

(RULE - 4)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

ORDER SHEET

Original Application No. /

Misc. Petition No. /

Contempt Petition No. 22/03 (CA 295/2000).

Review Application No. /

Applicant (s) Md. Abdul Ali

- vs. -

Respondent (s) Union of India & ORs.

Advocate for the applicant (s) Mr. Adil Ahmed.

Advocate for the respondent (s) Mr. A. Deb Roy - CGSC.

Notes of the Registry	Date	Order of the Tribunal
This contempt petition has been filed by Sri Adil Ahmed, Advocate u/s 14 of the C.A.T. Act, 1985 praying for punishment of the Contemner/Respondent for non-compliance of judgment and order passed by the Hon'ble Tribunal in CA 295/2000 on 20/02/2002.	25.4.2003 mb	Mr. A. Ahmed, learned counsel for the applicant prayed for withdraw the C.P. and to re-file the appropriate application. Prayer is allowed. Accordingly, the C.P. is dismissed on withdrawal with liberty to the applicant to file appropriate application.
<i>[Signature]</i> Vice-Chairman		
5.5.2003 Copy of the order has been sent to the office for issuing the same to the t/Advocate for the parties.		

केन्द्रीय प्रशासनिक अधिकारी
Central Administrative Tribunal

26/4/2003

संविधान सभा

संसदीय मंडी

Filed by
Md. Abdul Ali
Applicant
through J.G.
(Adv.)
A. (Adm.)
Ans.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH AT GUWAHATI.

CONTEMPT PETITION NO. 22 OF 2003.
IN O. A. NO. 295 OF 2000.

IN THE MATTER OF:

A petition under Section 17
of the Central Administrative
Tribunal Act, 1985 praying
for punishment of the Contem-
ners/Respondents for non-com-
pliance of judgment and order
passed by the Hon'ble Tri-
bunal in O.A. No. 295 of 2000
on 20-02-2002.

-AND-

IN THE MATTER OF:

Md. Abdul Ali -Applicant.

-Versus-

The Union of India & Ors.

-Respondents.

AP

- AND -

IN THE MATTER OF

Md. Abdul Ali,
S/o Late Umar Ali,
Resident of Hengalpara,
P.O.-Hengalpara,
P.S.-Sipajhar,
Dist.-Darrang, Assam.

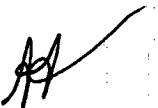
-Applicant.

-Versus-

- 1) Sri Binay Kumar Sinha,
Chief General Manager,
Telecom, Assam Circle,
Guwahati -7.

- 2) Sri T. Ahmed,
Sub-Divisional Engineer,
Rangia Telecommunication,
P.O.-Rangia,
Dist.-Kamrup, Assam.

-Respondents
Contemners.



The Humble Petition of the
above named Petitioner:

MOST RESPECTFULLY SHEWETH:

- 1) That your humble petitioner had filed the Original Application No. 295 of 2000 before this Hon'ble Central Administrative Tribunal, Guwahati Bench, Guwahati praying for giving him temporary status as casual labour as he was working under the Respondents from 1991 to 1994, total period of work for 1045 days.
- 2) That the Hon'ble Central Administrative Tribunal, Guwahati Bench, Guwahati on 20-02-2002 after hearing both side issued a direction to the Respondents to consider the case of the applicant for conferment of temporary status in the light of the scheme if the applicant had rendered 240 days of service in any of the years that he mentioned. The Respondents are accordingly directed to consider the case of the applicant and confer the temporary status as per law. The applicant is also directed to file a representation before the Chief General Manager and the Chief General

AS

Manager shall cause to get it examined by the competent authority and pass a reasoned order in the light of the scheme. The respondents complete the exercise within four months from the date of receipt of the order.

Annexure-A is the photocopy of order and judgment dated 20-02-2002 passed by the Hon'ble Central Administrative Tribunal in O.A. 295 of 2000.

3) That your petitioner begs to state that he filed a representation before the Respondent/Contemner No. 1 on 19-04-2002 as per direction of the Hon'ble Central Administrative Tribunal, Guwahati Bench, Guwahati. The Respondents vide their Letter No. GMT/EST-179/TSM/01-02/95 dated 26-03-2002 rejected the claim of the applicant. They have also annexed the annexure stating that he was engaged from May 1992 till October 1994 only for 32 days under S.D.O., Telephone Rangia.

Annexures- B and C are the photocopies of above said representation dated 01-04-2002 and rejection letter dated 26-03-2002 respectively.



4) That your petitioner begs to state that immediately after receiving such rejection letter your applicant filed a representation dated 7th May 2002 before the respondents giving full details of his works rendered by him. The Respondents vide letter No. GM(K)/Court Case/OA 295/2000/21 dated 20-06-2002 directed the respondent/contemner No. 2 to examine the validity of work certificate of the applicant and also supporting documents, payment particulars of certified period as photocopy of ACE-2 Sheet within 7 (seven) days from the date of receipt of the letter.

Annexure-D is the photocopy of representation dated 7th May 2002 submitted by the petitioner.

Annexure-E is the photocopy of letter No. GM(K)/Court Case/OA 295/2000/21 dated 20-06-2002.

5) That your petitioner begs to state that in spite of clear cut order passed by the Hon'ble Central Administrative Tribunal, Guwahati Bench, Guwahati the Respondents/



Contemnors have intentionally delayed this matter and they have also taken casual steps in this case. They have not properly verified the actual engagement of the petitioner as casual labour by the verification committee constituted by the high officials. Now they have again written a letter dated 20-06-2002 for further verification but till now no step or action has been taken by the Respondents/contemnors in this regard. It appears that the Respondents/contemnors have shown disrespect, disregard and disobedience to this Hon'ble Tribunal. The Respondent/Contemnors deliberately with a motive behind have not complied the Hon'ble Tribunal's Judgment and order dated 20-02-2002 passed in O A No. 295 of 2000. It is a fit case where the Respondents/Contemnors may be directed to appear before this Hon'ble Tribunal to explain as to why they have shown disrespect to this Hon'ble Tribunal.

5) That this petition is filed bona fide to secure the ends of justice.



In the premises, it is, most humbly and respectfully prayed that your Lordship would be pleased to admit this petition and issue Contempt notice to the Respondents/Contemners to show cause as to why they should not be punished under Section 17 of the Central Administrative Tribunal Act, 1985 or pass such any other order or orders as this Hon'ble Tribunal may deem fit and proper.

Further, it is also prayed that in view of the deliberate disrespect and disobedience to this Hon'ble Tribunal's order dated 20-02-2002 passed in O.A. No. 295 of 2000 the Respondents/Contemners may be asked to appear in person before this Hon'ble Tribunal to explain as to why they should not be punished under the contempt of court proceedings.

And for this act of kindness your petitioner as in duty bound shall ever pray.

.. Draft Charge



DRAFT CHARGE

The petitioner aggrieved for non-compliance of Judgment and order dated 20-02-2000 passed by this Hon'ble Tribunal in O.A. No. 295 of 2000. The Contemners/Respondents have willfully and deliberately violated the Judgment and Order dated 20-02-2000. Accordingly, the Respondents/Contemners are liable for contempt of court proceedings and severe punishment thereof as provided under the law. They may also be directed to appear in person and reply the charges leveled against them before this Hon'ble Tribunal.



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Affidavit

I, Md. Abdul Ali, S/o Late Umar Ali, Resident of Hengalpara, P.O.-Hengalpara, P.S.-Sipejher in the District of Darrang, Assam do hereby solemnly affirm and say as follows:

1) That I am the applicant in O.A. No. 295 of 2000 and also the petitioner of the instant petition and as such I am acquainted with the facts and circumstances of the case.

2) That the contents of this affidavit and the statements made in paragraphs 1, 5, —

of the above petition are true to my knowledge and those made in paragraphs 2, 3, 4

are being matters of records derived there from I belief to be true and those made in the rests are my humble submissions before this Hon'ble Tribunal.

I sign this affidavit on this the 23rd day of April 2003 at Guwahati.

Identified by me:



(Md. Abdul Ali)

Md. Abdul Ali,

Advocate

Solemnly affirmed before me by the Deponent who is identified by Mr. Adil Ahmed, Advocate.



Menon Kanti Majumdar
Advocate

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

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ANNEXURE - A

Original Application No.295 of 2000

Date of decision: This the 20th day of February 2002

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

Md Abdul Ali,
Resident of Hangalpara,
P.O. Hangalpara, District- Darrang,
Assam.

.....Applicant

By Advocates Mr S. Ali and Ms B. Seal.

- versus -

1. The Union of India, represented by the Secretary to the Government of India, Ministry of Communication, New Delhi.
2. The Chief General Manager, Telecommunication, Guwahati.
3. The Sub-Divisional Officer, Telecommunication, Rangia, Assam.

.....Respondents

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

O R D E R (ORAL)

CHOWDHURY. J. (V.C.)

This is an application for conferment of temporary status.

The applicant in this application has stated that he was working as casual labourer under the Sub-Divisional Officer, Telecommunication Department at Rangia since 1992 continuously. By the end of 1995 the applicant was not allowed to continue. The applicant has mentioned the particulars of his service as follows:

" 1991 - 330 days under A.E. Borjhar, Telephone
1992 - 254 days under S.D.O., Telephone, Rangia
1993 - 240 days under S.D.O. Telephone, Rangia and J.T.O., MTC, Mongaldoi
1994 - 221 days under S.D.O. Telephone, Rangia."

*Attested
J.S.
Advocate*

2. The applicant in this application has stated that he moved from pillar to post for conferment of temporary status. Since no substantial steps were taken by the authority he moved this Tribunal by way of the present O.A. for appropriate direction on the respondents. Considering the facts and circumstances of the case the delay in filing the application was condoned in a separate application (M.P.No.229 of 2000).

3. The respondents have not filed any written statement. I have heard Mr S. Ali, learned counsel for the applicant and Mr A. Deb Roy, learned Sr. C.G.S.C. at some length. I am of the view that to adjudicate the case for conferment of temporary status one is to evaluate the matter. In the circumstances I am of the opinion that the ends of justice would be met if a direction is issued to the respondents to consider the case of the applicant for conferment of temporary status in the light of the Scheme if the applicant had rendered 240 days of service in any of the years that he mentioned. The respondents are accordingly directed to consider the case of the applicant and confer the temporary status as per law. The applicant is also directed to file a representation before the Chief General Manager and the Chief General Manager shall cause to get it examined by the competent authority and pass a reasoned order in the light of the Scheme. The respondents shall complete the exercise within four months from the date of receipt of the order.

4. With the above observation the application stands disposed of. No order as to costs.

Certified to be true copy
सत्य क्रिया प्रमाणित

SD, VICE CHAIRMAN

ପ୍ରମାଣିତ ହେଲାମାତ୍ର ଏହା
କିମ୍ବା କିମ୍ବା କିମ୍ବା କିମ୍ବା
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To.

The Chief General Manager, Telecom Circle,
Assam, Ulubari, Guwahati-7.

Dated Guwahati the 19th April, 2002.

Ref:- O.A. No.295/2000

Md. Abdul Ali Vs. Union of India & Ors.

Sub:- Submission of representation as per direction of the Hon'ble Central Administrative Tribunal, Guwahati given on 20.2.2002 in O.A. No.295/2000.

Sir,

Most respectfully and humbly I beg to file this representation before you as per direction of the Central Administrative Tribunal, Guwahati vide judgment and order dated 20.2.2002 in O.A. No.295/2000 as follows:-

1. That I am a very poor man of Village Hengalpara, P.O. Hengalpara, P.S. Shipajhar, District - Darrang, Assam. I worked in Telecom Department as casual labour as follows:-

1. In 1991 - 330 days under A.E. Borjhar Telephone
2. In 1992 - 254 days under S.D.O. Telephone, Rangia
3. In 1993 - 240 days under S.D.O. Telephone, Rangia.
4. In 1994 - 221 days under S.D.O. Telephone, Rangia.

2. That I submitted the above particulars to you
S.D.O. Phone, Rangia vide letter dated November, 1999

as per direction of the S.D.O., Rangia Phone vide his letter
No. E-5/Con/94-95/1 dated 8.4.94.

3. That the S.D.O. Please Rangia with a view to consider my case for regularisation in the post of casual labour as per scheme asked me to submit the working particulars but to great surprise and disappointment my case was not considered though I submitted all the particulars required for the purpose.

4. That finding no way out I approached the Central Administrative Tribunal, Guwahati vide O.A. No.295/2000 and in this case the respondents did not submit written statements and ultimately the Hon'ble Tribunal allowed my O.A. No.295/2000 vide judgment and order dated 20.2.2002 with a direction to me to file representation to consider my case for conferment of temporary status in the light of the scheme within a period of four months from the date of receipt of this representation.

Annexure-X is the photocopy of judgment and order dated 20.2.2002 passed in O.A. No.295/2000 by the Hon'ble Tribunal.

5. That it may be mentioned that my colleagues who were similarly situated have already been given temporary status.

6. That under the facts and circumstances of my case narrated above, it is a fit case for consideration to grant temporary status since 1991 to me.

I, therefore, earnestly request Your Honour kindly to consider my case and grant me temporary status since 1991 as per Govt. Labour Scheme for regularisation and oblige.

Yours faithfully,

Md. Abdul Ali

(Md. Abdul Ali)
S/o Late Md. Omar Ali,
Vill. Hengalpara,
P.O. Hengalpara, P.S. Shipajhar
Dist. Darrang, Assam.

*Abdul Ali
J. B. Darrang*

BHARAT SANCHAR NIGAM LIMITED

(A Govt. of India Enterprise)

OFFICE OF THE GENERAL MANAGER TELECOM

KAMRUP TELECOM DISTRICT

GUWAHATI-781007.

NO. GMT/EST-179/TSM/01-'02/195 Dated at Guwahati, the 26-03-2002.

To

Md. Abdul Ali, S/O Late Umar Ali,
Vill & P.O. : Hengalpara, P.S. : Sipajhar,
Dist - Darrang(Assam).

As you are aware that as per direction given by Hon'ble CAT, Guwahati Bench, Guwahati in OA No.295/2000, the department constituted verification committee for this SSA under the circle for conducting detailed verification /scrutiny about the no. of days of engagement year-wise in different units / offices and also to collect proof / evidence for yourself. The committee verified all the documentary as well other proof from the various units/ offices. In our office / SSA, the committee comprised of three members namely (1) Shri M.C.Patar, DE(Admn.) O/O the GMT/KTD/ Guwahati (2) Shri N. K. Das, C.A. O (Cash), O/O the GMT/KTD/ Guwahati (3) Shri S. Das, ADT (Legal), O/O CGMT/ Guwahati.

The aforesaid committee submitted its report to the Department detailing all about their finding / proof against casual laborer including you. The detail of such scrutiny report is enclosed and furnished herewith as an annexure for your information.

Under the above circumstances, as you could not satisfy the eligibility criteria as laid down in the Scheme for conferment of TSM/ Regularisation, your case could not be considered favourably. Please take notice that you have also not been in engagement under the Department since 31.10.1994 and have never been re-engaged thereafter.

This is done in accordance with the Hon'ble Tribunal's order/direction.

B. Banerjee

174102

Head of SSA/Unit (Admn)

O/O G.M. Telecom

Kamrup Telecom Distri

Guwahati-7.

Copy to :

The C.G.M.T., Assam Circle, Guwahati
for favour of information w.r.to his office letter No.STES-21/312/20
Dtd. 23.11.2001.

2. The DEP(Extl-III), Adabari.
3. The DE(Opn.), O/O the GM(BSNL)/GH-7.

Sdy
For GM(BSNL)/GH-7.

Civilian Engineer (Admn)
O/O G.M. Telecom
Kamrup Telecom Distri
Guwahati-7.

Attacl
File Advan 6

ANNEXURE

Details of findings by the Verification Committee Of Kamrup Telecom.
District/Guwahati.(Name of SSA/ Unit) in case of Md. Abdul Ali, in SDOT(Rangia)

Date of engagement	Authority of engagement	No. of days engaged, year wise/ month wise	Proof of engagement (documentary)	Name & Designation of members of verification committee	Reasons in brief as found	Remarks
		(A) (B)				
May'92	SDOT(Rangia)	05-92 4days 08-92 1day 10-92 1Day 09-93 2 days 10-93 2 days 11-93 11 days 12-93 2 days 02-94 4 day 03-94 2 days 07-94 1 days 10-94 2 days	ACE-2 A/c	1. Sri M.C.Patar, DE (Admn.) 2. Sri N.K.Das, CAO, 3. Sri S.C.Das, ADT(Legal)	Not Completed 240 days in any calendar year and not in engagement since Oct' 1994 and have never been re-engaged by the Dep't. for any works thereafter.	Not recommended by the committee

Date 26. 03. 2002

Signature. B. Bhattacharya
Designation Divisional Engineer (Adm)
Seal Etc. O/OI G.M. Telecom
Kamrup Telecom District
Guwahati-7.

After 1
J. D. Advani

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ANNEXURE - D

To,

The Divisional Engineer (Administration),
Office of the General Manager, Telecom,
Kamrup Telecom District, Ulubarmi, Guwahati-7.

Dated Guwahati the th day of May, 2002.

Ref:- Your letter No.GMT/EST-179/TSM/01-02/95
dated 26.3.2002.

Sub:- Regarding report submitted by Verification Committee for the SSA under the Circle for conducting detailed verification/scrutiny about the numbers of days of engagement yearwise in different Units/Office and also to collect proof/evidence of casual labourer.

*Received
6/5/02
S.C. Das
S.D.O. to G.M.
Kamrup Telecom District
Guwahati*

With reference to your above referred letter I
beg to humbly submit as follows:-

1. That as per direction of the Hon'ble Central Administrative Tribunal, Guwahati in O.A. No.295/2000 a Verification Committee consisting of 3(three) Officers viz, i) M.C. Pator, DE, Assam, ii) N.K. Das, CAO and iii) S.C.Das, ADT(Legal) verified the working particulars of the casual labourers including my case. The Verification Committee has not properly scrutinised my working particulars which have been submitted long before on several occasions to the General Manager, Telecom, Kamrup Telecom District, Guwahati and the Chief General, Telecom, Assam Telecom Circle, Guwahati.

2. That the above referred letter has been received by me on 8.4.2002 and on perusal of the same I find to my surprise that the Verification Committee have shown my working days as follows:-

Pl. obtain payment particulars against the period as mentioned in your application
*6/5/02
S.C. Das*

i. May, 1992	-	4 days
ii. August, 92	-	1 day
iii. Oct, 1992	-	1 "
<hr/>		
Total.	-	6 days

Against this finding I submit that I have shown in my Original Application No.295/2000 that my total working days during this year is 254 days working under S.D.O. Telephone, Rangia.

*After 1st
P.D.*

Contd.....2

- 2 -

In 1993 the Verification Committee has shown my working days only 17 days against my working days of 240 days under S.D.O., Telephone, Rangia.

In 1994 the Verification Committee has shown my working days as 9 days only against my working days of 221 days under S.D.O., Telephone Rangia.

In the findings of the Verification Committee they have simply ignored for my working particulars in 1991 which is 330 days under A.E., Barjhar, Telephone. This clearly shows that the Verification Committee has not applied their mind at all while considering my case. I have submitted herewith attached copies of the yearwise of my working days regarding 1991 to 1994. Thereby the Committee has committed serious injustice to me which deserves reconsideration my case by you.

3. That on perusal of my documents submitted herewith you will find that I am entitled to be given temporary status as per Casual Labourer Scheme of the Govt. of India. The Verification Committee have not gone through my working particulars or working days during the above respective years and as a result my case was not considered at all and given temporary status and hence it is a fit case for reconsideration either by the Verification Committee or by the Chief General Manager or yourself for the ends of justice.

4. That it is also pertinent to mention here that the Verification Committee have not asked me to appear before them and to submit my working particulars since 1991 to 1994. This is also serious lapses committed by the Verification Committee. If I would have been asked to produce the original documents given by the officers concerned for the above years i.e. 1991 to 1994 then the Committee would have definitely considered my case favourably.

5. That Sir, I am a very poor man and I worked sincerely and honestly during the above years for which the Officers concerned have submitted their reports to the Chief General Manager, Telecom, Assam Circle, Guwahati-7.

Contd.....3

*Atul
J. L. Advocate*

I, therefore, earnestly request you kindly to go through the documents annexed herewith and after proper verification accept my working days since 1991 to 1994 and reconsider my case and after reconsideration I may be given temporary status and thereafter regularise me as per Casual Labourer Scheme of the Govt. of India and for this act of your kindness, I shall remain ever grateful to you.

Yours faithfully,

Md. Abdul Ali.

(Abdul Ali)

S/o Late Umar Ali

Vill. Hengalpara,

P.O. Hengalpara,

P.S. Sipajhar,

Dist. Darrang, Assam.

Enclo: As above.

Copy forwarded for information and necessary action to:-

1. The Chief General Manager, Telecom, Assam Telecom Circle, Ulubari, Guwahati-7.
2. The General Manager, Telecom, Kamrup Telecom District, Ulubari, Guwahati-7.

*After (2)
J. J. Advocate*

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ANNEXURE - E

BHARAT SANCHAR NIGAM (MITE)
(A Government of India Enterprise)
O/o the General Manager, Kamrup District,
ulubari :: Guwahati

No. AM(K)/Court case/OA295/2000/21 Dated at Guwahati the 20-6-2002.

To

Sri T. Ahmed.

Sub-Divisional Engineer, Rangia.

Subject:- OA. No. 295/2000. (Filed by Md. Abdul Ali) -Comments on engagement certificates issued to Md. Abdul Ali.

Please find enclosed herewith the copies of two engagement certificates countersigned by JTO/Rangia and other two certificates signed by you issued to Md. Abdul Ali who claimed as casual labour in the OA No.295/2000 filed in CAT/Guwahati.

You are requested to examine the validity of certificates and state whether the above mazdoor were actually engaged. If engaged then supporting documents (Payment Particulars of certified period as photocopy of ACE-2 sheet) are required which will be submitted to the undersigned for onward transmission to CAT/Guwahati. Circle office is also pressing hard for the above report vide letter no. Esit.-9/12/PT/KTD/48 dated 05-06-2002.

It is once again requested to submit the above report within seven days from the date of receipt of this letter.

Treat the matter as most urgent.

Enclo.: -As stated above.

Sd/-

(K.R.Das.)

Sub-Divisional Engineer (Legal)

O/O GMT/KTD/GH-781007.

Copy to The D.E.(Extl-III)/Adabari for information and necessary action please.

20/6/02

Sub-Divisional Engineer (Legal)

O/O GMT/KTD/GH-781007.

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