUS -

1. Shri C.B.Nair,  
General manager, Telecom Silchar Div.
2. B.B. Chakravorty  
Sub Divisional Engineer Telecom (Gr.)  
Halflong.
3. Shri Anjan Dutta Choudhury  
Sub Div. Engineer, Telecom (Phones)  
Halflong.

..... Respondents/Contemners.

The humble application on behalf of the above named petitioners:

MOST RESPECTFULLY SHEWETH:

1. That the petitioners above named have filed this original application making a grievance against the action of the respondents in not considering his case for regularisation and for grant of temporary status in the light of various circulars issued by the Govt. of India.

2. That in the aforesaid O.A. the Hon'ble Tribunal was pleased to issue notice to the respondents and after hearing the parties to the proceeding the Hon'ble Tribunal with a further interim order directing the respondents not to disengage and to allow the petitioners/applicants in the OA to continue in their respective posts during the pendency of the OA.

A copy of the order dated 25.10.2000 is annexed herewith and marked as ANNEXURE-1.

3. That the aforesaid order dated 25.10.2000 has been duly communicated to the Contemners/respondents to do the needful but the same is yet to be implemented. The applicants at the time of filing of the OA have been working under the Contemner No.1 mainly in the office of the contemner No. 2 & 3. However inspite of repeated requests their services have not been utilised as per the direction issued by the Hon'ble Tribunal.

4. That the petitioners beg to state that the contemners having full and detail knowledge about the order have violated the said order dated 25.10.2000. The contemners have willfully and deliberately violated the said order which has resulted tremendous financial loss to the petitioners/applicants more so same is in direct conflict with the order dated 25.10.2000. It is noteworthy to mention here that the said order dated 25.10.2000 still in operation and violation of the same by the contemners

has made them liable for contempt of Court's proceedings.

5. That the petitioners beg to state that the order dated 25.10.2000 is very clear and hence the respondents in any manner can not interpret the same in tune of the present circumstances. In fact, they are liable to be punished under the contempt of Court's Procedure Rules and appropriate direction may be issued to the contemnors for implementation of the order dated 25.10.2000, invoking Rule 24 of the Central Administrative Tribunal (Procedure) Rules 1987.

6. That the petitioners have filed this contempt petition bonafide and to secure the ends of justice.

In the premises aforesaid, it is most respectfully prayed that your Lordships would graciously be pleased to draw contempt of Court's proceedings against the contemnors for willful and deliberate violation of the order dated 25.10.2000 passed in O.A. No 357/2000 and to pass necessary order for implementation of the said order dated 25.10.2000 invoking Rule 24 of the Central Administrative (Procedure) Rule 1987 and/or pass any such order/orders as may be deemed fit and proper considering the facts and circumstances of the case.

And for this, the petitioners as in duty bound shall ever pray.

DRAFT CHARGE

WHEREAS the contemners are liable to be punished under the Contempt of Court's Proceedings for willful and deliberate violation of order dated 25.10.2000 in O.A.No.357/2000 (Sujit Das & Ors versus U.O.I. & Ors.) passed by this Hon'ble Tribunal.

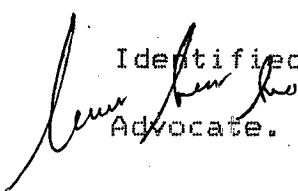
AFFIDAVIT

I, Shri ,Sujit Das, son of Ananta Das, aged about 32 years, at present working as Casual Mazdoor, under Sub Divisional Officer, Telecom, Haflong, do hereby solemnly affirm and state as follows ;

1. That I am the Petitioners in the aforesaid Contempt Petition and as such fully acquainted with the facts and circumstances of the case and hence competent to swear this affidavit.

2. That the statements made in this affidavit and in the accompanying petition in paragraphs 1, 3, 4 & 5 and        are true to my knowledge and those made in paragraphs        2 are matters records which I believed to be true and the rests are my humble submission before the Hon'ble Tribunal and I have not suppressed any material facts of the case.

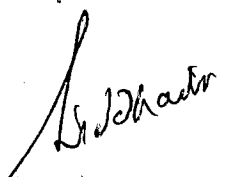
And I sign this affidavit on this the 27<sup>th</sup> day of November 2000.

Identified by:  
  
Advocate.

✓ Sujit Das.

Deponent.

Solemnly affirm and declared by the deponent, who is identified by Shri U.K.Nair, Advocate on this the       th Day of Nov 2000.

 U.K. Nair  
Advocate  
27-11-2000



a

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH, GUWAHATI-5

ORIGINAL APPLICATION NO. 357/2000

Sri. Supriya D. Das . . . . . APPLICANTS  
versus.

Union of India &amp; ors . . . . . Respondents.

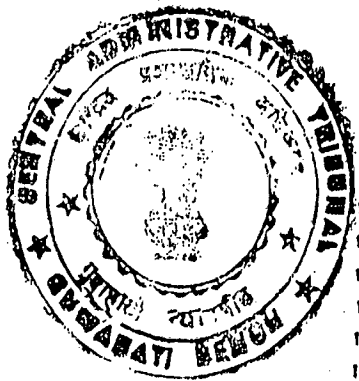
FOR THE APPLICANT(S) Mr B.K. Sharma  
ADVOCATE Mr S. Samra & U.K. Nair

FOR THE RESPONDENT(S) Case .

Notes of the Registry DATE COURT'S ORDER

25.10.00 Present : The Hon'ble Mr Justice D.N.  
Chowdhury, Vice-Chairman.Heard Mr B.K.Sharma, learned counsel  
for the applicants and Mr A.Deb Roy,  
learned Sr.C.G.S.C for the respondents.Application is admitted. Issue usual  
notice. Call for the records.List on 24.11.2000 for written state-  
ment and further orders.Heard Mr Sharma on the interim reli-  
ef prayer. Also heard Mr Deb Roy.Issue notice to show cause as to why  
the interim order as prayed for shall not  
be granted. Returnable by four weeks.List on 24.11.2000 for order. In  
the meantime the applicants shall not be  
disengaged and the respondents are  
directed to allow them to continue in  
their respective service.

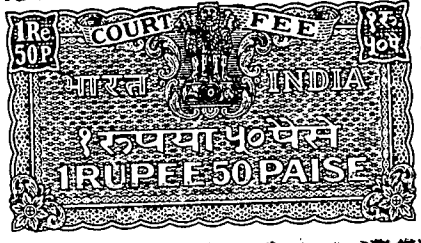
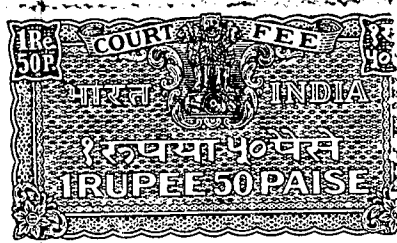
Sd/-VICECHAIRMAN



TRUE COPY

Section Officer (J)  
 बाधुमान अधिकारी (न्यायिक शाखा)  
 Central Administrative Tribunal  
 केन्द्रीय प्रशासनिक अधिकरण  
 Guwahati Bench, Guwahati-5  
 गवाहाटी न्यायाधीश, गवाहाटी-5

Attested  
 U.K. Nair  
 Advocate



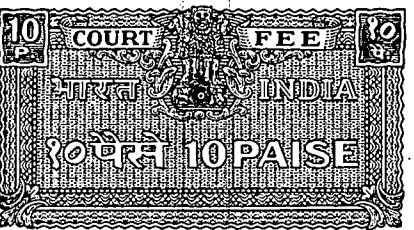
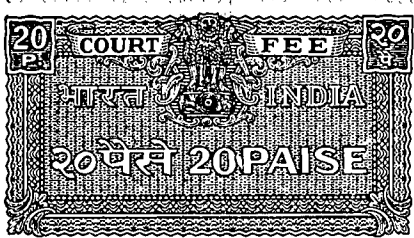
केन्द्रीय प्रशासनिक अधिकरण  
Central Administrative Tribunal

13 FEB 2001

गुवाहाटी बेंच  
Guwahati Bench

by  
Debasish  
Adm. J.  
13th Feb 2001

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
GUWANATI BENCH, GUWAHATI.



IN THE MATTER OF :

CONTEMPT CASE NO. 44/ 2000

anising on A No 357/2000

Sujit Kumar Das & 15 Others

... PETITIONERS

-versus-

1. Shri C.B.Nair,  
General Manager, Telecom  
Circle, Silchar Division.
  2. Sbri B.B.Chakraborty,  
Sub-divisional Engineer  
Telecom (Gr.), Haflong.
  3. Shri Anjan Dutta Choudhury,  
Sub-Divisional Engineer,  
Telecom (Phones), Haflong.
- ... RESPONDENTS.

-And-

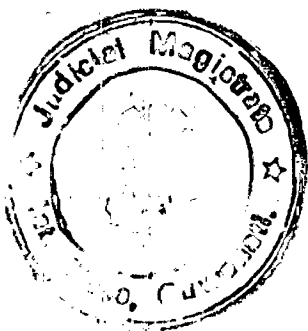
IN THE MATTER OF :

Affidavit-in-opposition filed by the  
respondent/ alleged contemner No.1.

SHOW CAUSE REPLY

I, Shri C.B.Nair, aged about 53 years,  
presently working as General Manager Telecom,

Contd..p/-



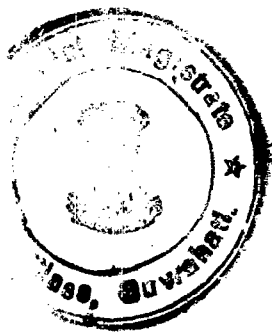
Bharat Sanchar Nigam Limited, a Government of India Enterprise, Silchar, District Cachar, Assam, do hereby solemnly and affirm and declare as follows :

1. That I am the Respondent No.1 in the instant contempt petition and as such I am competent to swear this affidavit. A copy of the application having been served upon me, I have gone through the same and understood the contents thereof.

2. That at the outset the deponent begs to highlight some facts which were not correctly placed in the Original Application before the Central Administrative Tribunal, inasmuch as, the applicants were disengaged as early as on 01.08.98 and prior to 25.10.2000 when the interim order was passed by the Hon'ble Tribunal. The Hon'ble Tribunal also did not order for maintaining status quo ante. Under the circumstance the question of not to disengagement the applicants does not arise. Therefore, the contempt petition is not maintainable insofar the answering respondent is concerned.

3. That the deponent denies the correctness of the statements made in paragraph 1 of the Contempt petition. The deponent states that the applicants do not fulfil the requirement of continuous service

Contd..p/-



[3]

of 240 days in a year as stipulated in the guidelines formulated by the Govt of India for giving temporary status. It may be stated herein that the Govt of India, Ministry of Communication vide its letter No. 269-4/93-STN-II dated 07.12.1999 has specifically stated that the Casual Mazdoors who have not rendered at least 240 days (206 days in the case of Administrative Offices observing 5 days a week) of service in a year on the date of issue of the order should be terminated. Further, the petitioners were called for appearing before the Scrutinizing Committee of Casual Mazdoors and they all appeared accordingly. However, the Committee after careful consideration, found only Shri Sujit Das to have worked for 240 days in one calendar year, but was not engaged on 01.08.98 and afterwards in DOT. The Committee as such did not recommend his name for regularisation. Thereafter, his case was forwarded to the Chief General Manager, Telecom, Guwahati for decision before final disposal of his representation.



A copy of the aforesaid letter dated 07.12.1999 is annexed hereto and marked as ANNEXURE-I.

Contd..p/-

4. That with regard to the statements made in paragraphs 2,3 and 4 the deponent states that on the date of passing of the order i.e. 25.10.2000 or prior to that, the petitioners were not in engagement under the respondents and as such the question of disengagement and/or allowing them to continue does not arise since they discontinued prior to that date as per the Govt of India's circulars issued from time to time. Therefore, it is apparent that there is no wilful disregard or violation of the order passed by this Hon'ble Tribunal. Further, it may be stated that the applicants have misled the Hon'ble Tribunal and obtained the interim order dated 25.10.2000 by misrepresentation of facts and, therefore, the contempt petition as well the Original Application is liable to be dismissed in limine on this ground alone.

5. That the deponent states and submits that as stated above, the petitioners/applicants were discontinued at a prior date before passing of the interim order on 25.10.2000 and as such the respondents considering all aspects of the order, have not given effect of 'status quo ante' to the order, which in fact this Hon'ble Tribunal did not

pass. Therefore, there is no apparent wilful violation and/or disregard to the order dated 25.10.2000 of this Hon'ble Court. In doing so, if however, there is any unintentional violation, the deponent tenders unconditional apology before this Hon'ble Tribunal for the same. The deponent has its highest regard to the orders passed by this Hon'ble Tribunal and in the instant case all efforts were to implement the order, but since the interim order passed by this Hon'ble Tribunal did not cover the case of the applicants who were already disengaged prior to the interim order, was handicapped to give effect of 'status quo ante' to the order passed by the Hon'ble Tribunal. In fact this Hon'ble Tribunal passed the interim order on 25.10.2000 directing not to disengage the petitioners. However, as stated above, the applicants were already disengaged w.e.f. 01.08.2000 and as such question of re-engage them, which was not ordered by this Hon'ble Tribunal, does not arise.



That under the facts and circumstances stated above, it is a fit case where the instant contempt proceeding is liable to be dismissed and the notice issued on the answering deponent be discharged.

[6]

7. That the statements made in this paragraph and those made in paragraphs 1, 6, are true to my knowledge, those made in paragraphs 2, 3, 4, 5 being matters of record are true to my information derived therefrom which I believe to be true and the rest are my humble submissions before this Hon'ble Court.

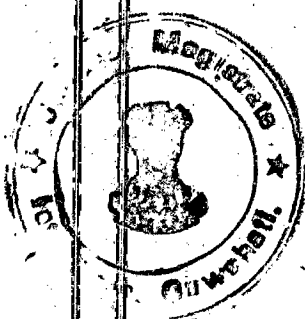
And I sign this affidavit on this the 13th day of Feb, 2001 at Guwahati.

Identified by

*Dilep K. Sarma*  
13.2.2001

Deponent...

Advocate's clerk.



*C. B. Naig*  
13/2/2001  
Magistrate,  
1st Class, Guwahati.

ANNEXURE

No. 269-4/93-STN-II

Government of India  
Department of Telecommunications

STN Section

New Delhi

17 DEC 1993

Dated

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

Subject: Casual Labourers (Grant of Temporary Status and  
Regularisation) Scheme, 1969 framed in Circles  
before 30.3.85 and upto 22.6.88.

Sir,

I am directed to refer to this office order No.  
269-4/93-STN dated 13 June 1993, wherein orders were issued  
to extend the temporary status to all the Casual Mazdoors  
who were engaged in the Project Circles/Electrification Circles  
during the period 1.1.85 to 30.3.85 and who were still con-  
tinuing to work with the P.W.D. in fully engaged and  
were not absent on the last more than 15 days counting from  
the date of issue of the above said order.

2. The matter has further been examined in this office  
and it was found that in some cases, Casual Mazdoors who were  
engaged by the P.W.D. during the period 1.1.85 to 30.3.85  
and who were still continuing to work with the P.W.D. in fully  
engaged and were not absent on the last more than 15 days  
counting from the date of issue of the above said order, have  
not been included in the list of Casual Mazdoors.

3. The engagement of Casual Mazdoors after 30.3.85, in  
violation of the instructions of the P.W.D. has been  
viewed very seriously. It is decided that in all cases  
wherein Casual Mazdoors have been engaged after 30.3.85, the  
instructions of the P.W.D. should be strictly followed and  
disobedience should be dealt with severely.

4. It has also been decided that no engagement of any  
Casual Mazdoor should be made after 30.3.85, unless it is  
very satisfactory and the P.W.D. is fully satisfied. The  
authority in this regard should be the P.W.D. and not the  
be the personal request of the P.W.D. or the P.W.D. should  
concerned in this regard and should not be a mere person  
Mazdoors. The P.W.D. should be responsible for the person  
has secured the engagement of Casual Labour in the P.W.D.  
instructions.

.....2/-



5. It is further stated that the services of all the Casual Mazdoors who have not rendered at least 240 days (206 days in the case of Administrative Officers observing 5 days a week) of service in a year on the date of issue of these orders, should be terminated after following the conditions as laid down in I.D. Act, 1947, under Section 25.F, G & H.

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

Hindi version follows.

Yours faithfully,

*B.K. Dhawan*

(B.K. DHAWAN)  
ASSISTANT DIRECTOR GENERAL (STN)

Copy to :-

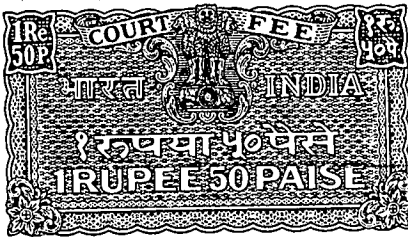
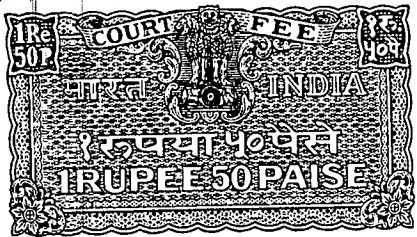
1. All the staff members of Department JCM
2. All Recognised Unions/Associations
3. Budget/TE-I/TE-II/STN/CWO/PAT/NOG/GR Sections of the Telecom. Commission.
4. SBB-I Section, Department of Posts, New Delhi.

No. Recd. 15/10/2004 Dated 1.1.94  
Copy forwarded for information & necessary  
action.

1. The AGO, GH/GR
2. The AGO, GH/GR
3. The AGO, GH/GR
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12. The AGO, GH/GR
13. The AGO, GH/GR
14. The AGO, GH/GR

2001 The enclosed copy of Super  
order

*(K.S.R.P. Samra)*  
ADP (A/C)  
To C&S/Comdant



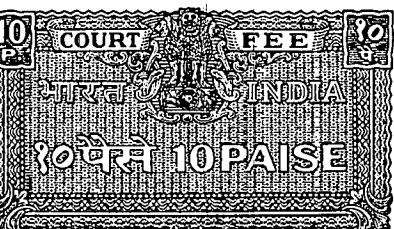
केन्द्रीय प्रशासनिक अधिकरण  
Central Administrative Tribunal

13 FEB 2001

गुवाहाटी बेंच  
Guwahati Bench

Filed by  
D. B. Chakraborty  
12.2.2001  
12

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
GUWAHATI BENCH, GUWAHATI.



IN THE MATTER OF :

CONTEMPT CASE NO. 44/ 2000

arising out of A No 357/ 2000

Sujit Kumar Das & 15 Others

... PETITIONERS

-versus-

1. Shri C.B.Nair,  
General Manager, Telecom  
Circle, Silchar Division.
  2. Shri B.B.Chakraborty,  
Sub-divisional Engineer  
Telecom (Gr.), Haflong.
  3. Shri Anjan Dutta Choudhury,  
Sub-Divisional Engineer,  
Telecom (Phones), Haflong.
- ... RESPONDENTS.

-And-

IN THE MATTER OF :

Affidavit-in-opposition filed by the  
respondent/ alleged contemner No.2.

SHOW CAUSE REPLY

I, Shri Binoy Bhusan Chakraborty, aged about  
50 years, presently working as Sub-divisional

Contd..p/-



Engineer (Grouping), Telecom, Haflong, Bharat Sanchar Nigam Limited, a Government of India Enterprise, Haflong, District North Cachar Hills, Assam, do hereby solemnly and affirm and declare as follows :

1. That I am the Respondent No.1 in the instant contempt petition and as such I am competent to swear this affidavit. A copy of the application having been served upon me, I have gone through the same and understood the contents thereof.

2. That at the outset the deponent begs to highlight some facts which were not correctly placed in the Original Application before the Central Administrative Tribunal, inasmuch as, the applicants were disengaged as early as on 01.08.98 and prior to 25.10.2000 when the interim order was passed by the Hon'ble Tribunal. The Hon'ble Tribunal also did not order for maintaining status quo ante. Under the circumstance the question of not to disengagement the applicants does not arise. Therefore, the contempt petition is not maintainable insofar the answering respondent is concerned.

3. That the deponent denies the correctness of the statements made in paragraph 1 of the Contempt petition. The deponent states that the applicants

Contd..p/-



[3]

do not fulfil the requirement of continuous service of 240 days in a year as stipulated in the guidelines formulated by the Govt of India for giving temporary status. It may be stated herein that the Govt of India, Ministry of Communication vide its letter No. 269-4/93-STN-II dated 07.12.1999 has specifically stated that the Casual Mazdoors who have not rendered at least 240 days (206 days in the case of Administrative Offices observing 5 days a week) of service in a year on the date of issue of the order should be terminated. Further, the petitioners were called for appearing before the Scrutinizing Committee of Casual Mazdoors and they all appeared accordingly. However, the Committee after careful consideration, found only Shri Sujit Das to have worked for 240 days in one calendar year, but was not engaged on 01.08.98 and afterwards in DOT. The Committee as such did not recommend his name for regularisation. Thereafter, his case was forwarded to the Chief General Manager, Telecom, Guwahati for decision before final disposal of his representation.



A copy of the aforesaid letter dated 07.12.1999 is annexed hereto and marked as ANNEXURE-I.

Contd...p/-

4. That with regard to the statements made in paragraphs 2,3 and 4 the deponent states that on the date of passing of the order i.e. 25.10.2000 or prior to that, the petitioners were not in engagement under the respondents and as such the question of disengagement and/or allowing them to continue does not arise since they discontinued prior to that date as per the Govt of India's circulars issued from time to time. Therefore, it is apparent that there is no wilful disregard or violation of the order passed by this Hon'ble Tribunal. Further, it may be stated that the applicants have mislead the Hon'ble Tribunal and obtained the interim order dated 25.10.2000 by misrepresentation of facts and, therefore, the contempt petition as well the Original Application is liable to be dismissed in limine on this ground alone.



5. That the deponent states and submits that as stated above, the petitioners/applicants were discontinued at a prior date before passing of the interim order on 25.10.2000 and as such the respondents considering all aspects of the order, have not given effect of 'status quo ante' to the order, which in fact this Hon'ble Tribunal did not

Contd..p/-

pass. Therefore, there is no apparent wilful violation and/or disregard to the order dated 25.10.2000 of this Hon'ble Court. In doing so, if however, there is any unintentional violation, the deponent tenders unconditional apology before this Hon'ble Tribunal for the same. The deponent has its highest regard to the orders passed by this Hon'ble Tribunal and in the instant case all efforts were to implement the order, but since the interim order passed by this Hon'ble Tribunal did not cover the case of the applicants who were already disengaged prior to the interim order, was handicapped to give effect of 'status quo ante' to the order passed by the Hon'ble Tribunal. In fact this Hon'ble Tribunal passed the interim order on 25.10.2000 directing not to disengage the petitioners. However, as stated above, the applicants were already disengaged w.e.f. 01.08.2000 and as such question of re-engage them, which was not ordered by this Hon'ble Tribunal, does not arise.

6. That under the facts and circumstances stated above, it is a fit case where the instant contempt

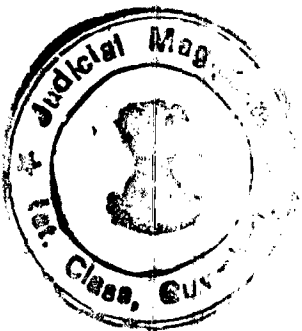
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[6]

proceeding is liable to be dismissed and the notice issued on the answering deponent be discharged.

7. That the statements made in this paragraph and those made in paragraphs 1, 6 are true to my knowledge, those made in paragraphs 2, 3 4, 5 being matters of record are true to my information derived therefrom which I believe to be true and the rest are my humble submissions before this Hon'ble Court.



And I sign this affidavit on this the 13<sup>th</sup> day of Feb, 2001 at Guwahati.

Identified by

*Dilep K. Sharma*  
13.2.2001

Advocate's clerk.

Deponent.

*Biny Bhasm Chandra*

*13/2/2001*  
Magistrate,  
1st Class, Guwahati.

No. 269-4/93-STN-11

Government of India

Department of Telecommunications

STN Section

New Delhi

7 DEC 1993

4976

To: All Heads of Telecom. Circles/Metro Telecom Distt.  
 All Heads of other Administrative Offices,  
 All Heads of Mtee. Regions/Project Circles.

Subject: Casual Labourers (Grant of Temporary Status and Regularisation) Scheme, 1989 - engaged in Circles after 30.3.85 and upto 22.6.88.

Sir,

I am directed to refer to this office order No. 269-4/93-STN dated 13 June 1993, which in order were issued to extend the benefit of the Casual Labourers Scheme to all the Casual Mazdoors who were engaged in the project circles/electrification Circles during the period 30.3.85 to 22.6.88 and who were still continuing for such work with the Dept. in fully engaged and were not absent more than 15 days counting from the date of issue of the above said order.

2. The matter has further been examined in this office and it has been decided that those Casual Labourers who were engaged in the project circles/electrification Circles after 30.3.85 to 22.6.88 and who were still continuing for such work with the Dept. in fully engaged and were not absent more than 15 days counting from the date of issue of the above said order should be considered for regularisation.

3. The engagement of Casual Mazdoors after 30.3.85, in violation of the instructions of the P.W. (Circular), has been viewed very seriously and it has been decided that in all cases wherein recruitment of Casual Mazdoors after 30.3.85 has been analysed and found to be in violation of the instructions of the P.W. (Circular), the concerned officer should be disciplined.

4. It has also been decided that no benefit of any Casual Mazdoors engaged after 30.3.85 should be given unless they are in fully engaged and were not absent more than 15 days counting from the date of issue of the above said order. The authority in the project circles/electrification Circles should be the personal record of the project circles/electrification Circles. The concerned officer should ensure that the person has been recruited after 30.3.85 and has been engaged in the project circles/electrification Circles.

.....2/-



5. It is further stated that the services of all the casual Mazdoors who have not rendered at least 240 days (206 days in the case of Administrative Offices observing 5 days a week) of service in a year on the date of issue of these orders, should be terminated after following the conditions as laid down in I.D. Act, 1947, under Section 25.F, G & H.

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

Hindi version follows.

Yours faithfully,

(S.K. DHAWAN)

ASSISTANT DIRECTOR GENERAL (STN)

Copy to :-

1. All the staff members of Department JCM
2. All Recognised Unions/Associations
3. Budget/TE-I/TE-II/SEA/CWO/PAT/NOG/OR Sections of the Telecom. Commission.
4. SPB-I Section, Department of Posts, New Delhi.

No. Recd. 10/01/94. Ld. 1-1-94  
Copy forwarded for information, guidance & necessary action.

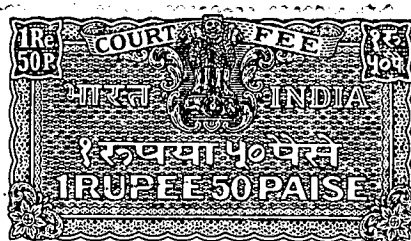
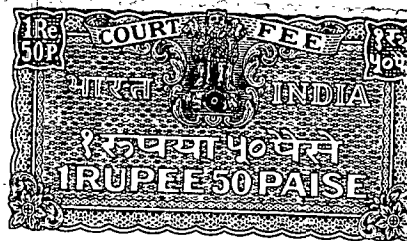
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(S.K. DHAWAN)

ADG (STN)

For C&S / C. S. S. S.



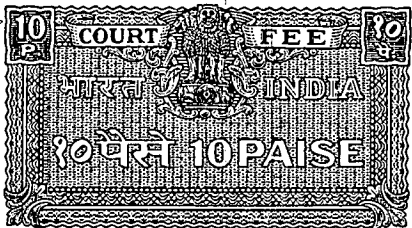
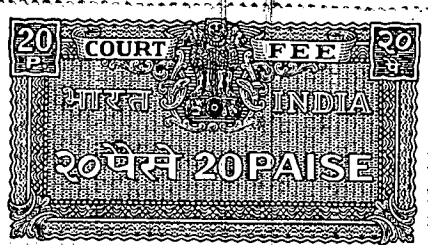
केन्द्रीय प्रशासनिक अधिकरण  
Central Administrative Tribunal

13 FEB 2001

गुवाहाटी बेंच  
Guwahati Bench

Filed by  
Dipak Das  
Advocate  
13.2.2001

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
GUWANATI BENCH, GUWAHATI.



IN THE MATTER OF :

CONTEMPT CASE NO. 44/ 2000

coming out of O A no 357/2000

Sujit Kumar Das & 15 Others

... PETITIONERS

-versus-

1. Shri C.B.Nair,  
General Manager, Telecom  
Circle, Silchar Division.
2. Shri B.B.Chakraborty,  
Sub-divisional Engineer  
Telecom (Gr.), Haflong.
3. Shri Anjan Dutta Choudhury,  
Sub-Divisional Engineer,  
Telecom (Phones), Haflong.  
... RESPONDENTS.

-And-

IN THE MATTER OF :

Affidavit-in-opposition filed by the  
respondent/ alleged contemner No.3.

SHOW CAUSE REPLY

I, Shri Anjan Dutta Choudhury, aged about  
48 years, presently working as Sub-divisional

Contd..p/-



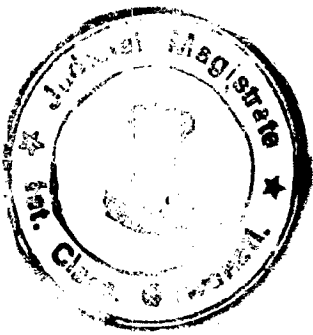
Engineer (Grouping), Telecom, Haflong, Bharat Sanchar Nigam Limited, a Government of India Enterprise, Haflong, District North Cachar Hills, Assam, do hereby solemnly and affirm and declare as follows :

1. That I am the Respondent No.3 in the instant contempt petition and as such I am competent to swear this affidavit. A copy of the application having been served upon me, I have gone through the same and understood the contents thereof.

2. That at the outset the deponent begs to highlight some facts which were not correctly placed in the Original Application before the Central Administrative Tribunal, inasmuch as, the applicants were disengaged as early as on 01.08.98 and prior to 25.10.2000 when the interim order was passed by the Hon'ble Tribunal. The Hon'ble Tribunal also did not order for maintaining status quo ante. Under the circumstance the question of not to disengagement the applicants does not arise. Therefore, the contempt petition is not maintainable insofar the answering respondent is concerned.

3. That the deponent denies the correctness of the statements made in paragraph 1 of the Contempt petition. The deponent states that the applicants

Contd..p/-



do not fulfil the requirement of continuous service of 240 days in a year as stipulated in the guidelines formulated by the Govt of India for giving temporary status. It may be stated herein that the Govt of India, Ministry of Communication vide its letter No. 269-4/93-STN-II dated 07.12.1999 has specifically stated that the Casual Mazdoors who have not rendered at least 240 days (206 days in the case of Administrative Offices observing 5 days a week) of service in a year on the date of issue of the order should be terminated. Further, the petitioners were called for appearing before the Scrutinizing Committee of Casual Mazdoors and they all appeared accordingly. However, the Committee after careful consideration, found only Shri Sujit Das to have worked for 240 days in one calendar year, but was not engaged on 01.08.98 and afterwards in DOT. The Committee as such did not recommend his name for regularisation. Thereafter, his case was forwarded to the Chief General Manager, Telecom, Guwahati for decision before final disposal of his representation.



A copy of the aforesaid letter dated 07.12.1999 is annexed hereto and marked as ANNEXURE-I.

4. That with regard to the statements made in paragraphs 2,3 and 4 the deponent states that on the date of passing of the order i.e. 25.10.2000 or prior to that, the petitioners were not in engagement under the respondents and as such the question of disengagement and/or allowing them to continue does not arise since they discontinued prior to that date as per the Govt of India's circulars issued from time to time. Therefore, it is apparent that there is no wilful disregard or violation of the order passed by this Hon'ble Tribunal. Further, it may be stated that the applicants have misled the Hon'ble Tribunal and obtained the interim order dated 25.10.2000 by misrepresentation of facts and, therefore, the contempt petition as well the Original Application is liable to be dismissed in limine on this ground alone.

5. That the deponent states and submits that as stated above, the petitioners/applicants were discontinued at a prior date before passing of the interim order on 25.10.2000 and as such the respondents considering all aspects of the order, have not given effect of 'status quo ante' to the order, which in fact this Hon'ble Tribunal did not

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pass. Therefore, there is no apparent wilful violation and/or disregard to the order dated 25.10.2000 of this Hon'ble Court. In doing so, if however, there is any unintentional violation, the deponent tenders unconditional apology before this Hon'ble Tribunal for the same. The deponent has its highest regard to the orders passed by this Hon'ble Tribunal and in the instant case all efforts were to implement the order, but since the interim order passed by this Hon'ble Tribunal did not cover the case of the applicants who were already disengaged prior to the interim order, was handicapped to give effect of 'status quo ante' to the order passed by the Hon'ble Tribunal. In fact this Hon'ble Tribunal passed the interim order on 25.10.2000 directing not to disengage the petitioners. However, as stated above, the applicants were already disengaged w.e.f. 01.08.2000 and as such question of re-engage them, which was not ordered by this Hon'ble Tribunal, does not arise.

6. That under the facts and circumstances stated above, it is a fit case where the instant contempt

Contd..p/-

[6]

proceeding is liable to be dismissed and the notice issued on the answering deponent be discharged.

7. That the statements made in this paragraph and those made in paragraphs 1, 6 are true to my knowledge, those made in paragraphs 2, 3 4, 5 being matters of record are true to my information derived therefrom which I believe to be true and the rest are my humble submissions before this Hon'ble Court.

And I sign this affidavit on this the 13<sup>th</sup> day of ~~January~~ Feb, 2001 at Guwhati.

Identified by

Dilep K. Sharma  
13.2.2001

Advocate's clerk.

Deponent.

Anjan Datta Choudhury



13/2/2001  
Magistrate,  
District Magistrate,  
Guwahati



(38) (16)

7- 32

No. 269-4/93-STN-II

Government of India

Department of Telecommunications

STN Section

New Delhi

17 DEC 1993 dated

21. Circular to All CDS/AG

All Heads of Telecom. Circles/Metro Telecom. Distt.  
All Heads of other Administrative Offices,  
All Heads of Mtce. Regions/Project Circles.

Subject: Casual Labourers (Grant of Temporary Status and  
Regulation) Scheme, 1989 issued in Circles  
after 30.3.85 and upto 22.6.88.

Sir,

I am directed to refer to this office order No.  
269-4/93-STN dated 17.12.93, which in order were issued  
to extend the benefit of the scheme to all Casual Mazdoors  
who were engaged in the project circles/telecommunication Circ.  
during the period of 1.1.85 to 22.6.88 and who were still con-  
tinuing to work with the Govt. in fully engaged and  
were not absent for the last more than 10 days counting from  
the date of issue of the above said order.

22/6/88  
A.7-

2. The matter has further been examined in this office  
and it was found that in some cases Casual Mazdoors who were  
engaged by the project circles during the period 1.1.85 to  
22.6.88 and who were still continuing to work with the Govt.  
in fully engaged and were not absent for the last more than 10 days  
counting from the date of issue of the above said order.

3. The engagement of Casual Mazdoors after 30.3.85, a  
violation of the instructions of the P.W. (C) has been  
viewed very seriously. It is decided that in all cases  
wherein recruitment has continued after the date of the  
discontinuation of the project circles, the concerned officer

(58)  
3/1/94

4. It has also been decided that engagement of any  
Casual Mazdoor after the date of the discontinuation of the  
project circles should be done only after the sanctioning  
authority in the project circles has been notified. It should  
be the personal responsibility of the Heads of Circles,  
concerned to ensure that the recruitment of such Casu-  
Mazdoors is done only after the sanctioning authority in the person  
has recruited engaged Casual Labour in the project circles. These  
instructions should be strictly followed.

.....2/-



5. It is further stated that the services of all the Casual Mazdoors who have not rendered at least 240 days (206 days in the case of Administrative Offices observing 5 days a week) of service in a year on the date of issue of these orders, should be terminated after following the conditions as laid down in I.D. Act, 1947, under Section 25.F, G & H.

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

Hindi version follows.

Yours faithfully,

*S.K. Dhawan*

(S.K. DHAWAN)  
ASSISTANT DIRECTOR GENERAL (STN)

Copy to :-

1. All the staff members of Department JCM
2. All Recognised Unions/Associations
3. Budget/TE-I/TE-II/STN/CWO/PAT/NOG/GR Sections of the Telecom. Commission.
4. SPB-I Section, Department of Posts, New Delhi.

No. Recd. 3/10/00000000 Dated 1st October 1-1-94  
Copy forwarded to the concerned authorities for their guidance & necessary action.

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20.01 The concerned Under Secy & Super

*(Signature)*  
4/11/94  
(K.S.K.P. Saini)  
ADG (A.C.)  
The Canteen/Comptroller

প্রতি প্রত্যক্ষিক অধিকার

Dispositive Tribunal

1 FEB 2001

THE CENTRAL ADMINISTRATIVE TRIBUNAL: GUWAHATI BENCH  
GUWAHATI

Contempt Petition No. 44 /2001

(OA 357/2000)

Sujit Das & Drs.

.... Petitioner

- Vs -

Shri C.B. Nair & Drs.

... Contemners

REJOINDER TO THE REPLY FILED BY CONTEMNERS NO. 1, 2

AND 3 :

1. That the Petitioners have received the copy of the Affidavit-in-opposition filed by contemners No. 1, 2 and 3 and have gone through the same. Save and except the statements which are not specifically admitted herein in below may be treated as total denial. Since both the replies the identical the Petitioners beg to file a consolidate rejoinder.
2. That with regard to the statements made in paragraph 1 of the Affidavit-in-opposition the Petitioners offer no comment on it.
3. That with regard to the statements made in paragraph 2 of the Affidavit-in-opposition, the Petitioners while denying the contemners made therein beg to state that they were in employment on the date of order of this Hon'ble Tribunal. The contemners just after the receipt of the notice from this Hon'ble Tribunal disengaged the Petitioners violating the order dated 25.10.2000

34  
Filed by  
Lidshanta  
24-2-2001

345

passed by the Hon'ble Tribunal. The order passed by the Hon'ble Tribunal is very clear and unambiguous containing two parts namely not to disengage them and to allow them in their respective services. The Respondents have dealt with only the 1st part in the present reply. And hence the contemnners are guilty of violation of order dated 25.10.2000.

4. That with regard to the statements made in paragraph 3 of the Affidavit-in-opposition while denying the contentions made therein reiterate and reaffirm the statement made in the DA as well as in the C.P. Since the contention are based on merit of the case of the Petitioners beg to rely on the statement made in the DA for sake of brevity.

5. That with regard to the statements made in paragraphs 4 and 5 of the Affidavit-in-opposition the Petitioners deny the correctness of the same and beg to state that since the order dated 25.10.2000 has left no scope of clarification hence noncompliance of the same has resulted willful and deliberate violation of the said order dated 25.10.2000 and appropriate order punishing the contemnners be issued as per law.

6. That with regard to the statements made in paragraphs 6 and 7 the Petitioners deny the correctness of the same and beg to state that the Contemnners have willfully and deliberately have violated the order dated 25.10.2000 passed in DA No. 357/2000 and hence they are liable to be punished as per law.

Affidavit.....

26

A F F I D A V I T

I, Shri Sujit Das, aged about 32 years, son of Ananta Das, presently working as Casual Majdoor, under SDDT, Haflong do hereby solemnly affirm and state as follows:

1. That I am one of the petitioner in this instant petition, conversant with the facts and circumstances of the case and as such competent to swear this affidavit. I am also duly authorised to swear this affidavit on behalf of all the petitioners.

2. That the statements made in this affidavit and in the accompanying application in paragraphs 1, 2, 3 are true to my knowledge ; those made in paragraphs 3, 4, 5 & 6 are matters of records which I verily believe to be true and the rest are my humble submissions before this Hon'ble Court.

And I sign this affidavit on this the 26<sup>th</sup> day of February 2001.

Identified by me :

*S. Sarma*

Advocate

*Sujit Das*

Deponent

Solemnly affirmed and state by  
the deponent who is identified by  
S. Sarma. Advocate.

*Advocate*