

50/100  
5  
CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH  
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

O.A/T.A No...364/2001.....

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

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

1. Orders Sheet. O.A-364/2001 ..... Pg..... 1 ..... to..... 3
2. Judgment/Order dtd. 03/09/2002 ..... Pg..... No. re part of order D is posed
3. Judgment & Order dtd..... Received from H.C/Supreme Court
4. O.A..... 364/2001 ..... Pg..... 1 ..... to..... 41
5. E.P/M.P..... N12 ..... Pg..... to.....
6. R.A/C.P..... N12 ..... Pg..... to.....
7. W.S. Respondents No-1,2,3,4,5..... Pg..... 1 ..... to..... 25
8. Rejoinder..... Pg..... to.....
9. Reply..... Pg..... to.....
10. Any other Papers..... Pg..... to.....
11. Memo of Appearance.....
12. Additional Affidavit.....
13. Written Arguments.....
14. Amendment Reply by Respondents.....
15. Amendment Reply filed by the Applicant.....
16. Counter Reply.....

SECTION OFFICER (Judl.)

FORM No. 4  
(See Rule 42)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH:GUWAHATI.

ORDERS SHEET

APPLICATION NO.

364 /2001

Applicant(s) D.K.Rai

Respondent(s) U.O.I

Advocate for the Applicant: B.K.Sarma, S.Sarma, U.K.Rai, Mrs U.Das

Advocate for the Respondent: CASE

Notes of the Registry | Date | Order of the Tribunal

12.9.01	After hearing Ms.U.Das, learned counsel for the applicant and Mr.B.C.Pathak, learned Addl.C.G.S.C for the respondents, the application is admitted. Issue usual notices. List on 12.10.2001 for order.	1 C C Usha Member
10/9/01 b6 WB 13/9/01		
12.10.01	Four weeks time is allowed to the respondents to file written statement. List the case on 28.11.2001 for order.	1 C C Usha Member
28.11.01	Mr B.C.Pathak, learned Addl.C.G.S.C prays for time to file written statement Mr S.Sarma, learned counsel for the applicant has no objection. Prayer allowed. List on 2.1.2002 for order.	
11-10-01		1 C C Usha Member

steps taken  
without envelop

Notice issued and sent  
to U.O.I for notice to respondent  
No 1 to 5 by Registered A.D.O.  
17/9/01

Wtch No 3517 & 3521  
dtd 19/9/01.

① Service report are  
still awaited.

By  
11-10-01

Service Searched in Blo  
of Respondent No 184.  
C. Completed  
15/10/01

(2)

OA. S. 364 of 2001

No written statement  
has been filed.

3/11/01

2.1.02

At the request of Mr. A. Deb Roy,  
Sr. C.G.S.C. four weeks time is allowed  
for filing of written statement. List on  
30.1.02 for orders.

IC Usha  
Member

No written statement  
has been filed.

lm

30.1.02

At the request of learned counsel  
for the respondents four weeks time is  
allowed for filing of written statement.  
List on 1.3.02 for orders.

IC Usha  
Member

No Wks has been  
filed.

lm

3/1  
29.1.02.

1.3.2002

No written statement has been filed.  
Four weeks further time allowed for filing of  
written statement. List for orders on 3.4.02.

Vice-Chairman

No written statement  
has been filed.

3/1  
9.5.02.

3.4.02 List the matter for hearing on  
10.5.2002. Meanwhile, respondents may file  
written statement within one month from today.

IC Usha

Member

mb

10.5.2002

Mr. A. Deb Roy, learned Sr. C.G.S.C.  
requests on behalf of Mr. B.C. Pathak, learned  
Addl. C.G.S.C for the respondents for adjourn-  
ment of the case.

Mr. S. Sarma, learned counsel for the  
applicants states that the respondents have  
not filed written statement and records  
will be necessary for disposal of the case.  
Request for adjournment is accepted.  
List the case on 12.6.2002 for hearing.

IC Usha  
Member

bb

Notes of the Registry	Date	Order of the Tribunal
-----------------------	------	-----------------------

3.9.02

Heard counsel for the parties.  
 Hearing concluded. Judgment delivered  
 in open Court, kept in separate sheets.  
 The application is disposed of  
 in terms of the order. No order as to  
 costs.

*ICC Shar*  
 Member

*A*  
 Vice-Chairman

28.10.2002

Copy of the Judgment  
 has been sent to the  
 Office. For sending the  
 same to the appellant as  
 well as to the Govt. Adm.

*ICC Shar*

pg

Notes of the Registry	Date	Order of the Tribunal

6

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

Title of the case : D.A. No. 364 of 2001

BETWEEN

Shri Deo Kumar Rai ..... Applicant.

AND

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

I N D E X

Sl.No.	Particulars	Page No.
1.	Application	1 to 11
2.	Verification	12
3.	Annexure-1	13, 14
4.	Annexure-2	15, 16
5.	Annexure-3	17
6.	Annexure-4	18, 19
7.	Annexure-5	20 to 23
8.	Annexure-6	24 to 31
9.	Annexure-7	32
10.	Annexure-8	33 to 38
11.	Annexure-9 (colly)	39
12.	Annexure-10	40
13.	Annexure-11	40
14.	Annexure-12	41

\*\*\*\*\*  
Filled by : Usha Das.

Regn. No. :

File : DEO

Date :

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

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

O.A.No. .... of 2001

BETWEEN

Shri Deo Kumar Rai  
S/o Ram Bilash Rai  
resident of Vill-Mathgharia No.II  
P.O.: Noonmati,  
Guwahati-30.

..... Applicant.

VERSUS

1. Union of India,  
Represented by the Secretary to the Govt.of India,  
Ministry of Communication,  
Sanchar Bhawan, New Delhi.
2. The Chief General Manager,  
Assam Telecom Circle,  
Ulubari, Guwahati-7.
3. The General Manager, Telecom  
Namerup Telecom District,  
Guwahati-7.
4. The Sub Divisional Officer (Phones)  
East-II, Guwahati-7.
5. The Divisional Engineer(Phone)(Ext-I)  
Guwahati Telecom, Guwahati-1.

..... Respondents.

PARTICULARS OF THE APPLICATION

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

This present application is directed against the order dated 27.12.2000 by which it has been intimated to the present applicant that he does not satisfy the illegibility criteria as laid down in the scheme for grant of temporary status.

Filed by the applicant through  
Laljan Das  
Advocate  
11.12.2001

Drau

2. LIMITATION:

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

3. JURISDICTION:

The applicant further declares that the subject matter of the case is within the jurisdiction of the Administrative Tribunal.

4. FACTS OF THE CASE:

4.1. That the applicant is a citizen of India and as such he is entitled to all the rights, privileges and protection guaranteed by the Constitution of India and laws framed thereunder.

4.2. That the applicant in the present application is a casual worker and he got his initial entry in the Department in the year 1994. It is pertinent to mention here that in the year 1994 the applicant got his initial appointment in the month of December and therefore he started his service career from the month of January 1995 as casual worker. His aforesaid service continued till date without any break. However the respondents w.e.f. April 1998 change his condition of service from casual to contractual labour. Everything happened without the knowledge of the applicant and nothing has been communicated to the applicant regarding the change of status of his employment.

4.3. That pursuant to a judgement delivered by the Hon'ble Apex Court, the respondents prepared a scheme in the name and style "Casual Labourers Grant of Temporary Status and Regularisation" of 1989. By a communication dated 7.11.89, the respondents communicated the said scheme.

9

Copies of the Apex Court judgement and the aforesaid scheme is annexed herewith and marked as Annexure-1 & 2 respectively.

4.4. That after issuance of the Annexure-2 scheme the respondents have issued numbers of clarifications of which mention may be made of letter bearing No.269-4/93/STW-II dated 17.12.93 by which the benefit of the said scheme have been restricted to the recruits recruited in between 31.3.85 to 22.6.88. The aforesaid restriction attracted various litigations and union movement. It is pertinent to mention here that Ernakulam Bench of Hon'ble Tribunal had occasions to deal with a similar matter (OA-750/94). The said Hon'ble Tribunal in Its judgement directed the respondents thereto extend the benefit of the scheme of 1989 to the recruits up to 10.9.93. To that effect concerned ministry issued a letter dated 1.11.95 specifying the aforesaid cut off date.

A copy of the aforesaid letter dated 1.11.95 (Extract) is annexed herewith and marked as Annexure-3.

4.5. That the applicant begs to state that since 1995 he has been working as a casual worker under the respondents but inspite of there being a scheme in existence, the respondents has bent upon not to extend the benefit of the said scheme to the present applicant. Situated thus the applicant was constrained to move the Hon'ble Tribunal by way of filing OA No.289/99. The Hon'ble Tribunal after hearing the parties to the proceeding was pleased to dispose of the OA vide Its judgement and order dated 10.1.2001 directing the respondents to grant the benefit of the scheme to the present applicant.

10

A copy of the judgement and order dated 10.1.2001 is annexed herewith and marked as Annexure-4.

4.6. That the applicant begs to state that prior to filing of the aforesaid OA 289/99, similarly situated employees claiming similar benefit preferred OAs 299 and 302 of 1996 praying for their regularisation under the scheme of 1989. The Hon'ble Tribunal after hearing the parties to the proceeding was pleased to allow the said OAs vide Its judgement and order dated 13.8.97 directing the respondents to extend the benefit of the scheme to the applicants thereto.

A copy of the judgement and order dated 13.8.97 is annexed herewith and marked as Annexure-5.

4.7. That inspite of aforesaid judgement and order dated 13.8.97 the respondents did nothing to implement the same. The service condition of the casual worker working under Telecom Deptt. remained unchanged. Lots of representations and prayers came before the respondents but nothing came out in positive. On the other hand the ministry concerned issued sanction of almost 900 posts of Daily rated Mazdoor in Assam Circle. At that point of time a move was going on to fill up those 900 posts of Daily Rated Mazdoor by outsiders. Situated thus employees along with the union took up the matter and preferred various OAs before this Hon'ble Tribunal. In all the OAs there is a common prayer for grant of temporary status under the scheme and subsequent regularisation. The Hon'ble Tribunal on hearing passed the judgement (common) dated 13.8.99 by which direction has been issued for consideration of their cases taking in to

consideration the illegibility criteria laid down by Hon'ble Apex Court in Its Annexure-1 judgement and pursuant to which the scheme 1989 came in to force.

A copy of the judgement and order dated 31.8.99 is annexed herewith and marked as Annexure-6.

4.8. That the respondents immediately receipt of the copy of the judgement and order dated 31.8.99 issued an order dated 1.9.99 clarifying the cut off date of the aforesaid scheme up to 1.8.98. It has been clarified by the said letter that casual workers who have completed 240 days within 1.8.98 will be entitled to get the benefit of the said scheme of 1989.

A copy of the aforesaid letter dated 1.9.99 is annexed herewith and marked as Annexure-7.

4.9. That the applicant begs to state that taking in to consideration aforesaid judgement dated 31.8.99 and the order dated 1.9.99 the respondents constituted a verification committee to examine the case of each casual worker. The said committee constituted at various level for such verification and went on verifying the records of each casual workers. However, during the course of verification it reveals that in most of the cases the committee came to wrong calculation for want of necessary and available documents. The said committee also verified the records of the present applicant and vide the impugned communication dated 27.12.2000 rejected the case of the present applicant.

A copy of the aforesaid impugned communication dated 27.12.2000 is annexed herewith and marked as Annexure-8.

4.10. That the applicant begs to state that the aforesaid impugned committee is a non-speaking one and same depicts total non application of mind by the respondents. It has been stated in the impugned committee dated 27.12.2000 that the said committee verified all the records which were called for from the units and offices were taken into consideration while passing the said impugned order. It is pertinent to mention here that in case of the present applicant also, in the said committee called for the records maintained by the office urgently and acting on such directions the concerned authority communicated all the relevant documents indicating his date of entry and days of continuous work through fax message.

Copies of the communications made by the concerned authority are annexed herewith and marked as Annexure-9 colly.

4.11. That the applicant begs to state that although the impugned order the respondents have mentioned regarding verification of all the records but the records (Annexure-9 colly) have not been taken in to consideration wherein the Respondent No.5 himself certified the days of work pertaining to present applicant. Had those records been taken in to consideration, the occasion of issuance of impugned order could not have arisen.

4.12. That the applicant begs to state that the reason contained in the aforesaid impugned order depicts total non application of mind. The crux of the reason contained in the impugned order is his discontinuation and non continuation as casual worker on the crucial date i.e. 1.8.98. The respondents have not mentioned regarding his completion of 240 days of

19

continuous and qualifying service right from 1995.

4.13. That the applicant begs to state that in the impugned order the respondents have rejected the claim of the applicant for grant of temporary status under the scheme on the ground that he was not in employment as on 1.8.98. The respondent while issued the impugned order took in to consideration the order dated 1.9.99 and misconstrued the same taking in to consideration the cut of date of 1.9.99 purportedly. In the aforesaid order dated 1.9.99 it has categorically mentioned that the benefit of scheme of 1989 will be available to the casual workers illegible as on 1.8.98 meaning thereby a casual worker will have to complete 240 days of continuous work prior to 1.8.98. No where it has been mentioned that for getting the benefit of the scheme of 1989 one should have been in employment as on 1.8.98. in fact, the present applicant is in employment till date but the respondents deliberately have changed his nomenclature so that he can not claim the benefit of the scheme. Admittedly the applicant has completed 240 days of continuous service each year w.e.f. 1995 and he was very much in employment till the date of filing of the OA. It is therefore, the applicant is entitled to get all the benefit enumerated in the scheme of 1989 and its subsequent clarification issued from time to time.

4.14. That the applicant begs to state that the respondents have acted illegally in issuing the impugned order dated 27.12.2000 as the said order has been issued prior to the judgement and order passed by the Hon'ble Tribunal in OA No.289/99. The respondents have acted in haste to avoid contempt proceeding likely to be initiated against them and thereby committed mistakes. The aforesaid mistake of imputation of

another cut of date i.e. 1.8.98 came to notice of the concerned authority and clarifying the aforesaid stand, communication are going on for verification of the same. To that effect mention may be made of communication dated 15.1.2001, 15.2.2001 and 22.3.2001 by which emphasis have been made mainly on three aspects- (a) engagement as on 1.8.98, (b) discontinuation of service and (c) mistake committed in sending the name of the casual workers during 1998. Emphasis has also been made for relaxation of those condition.

Copies of the aforesaid communication dated 15.1.2001, 15.2.2001 and 22.3.2001 are annexed herewith and marked as Annexure-10, 11 and 12.

4.15. That the applicant begs to state that the action on the part of the respondents are very much contradictory and same is violative of Annexure-1 judgement passed by the Hon'ble Apex Court and the scheme of 1989. In the scheme of 1989 it has been categorically mentioned that the scheme will be effective w.e.f. 1.10.89 onwards. On the other hand the Hon'ble Apex Court in its Annexure-1 judgement specified the eligibility criteria for grant of temporary status as one year continuous service without mentioning any cut of date. However, the respondents ignoring all the above condition, has issued the impugned order which is not sustainable in the eye of law and liable to be set aside and quashed.

4.16. That the applicant begs to state that the respondents have acted illegally in not considering the case of the applicant for grant of temporary status, taking in to consideration certain irrelevant fact which are self contradictory and violative of the

Apex Court judgement. The respondents by issuing the orders dated 15.1.2001 , 15.2.2001 and 22.3.2001 has highlighted the fact that there are numbers of vacancies still in existence in Assam Circle and process is going on to fill them by out siders. In that even of the matter, the applicant prays for an interim order directing the respondents to keep one post vacant for the applicant during the pendency of the OA.

5. GROUNDS FOR RELIEF WITH LEGAL PROVISION:

5.1. For that the action/inaction on the part of the respondents, in not granting the benefit of the scheme of 1989 to the present applicant is illegal, arbitrary and violative of Principles of Administrative fairplay and hence same is liable to be set aside and quashed.

5.2. For that the respondents ought to have extended the benefit of the said scheme to the present applicant taking in to consideration his initial entry and days of continuous work as reflected in Annexure-9 colly. Having not done so, the respondents have committed illegalities and therefore, the impugned order dated 27.12.2000 is not sustainable in the eye of law and liable to be set aside and quashed.

5.3. For that the respondents have acted illegally in not extending the benefit of 1989 scheme taking in to consideration the Apex Court judgement and 1989 scheme and its subsequent clarification issued from time to time.

5.4. For that the respondents have acted illegally in issuing the impugned order which is contrary to the scheme of 1989 and its subsequent clarification issued from time to time

and hence same is not sustainable in the eye of law and liable to be set aside and quashed.

5.5. For that similarly situated employees like that of the applicant are still getting the benefit of scheme and hence it is the duty of the respondents to extend the benefit of the said scheme to him without requiring him to approach the doors of the court again and again.

5.6. 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 set aside and quashed.

The applicant craves leave of this Hon'ble Tribunal to advance more grounds both legal as well as factual at the time of hearing of the case.

#### 6. DETAILS OF REMEDIES EXHAUSTED:

That the applicant declares that he has exhausted all the remedies available to them and there is no alternative remedy available to him.

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

The applicant further declares 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 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 applicant 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

records, be grant the following reliefs to the applicant:-

8.1. To direct the respondents to extend the benefit of the scheme of 1989 to the applicant with all consequential service benefits.

8.2. To set aside and quash the impugned order dated 27.12.2000 with a further direction to regularise the service of the applicant with retrospective effect within all consequential service benefits.

8.3. Cost of the application.

8.4. Any other relief/reliefs to which the applicant is entitled to under the facts and circumstances of the case and deemed fit and proper.

9. INTERIM ORDER PRAYED FOR:

Pending disposal of the application the applicant prays for an interim order directing the respondents to keep one post vacant with a further direction to allow him to continue as casual worker.

10. .....

11. PARTICULARS OF THE I.P.O.:

1. I.P.O. No. : 76 548814
2. Date : 21(8/200)
3. Payable at : Guwahati.

12. LIST OF ENCLOSURES:

As stated in the Index.

18 - Judgment - 'N' party

Pray

18

VERIFICATION

I, Shri Deo Kumar Rai, son of Ram Bilash Rai, aged about ..... years, resident of Mathgharia No.II, P.O. Noonmati, Guwahati-30, do hereby solemnly affirm and verify that the statements made in paragraphs 23, 41, 5 to 12 ..... are true to my knowledge and those made in paragraphs 1, 42, 43, 44 ..... are also true to my legal advice and the rest are my humble submission before the Hon'ble Tribunal. I have not suppressed any material facts of the case.

And I sign on this the Verification on this the 1st day of Sept. of 2001.

Signature.

Deo Kumar Ray

19

ANNEXURE-1

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(pors.) 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.

**Attested**

*M. A. S.*  
Advocate

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

33

Attestad  
M. S. S.  
Advocate.

P

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. Out side 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  
Abbas  
Advocate.

5. 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  
L. S.  
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.I.A. vide Dy. No 2423/95 dated 9.10.95.

Attested  
by  
Advocate.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

Original Application No.289 of 1999

Date of decision: This the 10th day of January 2001

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

1. Shri Tapan Das, Casual Worker,  
 At present working under S.D.O. Cable/II,  
 Tinsukia, Assam.
2. All India Telecom Employees Union,  
 Line Staff and Group 'D' employees,  
 Assam Circle, Guwahati  
 (Represented by Shri J.N. Mishra,  
 Circle Secretary).

.....Applicants

By Advocates Mr B.K. Sharma, Mr S. Sarma and  
 Mr U.K. Goswami.

- versus -

1. The Union of India, represented by  
 The Secretary to the Government of India,  
 Ministry of Communication,  
 Government of India, New Delhi.
2. The Chairman, Telecom Commission,  
 New Delhi.
3. The Chief General Manager,  
 Assam Telecom Circle,  
 Ulubari, Guwahati.
4. The Chief General Manager,  
 Task Force,  
 Guwahati.
5. The General Manager, Telecom,  
 Silchar.
6. The General Manager, Telecom,  
 Kamrup District, Assam,  
 Ulubari, Guwahati.
7. The Telecom District Manager,  
 Department of Telecommunication,  
 Dibrugarh, Assam.

.....Respnents

By Advocate Mr B.S. Basumatary, Addl. C.G.S.C.

Attested  
 (Signature)  
 Advocate

O R D E R (ORAL)

25

CHOWDHURY.J. (V.C.)

This matter pertains to the conferring of the benefit of temporary status and regularisation of the applicants cited in Annexure A, who are thirtyfive in number.

2. Heard Mr S. Sarma, learned counsel for the applicants and Mr B.S.Basumatary, learned Addl. C.G.S.C. Mr S. Sarma in support of his contention referred to the decision of the Supreme Court in Writ Petition No.1280 of 1989, Ram Gopal and others vs. Union of India and others alongwith Writ Petition No.1246 of 1988 and other like matters, by which the Supreme Court directed the respondents to prepare a Scheme on a rational basis absorbing as far as practical persons who have continuously worked for more than one year in the Telecom Department. Persuant thereto, a Scheme was prepared and the applicants fulfilled the norms enjoined in the Scheme. Like matters have already been adjudicated upon by this Tribunal including O.A.Nos.299/1996 and 302/1996 disposed of on 13.8.1997.

3. Considering all aspects of the matter and upon hearing the learned counsel for the parties, I am of the view that the present applicants are also entitled to get the benefit of the Scheme prepared by the Department of Telecommunication. The respondents are, therefore, directed to provide similar benefits to the applicants and pass appropriate orders within a period of two months from the date of receipt of the order.

4. The application is accordingly disposed of. There shall, however be no order as to costs.

*Sertified to be true Copy*

*প্রাপ্তি প্রতিপাদিত*

*19/01/01*

*Section Officer (J)*

*কেন্দ্রীয় প্রাধিকরণ প্রতিপাদিত  
Central Administrative Tribunal*

*কেন্দ্রীয় প্রাধিকরণ প্রতিপাদিত*

*Guwahati Bench, Guwahati-8*

*প্রাপ্তি প্রতিপাদিত, প্রাপ্তি*

*Sd/- VICE CHAIRMAN*

ANNEXURE-5.

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

Attested  
by  
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 Open 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 labourars 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 22.6.1988. 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

*Attested*  
*Asif*  
*Advocate*

, 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 decision 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 Telecom. 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.

Attested  
J. K. Das  
1/2 copy.

ANNEXURE-6.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

Original Application No.107 of 1998 and others.  
Date of decision : This the 31 st day of August 1999.

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

The Hon'ble Mr.G.L.Sanglyine, Administrative Member.

1. O.A. No.107/1998  
Shri Subal Nath and 27 others. .... Applicants.  
By Advocate Mr. J.L. Sarkar and Mr. M.Chanda  
- versus -  
The Union of India and others. .... Respondents.  
By Advocate Mr. B.C. Pathak, Addl. C.G.S.C.  
.....
2. O.A. No.112/1998  
All India Telecom Employees Union,  
Line Staff and Group- D and another..... Applicants.  
By Advocates Mr.B.K. Sharma and Mr.S.Sarma.  
- versus -  
Union of India and others. .... Respondents.  
By Advocate Mr.Mr.A.Deb Roy, Sr. C.G.S.C.  
.....
3. O.A.No. 114/1998  
All India Telecom Employees Union  
Line Staff and Group-D and another. .... Applicants.  
By Advocates Mr. B.K. Sharma and Mr. S.Sarma.  
- versus -  
The Union of India and others .... Respondents.  
By Advocate Mr. A.Deb Roy, Sr. C.G.S.C.  
.....
4. O.A.No.118/1998  
Shri Bhupan Kalita and 4 others. .... Applicants.  
By Advocates Mr. J.L. Sarkar, Mr.M.Chanda  
and Ms.N.D. Goswami.  
- versus -  
The Union of India and others. .... Respondents.  
By Advocate Mr.A.Deb Roy, Sr. C.G.S.C.  
.....
5. O.A.No.120/1998  
Shri Kamala Kanta Das and 6 others . .... Applicant.  
By Advocates Mr. J.L. Sarkar, Mr.M.Chanda  
and Ms. N.D. Goswami.  
- versus -  
The Union of India and Others . .... Respondents.  
By Advocate Mr.B.C. Pathak, Addl.C.G.S.C.  
.....
6. O.A.No.131/1998  
All India Telecom Employees Union and another...Applicants.  
By Advocates Mr.B.K.Sharma, Mr.S.Sarma and Mr.U.K.Nair.

*Attested  
Abas  
Advocate*

3

— versus —

The Union of India and others. .... Respondents.  
By Advocate Mr. B.C. Patha, Addl.C.G.S.C.  
.....

7. O.A.No.135/98  
All India Telecom Employees Union  
Line Staff and Group-D and 6 others. .... Applicants.  
By Advocates Mr.B.K.Sharma, Mr.S.Sarma and  
Mr.U.K.Nair.  
— versus —  
The Union of India and others . . . Respondents.,  
By Advocate Mr.A.Deb Roy, Sr. C.G.S.C.  
.....

8. O.A.No.136/1998  
All India Telecom Employees Union,  
Line Staff and Group-D and 6 others. .... Applicants.  
By Advocates Mr.B.K.Sharma, Mr.S.Sarma and Mr.U.K.Nair.  
— versus —  
The Union of India and others. .... Respondents.  
By Advocate Mr.A.Deb Roy, Sr.C.G.S.C.  
.....

9. O.A.No.141/1998  
All India Telecom Employees Union,  
Line Staff and Group-D and another .... Applicants.  
By Advocates Mr.B.K.Sharma, Mr.S.Sarma  
and Mr.U.K.Nair.  
— versus —  
The Union of India and others . .... Respondents.  
By Advocate Mr.A.Deb Roy, Sr.C.G.S.C.  
.....

10. O.A. No.142/1998  
All India Telecom Employees Union,  
Civil Wing Branch. .... Applicants.  
By Advocate Mr.B.Malakar  
— versus —  
The Union of India and others. .... Respondents.  
By Advocate Mr.B.C. Pathak, Addl. C.G.S.C.  
.....

11. O.A. No.145/1998  
Shri Dhani Ram Deka and 10 others. .... Applicants  
By Advocate Mr.I.Hussain.  
— versus —  
The Union of India and others. .... Respondents.  
By Advocate Mr.A,Deb Roy, Sr. C.G.S.C.  
.....

12. O.A.No. 192/1998  
All India Telecom Employees Union,  
Line Staff and Group-D and another .... Applicants  
By Advocates Mr.B.K. Sharma, Mr.S.Sarma  
and Mr.U.K.Nair.  
—versus—  
The Union of India and others..... Respondents  
By Advocate Mr.A.Deb Roy, Sr.C.G.S.C.  
.....

Attested  
Asas.  
Advocate.

13. O.A.No.223/1998

All India Telecom Employees Union,  
Line Staff and Group-D and another ..... Applicants  
By advocates Mr. B.K.Sharma and Mr.S.Sarma.

- versus -

The Union of India and others ... Respondents.  
By Advocate Mr.A.Deb Roy, Sr.C.G.S.C.

\*\*\*\*\*

14. O.A.No.269/1998

All India Telecom Employees Union,  
Line Staff and Group-D and another ..... Applicants  
By advocates Mr. B.K.Sharma and Mr.S.Sarma,  
Mr.U.K.nair and Mr.D.K.Sharma

- versus -

The Union of India and others ... Respondents.  
By Advocate Mr.B.C.Pathak,Addl. Sr.C.G.S.C.

15. O.A.No.293/1998

All India Telecom Employees Union,  
Line Staff and Group-D and another ..... Applicants  
By advocates Mr. B.K.Sharma and Mr.S.Sarma,  
and Mr.D.K.Sharma.

- versus -

The Union of India and others ... Respondents.  
By Advocate Mr.B.C.Pathak,Addl. Sr.C.G.S.C.

\*\*\*\*\*

O R D E R

BARUAH.J. (V.C.)

All the above applicants involve common question of law  
and similar facts. Therefore, we propose to dispose of all the  
above applications by a common order.

2. The All India Telecom Employees Union is a recognised  
union of the Telecommunication Department. This union takes up  
the cause of the members of the said union. Some of the applic-  
ants were submitted by the said union, namely the Line Staff and  
Group-D employees and some other applicantion were filed by the  
casual employees individually. Those applications were filed as  
the casual employees engaged in the Telecommunication Department  
came to know that the services of the casual Mazdoors under the  
respondents were likely to be terminated with effect from  
1.6.1998. The applicants in these applications, pray that the  
respondents be directed not to implement the decision of termi-

Attested  
A. Deb -  
Advocate

rating the services of the casual Mazdoors . but to grant them similar benefits as had been granted to the employees under the Department of Posts and to extend the benefits of the scheme, namely casual Labourers (Grnt of Temporary Status and Regularisation) Scheme of 7.11.1998, to the casual Mazdoors concerned O.A.s, however, in O.A. No.269/1998 there is no prayer against the order of termination. In O.A. No.141/1998, the prayer is against the cancellation of the temporary status earlier granted to the applicants having considered their length of services and they being fully covered by the scheme. According to the applicants of this O.A., the cancellation was made without giving any notice to them in complete violation of the principles of natural justice and the rules holding the field.

3. The applicants state that the casual Mazdoors have been continuing their service in different office in the Department of Telecommunication under Assam Circle and N.E. Circle. The Govt.of India, Ministry of Communication made a scheme known as Casual Labourers (Grant of Temporary Status and Regularisation) Scheme. This scheme was communicated by letter No.269-10/89-STN dated 7/11/89 and it came in to operation with effect from 1989. Certain casual employees had been given the benefits under the said scheme, such as conferment of temporary status, wages and daily wages with reference to the minimum pay scale of regular Group-D employees including D.A. and HRA. Later on, by letter dated 17.12.1993 the Government of India clarified that the benefits of the scheme should be confined to the casual employees who were engaged during the period from 31.3.1985 to 22.6.1988. However, in the Department of Posts, those casual labourers who were engaged as on 29.11.89 were granted the benefits of temporary status on satisfying the eligibility criteria. The benefits were further extended to the casual labourers of the Department

of Posts as on 10.9.93 pursuant to the judgement of the Ernakulam Bench of the Tribunal passed on 13.3.1995 in O.A. No.750/1994. The present applicants claim that the benefits extended to the casual employees working under the Department of Posts are liable to be extended to the casual employees working in the Telecom Department in view of the fact that they are similarly situated. As nothing was done in their favour by the authority they approached this Tribunal by filing O.A. Nos 302 and 229 of 1996. This Tribunal by order dated 13.8.1997 directed the respondents to give similar benefits to the applicants in those two applications as was given to the casual labourers working in the Department of Posts. It may be mentioned here that some of the casual employees in the present O.A.s were applicants in O.A.Nos.302 and 229 of 1996. The applicants state that instead of complying with the direction given by this Tribunal, their services were terminated with effect from 1.6.1998 by oral order. According to the applicants such order was illegal and contrary to the rules. Situated thus the applicants have approached this Tribunal by filing the present O.As.

4. At the time of admission of the applications, this Tribunal passed interim orders. On the strength of the interim orders passed by this Tribunal some of the applicants are still working. However, there has been complaint from the applicants of some of the O.A.s that in spite of the interim orders those were not given effect to and the authority remained silent.

5. The contention of the respondents in all the above O.As is that the Association had no authority to represent the so called casual employees as the casual employees are not members of the union Line Staff and Group-D. The casual employees not being regular Government servant are not eligible to become members or office bearers to the staff union. Further, the re-

*Attested  
Ladas.  
Advocate.*

spondents have stated that the names of the casual employees furnished in the applications are not verifiable, because of the lack of particulars. The records, according to the respondents, reveal that some of the casual employees were never engaged by the Department. In fact, enquiries in to their engagement as casual employees are in progress. The respondents justify the action to dispense with the services of the casual employees on the ground that they were engaged purely on temporary basis for special requirement of specific work. The respondents further state that the casual employees were to be disengaged when there was no further need for continuation of their services. Besides, the respondents also state that the present applicants in the O.As were engaged by persons having no authority and without following the formal procedure for appointment/engagement. According to the respondents such casual employees are not entitled to re-engagement or regularisation and they can not get the benefit of the scheme of 1989 as this scheme was retrospective and not prospective. The scheme is applicable only the casual employees who were engaged before the scheme came in to effect. The respondents further state that the casual employees of the Telecommunication Department are not similarly placed as those of the Department of Posts. The respondents also state that they have approached the Hon'ble Gauhati High Court against the order of the Tribunal dated 13.8.1997 passed in O.A. No.302 and 229 of 1996. The applicants does not dispute the fact that against the order of the Tribunal dated 13.8.1997 passed in O.A. Nos.302 and 229 of 1996 the respondents have filed writ application, before the Hon'ble Gauhati High Court. However according to the applicants no interim order has been passed against the order of the Tribunal.

5. We have heard Mr.B.K.Sharma, Mr J.L.Sarkar, Mr.I.

*Attested  
R.Das  
Advocate.*

Hussain and Mr.B.Malakar, learned counsel appearing on behalf of the applicants and also Mr.A.Deb Roy, learned Sr.C.G.S.C. and Mr.B.C. Pathak, learned Sr.C.G.S.C. appearing on behalf of the respondents. The learned counsel for the applicants dispute the claim of the respondents that the scheme was retrospective and not prospective and they also submit that it was up to 1989 and then extended up to 1993 and thereafter by subsequent circulars. According to the learned counsel for the applicants the scheme is also applicable to the present applicants. The learned counsel for the applicants further submit that they have documents to show in that connection. The learned counse for the applicants also submits that the respondents can not put any cut off date for implementation of the scheme, inasmuch as the Apex Court has not given any such cut off date and had issued direction for conferment of temporary status and subsequent regularisation to those casual workers who have completed 240 days of service in a year.

7. On hearing the learned counsel for the parties we feel that the applications require further examination regarding the factual position. Due to the paucity of material it is not possible for this Tribunal to come to a definite conclusion. We, therefore, feel that the matter should be re-examined by the respondents themselves taking in to consideration of the submissions of the learned counsel for the applicants.

8. In view of the above we dispose of these applications with direction to the respondents to examine the case of each applicant. The applicants may file representations individually within a period of one month from the date of receipt of the order and if such representations are filed individually, the respondents shall scrutinise and examine each case in consultation with the records and thereafter pass a reasoned order on

Attested:  
R.Das.  
Advocate.

merits of each case within a period of six months thereafter. The interim order passed in any of the cases shall remain in force till the disposal of the representations.

9. No order as to costs.

SD/- VICE CHAIRMAN

SD/- MEMBER (A)

Attested  
Lalas  
Advocate.

ANNEXURE 6

No.269-13/99-STN-II  
Government of India  
Department of Telecommunications  
Sanchay 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 IFAEs 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.269-4/98-STN-II dated 12.2.98 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 12.2.98 will be effected w.e.f. the date of issue of this order and in case of regularisation to the temporary status Mazdoor 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/Federations/Associations.

(HARDAS SINGH)  
ASSISTANT DIRECTOR GENERAL (STN)

Attested  
*[Signature]*  
Advocate.

By Regd. Post or  
Through Peon Book

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/00-01/97      Dated at Guwahati, the 27-12-2000.  
To :

✓ Shri Deo Kumar Ray, C/O Shri Ram Bilash Ray,  
Vill: Matugharis No:- II, PO: Noormeti, Guwahati-30,  
Dist - Kamrup(Assam).

As you are aware that as per direction given by Hon'ble CAT, Guwahati Bench, Guwahati in OA Nos. 107/98, 112/98, 114/98, 118/98, 120/98, 131/98, 135/98, 136/98, 141/98, 142/98, 145/98, 192/98, 223/98, 269/98 and 293/98, the department constituted verification committees for different SSAs/ Units 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 such casual laborer including yourself. The committee verified all the documentary as well other proof from the various units/ offices and also personally interviewed such casual labourer including you on 17-04-2000. In our office / SSA, the committee comprised of three members namely (1) Shri A. S. Choudhury, / Shri S.C. Tapadar, 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 G. C. Sharma, ADT (Legal), O/O CGMT/ Guwahati.

The aforesaid committee submitted its report to the Department detailing all about their finding / proof against each casual labourer including you. The detail of such scrutiny report is enclosed and furnished herewith as in 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/ Regularization, your case could not be considered favourably. Please take notice that you have not been in engagement under the Department since 30-11-1997 / you have been disengaged as casual labourer with effect from 31-01-2001 as the department is bound to consider only the cases of such eligible casual labourers for conferment of TSM against such vacancies / works. This is done in accordance with the Hon'ble Tribunals order/ and also the stay / status quo that was directed to be maintained.

Head of SSA/ Unit

Divisional Engineer (Admn)

O/O/ G.M. Telecom

Kamrup Telecom Distrc.

Guwahati-7.

Copy to :

The C.G.M.T., Assam Circle, Guwahati

for favour of information w.r.to his office letter No. STES-21/160/74

289 (99 - not mentioned)

S. G.  
Divisional Engineer (Admn)  
O/O/ G.M. Telecom  
Kamrup Telecom Distrc.  
Guwahati-7.

Attested  
by  
Advocate.

To  
The General Manager, Telecom.  
Kamrup Telecom District, Guwahati-781007

Ref. Your letter no GMT/EST/-179/TSM/00-01/97 dated at Guwahati the  
27th Dec, 2001.

Sir,

In response to your above cited letter I beg to state that I have sufficient proof to show that I have completed more than 240 days duty in the 1997(1-1-97 to 1-12-97).

The committee constructed for conducting detailed varification have not properly varified my case and the report submitted is not true and fact oriented.

That Sir I and some others had filed an application before the Honourable Central Administrative Tribunal in 1999 and the honourable tribunal in CA No 289 on 22nd January 2001 passed their final judgement in favour of me and you are asked to pass appropriate order within a period of two months which I have submitted to you on 22/1/2001.

The necessary proof that I have completed more than 240 days service in 1996 and 1997 year is given herewith for your kind information and immediate necessary action.

9/12/2001  
Attested by  
S. K. Ray  
General Manager  
Kamrup Telecom District, Guwahati-781007

Enclosed :-

(1) Working certificate of 1996  
(2) Working certificate of 1997.

Yours faithfully,

S. K. Ray

Off. No. 269

S. K. Ray  
M. A. M.

Attested  
S. K. Ray  
Advocate.

TO WHOM IT MAY CONCERN

This is to certify that Shri Deo Kumar Roy, Son of Shri Rambilash Roy an inhabitant of Mathgharia, No. 2 Guwanati-20 was under working in this Telephone Department ( S.D.O.P. E-II ) since 1-1-95 to 1-12-95.

I wish him every success in his life.

PARTICULARS

1995

January	16 days
February	20 days
March	24 days
April	23 days
May	21 days
June	18 days
July	23 days
August	21 days
September	20 days
October	20 days
November	18 days
December	15 days
<hr/>	
TOTAL :	239 days

cl  
Ranu  
Sub-Divisional Officer  
Telephones East-II  
Guwahati - 781001

cl  
K. P. Roy  
15. 12. 2000  
B. M. Francis (Ext-1)  
Guwahati Telephones  
Guwahati - 781001

ANIL  
K. P. Roy  
Advocate.

TO WHOM IT MAY CONCERN

This is to certify that Shri Deo Kumar Roy, Son of Shri Rambilash Roy an inhabitant of Mathgharia, No. 2 Guwahati-20 was under working in this Telephone Department ( S.D.O.P. E-II ) since " 1-1-96 to 1-12-96 "

I wish his every success in his life.

PARTICULARS

1996

January	20 days
February	18 days
March	20 days
April	22 days
May	18 days
June	20 days
July	18 days
August	20 days
September	20 days
October	20 days
November	24 days
December	20 days
<hr/> Total :	<hr/> 240 days

Rambilash Roy 6/11

Sub-Divisional Officer  
Telephones East-11  
Guwahati-781001

D. B. Phones Ext-1  
Guwahati Telephones  
Guwahati - 781001

Attested  
R. S. Das  
Advocate.

V.N.L.

TO WHOM IT MAY CONCERN

This is to certify that Shri Dee Kumar Roy, Son of Shri Rambilash Roy an inhabitant of Mathebaria, No. 2 Guwahati-20 was under working in this Telephone Department ( S.D.O.P. E-II ) since 1-1-97 to 1-12-97.

I wish his every success in his life.

PARTICULARS

1997

January	20 days
February	20 days
March	18 days
April	17 days
May	22 days
June	18 days
July	23 days
August	21 days
September	17 days
October	23 days
November	21 days
December	20 days
<hr/> Total	<hr/> 240 days

Ans

Rambilash Roy. L/H

Ram  
17/11/98  
Sub-Divisional Officer  
Telephones East-II  
Guwahati-781007

Ans  
M. P. Prajapati  
15, Q. 2, 2nd

M. B. Phones (Ext-1)  
Guwahati Telephones  
Guwahati - 781001

Attestation  
L. S. Roy  
Advocate.

TO WHOM IT MAY CONCERN

This is to certify that Shri Deo Kumar Roy,  
Son of Shri Rambilash Roy, an inhabitant of Mathgharia,  
No. 2 Guwahati-20 was under working in this Telephone  
Department (S.D.O.P. E-II) since 1-1-98 to 1-4-98

I wish his every success in his life.

PARTICULARS

1998	
January	24 days
February	20 days
March	22 days
April	23 days
<u>Total :</u>	<u>89 days</u>

Rambilash Roy L/H

cls

5/98  
Sub-Divisional Officer  
Telephones East-II  
Guwahati-781001

P.S.  
Mr. C.P. Saha  
15.2.2000

D. B. Phones East-II  
Guwahati Telephones  
Guwahati-781001

Amrit  
Goswami  
Advocate.

BHARAT SANCHAR NIGAM LIMITED  
(A Govt. of India Enterprise)  
OFFICE OF THE CHIEF GENERAL MANAGER  
ASSAM CIRCLE, GUWAHATI - 781007.

No. ESTT-9/12/ CM/ 15

Dated at Guwahati, the 15<sup>th</sup> January, 2001.To,  
Shri Shailendra Agarwal.Joint D.D.G.(Pers)  
Sanchar Bhawan, 20, Ashoka Road, New-Delhi - 110001.

Sub:- Grant Of Temporary Status to eligible casual labourers.

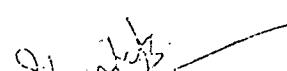
In Assam Telecom Circle, The department has to comply Hon'ble CAT's order in respect of 1290(approx) casual labourers for whom the Hon'ble CAT in numerous judgements in court case No. 112/98, 114/98, 118/98, 120/98 and 11 others has directed the department to scrutinize the records and grant the temporary status in accordance with the scheme, if found eligible. In pursuance of these CAT orders and in accordance with Directorate sanction temporary status has been already granted to 497 casual labourers so far but there are still 117 more eligible casual labourers who fulfil the criteria for grant of temporary status as on date. Despite being eligible these casual labourers could not be granted temporary status because their names were not forwarded during 1998 and Directorate in their letter No. 269-20/2000-STN II dated 04.09.2000 has put a condition to consider only those cases which were referred in 1998.

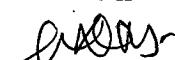
2. Vide Directorate letter No269-4/93-STN-II(Pt) dtd 13-2-2000, sanction for grant of Ty. status to 672 eligible casual labourers has been received. After doing thorough verification of payment particulars to casual labourers in pursuance of Hon'ble CAT orders in common judgement in case numbers 112/98, 114/98, 118/98, 120/98 and 11 others temporary status has been granted to 497 casual labourers so far and there are 175 balance sanctioned posts available as on date.

3. A number of casual labourers who were not found eligible have filed O.As before the Hon'ble CAT/Guwahati and the same are still pending. In the event of the O.As being decided in favour of the applicants the department may have to re-engage these casual labourers. The total number of posts in that event may increase.

4. Since there is no alternative in view of the above noted Hon'ble CAT's judgements and as noted in para 2(two) above Assam Telecom Circle still has balance 175 sanction posts available, it is requested that Directorate may allow Assam Telecom Circle to grant temporary status to the extent of sanction posts available. Time limit for grant of TSM expired on 31.12.2000 and more time has been requested from the Hon'ble CAT. Assam Telecom Circle strongly recommends these cases for grant of TSM since Hon'ble CAT will issue notices of Contempt if TSM is not granted despite Casual labourers found eligible.

In view of the above, you are requested to convey the Directorate approval for the proposal mentioned above.

  
(Mahesh Shukla)  
Deputy General Manager(Adm)

**Attested****Advocate.**

(40)

BHARAT SANCHAR NIGAM LIMITED  
(A Govt. of India Enterprise)  
OFFICE OF THE CHIEF GENERAL MANAGER  
ASSAM CIRCLE GUWAHATI - 781007

No. ESTT-9/12/PT/KTD/40

Dated at Guwahati, the 15<sup>th</sup> February, 2001.

Shri Shailendra Agarwal  
Joint D.D.G. (Pers)  
B.S.N.L. HQ, Sanchar Bhawan.  
Ashoka Road, New-Delhi - 110001.

Sub:- Grant of temporary status on eligible casual labourers.  
Ref: CGMT/GH letter No. ESTT-9/12/CM/15 dtd. 15/01/2001.

Dear Sir,

You may like to recall my personal meeting with you on 01.02.2001 wherein we discussed the cases of 117 such casual labourers who have completed 240 days but as on 01.08.98 they were not working due to various reasons. You may recall that this includes those 13 cases also, who were disengaged on 13/09/97 and re-engaged on 18/11/98 due to Circle Office order, by concerned DE, but after break of 13 months. (Copy of the advice of the Legal Advisor is attached).

2. You may also recall that the Section Officer concerned had given the opinion that counting break periods is relevant only when temporary status mazdoor are regularised on the basis of 10 years service. He also said that break periods have no relevance when casual labourers are to be granted temporary status on the basis of completion of 240 days work in a year.

3. The 117 casual labourers in question were initially engaged as far back as 1990. Verification Committees have found that they are eligible for grant of temporary status because they have completed 240 days in more than 1 year but could not be granted temporary status due to one of the following reasons:-

- (i) They were not in service as on 01/08/98.
- (ii) Their names were could not be sent to the Directorate during 1998 due to mistake at this end though they were in service as on 01/08/98.
- (iii) Break is more than 1 (one) year say, 13 to 14 months.

4. Since Assam Telecom Circle still has 175 balance sanctioned post available and casual labourers have completed 240 days of continuous work, it is requested that BSNL Head Quarter may kindly relax the conditions as mentioned in above paras and allow grant of temporary status to 117 casual labourers as referred above.

With regards,

Enclo: 1) Order of Hon'ble CAT dtd. 31/08/99.  
2) Copy of advice of Legal Advisor to DOT.  
3) Copy of the CGMT/GH letter dtd. 15/01/2001.

*Mahesh Shukla*  
(Mahesh Shukla)  
Dy. General Manager (Admin)

*Attested*  
*Adams*  
*Advocate.*

41

ANSWER

12

भारत संचार निगम लिमिटेड  
(भारत सरकार का उद्यम)

Bharat Sanchar Nigam Limited

(A Govt. of India Enterprise)

कार्यालय मुख्य महाप्रबन्धक

Office of the Chief General Manager

असम दूरसंचार परिषङ्ग असम Telecom Circle

Guwahati - 781 007

OFF : कार्यालय - 540040, RES : निवास - 541041

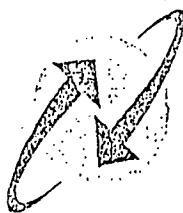
FAX NO. : 540111

D.O.No.STES-21/160/101

Dated 22.3.2001

K. CHHABRA

DEP. GENERAL MANAGER



Dear Sri Sharma,

Kindly refer to this office letters dated 15.01.2001 & 15.02.2001 (copies enclosed) on the subject of grant of Temporary Status to the left out casual labourers, reply of which is still awaited.

2. About 1290 casual labourers had approached the Hon'ble Tribunal, Guwahati in 15 different cases making a prayer for grant of Temporary Status to them. The Hon'ble Tribunal in their common order dated 31.8.99 directed the Respondent i.e. Department of Telecom, to scrutinize the cases of these casual labourers on the basis of records and to dispose off their representations with a reasoned order within six months. Three time extensions have been obtained so far and the time limit of the last extension is expiring on 31<sup>st</sup> March, 2001.

3. During implementation of judgement, 497 casual labourers under Assam Telecom Circle have been granted Temporary Status after examination of their records by the committees constituted for the purpose as per sanction given by Directorate to grant Temporary Status to 672 casual labourers vide letter No.269-4/93-STN-JI(A) dated 13.02.2000.

4. However, 117 number casual labourers could not be granted Temporary Status due to the following reasons.

- (i) Break period is 13 to 14 months in certain cases, though they have completed 240 days or more in a year and are working as on date too.
- (ii) Certain casual labourers were not on engagement as on 01.08.98, and
- (iii) The names of certain casual labourers were not forwarded to Telecom HQ during 1998 due to mistakes at SSA and unit level because of time pressure though they were actually on service as on 01.08.98 and have completed 240 days or more in a year.

5. Since Assam Telecom Circle has still 175 vacant posts available out of 672 posts sanctioned by the Directorate and 117 casual labourers in question have completed 240 days of continuous work in a year, You are requested to bestow your personal attention in the matter for according approval of BSNL HQ for grant of Temporary Status to 117 casual labourers. Since these cases are to be decided by 31<sup>st</sup> March, 2001 as directed by the Hon'ble Tribunal, an urgent action is requested please.

With Kind Regards,

Yours sincerely,

22.3.2001  
(J.K.Chhabra)

Sri B.Sharma,  
Dy. Director General (Pers)  
Bharat Sanchar Nigam Limited,  
Banchita Bhawan, 11, New Delhi-110001.

Attested  
by  
Advocate.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

12/12/2001 GUWAHATI BENCH AT GUWAHATI

OA No. 364/2001

File by: -  
B. C. Pathak  
Addl. Central Govt. Standing Counsel  
Central Administrative Tribunal  
Guwahati Bench : Guwahati

Shri Deo Kumar Rai

- Applicant

- Vs -

Union of India & Ors.

- Respondents

( Written statements for and on behalf of the  
Respondents No. 1, 2, 3, 4 & 5 )

The written statements of the above-noted  
respondents are as follows :-

1. A copy of the OA No. 364/2001 (hereinafter referred to as the "application") has been served on the respondents. The respondents have gone through the same and understood the contents thereof. The interest of the respondent No. 1 is not common and similar to the interest of the respondents No. 2, 3, 4 and 5 which has been explained in the subsequent paragraph. However, considering the totality of the matter, all the respondents have decided to file a common written statements for all of them in the case. In case of any different or conflict, if any, arises then the respondents crave leave of this Hon'ble Tribunal to file separate or additional written statement to that extent, if so needed.
2. That the statements made in the application which are not specifically admitted, are hereby denied by the respondents.

3. That before traversing the various paragraphs made in the application, the respondents hereby raise the following preliminary objections on the ground of which the application may be dismissed with cost.

A. That the Govt. of India in pursuance to the New Telecom policy 1999, in order to corporatise the functions of Department of Telecom, created a Company named and styled as "Bharat Sanchar Nigam Ltd." (referred as "BSNL") with effect from 15-9-2000. This Company has been duly registered under the Companies Act, 1956. In accordance with the said policy, the Govt. of India has transferred all the business, assets and liabilities of Department of Telecom Services (DTS) and Department of Telecom Operations (DTO) to the said new Company w.e.f. 1-10-2000. The Department of Telecom, Ministry of Communications, Govt. of India, retained the matter of policy formulation with them. This was done vide Office Memo No. 2-31/2000-Restg. dated 30-9-2000.

By the said O.M. dated 30-9-2000, the Govt. of India also made it clear by Clause-4, that for the period of transition and transfer, the cases pending before the Courts/Tribunals/Arbitrators etc. were to be defended by the Company as assignee/successor in interest of the Govt./Department of Telecom and such arrangement were made limited upto 31-12-2000. By Clause-5, it was also made categorically clear that in the matter relating to personnel (Government Servants) pending before various Tribunal, High Courts and Supreme Court, the Company will defend as assignee or successor in interest as per existing Rules till the time employees are on deemed deputation with the Company. By Clause-6, it was also made clear that so far as the judgement/order/award already delivered prior to 1-10-2000, such

judgement/order/award etc. would be implemented in letter and spirit by the Company in accordance with the Rules, Regulations, directions and statutes. All these instructions came into force with effect from 1-10-2000. The Department of Telecom also on 23-1-2001 issued the Notification of the "Resolution" which was published in the Gazette of India, Part-I, Section-I dated 17-3-2001.

Thereafter, the management of BSNL discussed with trade unions about the modality of absorption of Group 'C' and 'D' employees including casual labours in BSNL. The decision adopted were placed before the Board meeting held on 9-11-2000. The Board of Directors empowered the management of BSNL to negotiate with the Trade Unions bodies. Accordingly, the management and the Trade Union Bodies approved certain proposal on its meeting held on 2-1-2001. The minutes of the said meeting was circulated under No. BSNL/4/SR/2000 dated 2-1-2001. By the said settlement, the case of Casual labours were also decided. According to Clause-3 of the said settlement it was resolved that left out cases of casual labourers would be settled by BSNL in accordance with the order No. 269-94/98-STN-II dated 29-9-2000. As per condition laid down in the letter dated 29-9-2000 all the left out cases of casual labourers were to be referred to Head-quarter separately for consideration for regularisation.

B. That the instant OA No. 364/2001 has been filed after 1-10-2000 when the BSNL came into existence. Moreover, the O.M. dated 30-9-2000 is silent about the matter of casual labourers. However, BSNL by its own decision dated 2-1-2001 has agreed to settle the pending cases in terms of Circular letter dated 29-9-2000. Under

such circumstances, BSNL being a registered Company, a body Corporate, can sue or be sued by its name for its claims and liabilities and others rights and duties. On formation, the BSNL will not come automatically within the jurisdiction of Central Administrative Tribunal as provided under the Central Administrative Tribunal Act, 1985 and Rules framed thereunder. A Corporation, A Society or other body, may be brought under the jurisdiction of the Central Administrative Tribunal only by separate notification as provided as a condition precedent under Sub-Section 2 of Section 14(3) of the CAT, Act, 1985. The Calcutta Bench of Hon'ble CAT in OA No. 198/2001 (Biswanath Banerjee Vs Union of India & Ors.) took a similar view and held vide order dated 1-3-2001 that unless BSNL is notified that Court had no jurisdiction to entertain such petition.

Under these facts and circumstances and the legal provisions, the applicants had no locus standi to file the instant case and at the same time this Hon'ble Tribunal also shall not exercise its jurisdiction and power as it has no jurisdiction to adjudicate such matter. Hence, the application is liable to be dismissed with cost.

The copies of the O.M. dated 30.9.2000, Gazette Notification dated 17.3.2001, Minutes dated 2-1-2001, letter dated 29.9.2000, Order dated 1-3-2001 are annexed as Annexure - R-1, R2, R3, R4 and R5, respectively.

C. That subject to the provisions of restriction as stated above, the Bharat Sanchar Nigam Ltd. (BSNL) is

52

a necessary party in this case. As the Bharat Sanchar Nigam Ltd. has not been implicated as a party by its name, and as there is no notification thereby bringing BSNL under the jurisdiction of this Hon'ble Tribunal, this Tribunal shall not entertain application and the same be rejected as without locus standi and for want of jurisdiction.

In this connection, the respondents No. 2 to 5 are the authorities only under the Bharat Sanchar Nigam Ltd. They have no such legal relationship with the respondent No. 1 after 1-10-2000. When the said BSNL has not been implicated as a necessary party, these respondents No. 2 to 5 also could not be implicated as a party respondent and no direction or order could be issued to the said respondents.

4. That with regard to the statements made in paragraph 1 of the application, the answering respondents state that the impugned order dated 27-12-2000 was issued lawfully and after considering all the facts of the case and through scrutiny about the engagement particulars of the applicant. As the applicant could not fulfil the required criteria of the scheme of 1989, his case of conferment of temporary status could not be considered under the scheme.
5. That with regard to the statements made in paragraph 2 of the application, the respondents state that the application is barred by limitation and there being no prayer for condonation of delay, the application is liable to be dismissed with cost.

6. That with regard to the statements made in paragraph 3 of the application, the respondents reiterate the foregoing statements made in this written statement and further state that the applicant has no jurisdiction to file this application implicating the respondents No. 2 to 5. Hence, the application is liable to be dismissed with cost.

7. That the respondents have no comments to offer to the statement made in paragraph 4.1 of the application.

8. That with regard to the statements made in paragraph 4.2 of the application, the answering respondents deny the correctness of the statements made therein. In this connection, the respondents state that the case of the applicant was further scrutinized by a duly constituted Verification Committee in the line of directions given by this Hon'ble Tribunal as held in OA No. 107/98 (series) and decided on 31st August, 1999. The Verification Committee submitted their report vide No. GMT/EMG/CL-I/01-02/49 dated 12-3-2002. According to the findings of the said Verification Committee, the applicant was engaged as casual labourer in the year 1995, 1996, 1997 and 1998. But the applicant could not complete 240 days in any aforesaid calender years for which he could not be considered for conferment of temporary status under the scheme. The applicant was engaged for 38 days in 1995, 34 days in 1996, 37 days in 1997 and 17 days in the year 1998.

The copy of the report of the Verification Committee dated 12-3-2002 is annexed herewith as Annexure - R-6.

9. That with regard to the statements made in paragraphs 4.3 and 4.4 of the application, the respondents state that the statements relate to matters pertaining to records ; nothing is admitted which is not supported by such records or beyond such records.

10. That with regard to the statements made in paragraph 4.5, 4.6, 4.7 and 4.8 of the application, the respondents state that the matters being related to records are very much limited to such records, nothing is admitted beyond such records. The respondents reassert here that the case of the applicant was duly considered in the light of the decision rendered by this Hon'ble Tribunal for the whole period of his engagement. As stated hereinabove, the applicant could not fulfil the required criteria, as provided in the scheme of 1989 and hence his case could not be considered for conferment of temporary status. Only those applicants who could satisfy the required criteria as provided by the scheme, were considered for conferment of temporary status.

11. That with regard to the statements made in paragraph 4.9 and 4.10 of the application, the respondents state that the allegations that in most of the cases the Verification Committee came to wrong calculation for want of necessary and available documents, is baseless and imaginary one. As stated hereinabove, the factual position and the ground realities have been explained by the Verification Committee and the case of the applicant was rejected on the basis of his engagement particulars considering under the provisions of the scheme. There is nothing

to show any impugned illegality or infirmity in rejecting the case of the applicant under the order dated 27-2-2000.

12. That with regard to the statements made in paragraphs 4.11 and 4.12, the respondents state that the Verification Committee also considered the certificates issued by one Sri Ram Vilas Rai, L.M/ Lineman, countersigned by one Sri R. M. Das and another. The said certificates were not dated by the issuing authority, i.e. Sri Ram Vilas Rai, but it was countersigned by Sri R. M. Das, on 25-2-1997, 18-4-1996, 17-4-1998 and 28-5-1998 which were also countersigned by another person (DE External) on 15-2-2000. It is also pertinent to mention here that the certificates were issued by the father of the applicant. Inspite of all these variations and materials questioning genuineness on the face of the records , the respondents could not find any departmental documents as proof to support the said certificates. These certificates not connected with the system of the department and the same were issued or countersigned in their personal capacity without any sanction under any provision of records or law. The claim on the basis of those alleged certificates is nothing but a deliberate attempt to deceive the department for wrongful gains. The respondents, however, made further enquiry and directed the authority ~~who~~ countersigned the said certificates to comment on the genuineness of the certificates. Sri R. M. Das responded to the query and clarified the matter that the certificates were not correct although he countersigned it.

The copy of the clarification letter dated 26-4-2002 issued by Sri R. M. Das, is annexed as Annexure - R-7.

13. That with regard to the statements made in paragraph 4.13, the respondents state that the applicant was never engaged for 240 days in any calender year during the entire period of his engagement which has been explained hereinabove. The fact that as on 1-8-1998 the applicant was not in engagement, will not make it in any way different so far his claim is concerned. Because, the applicant could not fulfil the first criteria of engagement for 240 days under the scheme. Hence, the allegations are baseless.

14. That with regard to the statements made in paragraph 4.14, the respondents state that there is no such bar that the respondents are bound to verify the engagement particulars of the casual labourer for conferment of temporary status only for those who comes before the Court and gets an order. Similarly, the case of an applicant may also be verified during the pendency the Court case claiming conferment of temporary status under the scheme. Admittedly these had been done at the instance of the applicant and his case was duly considered.

15. That with regard to the statements made in paragraph 4.15 and 4.16 of the application, the answering respondents state that as illustrated hereinabove, the respondents duly considered the case of the applicant and did not find him eligible for conferment of temporary status under the scheme as the applicant could not fulfil the required criteria laid down in the scheme.

16. That with regard to the statements made in paragraphs 5.1 to 5.6 of the application, the respondents state that in view of the above facts and circumstances and the provisions of law, the grounds shown by the applicant to support his claim have no basis and are not sustainable in law. Therefore, the application is liable to be dismissed with cost.

17. The respondents have no comments to offer with regard to the statements made in paragraph 6 of the application.

18. That with regard to the statements made in paragraph 7 of the application, the respondents state that the applicant is trying to mislead this Hon'ble Tribunal by make false statements. The applicant, in his own statement, has categorically stated that he moved this Hon'ble Tribunal earlier also by filing OA No. 289/99. Therefore, the statements made in paragraph 7 of the application, is directly contradictory and opposite to the statements made in paragraph 4.5 of the application, clearly prove the falsification of the statements in the application. Therefore, the application is liable to be dismissed for such grounds alone.

19. That with regard to the statements made in paragraph 8.1, 8.2, 8.3, 8.4 and 9 of the application, the respondents state that under the facts and circumstances and the provisions of law, the applicant is not entitled to any relief for promotion as prayed for and the application is liable to be dismissed with cost.

As explained above, the applicant is also not entitled to any benefit in any interim relief as he was disengaged long back since January, 1998.

In the premises aforesaid, it is, therefore, prayed that Your Lordships would be pleased to hear the parties, peruse the records and after hearing the parties and perusing the records, shall also be pleased to dismiss this application as devoid of any merit.

VERIFICATION

I, Shri S. C. Das, Asstt. Director (Legal), working in the Office of the Chief General Manager, Bharat Sanchar Nigam Ltd., Ulubari, Guwahati-7, being competent and duly authorised to sign this Verification, do hereby solemnly affirm and state that the statements made in paragraph 1, 2, 3, 4, 5, 6, 7, 9, 10, 11, 13 to 17 and 18 are true to my knowledge and belief, those made in paragraph 3(A), 3(B), 8 and 12 — — — being matter of records are true to my information derived therefrom and the rest are my humble submission before this Hon'ble Tribunal. I have not suppressed any material facts.

And I sign this Verification on this, the 8<sup>th</sup> day of August, 2002 at Guwahati.

  
(S. C. Das)  
DEPONENT

11  
DCE(DPT)-NT-1

(15)

(2)

(1)

54

-12-  
No. 2-31/2000-Kesig.  
Government of India  
Ministry of Communications  
Department of Telecommunication Services

Annexure - R

New Delhi, the 30<sup>th</sup> September, 2000.

OFFICE MEMORANDUM

Subject:- Transfer and assigning of existing and subsisting contracts, agreements and Memoranda of Understanding of the Department of Telecommunications, Department of Telecom. Services and Department of Telecom. Operations to Bharat Sanchar Nigam Limited.

In pursuance of New Telecom Policy 1999, the Government of India has decided to corporatise the service provision functions of Department of Telecommunications (DoT). Accordingly, the undersigned is directed to state that the Government of India has decided to transfer the business of providing telecom services in the country currently run and entrusted with the Department of Telecom Services(DTS) and the Department of Telecom Operations(DTO) as was provided earlier by the Department of Telecommunications to the newly formed Company viz., Bharat Sanchar Nigam Limited (the Company) with effect from 1<sup>st</sup> October 2000. The Company has been incorporated as a company with limited liability by shares under the Companies Act, 1956 with its registered and corporate office in New Delhi.

2. The Department of Telecom. Services and Department of Telecom. Operations concerned with providing telecom services in the country and maintaining the telecom network/telecom factories were separated and carved out of the Department of Telecommunications as a precursor to corporatisation. It is proposed to transfer the business of providing telecom. services and running the telecom factories to the newly set up Company, viz. , Bharat Sanchar Nigam Limited w.e.f. 1<sup>st</sup> October 2000. The Government has decided to retain the functions of policy formulation, licencing, wireless spectrum management, administrative control of PSUs, standarisation & validation of equipment and P & D etc. These would be responsibility of Department of Telecommunications (DoT) and Telecom Commission.

3. Government of India has decided to transfer all assets and liabilities, (except certain assets which will be retained by Department of Telecommunications required for the units and offices under control of DoT, to be worked out later on), to the Company with effect from 1<sup>st</sup> October 2000. All the existing contracts, agreements and MoUs entered into by Department of Telecommunications, Department of Telecom Services and the Department of Telecom Operations with various suppliers, contractors, vendors, companies and

individuals in respect of supply of apparatus and plants, materials, purchase of land and buildings and supply of services, subsisting on date of transfer of business and/or required for operations of the Company and with subscribers of all types of services to be provided by the Company, will also stand transferred and assigned to the Company with effect from 1<sup>st</sup> October, 2000. The Company will be solely responsible for honouring these contracts, agreements and MoUs for their due performance and in case of disputes, to sue and be sued as the successor/assignee under the contract, agreement and MoU.

4. The Company, Bharat Sanchar Nigam Limited will file suitable required appearances/memos in all pending cases before the Courts, Tribunals, Arbitrators, Adjudicators in all matters except issues of licensing; and policymaking which are with the Department of Telecommunications. The Company may get substituted or become an additional party as the case may be, or just conduct the cases as assigns or successor in interest of the Government/Department of Telecommunications, as permissible. This may, in so far practicable, be completed by 31<sup>st</sup> December 2000.

5. In respect of matters relating to personnel (Government servants) pending before various Administrative Tribunals, High Courts and Supreme Court the Company will defend as assigns or successor in interest as per existing rules till the time employees are on deemed deputation with the Company.

6. Any judgement/order/award delivered by an Authority/Tribunal/Court/Arbitrator in respect of all the matters described there shall be implemented in letter and spirit by the Company, in accordance with rules, regulations, directions and statutes.

7. These instructions will come into force with effect from 1<sup>st</sup> October 2000.

*Vinod Vaish*  
(VINOD VAISH)

Secretary to the Government of India

To

To

1. The Secretary DoT and Chairman Telecom Commission.
2. The Secretary, DTS.
3. The Secretary, DTO and Member(Prodn.) Telecom Commission.
4. Member(Finance) Telecom Commission.
5. Member(Services) Telecom Commission.
6. Member(Technology), Telecom Commission.
7. Additional Secretary(T) and Secretary Telecom Commission
8. *\_\_\_\_\_*, D.T.

B (17) (3)

-14-

9. Joint Secretary(A), DoT.
10. OSD Corporatisation (DoT) with request to bring it to the notice of the Board of Directors of Bharat Sanchar Nigam Limited;
11. All Chief General Managers of Telecom Circles, Metro Districts, Project Circles, Maintenance Regions, Telecom Stores, Railway Electrification Projects with request to communicate these orders to all units working under their administrative control.
12. All Principal Chief Engineers / Chief Engineers - Civil and Electrical Wings, with request to communicate these orders to all units working under their administrative control.
13. Chief Architects - Chennai, Calcutta and Mumbai, with request to communicate these orders to all units working under their administrative control.
14. All Chief General Managers - Telecom Factories, with request to communicate these orders to all units working under their administrative control.
15. Sr.DDG(TEC)
16. Sr.DDsG- (BW)/(ARCH.)/(ELECT.)
17. Sr.DDG(ML) - with request to communicate these orders to all PSUs working under their administrative control.
18. Sr.DDG(IC & A)
19. Executive Director, C-DOT.
20. Sr.DDG(Vigilance), DoT
20. DDG(Pers.)

Copy to:-

1. PS to Minister of Communications
2. PS to Minister of State for Communications
3. All Advisers, DoT.

Copy दिए गए:-

1. Bharat Sanchar Nigam Limited

[ਪੰਜਾਬ ਦੇ ਰਾਜਕਾਰ, ਪ੍ਰਮ-1—ਪ੍ਰਕਾਸ਼-1 ਸੰਚਾਰ 17 ਮਾਰਚ 2001 ਦੀ ਪ੍ਰਕਾਸ਼ਤਾ]  
[Published in the Gazette of India, Part-1, Section-1, dated 17th March 2001]

નાનાર પંચાલય  
(દુષ્પાલાર કિલોમી.)  
નાને પ્રેરણી, રિંગાંક 23 જાન્યુઆરી 2001  
સંપૂર્ણ

3. उत्तरेण जाए वयता, याप्ति को आपूर्त नहीं की और अकाल को सरोदृ तया सेवाओं की आपूर्ति के संबंध में दूरवर्त्तनाक विषय, इस्थान्धार योवा विषय और दूरवर्त्तनाक प्रजाताय विषय द्वारा विस्तृत जारी रखें, एवं इसकी विवेताओं, कांतिमितियों और वर्णन-क्रम व्याख्याओं से किए गए सभी गोचूदा छेदों कराए और यथाग्राह्यता-विषय, यात्रीवार के हस्तांतरण वृत्ति वारों को देखे के बारे बने रहें और/या वीएसएगएस के प्रश्नावानों के लिए उपलब्ध रहें, काराएं, आदि। अनुसूतर 2000, 5 वर्षों के लिए योग्यता देने वाले या उन्हें या ऐसे।

5. 1 अगस्त 2000 में पुर्ण दूरध्वंशार रोपा भिन्ना  
भिन्ना दूरध्वंशार प्रवाला धिगाय का कोई प्रतिकार नहीं,  
तो इस प्रांत कम्ब दरकारियां भले पहुंचूर्णार रोपा धिगाय शीर  
दूरध्वंशार प्रवाला भिन्ना आरा आरी भिन्ना भया हों, 1  
अगस्त 2000 में अब तक कहीं की रोपा संदर्भ आए, उसे  
विस्तारपूर्वक के दूरध्वंशार के रूप में पढ़ा जाए।

7. 1 अगस्त 2000 से 500 रुपये/क्रांति/अन्य वस्तु-  
देन्द्रिय, जिनके तहत दसवां वर्ष विद्यालय ग्रन्थालय/प्राप्ति यूरक्यालय  
प्राप्ति विद्यालय को दी जाने वाली, प्राप्ति के प्राप्त्येषु में  
प्राप्ति सलाहकार के पक्ष में दो विद्यालय नियम जागा है, जहाँ वहाँ  
प्राप्ति दर्शन आए, प्राप्ति वाला दंगार नियम नियम के पास  
में जाप्ति दर्शन किए।

၃၂၁

वह आदेश दिया जाता है कि इस संकल्प को एक प्रति  
पन्थी राज्य परिवर्तन, सभी गंभीरतावां और भारत गणराज्य के  
विनाशकों सुप्रेरित ही जाए।

## ମୁଦ୍ରଣ କ୍ଷେତ୍ର ବିଭାଗ (ପ୍ରାଚୀନତା)

MINISTRY OF COMMUNICATIONS  
DEPARTMENT OF TELECOMMUNICATIONS  
New Delhi, the 23rd January 2001

No. 2-3172000-Restg., by virtue of the "Memorandum of Understanding" dated 20/06/2000, between

2000 emerged into between the President of India, acting through the Secretary to the Government of India, Ministry of Communications, Department of Telecommunications (DoT) and Bharat Sanchar Nigam Limited, the business of providing telecom services in the country, maintaining the telecom infrastructure, running the telecom factories by the Department of Telecom Services (DTS) and the Department

of Telecom Operations (DTO) [which were earlier provided by Department of Telecommunications (DoT)] has been transferred to the newly formed company viz. Bharat Sanchar Nigam Limited (BSNL) with effect from 1st October 2000.

2. All assets & liabilities (except certain assets which will be retained by DoT required for the units and offices under control of DoT) of the Department of Telecom Services (DTS) and the Department of Telecom Operations (DTO) stand transferred to BSNL w.e.f. the said date.

3. All the existing contracts, agreements and MOUs entered into by Department of Telecommunications, Department of Telecom Services and the Department of Telecom Operations with various suppliers, contractors, vendors, companies and individuals in respect of supply of apparatus and plants, materials, purchase of land and building and supply of services, subsisting on date of transfer of business and/or required for operations of BSNL also stand transferred and assigned to BSNL w.e.f. 1st October 2000.

4. BSNL is solely responsible for honouring these contracts, agreements and MOUs for due performance and in case of disputes to sue and be sued as the successor/assignee under the said contract, agreement and MOU and shall be liable for any defaults, delays or non-performance.

5. With effect from 1st October 2000 any reference in any correspondence, bills, notices, and other

documents to the Department of Telecom Services or the Department of Telecom Operation, having been issued before 1st October 2000 by either the Department of Telecom Services or the Department of Telecom Operations shall, wherever the context so permits and allows, be read as reference to the BSNL.

6. With effect from 1st October, 2000 any bill, notice or other document issued by the BSNL bearing any reference to the Department of Telecom Services or the Department of Telecom Operation shall, wherever the context so permits and allows, be read to be a reference to the BSNL.

7. With effect from 1st October, 2000 all cheques' drafts/other instruments under which payment is to be made in favour of the Government of India in respect of monies owed to the Department of Telecom Services and/or the Department of Telecom Operations shall, wherever the context so permits and allows, be drawn in favour of Bharat Sanchar Nigam Limited.

#### ORDER

Ordered that a copy of this resolution be communicated to all State Governments, all Ministries and Departments of Govt. of India.

Ordered that the resolution be published in the Gazette of India for general information.

HARISH KUMAR  
Director (Resdg.)

-17-

(1) (2)

DOCUMENT NO.

ANNEXURE - R 3

Bharat Sanchar Nigam Limited,  
(A Government of India Enterprise)

No.BSNL/4/SR/2000  
Dated the 2<sup>nd</sup> January, 2001

SUBJ: Record of discussions held on 2.1.2001 in the meeting with the three Federations presided by CMD, BSNL regarding terms and conditions for absorption of Group C & D staff in BSNL.

In connection with the absorption of Group C & D staff working in BSNL, preliminary meetings were held with the three Federation(s). The decisions taken were discussed in the BSNL Board meeting held on 09.11.2000, which empowered the Management to negotiate with Unions. Accordingly, a meeting was held with the three Federations on 2.1.2001 and the following proposals were approved.

1. IMPLEMENTATION OF STANDING ORDERS OF THE INDUSTRIAL EMPLOYMENT ACT, 1946:

BSNL service rules are to be finalized after discussion with the recognized union formed by the optees of BSNL and the standing orders of Industrial Employment Act, 1946.

2. SERVICE RULES

In the meantime, it was agreed that Government will continue to apply existing rules / regulations. This is in line as per the provision of Rule 13B of Standing Orders of Industrial Employment Act, 1946. However, certain provisional terms and conditions for absorption are enclosed at Annexure I.

3. ABSORPTION OF CASUAL LABOURS

Orders have been issued by DoT for regularizing Ayahs & all casual labourers including part time casual labourers. Left out cases, if any, will be settled by BSNL in accordance with order No.269-94/98-STN-II dated 29.9.2000.

4. OPTION OF STAFF FOR ABSORPTION IN BSNL

The BSNL will absorb the optees on as is where is basis. A list of optees will be made available to the three federations/unions.

### 5. OPTIONS OF STAFF FACING DISCIPLINARY CASES

It was agreed that the employees with on-going disciplinary cases can also opt for absorption in BSNL but their absorption will be subject to the outcome of the vigilance case. Their pending cases will be expedited on a fast track mode by DOT. The appeal / petition cases for these employees will also be decided by DOT authorities.

### 6. PROMOTIONAL AVENUES

After absorption there will be negotiations with the newly formed recognized union regarding promotional avenues. Pending adoption of Standing Orders on promotional policy, the present OTBP/BCR/ACP (whichever is applicable) etc. will continue to be followed by BSNL.

### 7. CHANGE OVER TO IDA PAY SCALES

The pay scales and fitment formula will also be adopted through Standing Orders after negotiations with the recognized union in respect of non-executives. After detailed discussions, it was mutually agreed that pending fitment in the IDA pay scales, the Group C & D optees will continue in the Central Government (CDA) pay scales. In addition to this, they will also be paid an adhoc amount of Rs.1000/- per month w.e.f. 1.10.2000 which will be adjusted from their IDA emoluments, perks and benefits on fixation of the same in revised IDA scales. The revised negotiated IDA pay scales will be applicable from the date of absorption i.e. 1.10.2000.

### 8. TIME FRAME FOR VARIOUS POST ABSORPTION ACTIVITIES

It was agreed that the options will be called in January, 2001 providing about one month time to the employees to give their options and the entire activity is expected to be completed by the end of 28<sup>th</sup> Feb. 2001. A list of optees of BSNL will be exhibited to rectify inaccuracies, if any.

The existing system of informal meetings with applicant Unions, as on 30.9.2000 and formal meetings with the three Federations shall continue.

9. The employees who opt for permanent absorption in BSNL would be governed by the provisions of Rule 37-A of CCS Pension Rules, notification for which was issued by the Department of Pension & Pensioners Welfare on 30.9.2000. For the purpose of reckoning emoluments for calculation of pension and, pensionary benefits, the emoluments as defined in CCS(Pension)Rules, in PSU in the IDA pay scales shall be treated as emoluments.

- 27 -

12-59

(6)

10. DoT has already clarified that the word "formula" mentioned in clause 8 of Rule 37-A means payment of pension as per Government Rules in force at that time. It has also been clarified by the DoT that BSNL will not dismiss / remove an absorbed employee without prior review by the Administrative Ministry / Department.

11. The Group C & D employees who appear for any promotional examination whether direct or departmental and qualify in such examinations / outsiders coming through direct recruitment process, would rank junior to all the other employees in the promotional cadre who had already been qualified in earlier examinations even though they get absorbed in BSNL subsequently.

The above modalities have been worked out in consultation with the following three federations for termination of the deemed deputation status in BSNL and the parties have put their signatures in token of their consent and agreement on this date 02.01.2001.

The Proforma for exercising the option is enclosed.

(DR. D. S SENTHIL  
CMD, BSNL)

(KRANTI KUMAR)  
DIRECTOR(HRD) BSNL

(S P PUNWAR)  
DIRECTOR (FIN.) BSNL

(MALLIKARJUN)  
SECRETARY GENERAL, BTEP

(K. VALLINAYAGAM)  
SECRETARY GENERAL, FNTO

(O P GUPTA)  
SECRETARY GENERAL, NFIE

-20-

Annexure - R4

-18-

(10)

DG(TELECOM)

No. 269/94/99-STN-II  
Department of Telecom, Services  
Bawali, 20, Ashoka Road, New Delhi.  
(STN-II Section)

Dated: 29.09.2000

10  
(b)(i)  
All CGMs, Telecom Circles,  
All CGMs, Telephone Districts,  
All Heads of Other Administrative Offices,  
All the IFA's in Telecom Circles/Districts and other Administrative Units

Sub: Regularisation of Casual Labourers

Sir,

The employee unions are demanding regularization of all the casual labourers. This issue was under consideration for quite some time. It has been decided to regularise all the casual labourers working in the Department, including those who have been granted temporary status, with effect from 01.10.2000, in the following order:

- (1) All casual labourers who have been granted temporary status upto the issuance of Orders No. 269-193-STN-II dated 19.2.99, vide letter No. 269-13/99-STN-II dated 12.2.99 and further vide letter No. 269-13/99-STN-II dated 9.6.2000.
- (2) All full time casual labourers as indicated in the Annexure.
- (3) All part time casual labourers who were working for four or more hours per day and converted into full time casual labourers vide letter No. 269-13/99-STN-II dated 16.9.99.
- (4) All part time casual labourers who were working for less than four hours per day and were converted into full time casual labourers vide letter No. 269-13/99-STN-II dated 25.8.2000.
- (5) All Ayas and Supervisors converted into full time casual labourers as per order No. 269-10/97-STN-II dated 29.9.2000.

The number of casual labourers to be regularised in categories (2) to (5) above is given in the Annexure enclosed. The figures given in the Annexure are based on information received from the Circles.

The casual labourers indicated from (1) to (5) above are to be adjusted against available vacancies of Regular Mizdoori. However, Chief General Manager are also authorised to create posts of Regular Mizdoors as per the prescribed norms, and to that extent, the prescribed ceiling for the Circle will stand enhanced.

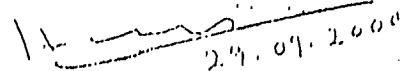
As per this office letter No. 269/4/93-STN-II dated 12.2.99, (vide which temporary status was granted to casual labourers eligible on 1.9.98), 30 casual labourers were to be regularised till 31st March 1999. Casual labourers not eligible for temporary status on 1.9.98 were to be dismissed forthwith. Therefore, there should be no casual labourers left without temporary status after 1.9.98. [Other than those indicated in serial no. (3) to (5) above, however, if there is still any case of casual labourer left post due to any reason, then may be referred to the concerned circle separately.]

21-

--- 2 ---

This issues with the concurrence of Telecom Finance vide their  
Dairy No. 3536/2000/FA-I Dated 29.09.2000.

Yours faithfully,

  
29.09.2000

(HARDAS SINGH)

ASSISTANT DIRECTOR GENERAL (STN)

Tel No. : 071 6723 / 303 2531

Copy to :-

- 1) FS to MOC/ MOS(C)
- 2) Advisor (IRD)
- 3) DUG(Pers.)/ (E)/ (EF)/ (SR)
- 4) Dir(ST-I) / (F-I)
- 5) All recognised Associations/ Unions/ Federations
- 6) TE-II, STN-II, SR/ SCT Sections
- 7) Guard file.

  
(Vinod Kumar Sharma)  
Section Officer (STN-II)

22

DOCKET NO. 111-6

(P)

(15)

Abhikarati - R5

GENERAL ADMINISTRATIVE MURBIAH

CALCUTTA BENCH

No. O.A. 196 of 2001.

Mr. R.N. Ray, Vice-Chairman  
and Mr. A.K. Banerjee, Additional Member

VS.

UNION OF INDIA & ORS.

Mr. A.K. Banerjee, counsel

Mr. A.K. Banerjee, counsel

Order on : 1.3.2001

Record on : 1.3.2001

O.R.D.E.R.

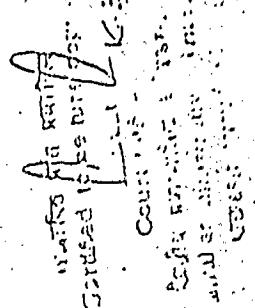
R.N. Ray, V.C.

1. Counsel for both sides are present. This case is relating to the Department of Telecom which has now become a corporate body. Bharat Sanchar Nigam Limited is definitely a corporate body under the Government of India within the meaning of Article 32 of the Constitution. But that has not been notified till today and therefore, this court has no jurisdiction to entertain such petition.

2. Accordingly, the O.A. is disposed of as 'not maintainable'. The applicant may approach the appropriate forum in respect of his grievances made in this O.A. No order as to costs.

C.S.  
NANDRA(A)

VICE-CHAIRMAN



-23-

ANNEXURE - R 6

BHARAT SANCHAR NIGAM LIMITED  
(A Government of India Enterprise)  
O/o the General Manager, Kamrup District,  
Ulubari :: Guwahati-7.

NO:- GMT/ENG/CL-1/2001-2002 / 49      Dated at Guwahati the 12-03-2002

Sub:- Verification committee's report

A verification committee was constituted to examine and scrutinise the engagement particulars of the casual labourers in consultation with records. The same committee has been revived by GM/KTD/GH vide his office letter No:- GMT/ EST-179/ TSM/ 2000- 2001/ 187 dated 4-01-2002 to examine and scrutinise the working paticulars of the Casual Labourers claimed to have worked under the jurisdiction of Kamrup SSA.

The Committee consists of the following members:-

- (1) Sri M.C. Pator, Divisional Engineer ( ADMIN)
- (2) Sri N.K. Das, Chief Accounts officer (Finance)
- (3) Sri S.C.Das ADT ( Legal), Circle office / Guwahati.

The committee has started functioning & reverified various records relating to the payment particulars in respect of the Applicant of OA NO:-289/1999 & 364/2001 (Sri Deo kumar Rai.). The committee after careful examination of the records found that the applicant in OA No 289/1999 & 364/2001 have not completed at least 240 days in any calendar year prior to August 1998. The findings of the committee in respect of the applicant of above OA is furnished in separate sheet.

Considering the above facts and circumstances of the case, and the guidelines of the " Grant of Temporary status and Regularisation Scheme , 1989" of the DEPTT & other related letters issued from DOT/ND No:- 269-13/99-STN-II dated 1-9-1999 & 269-20/2000-STN-II dated 4-9-2000, the committee does not find any reason to grant him temporary status. The committee, threrfore does not recommend the applicant in the above OA to grant temporary status.

ADT (Legal)  
Circle Office

C.A.O. (Finance)  
O/o the GMT/ KTD/GH

D. E. (ADMN)  
O/o the GMT/KTD/GH

Copy to:-The GM Telecom/Kamrup Telecom District for information please.

ALLEGED EXPENSES (Fees etc.)  
ENGAGED IN PARTICULARS FROM THE DATE ON WHICH THE AGREEMENT  
21

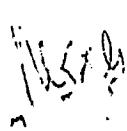
GIVE DUE RECEIPT REC'D.

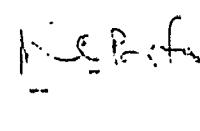
EN 289/99. & CA 364/CI.

YEAR	MONTH	FROM DAYS	MODE OF PAYMENT 1. MURSHID 2. BULGARIA 17 3. PARADESH 183 4. VENICE 193	AMOUNT	RECEIVED BY WHICH	DATE OF PAYMENT AUGUST	NAME OF A/C WHO HAS PAID
35 days	1995	January 10	A/c 23/95-96	445/-	S.D.P.(E II)	S.D.P.(E II)	A/c ( )
	"	February 4	A/c 16/95-96	100/-	- de	- de	- de -
	"	March 14	A/c 181/95-96	630/-	- de	- de	- de -
	"	May 3	ACG - 17	135/-	- de	- de	- de -
	"	August 2	A/c 19/95-96	90/-	- de	- de	- de -
	"	Sept 1	A/c 104/95-96	90/-	- de	- de	- de -
	"	December 3	A/c 107/95-96	135/-	- de	- de	- de -
34 days	1996	88 days					
	"	January 20	A/c 165/95-96	1100/-	- de	- de	- de -
	"	March 5	A/c 142/95-96	275/-	- de	- de	- de -
	"	June 5	A/c 25, 46/96-97	235/-	- de	- de	- de -
	"	July 3	A/c 23/95-96	165/-	- de	- de	- de -
37 days	"	December 1	ACG - 17	55/-	- de	- de	- de -
	1997	34 days					
	"	February 21	A/c 159/96-97	1155/-	- de	- de	- de -
	"	May 11	V.H. 17, 18, 19, 20	605/-	- de	- de	- de -
35 days	"	Dec. 5	A/c 25/97-98	275/-	- de	- de	- de -
	"	January 17	A/c 25/97-98 V.H. 12, 30	935/-	- de	- de	- de -

SIGNATURE OF THE COMPTROLLER AND AUDITOR







(A/C) Comptroller and Auditor

संग्रह में

To The S.D.E. (Legal)

O/o M/o SMT/STD/SH.

ANNEXURE - R

22

पत्र नंम्बर  
No.

N.D.

दिनांक  
Dated at

26/4/02

विषयः

Subject - Comment on  
Engagement Certificate.Re: Your letter no. SMT/Recd/Gen/CA/364/2015  
dated 10/4/02.

Please refer to the above mentioned letter number Subject above regarding counters signature at the certificate issued by Sri Ram Birsh Rai. In this connection, I like to mention that the temporary casual magaziers were engaged by H.M as SIT, as and when required and payment were also made by them. No records of such engagement of temporary casual magaziers were maintained i.e., the office.

Hence I am giving the correctness of the content of the certificate issued by Mr. SIT, Sri Ram Birsh Rai though I countersigned the certificate. If required I shall submit Affidavit to the Honorable court for this effect.

This is for favour of your kind information and necessary action po.

Re: 26/4/02  
(R.M. Dm)  
SDE General  
Telecom Building  
Panjwani, G.H.Q.