

GUWAHATI BENCH  
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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O.A./T.A No. 182/2001

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*Beng 6/12/17*  
SECTION OFFICER (Judl.)

uitreoo

FORM NO. 4  
(See Rule 42 )

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

ORDER SHEET

*Original* APPLICATION NO ....182...OF 2001.

Applicant (s) *K. Das*

Respondent (s) *V.O.I from*

Advocate for Applicants (s) *B. K. Sharma, S. Sarma, D. K. Gogoi*

Advocate for Respondent (s) *Chkr*

Notes of the Registry	Date	Order of the Tribunal
<p><del>Application is in form but not in the form of a petition as per the filed vide ... C.F. ... dated ...</del>  <i>6/7/2001</i>  <i>9-5-2001</i>  <i>Dr. Registrar.</i>  <i>NS 14/5/2001</i></p>	16.5.2001	<p>Heard Mr S. Sarma, learned counsel for the applicants. The application is admitted. Call for the records. Issue notice as to why the order dated 11.5.2001, Annexure 11, shall not be suspended, returnable by four weeks. List for orders on 15.6.01.</p> <p>In the meantime the impugned order dated 11.5.2001 is suspended and the applicants shall be allowed to continue as casual labourers.</p>
<p><i>Notice prepared and sent to D/B for issuing the fresh order No. 1 to 4 by Regd A/D vide D/No 1936 &amp; 1939 dtd 29/5/01.</i></p>	nk m	<p><i>1 C U Sharma</i> Member</p> <p><i>1 C U Sharma</i> Vice-Chair man</p>
<p><i>No. W/s statement has been filed.</i></p>	15.6.01	<p>Four weeks time is allowed to the respondents to file written statement. List for orders is on 13-7-2001.</p>
<p><i>80/12-7</i></p>	bb	<p><i>1 C U Sharma</i> Member (A)</p>

(2)

13.7.01

Heard Ms.U.Das learned counsel. It is informed that while passing interim order dated 16.5.2001 the name of the applicant No.1 has been mentioned though there <sup>are</sup> 10 others applicants(Annexure A) As such the benefit of interim order have not been provided to the others 10 applicants. The order is <sup>amended by</sup> made mandatory to applicant No.1 Sri K.Das and others. <sup>as applicants</sup>

Mr.A.Deb Roy, Sr.C.G.S.C. requests for 4 weeks time to file written statement. List on 17.8.01 for orders. Meanwhile the interim order dated 16.5.01 shall continue.

*[Signature]*  
Member

lm

*[Signature]*  
13/7/01  
17.8.01

At the request of Mr.A.Deb Roy, Sr.C.G.S.C. 4 weeks time is allowed for filing of written statement. List on 14.9.01 for orders. Meanwhile, the interim order dated 16.5.01 shall continue.

*[Signature]*  
Member

lm

*[Signature]*  
14/8/01  
14.9.01

Written statement has been filed. The applicant may file written statement rejoinder within 10 days from today.

List on 16/11/01 for hearing.

*[Signature]*  
Vice-Chairman

mb

Order dtd 13/7/01  
Communicated to the  
Parties Commr. vide

D/No \_\_\_\_\_  
dtd \_\_\_\_\_

*[Signature]*  
17/7/01

No. written statement  
has been filed.

*[Signature]*  
16.8.01

No. w/s has been filed.

*[Signature]*  
13.9.01

13.9.2001

w/s submitted  
by the Respondents.

*[Signature]*

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O.A. No. 182 of 2001

Notes of the Registry	Date	Order of the Tribunal
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16.11.01

Mr. B.C.Pathak, learned Addl.C.G.S.C. prays for short adjournment to enable him for production of records. Mr.S.Sarma, learned counsel for the applicants has no objection to the prayer of Mr. B.C.Pathak. Accordingly the case is adjourned to 19.12.2001.

List on 19.12.2001 for hearing.

*Ullian*

Member

No rejoinder has been filed

*My*  
29.1.02

trd  
19.12.

as per prayer of counsel for both the parties, the case is adjourned to 30/1/2002.

*Mr. A.K. Saha*  
9/12

30.1.02

Ms.U-Das learned counsel prays for adjournment on behalf of Mr.S.Sarma learned counsel for the applicant and submits that he is unable to attend the court to-day due to his personal difficulty. Mr.A.Deb Roy, Sr.C.G.S.C. has no objection. However, he submitted that <sup>a direction</sup> the adjournment has been given for production of records. The applicant has not specified records which records are disputed. The applicant may specify the relevant records. Mr.Deb Roy also prays

List on 6.3.02 for orders.

*Ullian*  
Member

lm

Q.A. No. 182/2001

Notes of the Registry

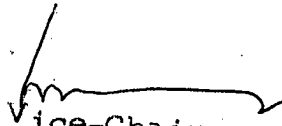
Date

Order of the Tribunal

6.3.02

It has been stated by Sri S.Sarma, learned counsel for the applicant that out of 11 applicants 3 of them namely, Sri Kanai Das, Sri Prakash Kapoor and Sri Ningthoujam Bahadur Singh were already given Temporary Status by the Respondents and seeks for time to obtain necessary instructions as regard the case of other 8 applicnats. Also heard Mr. A. Deb Roy, learned Sr. C.G.S.C. for the Respondents. Considering the facts and circumstances of the case, the case is adjourned for four weeks. List on 3.4.2002 for hearing.

mb

  
Vice-Chairman

3.4.2002

Heard learned counsel for the parties. Hearing councluded. Judgment delivered in open Court, kept in separate sheets.

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

  
Member

bb

27 30/4

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

Original Application No. 182 of 2001.

Date of Decision 3.4.2002:.....

----- Shri Kanai Das & Others. -----

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

----- Mr. B.K. Sharma, S. Sarma & U.K. Goswami. -----

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

-Versus-

----- Union of India & Others. -----

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

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

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

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

THE HON'BLE

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

Judgment delivered by Hon'ble : Administrative Member.

*K. K. Sharma*

X

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No.182 of 2001.

Date of Order : This the 3rd Day of April, 2002.

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

1. Shri Kanai Das, Casual Worker  
Working under SDE Microwave Prject.(Task Force)  
Imphal, Manipur.
2. All India Telecom Employees Union  
Line Staff and Group-"D"  
Manipur Division  
Represented by its Divisional Secretary  
Shri M.Kulla Singh. . . . Applicants.

By Sr. Advocate Mr.B.K.Sharma, Mr.S.Sarma &  
Mr.U.K.Goswami.

- Versus -

1. The Union of India  
Represented by the Secretary to the  
Ministry of Communication.  
New Delhi.
2. The Chief General Manager  
Task Force, NER  
Panbazar, Guwahati-1.
3. The Area Director  
Task Force, Telecom  
Dimapur, Nagaland.
4. The Sub Divisional Task Force  
Telecom, Dimapur, Nagaland. . . . Respondents.

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

O R D E R

K.K.SHARMA (ADMN.MEMBER) :

11 applicants invoking rule 4(5)(b) of CAT  
(Procedure) Rules 1987 have filed a common application  
under section 19 of the Administrative Tribunals Act,  
1985. They have prayed for pursuing the issue by a  
common application. The prayer is allowed and the issue

10/4/02

Contd..2

of all the applicants are taken up together as they have sought for a common relief, namely, the benefit under 1989 Scheme for regularisation of services of Casual Workers.

1. All the applicants were working under the respondent Nos. 2 & 3 as Casual Workers. They had earlier approached this Tribunal in O.A.206 of 2000 which was disposed on 13.6.2000. By the said order in O.A.206 of 2000 a direction was given to the applicants to make individual representations to the respondents giving details of their engagement and period of working. The respondents <sup>(were)</sup> are also directed to scrutinise the examine each individual case and to pass a reasoned and speaking order within the stipulated time. Thereafter the applicants filed an M.P. No.97 of 2001 which was disposed on 19.9.2001. The M.P. was considered on the basis of the written statement filed by the respondents, wherein it was stated that three applicants were found eligible for granting of temporary status and the other seven applicants were found ineligible for the same. The M.P. was accordingly dismissed. The respondents have passed a reasoned order dated 11.5.2001.

2. In the present application the applicants have challenged the impugned order dated 11.5.2001 (Annexure 11). Mr.S.Sarma, learned counsel for the applicants has been heard at length. Mr.A.Deb Roy, learned Sr.C.G.S.C. for the respondents has also been

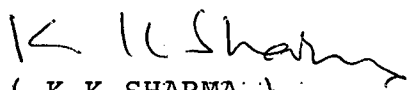
10 U.S. has

heard. Mr. Deb Roy referring to the written statement filed by the respondents submitted that the three applicants, namely, Shri Kanai Das, Prakash Kapoor & N. Bahadur Singh were found eligible for granting of temporary status and the other seven applicants were not found eligible for the same. The ineligible casual mazdoors were disengaged from 11.5.2001. Mr. S. Sarma, learned counsel for the applicants, however, submitted that the other seven applicants were also eligible for grant of temporary status. No material has been placed before me for deciding the issue.

3. Under the facts and circumstances stated above, I am of the view that the order dated 11.5.2001 calls for no interference. The respondents are, however, not precluded from reconsidering the case of the applicants if any fresh material or evidence is produced by the applicants.

The application is disposed as indicated above.

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

  
( K.K. SHARMA )  
ADMINISTRATIVE MEMBER

m/c

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
SUMATI SENCH : : : : SUKHIATI

Misc ORDER SHEET APPLICATION NO 17 OF 2001 is O.A 206/2000

Applicant (s) Kanai Das, 9 OM

Respondent(s) V.O.I 9 OM

Advocate for Applicant(s) B.K. Sharma, S. Sarma  
Mr-A Deb Roy,

Advocate for Respondent(s) S. C. A. S.

mb

19.9.01

This is an application under Rule 24 of the Central Administrative Tribunals (Procedure) Rules 1987 praying for execution of the Judgement and order dated 13.6.2000 passed in O.A. No. 206/2000. By the aforesaid order the Tribunal directed the respondents to consider the case of the 10 applicants by scrutinising records and ~~xxx~~ to act as per law. The respondents in their written statement stated that three persons Shri Kanai Das, Sri Prakash Kapur and Sri N. Bahadur Singh were granted Temporary Status and their case is under process for issue of the order. It has been further stated that the other seven applicants were found ineligible for being granted Temporary Status and their representation were disposed of accordingly. In this circumstances, there is no scope entertain this application under Rule 24 of the Central Administrative Tribunals Act, 1987.

The application accordingly stands dismissed. No order as to costs.

Sd/VICE CHAIR

Recd No 36-52  
Copy for information of the court  
1) Mr S. Sharma, Advocate, (Kanchi)  
2) Mr A. Deb Roy, Sr. C. G. S. C.  
21/9/01  
Publication Officer (S)

M-600

केंद्रीय प्रशासनिक न्यायालय  
 Central Administrative Tribunal  
 16 MAY 2001  
 BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
 गुवाहाटी बेंच  
 Guwahati Bench GUWAHATI BENCH

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

Title of the case : O.A.No. ... 182 of 2001.

BETWEEN

Kanai Das and ors. .... Applicants.

Union of India & Ors. .... Respondents.

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Filed by : U. K. Goswami

Regd No.

File No.: C:\WS7\KANAI

Date.

*Filed by  
The Applicants  
through  
Ujjal Kishore  
Advocate  
26/5/2001*

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

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

D.A.No. ....2001'

BETWEEN

1. Shri Kanai Das, Casual Worker,  
Working under SDE Microwave Project. (Task Force)  
Imphal Manipur. +10
2. All India Telecom Employees Union  
Line Staff and Group-"D"  
Manipur, Division,  
represented by, its Divisional Secretary,  
Shri M.Kulla Singh.  
..... Applicants.

- A N D -

1. The Union of India,  
Represented by the Secretary to the  
Ministry of Communication. New Delhi.
2. The Chief General Manager, Task Force,  
NER, Panbazar, Guwahati -1.
3. The Area Director, Task Force, Telecom,  
Dimapur, Nagaland.
4. The Sub Divisional, Task Force (Telecom)  
Dimapur, Nagaland.  
..... Respondents.

PARTICULARS OF THE APPLICATION

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

This application is directed against the order dated 11.5.2001 issued by the respondents by which the service of the applicants have been sought to be terminated without first considering their cases in the light of the judgment and order dated 13.6.2000. This application is also directed against the

*WKS*

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action of the respondents in not considering the case of the applicants for grant of temporary status and subsequent regularisation in the light of the scheme prepared pursuant to the Hon'ble Supreme Court's judgement and order .

2. LIMITATION:

The applicants declare that the instant application has been filed within the limitation period prescribed under section 21 of the Administrative Tribunal Act, 1985.

3. JURISDICTION:

The applicants further declare that the subject matter of the instant case is within the jurisdiction of the Hon'ble Tribunal.

4. FACTS OF THE CASE

4.1. That the applicants are citizen of India and as such they are entitled to all the rights, protections and privileges as guaranteed by the Constitution of India and laws framed thereunder.

4.2. That in the instant application, the Applicant No.2 is the Divisional Secretary of All India Telecom Employees Union, Line Staff and group-D, Nagaland, Divisional Branch and he represented the interests of casual workers more particularly reflected in the Annexure-A to this Original Application. Applicant No.1 is one of the casual labourers as listed in the Annexure-A and also similarly situated like that of the other applicants on whose behalf the instant application has been filed by the applicant No.2. Accordingly the cause of action and relief sought for by the applicants are same. Thus the instant applicants pray that they may be allowed to join together in a single application invoking rule 4(5)(b) of CAT (Procedure) Rules 1987 to minimise the number of litigation as well as the cost of

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the application.

A list containing the names and particulars of the applicants is annexed herewith and marked as ANNEXURE-A

4.3. That the casual labourers whose interests are being represented in the instant application were all appointed in various dates ranging from 1990 onwards on casual basis. The applicants are at present drawing their wages under ACG-17 pay slips, which will show that they are casual workers of the Dept. of Telecommunication and hence the applicants pray for a direction to the respondents to produce all the relevant documents at the time of hearing of the case.

For better appreciation of the factual position the services particulars reflected in the Annexure-A may be referred to. They are still continuing in their respective posts as reflected in the Annexure-A till date.

4.4. That some of the similarly situated employees belonging to the postal Department had approached the Hon'ble Supreme Court for direction for regularisation, as has been prayed in the instant application and the Hon'ble Supreme Court acting on their Writ Petition had issued certain directions in regard to regularisation as well as grant of temporary status to those casual labourers of the Department of Posts. It is pertinent to mention here that claiming similar benefit a group of similarly situated employees under the respondents i.e. of Department of Telecommunication had also approached the Hon'ble Supreme Court for a similar direction by way of filing writ petition (C) No. 1280/89 (Ram Gopal & Ors. Vs. Union of India & Ors) along with several writ petition i.e. 1246/86, 1248/86 etc. In the aforesaid writ petitions the Hon'ble Supreme Court was pleased to pass a similar direction to the respondents authority to prepare a

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scheme on a rational basis for absorption the casual labourers as far as possible, who have been working more than one year in their respective posts. Pursuant to judgment the Govt. of India, Ministry of Communication, prepared a scheme in the name and style "Casual Labourers (Grant of Temporary Status and Regularisation) Scheme 1989" and the same was communicated vide letter No.269-10/89-STN dated 7.11.89. In the scheme Certain benefits granted to the casual labourers such as conferment of temporary status, wages and daily Rates with reference to minimum pay scale of regular Group-D officials including DA/HRA etc.

Copies of the Hon'ble Supreme Court order and the above mentioned scheme are annexed herewith and marked as ANNEXURE-1 and 2.

4.5. That as per the Annexure-2 scheme as well as the directions issued by the Hon'ble Supreme Court (Annexure-1), the cases of the above applicants are entitled to be considered for grant of the benefits described in the scheme. The applicants are in possession of all the qualifications mentioned in the said scheme as well as in the aforesaid verdict of the Hon'ble Supreme Court, and more specifically in the dates described in the Annexure-A may be referred to for the better appreciation of the factual position.

4.6. That the respondents after issuance of the aforesaid scheme, issued further clarification from time to time of which mention may be made of letter No.269-4/93-STN-II dated 17.12.93 by which it was stipulated that the benefits of the scheme should be conferred to the casual labourers who were engaged during the period from 13.3.85 to 22.6.88.

The applicants crave leaves of the Hon'ble Tribunal to produce the said order at the time of hearing of the case.

4.7. That on the other hand casual workers of the Deptt. of

Posts who were employed on 29.11.89 were eligible to be conferred the temporary status on satisfying other eligible conditions. The stipulated dated 29.11.89 has now further been extended up to 10.9.93 pursuant to a judgment of the Ernakulam Bench of the Hon'ble Tribunal delivered on 13.3.95 in OA No.750/94. Pursuant to the said judgment delivered by the Ernakulam Bench, Govt of India, Ministry of Communication issued letter No.66-52/92-SPD-I dated 1.11.95 by which the benefits of conferring temporary status to the casual labourers have been extended up to the recruitees up to the 10.9.93.

A copy of the aforesaid letter dated 1.11.95 is annexed herewith and marked as ANNEXURE-3.

The applicants have not been able to get hold of an authentic copy of the said letter and accordingly they pray for a direction to produce an authenticated copy of the same at the time of hearing of the instant application.

4.8. That the benefits of the aforesaid judgment and circular of Govt.of India is required to be extended to the applicants in the instant application more so when they are similarly circumstanced with that of the casual workers to whom benefits have been granted and presently working in the Deptt.of Posts.As stated above both the Deptts. are under the same Ministry i.e. the Ministry of Communication, and the scheme were pursuant to the Supreme Court's Judgment as mentioned above. There can not be any earthly reason as to why the applicants shall not be extended the same benefits as have been granted to the casual labourers working in the Dept.of Posts.

4.9. That the applicants state that the casual labourers working in the Deptt of Telecommunication are similarly situated like that of the casual workers working in the Deptt.of Posts. In both the cases relevant schemes was prepared as per the

*W. S. Srinivas*

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direction of the Hon'ble Court delivered their judgment in respect of the casual workers in the Deptt. of Telecommunication following the judgment delivered in respect of casual workers in the Deptt. of Posts. As stated earlier both the Deptts. are the same Ministry i.e. Ministry of Communication. Therefore, there is apparent discrimination in respect of both the sets of casual labourers though working under the same Ministry. It is pertinent to mention here that the casual workers of the Deptt. of Posts on obtaining the Temporary Status are granted much more benefited than the casual workers of the Deptt. of Telecommunication. Similar benefits are required to be extended to the casual workers of the Deptt. of Telecommunication having regard to the facts both the Deptts are under the same ministry and the basic foundation of the scheme for both the Deptts are Supreme Court's judgment referred to above. If the casual workers of the Deptt. of Posts can be granted with the benefits as enumerated above based on Supreme Court's verdict, there is no earthly reason as to why the casual workers of the Deptt. of Telecommunication should not be extended with the similar benefits.

4.10. That the applicants state that the matter relating to filling up of Group-D posts came before the Regional Joint Consultancy Meeting held in Shillong on 28.11.95 under the Chairmanship of Shri V.P. Singh, Chief General Manager, N.E. Circle. In the aforesaid meeting including Chairman there were 6 competent officers and 11 union members from the staff side present to discuss the welfare of the Casual/Contractual Employees including regularisation of Group-D Employees. After a detailed discussion a decision was taken for one time relaxation of Group-D recruitment and to that effect both the sides office side as well as staff side decided to approach Directorate for the appropriate steps.

*W.S. Singh*

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A copy of Minutes of the aforesaid Regional Joint Consultancy Meeting dated 28.11.95 is annexed herewith and marked as ANNEXURE-4.

4.11. That pursuant to aforesaid agreement of the meeting both the side approached the Directorate and as per instruction issued to the Chief General Manager, Telecom, a letter was issued on 25.7.96 whereby 400 posts of Daily Rated Mazdoors under the Chief General Manager, Telecom, N.E.Circle have been distributed in six sub stations including Nagaland, SSA. As per the aforesaid distribution 50 posts have been allotted under the Nagaland Division.

A copy of the aforesaid letter dated 25.7.96 is annexed herewith and marked as ANNEXURE-5.

4.12. That the applicants beg to state that in view of aforesaid scheme as well as the verdict of the Hon'ble Supreme Court, they are entitled to be regularised more so when there is at present 60 vacancies as per Annexure-5 letter. It is pertinent to mention here that the in other Divisions like Manipur, Mizoram etc the process has already been started. However, the applicants on their visit to the office of the respondents, the respondents have shown their helplessness of doing the so in absence of any order or direction from the Hon'ble Tribunal.

4.13. That the Applicant No.2 in view of the above discrimination in respect of the applicants reflected in Annexure-A working under the Respondent No.4 made several representations to the authority concerned. In one of the said representations the grievances of the applicants on whose behalf this application is made, along with some others have been reflected. In the said representations apart from the other grievances it was pointed out that there are at least 60 vacancies and at present the Deptt.concerned in the need of

Group-D employees.

A copy of one of the representation dated 3.2.98 is annexed herewith and marked as ANNEXURE-6.

4.14. That the applicants beg to state that making a similar prayer a group of casual workers working under Assam Circle had approached this Hon'ble Tribunal by way of filing OA No.299/96 and 302/96 and this Hon'ble Tribunal pleased to allow the afore-said application on 13.8.97 by a common judgment and order.

A copy of the said order dated 13.8.97 is annexed herewith and marked as ANNEXURE-7.

4.15. That the applicants state that it is settled position of law that when some principles have laid down in a given case those principles are required to be made applicable to other similarly situated cases without requiring them to approach the Hon'ble Court again and again. But in spite of judgement of Hon'ble Ernakulam Bench delivered in respect of casual labourers of Deptt.of Posts, the Deptt.of Telecommunication under the same Ministry has not yet extended the benefits to the casual labourers working under them. It is noteworthy to mention here that the respondents have now issued an order dated 1.9.99 by which the benefit of the scheme has been extended to the recruitees of 1998-99.

A copy of the said order dated 1.9.99. is annexed herewith and marked as ANNEXURE-8.

4.16. That the applicants state that in a nutshell their whole grievances are that to extend the benefit of the aforesaid scheme as well as similar treatment as has been granted to the casual workers working under Deptt.of Posts in regard to treating them at par with the other similarly situated employees who have been granted with temporary status.

4.17. That the applicant highlighting their aforesaid

*W.S. Singh*

grievances made several requests to the authority concerned but same yielded no results in positive. Having no other alternative, the applicant preferred DA No 206 of 2000 before the Hon'ble Tribunal. The Hon'ble Tribunal after hearing the parties to the proceeding was pleased to dispose of the said DA vide its Judgment and order dated 13.6.2000 directing the respondents to dispose of the representation filed by the applicants with speaking order and to communicate the same to each of the applicants.

A copy of the said judgment and order dated 13.6.2000 is annexed herewith and marked as ANNEXURE-9.

4.18. That on pursuant to the said Judgment and order dated 13.6.2000, each of the applicants preferred individual representations dated 18.7.2000 to the concerned authority, praying for consideration of their cases. It is noteworthy to mention here that all the applicants in their aforesaid representations enclosed the relevant documents such as Working Certificates, Educational Certificate etc, and submitted the same to the concerned authorities.

Copies of one of the identical representations dated 18.7.2000 is annexed herewith and marked as ANNEXURE-10.

4.19. That thereafter the applicants were under the bonafide impression that their cases would be considered for grant of temporary status and regularisation under the scheme, but till date nothing has been communicated to any one of the applicants. It is noteworthy to mention here that the applicants after waiting for a long time again approached the Hon'ble Tribunal by way of filing Misc Petition No 97 of 2001 in DA No 206, invoking Rule 24 of the CAT (P) Rules 1987, for execution of the said

*Kolich*

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judgment and order dated 13.6.2000. In the said M.P. the Hon'ble Tribunal has been pleased to issue notice.

4.20. That the respondents on receipt of the said notice from the Hon'ble Tribunal in the M.P No 97 of 2001, issued an order dated 11.5.2000 terminating the service of the applicants w,e,f, 31.3.2001. It is pertinent to mention here that in the said order there has been no mention regarding disposal of the representations filed by the applicants. The respondents have not yet implemented the said judgment and order dated 13.6.2000 and in between the respondents have issued the said impugned order dated 11.5.2001 terminating their services.

The Copy of the (Identical) impugned order dated 11.5.2001 is annexed herewith and marked as ANNEXURE-11.

4.21. That the applicants beg to state that the respondents have issued the impugned order dated 11.5.2001 terminating their service w,e,f, 30.3.2001. It is noteworthy to mention here that the respondents have issued the order of termination just after the receipt of the notice from the Hon'ble Tribunal in M.P No 97 of 2001, as measure of punishment. The respondents have issued the said order of termination dated 11.6.2001 only to the 7 (seven) applicants, however, the rest of the applicants are also apprehending their termination in view of the aforesaid impugned action on the part of the respondents. Presently there are several vacant posts sanctioned by the respondents and the applicants can very well be accommodated in those posts.

4.22 That the applicant begs to state that the respondents have acted illegally in issuing the impugned order, moreso when there has been a judgment and order passed by the Hon'ble Tribunal. It is noteworthy to mention here that the said judgment and order dated 13.6.2000 is yet to be implemented and during the

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pendency of the said consideration the respondents have issued the impugned order dated 11.5.2001. In fact the conduct/action of the respondents in issuing the impugned order is per se illegal and contemptuous in nature and hence same is liable to be set aside and quashed.

4.28. That the applicants beg to state that the respondents are presently making arrangements for filling up those 60 posts of Gr.D Mazdoors within a short time and it is also learnt that the cases of the applicants will not be considered for those posts and some out-siders are going to be appointed in these posts. In view of the aforesaid facts and circumstances the applicants pray for an interim order directing the respondents not to fill up any vacant posts including those 60 sanctioned posts till disposal of this application with a further direction to the respondents not to disengage the present applicants and to allow them to continue in their respective posts as an interim measure .

5. GROUNDS FOR RELIEF WITH LEGAL PROVISION:

5.1. For that the denial of benefit of the scheme to the casual labourers whom the applicants union represent in the instant case as well as the impugned order dated 11.5.2001 is prima-facie illegal and arbitrary and same are liable to be set aside and quashed.

5.2. For that it is the settled law that when some principles have been laid down in a judgement extending certain benefits to a certain set of employees, the said benefits are required to be similarly situated employee without requiring them to approach the court again and again. The Central Govt. should set an example of a model employer by extending the said benefit to the applicants.

5.3. For that the discrimination meted out to the members of the applicants union in not extending the benefits of the scheme and in not treating them at par with postal employees is violative of Articles 14 and 16 of the Constitution of India.

5.4. For that the respondents could not have deprived of the benefits of the aforesaid scheme which has been applicable to their fellow employees which is also violative of Article 14 and 16 of the Constitution of India.

5.5. For that the impugned order dated 11.5.2001 is prima-facie illegal arbitrary and violative of the principles of natural justice and hence the same is liable to be set aside and quashed. The said action of the respondents also not a reasoned action so far it relates to the claim of the applicants made in their representation.

5.6. For that the impugned order dated 11.5.2001, is illegal and arbitrary inasmuch as same has been passed without disposing of the representations as directed by the Hon'ble Tribunal in Its judgment and order dated 13.6.2000 and hence the said order is liable to be set aside and quashed.

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

6. DETAILS OF REMEDIES EXHAUSTED:

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

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

The applicants further declare that he has not filed previously any application, writ petition or suit regarding the grievances in respect of which this application is made before any other court or any other Bench of the Tribunal or any other

WS

authority nor any such application, writ petition or suit is pending before any of them.

8. RELIEF SOUGHT FOR:

Under the facts and circumstances stated above the applicants most respectfully prayed that the instant application be admitted records be called for and after hearing the parties on the cause or causes that may be shown and on perusal of the records be grant the following reliefs to the applicants:

8.1. To direct the respondents to extend the benefits of the said scheme of 1989 and its subsequent clarifications issued from time to time to the members of the applicants and to regularised their services .

8.2. To set aside and quash the impugned order dated 11.5.2001, and to allow them to continue in their respective services, till their services are regularised.

8.3. To direct the respondents not to fill up any vacant posts of Daily Rated mazdoors without first considering the case of the applicants.

8.4. Cost of the applicants.

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

9. INTERIM ORDER PRAYED FOR:

Pending disposal of this application the applicants pray for an interim order directing the respondents not to disengage their services and to allow them to continue in their respective services with a further direction not to fill up any vacant posts of Daily Rated Maxdoors without first considering the case of the applicants.

10. ....

11. PARTICULARS OF I.P.O.:

W.S.H

25

- 1. I.P.O. No. : 66 792097
- 2. Date : 19-5-2001
- 3. Payable at : Guwahati.

12.

LIST OF ENCLOSURES:

As stated in the INDEX.

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(33) 206/2000 - 13 G. 00


W.S.S.

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

I, Shri M. Kulla Singh s/o Late M. Manikchand , aged about 54 years, resident of Imphal, Manipur, the Divisional Secretary AITEU Manipur Division. do hereby verify and state that the statements made in paragraphs <sup>4'19, 4'21 to 4'23</sup> 12, 13, 41, 43, 45, 48, 49, 412, 416 are true to my knowledge and those made in paragraphs <sup>4'2, 4'4, 4'6, 4'7, 4'10, 4'11, 4'13, 4'14, 4'16, 4'17, 4'18, 4'20</sup> 4'2, 4'4, 4'6, 4'7, 4'10, 4'11, 4'13, 4'14, 4'16, 4'17, 4'18, 4'20 are true to my legal advice and I have not suppressed any material facts. I am also duly authorised by the applicant No.2 to sign this verification on his behalf.

And I sign this verification on this the 12th day of May 2000.

Signature.

✓  (M. Keella Singh)  
 Division Secretary,  
 AITEU, L/S-Gr-D  
 Manipur Division  
 Imphal.

## PROFORMA FOR CASUAL LABOURERS WORKING UNDER S.D.E. M/W PROJECT IMPHAL.

Sl.No.	Name of Casual Labourers	of working	Employment Exchange Registration No.	Date of Entry	Mode of
					Type of Work U
1.	2.	3.	8.	9.	10.
1.	Kanai Das	SDE MS/Project Imphal.	US/80/90	1/3/91	AC-G-17
2.	Prakash Kapoor	-do-	US/2015/89	7/2/92	-do-
3.	Ningthoujam Bahadur Singh	-do-	Us/3310/83	10/3/1991	-do-
4.	Takhelchangbam Netajeet Singh.	-do-	Us/B/249196/96	5/2/1994	-do-
5.	Waikhom Bira Singh	-do-	Tb/1438/90	7/1/1996	-do-
6.	Kayenpaibam Bhabi Singh	-do-	3737/99	12/1/1996	-do-
7.	Sinam Angouba Singh	-do-	Us/B/1102/88	8/2/1995	-do-
8.	Lalshram Santosh Singh	-do-	2774/95	5/1/1996	-do-
9.	Takhelchangbam Biren Singh	-do-	Us/B/47/90	10/2/1996	-do-
10.	Chincahram Brajamani Singh.	-do-	Us/B/607/88	10/5/1996	-do-
11.	Keisam Suranjoy Singh	-do-	Us/2020/89	15/3/1992	-do-

Attested

*[Handwritten Signature]*

Absorption of Casual Labours  
Supreme Court directive Department of Telecom take back all  
Casual Mazdoors who have been disengaged after 30.3.85.

In the Supreme Court of India  
Civil Original Jurisdiction.

Writ Petition (C) No 1280 of 1989.

Ram Gopal & ors. .... Petitioners.

-versus-

Union of India & ors .... Respondents.

With

Writ Petition Nos 1246, 1248 of 1986 176 , 177 and 1248 of 1988.

Jant Singh & ors etc. etc. .... Petitioners.

-versus-

Union of India & ors. .... Respondents.

ORDER

We have heard counsel for the petitioners. Though a counter affidavit has been filed no one turns up for the Union of India even when we have waited for more then 10 minutes for appearance of counsel for the Union of India petitions under Art 32 of the Constitution on behalf of the petitioners is that they are working under the Telecom Department of the Union of India as Casual Labourers and one of them was in employment for more then four years while the others have served for two or three years. Instead of regularising them in employment their services have been terminated on 30 th September 1988. It is contended that the principle of the decision of this Court in Daily Rated Casual Labour Vs. Union of India & ors. 1988 (1) Section (122) squarely applies to the petitioner though that was rendered in case of Casual Employees of Posts and Telegraphs Department. It is also contended by the counsel that the decision rendered in that case also relates to the Telecom Department as earlier Posts and Telegraphs Department was covering both sections and now Telecom has become a separate department. We find from paragraph 4 of the reported decision that communication issued to General Managers Telecom have been referred to which support the stand of the petitioners.

By the said Judgment this Court said :

" We direct the respondents to prepare a scheme on a rational basis for absorbing as far possible the casual labourers who have been continuously working for more than one year in the

**Admitted**  
*Advocate*  
**Advocate.**

posts and Telegraphs Department".

We find the though in paragraph 3 of the writ petition, it has been asserted by the petitioners that they have been working more than one year, the counter affidavit does not dispute that petition. No distinction can be drawn between the petitioners as a class of employees and those who were before this court in the reported decision. On principles, therefore the benefits of the decision must be taken to apply to the petitioners. We accordingly direct that the respondents shall prepare a scheme on a rational basis absorbing as far as practical who have continuously worked for more than one year in the Telecom Deptt. and this should be done within six months from now. After the scheme is formulated on a rational basis, the claim of the petitioners in terms of the scheme should be worked out. The writ petitions are also disposed of accordingly. There will be no order as to costs on account of the facts that the respondents counsel has not chosen to appear and contact at the time of hearing though they have filed a counter affidavit.

Sd/-

( Ranganath Mishra ) J.

New Delhi

April 17, 1990.

Sd/-

( Kuldeep Singh ) J.

**Attested**  
*W. G. ...*  
**Advocate.**

CIRCULAR NO. 1  
GOVERNMENT OF INDIA  
DEPARTMENT OF TELECOMMUNICATIONS

STN SECTION

No. 269-10/89-STN

New Delhi 7.11.89

To

The Chief General Managers, Telecom Circles  
M.T.H.I New Delhi/Bombay, Metro Dist.Madras/  
Calcutta.  
Heads of all other Administrative Units.

Subject : Casual Labourers (Grant of Temporary Status and  
Regularisation) Scheme.

Subsequent to the issue of instruction regarding regularisation of casual labourers vide this office letter No.269-29/87-STC dated 18.11.88 a scheme for conferring temporary status on casual labourers who are currently employed and have rendered a continuous service of at least one year has been approved by the Telecom Commission. Details of the scheme are furnished in the Annexure.

2. Immediate action may kindly be taken to confer temporary status on all eligible casual labourers in accordance with the above scheme.

3. In this connection, your kind attention is invited to letter No.270-6/84-STN dated 30.5.85 wherein instructions were issued to stop fresh recruitment and employment of casual labourers for any type of work in Telecom Circles/Districts. Casual labourers could be engaged after 30.3.85 in projects and Electrification circles only for specific works and on completion of the work the casual labourers so engaged were required to be retrenched. These instructions were reiterated in D.O letters No.270-6/84-STN dated 22.4.87 and 22.5.87 from member (pers. and Secretary of the Telecom Department) respectively. According to the instructions subsequently issued vide this office letter No.270-6/84-STN dated 22.6.88 fresh specific periods in Projects and Electrification Circles also should not be resorted to.

3.2. In view of the above instructions normally no casual labourers engaged after 30.3.85 would be available for consideration for conferring temporary status. In the unlikely event of there being any case of casual labourers engaged after 30.3.85 requiring consideration for conferment of temporary status. Such cases should be referred to the Telecom Commission with relevant details and particulars regarding the action taken against the officer under whose authorisation/approval the irregular engagement/non retrenchment was resorted to.

3.3. No Casual Labourer who has been recruited after 30.3.85 should be granted temporary status without specific approval from this office.

4. The scheme finalised in the Annexure has the concurrence of Member (Finance) of the Telecom Commission vide No

**Attested**  
*Advocate.*

SMF/78/98 dated 27.9.89.

5 Necessary instructions for expeditious implementation of the scheme may kindly be issued and payment for arrears of wages relating to the period from 1.10.89 arranged before 31.12.89.

sd/=

ASSISTANT DIRECTOR GENERAL (STN).

Copy to.

P.S. to MDS (C).

P.S. to Chairman Commission.

Member (S) / Adviser (HRD). GM (IR) for information.  
MCG/SEA/TE -II/IPS/Admn. I/CSE/PAT/SPB-I/SR Secs.

All recognised Unions/Associations/Federations.

sd/=

ASSISTANT DIRECTOR GENERAL (STN).

**Attested**

**Advocate.**

ANNEXURE.2

CASUAL LABOURERS (GRANT OF TEMPORARY STATUS AND REGULARISATION) SCHEME.

1. This scheme shall be called "Casual Labourers (Grant of Temporary Status and Regularisation) Scheme of Department of Telecommunication, 1989"

2. This scheme will come in force with effect from 1.10.89. onwards.

3. This scheme is applicable to the casual labourers employed by the Department of Telecommunications.

4. The provisions in the scheme would be as under.

A) Vacancies in the group D cadres in various offices of the Department of Telecommunications would be exclusively filled by regularisation of casual labourers and no outsiders would be appointed to the cadre except in the case of appointment on compassionate grounds, till the absorption of all existing casual labourers fulfilling the eligibility qualification prescribed in the relevant Recruitment Rules. However regular Group D staff rendered surplus for any reason will have prior claim for absorption against the existing/future vacancies. In the case of illiterate casual labourers, the regularisation will be considered only against those posts in respect of which illiteracy will not be an impediment in the performance of duties. They would be allowed age relaxation equivalent to the period for which they had worked continuously as actual labour for the purpose of the age limit prescribed for appointment to the group D cadre, if required. Outside recruitment for filling up the vacancies in Gr. D will be permitted only under the condition when eligible casual labourers are NOT available.

B) Till regular Group D vacancies are available to absorb all the casual labourers to whom this scheme is applicable, the casual labourers would be conferred a Temporary Status as per the details given below.

Temporary Status.

i) Temporary status would be conferred on all the casual labourers currently employed and who have rendered a continuous service, at least one year, out of which they must have been engaged on work for a period of 240 days (206 days in case of offices observing five day week). Such casual labourers will be designated as Temporary Mazdoor.

ii) Such conferment of temporary status would be without reference to the creation / availability of regular Gr, D posts.

iii) Conferment of temporary status on a casual labourers would not involve any change in his duties and responsibilities. The engagement will be on daily rates of pay on a need basis. He may be deployed any where within the recruitment unit/territorial circles on the basis of availability of work.

iv) Such casual labourers who acquire temporary status will not, however be brought on to the permanent establishment unless they are selected through regular selection process for Gr. posts.

**Attested**  
*Advocate.*

6. Temporary status would entitle the casual labourers to the following benefits :

i) Wages at daily rates with reference to the minimum of the pay scale of regular Gr.D officials including DA, HRA, and CCA.

ii) Benefits in respect of increments in pay scale will be admissible for every one year of service subject to performance of duty for at least 240 days (206 days in administrative offices observing 5 days week) in the year.

iii) Leave entitlement will be on a pro-rata basis one day for every 10 days of week. Casual leave or any other leave will not be admissible. They will also be allowed to carry forward the leave at their credit on their regularisation. They will not be entitled to the benefit of encasement of leave on termination of services for any reason or their quitting service.

iv) Counting of 50 % of service rendered under Temporary Status for the purpose of retirement benefit after their regularisation.

v) After rendering three years continuous service on attainment of temporary status, the casual labourers would be treated at par with the regular Gr. D employees for the purpose of contribution to General Provident Fund and would also further be eligible for the grant of Festival Advance/ food advance on the same condition as are applicable to temporary Gr.D employees, provided they furnish two sureties from permanent Govt. servants of this Department.

vi) Until they are regularised they will be entitled to Productivity linked bonus only at rates as applicable to casual labour.

7. No benefits other than the specified above will be admissible to casual labourers with temporary status.

8. Despite conferment of temporary status, the offices of a casual labour may be dispensed within accordance with the relevant provisions of the industrial Disputes Act.1947 on the ground of availability of work. A casual labourer with temporary status can quite service by giving one months notice.

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

10. The Department of Telecommunications will have the power to make amendments in the scheme and/or to issue instructions in details within the framing of the scheme.

@ @ @

**Attested**  
*W. J. ...*  
**Advocate.**

ANNEXURE-3.

EXTRACT.

CASUAL LABOURERS (GRANT OF TEMPORARY STATUS AND REGULARISATION )  
SCHEME.

NO.66-52/92-SPB/I

dated 1.11.95.

I am directed to refer to the scheme on the above subject issued by this office vide letter No 45-95/87 SPB-I dated 12.4.91 and 66-9/91-SPB-I dated 30.11.92 as per which full time casual labourers who were in employment as on 29.11.89 were eligible to be conferred "temporary status" on satisfying other eligibility conditions.

The question of extending the benefit of the scheme to those full time casual labourers who were engaged /recruited after 29.11.89 has been considered in the office in the light of the judgement of the CAT Earnakulam Bench delivered on 13.3.95 in O.A. No 750/94 .

It has been decided the full time casual labourers recruited after 29.11.89 and up to 10.9.93 may also be considered for the grant of benefit under the scheme.

This issue with the approval of I.S and F.A. vide Dy. No 2423/95 dated 9.10.95.

**Attested**  
*W. S. S. S.*  
**Advocate.**

ANNEXURE- 4

Minutes of  
XVII R.J.C.M. Meeting held: 28.11.95.

The following are the Minutes of the XVII Regional J.C.M. Meeting held in Shillong on the 28.11.95, under the Chairmanship of Shri V.P.Sinha, Chief General Manager Telecom. N.E.C. Shillong.

Members present in the Meeting:

Official Side

1. Shri H.C.Singh, D.G.M. (A)
2. Shri G.K.Chin, D.F.A
3. Shri C.S.Kataria, T.D.M/SH.
4. Shri G.N.Chyne, A.G.M(A)
5. Shri M.Pal, A.D.T. (ESTT.)

Staff side

1. Shri R.Dutta, Leader Staff side.
2. Shri H.Chakraborty, Secy. Staff Side.
3. Shri Gopal Das
4. Shri S.S.T Gashnga.
5. Shri M.Kulla Singh.
6. Shri S.K. Ghosh.
7. Shri I.L.Roy.
8. Shri M.K.Dhattacharjee.
9. Shri S.Lyngdoh.
10. Shri H.R.Lyngdoh.
11. Shri M. Buddhi Singh.

Others

1. Shri B.K.Chakraborty, SE (C)
2. Shri Sanjay Kumar, E.E. (C), SH2
3. Shri R.P.Sharma, A.D.T (Bldg.)
1. Shri Surajit Chakraborty/SH.
2. Shri N.L. Sha, Itanagar.
3. Shri S.K.Sharma, Imphal.
4. Shri Tridip Das, Shillong.

Observers

Before the agenda was placed into for discussion, the staff side pointed that (i) the word 'SORKAR' was misspelt at the entry of the Administrative building (ii) The brief was illegible (iii) Brief on old item may be sent along with meeting notice and (iv) Memo regarding approval of nom. of members be circulated to all R.J.C.M. Members,

REVIEW OF OLD ITEMS:

Item No.1

15-10/93  
AD (Bldg.)/  
SE (C)/SH:

I.D. At GUWAHATI: The first offer was rejected since it was not in a suitable area. However, new offer has been received and the same is being examined. *Possible to be accepted*

14-2/94  
A.O. (TA)/  
D.F.A

DEDUCTION OF G.P.F. OF TSM: A.O. (TA) has issued instruction to all Units to furnish G.P.F. Schedules of TSMs. Prov. Balance silp will be issued for amount deducted so far. *Not yet done*

14-4/94  
SE/SC/  
AD (Bldg.)

CONSTRUCTION OF OFFICE ACCOMDN. & QUARTERS: T.D.M. Office building at Imphal, Site plan & structure plan have been submitted to C.E. Office where estimate is being taken up. *28/11/95*

25-26

22

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INTERJCM-NM  
(New Points contd)

RECTT. OF SPORTS IN GROUP 'C' AND 'D' FORMED  
IN N.E. CIRCLE:

This may be discussed in LJCM, Manipur.

Closed. →

IRREGULAR OCCUPATION OF TY.III TWO STORY QUARTERS IN  
RYNJAM BY TASK FORCE (PROJECT):

This may be discussed in the Standing Committee.  
Moreover, it is confirmed that the quarters was  
alloted to project Officials doing project works  
in the Circle and necessary deduction as per rules  
will be made soon. Matter may be referred to standing  
Committee.

Closed. →

ABNORMAL EARMARKING OF BY-POST QUARTERS FOR E-10B  
EXHAUST/SHILLONG:

D.G.M(A) will look into it.

*Handwritten signature*

ONE TIME RELAXATION OF RECTT. FOR GROUP 'D' CADRE:  
The Directorate will be approached in respect of  
suggestion given by the staff-side to request for  
One-Time relaxation of Gr-D recruitment citing  
the actual shortage of the cadre in the circle  
with justification of the requirement.

RECREATION AMENITIES TO CTTC HOSTELIERS: Principal  
will justify the requirement for providing the  
amenities to the hosteliars.

Next date of Meeting?

1/95  
IMP.

30-11/95  
AGM(P)/  
AD (Bldg.)

31-11/95  
AD (Bldg.)/  
DGM(A)

32-11/95  
AD. (E)

33-11/95.  
Princl-CTTC

( G.N.CHYNE )  
- AGM(A),  
Secretary,  
Regional JCM, N.E. Telecom,  
Shillong-1.

O.TWF/RJCM MEETING/95. Dt. 27.02.96.

Copy to:

1. All Telecom District Managers/STTs In N.E. Telecom Circle.
2. The Regional JCM Members;
3. The Sr.PAs to CGMT and DGM (Dev) Circle Office, Shillong.
4. The DE, CTSD N.E.Circle) Guwahati/All Gr.Officers in C.O/SH.
5. Circle Secretaries of Unions.

For: Chief Genl. Manager Telecom,  
N.E. Circle, Shillong.

DEPARTMENT OF TELECOMMUNICATIONS  
OFFICE OF THE CHIEF GENERAL MANAGER TELECOMMUNICATIONS  
N.E. CIRCLE: SHILLONG-793001  
\*\*\*\*\*

No. EST/NE-543/27

Dated at Shillong, the 25<sup>th</sup> June/96

In pursuance of DOT/New Delhi's letter No.269-5/96-  
STN-II dated 10/4-96 regarding One time relaxation to N.E.  
Telecom. Circle to recruit 400 DRMs, C.G.M.T., N.E. Circle,  
Shillong is pleased to distribute the same as indicated below:

Name of the SSA	No. of DRMs.
1. Meghalaya SSA	45
2. Tripura SSA	45
3. Nagaland SSA	50
4. Manipur SSA	60
5. Arunachal Pradesh SSA	00
6. Mizoram SSA	120

Recruitment of DRMs should be done as per existing  
rules. The distribution as indicated above is inclusive of  
requisition placed by non recruiting units. However, the  
recruitment will be subject to the ceiling limit of the total  
strength of staff as on 1/1-1991.

(G.N. Chyb) 25/6/96  
Asst. General Manager (A)  
for Chief General Manager Telecom.  
N.E. Circle, Shillong.

Copy for information and necessary action to :-

1-6. The Telecom. District Manager,  
Shillong/Dimapur/Imphal/Agartala/Itanagar/Aizawl.  
They are requested to ensure that the over all  
representation of persons belong to weaker section  
of the society, who are recruited as DRM, does not  
go below the prescribed percentage in accordance  
with the Govt. of India instruction issued from  
time to time.

- 7. The D.E., C.T.S.D., Guwahati.
- 8. The D.E., C.T.T.C., Shillong.
- 9-10. The A.D.T. (HRD)/A.D.T. (T), C/O., Shillong.
- 11. The G.M.M. (ETA), Shillong.
- 12. The C.G.M. (Task Force), Guwahati.
- 13. The S.E. (Civil), Shillong.
- 14. The S.E. (Elect), Shillong.
- 15. The DE Intell, c.c/S/II

DE Secy (G) / Shillong  
All c/s of Recruitment  
Division in N.E.  
Circle

(G.N. Chyb) 25/6/96  
for Chief General Manager Telecom.  
Shillong - 793001



-24- -27-  
N I F T E

ANNEXURE - 6

**All India Telecom Employees Union**  
**Line Staff & Group-D**

MANIPUR DIVISION

Imphal-795001

Ref. No. MAN/DirN/99-2000

Date: 9/3/2k

To  
The D.E Microwave Project, Imphal

Sub:- Grant of temporary status to casual labours  
working under SDE/MS/Project Imphal.

Sir

With due respect I beg to state that 11 nos. of casual labours whose detailed particulars are in the enclosed proforma are working under SDE/MS/Project Imphal since long period are not yet granted T.S.M. despite of their repeated request to the department for conferring of T.S.M.

So I request you to take up the matter for granting T.S.M. to those labours in the earliest to avoid of their appeal to the court for justice.

Sd/

Your's faithfully

M.KULLA SINGH.

Divn. Secy, AITEU-LS & Gr. D

MANIPUR.

Copy to:-

1) The chief general Manager  
(Task Force) Guwahati  
for your kind instruction.

2) The Area Director, Task Force, Jorhat  
for your kind instruction.

3) Circle Secretary AITEU-L/S & Gr. D  
N.E. Circle Shillong.

He is requested to take the case with  
C.G.M (Task Force) / Director Task Force.

Your's faithfully

M.KULLA SINGH.

Division Secretary,

AITEU-L/S & Gr. D

MANIPUR.

Attended  
W. J. —  
Advocate

ANNEXURE-7.

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

Original Application No.299 of 1996.

and

302 of 1996.

Date of order : This the 13th day of August,1997.

Justice Shri D.N.Baruah, Vice-Chairman.

O.A.No.299 of 1996

All India Telecom Employees Union,  
Line Staff and Group-D,  
Assam Circle, Guwahati & Others. .... Applicants.

- Versus -

Union of India & Ors. .... Respondents.

O.A. No.302 of 1996.

All India Telecom Employees Union,  
Line Staff and Group-D  
Assam Circle, Guwahati & Others. .... Applicants.

- Versus -

Union of India & Ors. .... Respondents.

Advocate for the applicants : Shri B.K. Sharma

Shri S. Sharma

Advocate for the respondents : Shri A.K. Choudhury

Addl.C.G.S.C.

ORDER

BARUAH J.(V.C.)

Both the applications involve common question of law and similar facts. In both the applications the applicants have

*Attended  
Union  
& Advocate*

prayed for a direction to the respondents to give them certain benefits which are being given to their counter parts working in the Postal Department. The facts of the cases are :

1. O.A. No.302/96 has been filed by All India Telecom Employees Union, Line Staff and Group-D, Assam Circle, Guwahati, represented by the Secretary Shri J.N.Mishra and also by Shri Upen Pradhan, a casual labourer in the office of the Divisional Engineer, Guwahati. In O.A. 299/96, the case has been filed by the same Union and the applicant No.2 is also a casual labourer. The applicant No.1 in O.A. No.299/96 represents the interest of the casual labourers referred to Annexure-A to the Original Application and the applicant No.2 is one of the labourers in Annexure-A. Their grievances are :

2. They are working as casual labourers in the Department of Telecom under Ministry of Communication. They are similarly situated with the casual labourers working in the Department of Postal Department under the same Ministry. Similarly the members of the applicant No 1 are also casual labourers working in the telecom Department. They are also similarly situated with their counter parts in the Postal Department. They are working as casual labourers. However the benefits which had been extended to the casual labourers working in the Postal Department under the Ministry of Communications have not been given to the casual labourers of the applicants Unions. The applicants state that pursuant to the judgment of the Apex Court in daily rated casual labourers employed under Postal Department vs. Union of India & Ors. reported in (1988) in sec.122 the Apex Court directed the department to prepare a scheme for absorption of the casual labourers who were continuously working in the department for more than one year for giving certain benefits. Accordingly a scheme was prepared by the Department of Posts granting benefit

to the casual labourers who had rendered 240 days of service in a year. Thereafter many writ petitions had been filed by the casual labourers, working under the department of Telecommunication before the Apex Court praying for directing to give similar benefits to them as was extended to the casual labourers of Department of Posts. Those cases were disposed of in similar terms as in the judgment of Daily Rated Casual Labourers(Supra). The Apex Court, after considering the entire matter directed the Department to give the similar benefit to the casual labourers working under the Telecom Department in similar manner. Pursuant to the said judgment the Ministry of Communication prepared a scheme known as "Casual Labourers (Grant of Temporary Status and regularisation)Scheme" on 7.11.89. Under the said scheme certain benefit had been granted to the casual labourers such as, conferment of temporary Status, Wages and Daily Rates with reference to the minimum of the pay scale etc. Thereafter, by a letter dated 17.3.93 certain clarification was issued in respect of the scheme in which it had been stipulated that the benefits of the scheme should be confined to the casual labourers engaged during the period from 31.3.1985 to 22.6.1986. On the other hand the casual labourers worked in the Department of Posts as on 21.11.1989 were eligible for temporary Status. The time fixed as 21.11.1989 had been further extended pursuant to a judgment of the Ernakulam Bench of the Tribunal dated 13.3.1995 passed in O.A.No.750/94. Pursuant to that judgment, the Govt.of India issued a letter dated 1.11.95 conferring the benefit of Temporary Status to the casual labourers. The present applicants being employees under the Telecom Department under the Ministry of Communication also urged before the concerned authorities that they should also be given same benefit. In this connection the casual employees submitted a representation dated 29.12.1995 before the Chairman

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, Telecom Commission, New Delhi but to the knowledge of the applicant the said representation has not been disposed of. Hence the present application.

3. O.A.299/96 is also of similar facts. The grievances of the applicants are also same.

4. Heard both sides, Mr.B.K.Sharma, learned Counsel, appearing on behalf of the applicants in both the cases submits that the Apex Court having been granted the benefit of temporary status and regularisation to the casual labourers, should also be made available to the casual labourers working under Telecom Department under the same Ministry. Mr.Sharma further submits that the action in not giving the benefits to the applicants is unfair and unreasonable. Mr.A.K.Choudhury, learned Addl.C.G.S.C for respondents does not dispute the submission of Mr.Sharma. He submits that the entire matter relating to the regularisation of casual labourers are being discussed in the J.C.M level at New Delhi, however, no discision has yet been taken. In view of the above, I am of the opinion that the present applicants who are similarly situated are also entitled to get the benefit of the scheme of casual labourers (grant of temporary Status and Regularisation) prepared by the Department of Teleccm. Therefore, I direct the respondents to give the similar benefit as has been extended to the casual labourers working under the Department of Posts as per Annexure-3(in O.A.302/96) and Annexure-4 (in O.A.No.299/96) to the applicants respectively and this must be done as early as possible and at any rate within a period of 3 months from the date of receipt copy of this order.

However, considering the entire facts and circumstances of the case I make no order as to costs.

Sd/- Vice Chairman.

ANNEXURE.8.

No.269-13/99-STN-II  
Government of India  
Department of Telecommunications  
Sanchar Bhawan  
STN-II Section  
New Delhi

Dated 1.9.99.

To

All Chief General Managers Telecom Circles,  
All Chief General Managers Telephones District,  
All Heads of other Administrative Offices  
All the IFAs in Telecom. Circles/Districts and  
other Administrative Units.

Sub: Regularisation/grant of temporary status to Casual  
Labourers regarding.

Sir,

I am directed to refer to letter No.269-4/99-STN-II dated  
12.2.99 circulated with letter No.269-13/99-STN-II dated 12.2.99  
on the subject mentioned above.

In the above referred letter this office has conveyed approval on the two items, one is grant of temporary status to the Casual Labourers eligible as on 1.8.98 and another on regularisation of Casual Labourers with temporary status who are eligible as on 31.3.97. Some doubts have been raised regarding date of effect of these decision. It is therefore clarified that in case of grant of temporary status to the Casual Labourers, the order dated 12.2.99 will be effected w.e.f. the date of issue of this order and in case of regularisation to the temporary status Mazdoors eligible as on 31.3.97, this order will be effected w.e.f. 1.4.97.

Yours faithfully

(HARDAS SINGH)  
ASSISTANT DIRECTOR GENERAL (STN)

All recognised Unions/Fedarations/Associations.

(HARDAS SINGH)  
ASSISTANT DIRECTOR GENERAL (STN)

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

Original Application No.206 of 2000.

Date of Order : This the 13th day of June,2000.

Hon'ble Sri D.C.Verma, Member (J).

1. Sri Kanai Das, Casual Worker,  
Working under SDE Microwave Project,  
(Task Force), Imphal,  
Manipur.
2. All India Telecom Employees Union  
Line Staff and Group 'D'  
Manipur Division,  
represented by its Divisional Secretary,  
Shri M. Kulla Singh .....Applicants

By Advocate Mr. S. Sarma.

-versus-

1. The Union of India,  
Represented by the Secretary to the  
Ministry of Communication,  
New Delhi.
2. The Chairman Telecom Commission,  
Sanchar Bhawan,  
New Delhi.
3. The Chief General Manager,  
N.E. Telecom Circle,  
Shillong-793001.  
  
The Sub Divisional Engineer,  
(Microwave Project),  
Imphal, Telecom Division,  
Imphal, Manipur. ....Respondents

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

O R D E R (ORAL).

D.C.VERMA, MEMBER(J).

The applicant No. 1 is a casual worker, working under SDE Microwave Project (Task Force) Imphal, Manipur. Applicant No.2 is All India Telecom Employees Union, Line Staff and Group-D, Manipur Division (herein after referred to as Union).

*Attested  
Advocate*

*A*

Contd...



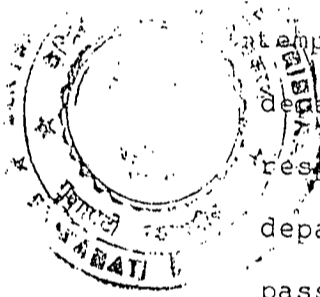
2. The application is directed against the action of the respondents in not considering the case of the applicants for grant of temporary status and subsequent regularisation in the light of the scheme prepared pursuant to the Hon'ble Supreme Court's Judgement and order, which is a scheme of 1989. The applicant No. 2 represents the interests of the casual workers more particularly reflected in the Annexure-A to the O.A. As per the Annexure-A all the 11 (eleven) persons mentioned therein were engaged between March 1991 and March 1992. All the applicants have been drawing their wages under ACG-17 and as per their pay-slips they are casual workers of the Telecom Department. The claim of the applicants is that similarly situated employees belonging to the Postal Department approached the Hon'ble Supreme Court for direction for regularisation and the Hon'ble Supreme Court directed the department to frame a scheme to regularise and for grant of temporary status to the casual labourers of the department of Post. Similar matter was considered in respect of similarly situated employees of the department of Telecommunication and similar order was passed. Even before this Tribunal All India Telecom Employees Union, Line Staff and Group D, Nagaland Division filed O.A. No. 200/2000 for similar relief and the Tribunal vide its order dated 8.6.2000 issued certain directions.

3. The learned counsel for the respondents has very rightly agreed to consider the claim of the applicant for a similar direction as were given in O.A. No. 200/2000 in respect of the applicants *therein*.

4. Heard learned counsel for the parties and perused the order dated 8.6.2000 passed in O.A. No. 200/2000. Accordingly it is also decided at the admission stage with a direction that the individual applicants may make



Contd...



representation to the respondents giving the detail of their engagement and the period of their working and other relevant details required for the purpose within a period of one month from the date of this order. The respondents are directed to scrutinise and examine each individual case, with the records of the department and thereafter pass a reasoned and speaking order on merits of each case within a period of six months from the date of receipt of the representation. The order passed on the representation shall be communicated to each individual separately.

5. The O.A. stands disposed of as per the direction given above. No costs.

Sd/MEMBER(j)



**TRUE COPY**  
प्रतिलिपि

*M. J. Joshi*  
Deputy Registrar (G)  
Central Administrative Tribunal  
Gwahat Bench

*HS*  
29/6/2020

Dtd. at Imphal 18/7/2000

To

The Sub Divisional Engineer,  
(Microwave Project), Imphal.

Sub: Order dt. the 13th June, 2000.  
O.A. No. 206 of 2000.  
by the Hon'ble Tribunal CAT/GH.

Sir,

With due reference and profound submission, I beg to state few following lines before your honour.

That, in the year of .....12-1-1996..... I enter the service of Telecom as casual (labour) worker and was performing my duties and responsibilities with due respect. I represented to SDE, Microwave Project, Imphal/ DE Microwave Project, Imphal for absorbtion and for regularisation as T.S.M. But it was not considered by the SDE/DE Microwave Project, Imphal.

That being aggrieved by the said action, I was constrained to the Hon'ble Tribunal by way of aforesaid O.A. and the Hon'ble Tribunal was pleased to dispose of the said O.A. with direction to consider my case for regularisation (copy of the order of CAT/GH enclosed).

In view of the said facts and circumstances, I pray your honour to consider my case for T.S.M./regularisation at the earliest.

With kind regards.

Sincerely yours

Enclosed:

(.....K. Bhabu Singh.....) K. BHABI  
Casual labours, working under  
SDE Microwave Project, Imphal  
SINGHA

- 1) Working certificate (Xerox copy).
- 2) School certificate/ date of birth certificate. (Xerox copy)
- 3) CAT judgement copy (Xerox copy)

Copy to:-

- 1. The Chief General Manager Task Force, Guwahati- for kind information please.
- 2. The CGMT, HE Telecom Circle, Shillong- for kind information please.
- 3. The D.E. Microwave Project, Imphal for information please.

BHARAT SANCHAR NIJAM LTD.  
( A Govt. of India Enterprise )  
OFFICE OF THE SUB DIVISIONAL ENGINEER  
TELECOM PROJECT: IMPHAL-795001

No. SDE/TP/IMP/E-6/2001 :

Dated at Imphal, 30.3.2001.

11.5.2001

To

1. Shri Takhelchangbam Biren Singh
2. Shri Laishram Santosh Singh
3. Shri Chingakham Brajamani Singh
4. Shri Waikhom Bira Singh
- ✓ 5. Shri Kayenpaibam Bhabhi Singh
6. Shri Sinam Angouba Singh
7. Shri Takhelchangbam Netajit Singh

Sub : Disengagement of Casual labours.

In pursuance of CGM Task Force, North Eastern Telecom Region, Guwahati letter No. TF/NE/Staff-45/DRM/39 dt. 27-2-2001 and copy endorsed vide DE Telecom project, Imphal letter No. DE/TP/IMP/E-10, dt. at Imphal, the 22.3.01, the undersigned has been directed to inform you that your engagement in the Task Force, Imphal Division, Manipur has been discontinued w.e.f. 31.3.2001.

Please acknowledge receipt of the same.

No. 13 ✓

*C.T. Singh*  
30.3.2001  
- 11.5.2001  
( C.T. SINGH )  
Sub-Divisional Engineer  
Telecom Project, Imphal.

Copy to :-

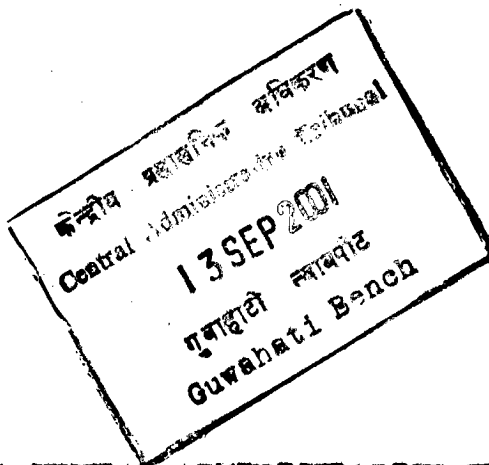
1. CGM, Task Force, NE Telecom Region, Guwahati for information please.
2. Area Director, Task Force, Jorhat for information please.
3. Divisional Engineer, Telecom Project, Imphal for information please.

*Sd.*

( C.T. SINGH )  
Sub-Divisional Engineer,  
Telecom Project, Imphal

Received on  
11.5.2001  
K. Bhabhi Singh

Attached  
Wej  
Advocate



Filed by 29  
17/9/01  
(A. DEWCOY)  
Sr. C. S. C.  
G. A. T., Guwahati Bench

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH :: GUWAHATI

O.A. NO. 182 OF 2001

Shri Kanai Das

-Vs-

Union of India & Others.

- And -

In the matter of :

Written Statement submitted by the  
respondents

The respondents beg to submit the written statement  
as follows :

1. That with regard to para 1, the respondents beg to  
state that the Hon'ble CAT/GH order dated 13.06.2000 scrutiny  
of the records of the casual labourers was done by a committee.  
As per the committee report enclosed herewith, 3(three)  
casual labourers were found eligible for conferment of  
Temporary Status .

They are :

1. Shri Kanai Das
2. Sri Prakash Kapoor .
3. Shri N. Bahadur Singh.

7(seven) casual labourers are found not eligible for confer-  
ment of temporary status.

They are :

1. Shri T. Biren Singh
2. Shri L. Santosh Singh
3. Shri C. Brojononi Singh
4. Shri W. Bira Singh
5. Shri Bhabi Singh
6. Shri S. Angouba Singh
7. Shri Natajit Singh.

These ineligible casual labourers are disengaged on 11.05.2001 as per guidelines of DOT.

The process of scrutiny or verification of records of the casual labourers were done as per guidelines of DOT. Ref. Letter no. 269-10/8-STN dated 7.11.89.

Letter no. 269-4/93-STN-II dated 17.12.93.

Letter no. 269-4/93-STN-II dated 12.2.99.

Letter no. 269-13/95-STN-II dated 2.7.99.

2. That with regard to para 2, the respondents beg to state offer no comments.

3. That with regard to para 3, 4.1 and 4.2, the respondents beg to state that <sup>these</sup> ~~the~~ paras are agreed.

4. That with regard to para 4.3, the respondents beg to state that the Casual Labourers were engaged in 1995 onwards. 7(seven) casual Labourers who were ineligible for conferment of temporary Status are not in the job now. They have been disengaged. Therefore, payment of the Salary in ACG-17 does not arise.

5. That with regard to para 4.4, the respondents beg to offer no comments.
6. That with regard to para ~~that~~ 4.5, the respondents beg to state that three casual labourers are eligible and rest are not eligible as per DOT norms. Ref. Annexure - II.
7. That with regard to para 4.6, the respondents beg to state that the question does not arise.
8. That with regard to paras 4.7, 4.8 and 4.9, the respondents beg to state that they are engaged in 1995 onwards.
9. That with regard to para 4.10 and 4.11, the respondents beg to state the question does not arise.
10. That with regard to para 4.12, the respondents beg to state that the question does not arise. As if organisation is having a separate sanctioned post.
11. That with regard to para 4.13, the respondents beg to state that the Department processed the case as per DOT norms and Task Force is having a separate sanctioned of post.
12. That with regard to para 4.14 and 4.15, the respondents beg to state that the Department acts as per DOT guidelines.
13. That with regard to paras 4.16 to 4.25, the respondents beg to state that the reply has been given in para 1 of this written statement.
14. That with regard to para 4.26, the respondents beg to state that the question does not arise.
15. That with regard to para 5.1, the respondents beg to state that the disengagement has been done as per DOT guidelines.

16. That with regard to para 5.2, the respondents beg to state that they processed the case as per DOT guidelines.

17. That with regard to para 5.3, the respondents beg to offer no comments.

18. That with regard to paras 5.4 to 5.8 and 6, the respondents beg to state that the question does not arise.

19. That with regard to para 7, the respondents beg to state that the applicants filed Court case O.A. No. 206/2000 and case was disposed on 13.06.2000. 3(Three) Casual Labourers were found eligible for conferment of TSM as per Hon'ble Court judgement and 7(seven) Casual Labourers were found ineligible as per DOT norms. The same applicants filed Court case again O.A. No. 182/2001.

Therefore, the declaration of not filing Court case. Writ Petition or suit regarding the grievances in respect of these applicants is totally false.

20. That with regard to paras 8.1 to 8.5 and 9, the respondents beg to offer no comments.


It is pertinent to mention here that the Hon'ble Tribunal passed the order on 16.5.2001 directing the respondents to allow the applicants to continue as casual labourers by suspending the impugned order dated 11.5.2001, but the respondents already disengaged the applicants before passing the order dated 16.5.2001. So the interim order dated 16.5.2001, passed by the Hon'ble Tribunal could not be given effect.

VERIFICATION

I, Shri Parana Boro DE (Estt.)/VO

being authorised do hereby verify and  
this  
declare that the statements made of ~~the~~ written statement  
are true to my knowledge, information and believe and I  
have not suppressed any material fact.

And I sign this verification on this 6<sup>th</sup>  
day of September '2001 at Guwahati.

  
**Declarant.**  
Divisional Engineer (Estt.)/VO  
Bharat Sanchar Nigam Limited  
O/o C.C.M. Task Force  
Guwahati-781003