

30/100

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

3

(DESTRUCTION OF RECORD RULES, 1990)

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SECTION OFFICER (Judl.)

Applicant(s)

Respondant(s)

Advocate for i

Advocate for the

Notes of the Registry

Date

Order of the Tribunal

3.1.02

Heard Mr. S. Bhuyan, learned counsel
for the applicant.

The application is admitted. Call
for the records.

List on 4.2.2002 for order.

Member

Vice-Chairman

4.2.02

List on 6.3.2002 to enable the
respondents to file written statement.

Member

Vice-Chairman

6.3.02

No written statement is forth coming
though notices were duly served. On the
prayer of Mr. A. Deb Roy, learned Sr. C.G.
S.C. for the Respondents four weeks time
is allowed to the Respondents to file
written statement.

List on 8.4.2002 for order.

Member

Vice-Chairman

mb

5.4.02

This is certificate in form

C. F. for Rs. 50/- deposited

vide IP 3/02 No. 66 790325

Dated 6/12/2001

By, Registrar

(Seven) copies

with Envelop has been
filed for the records
of the Applicant.

W. S. Choudhary
7/12/2001

Notice prepared and sent
to D/S for filing the
Respondent No 1 to 7
by Regd. A.D. Do
10/1/02

D/No 147 to 153
Dtd 23/1/02

No written statement
has been filed.

5.2002 enabling
file written & em

Vice-Chairman

2 to enable
written

Vice-Chairman

ars for the applicant.
it also not filed List
2002 for orders.

8.7.2002

Member

Vice-Chairman

mb
9.7.02

Written statement has been
filed. The case may now be listed
for hearing on 2.8.02. The applicant
may file rejoinder if any within two
weeks. List on 2.8.02 for orders.

Member

Vice-Chairman

12.7.02
W/S Submitted
by Respondents.

lm

2.8. Heard over phone at 2.00pm

2.8.

26-8-2002

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

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

Member

Vice-Chairman

Judgment did 26/8/02
Communicated to the
applicant & the parties
Court.

pg

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

O.A./R.A.No.....467.....2001.....of

DATE OF DECISION.....26-8-2002.....

Sri Pankaj Bora,

APPLICANT(S)

Sri A. Dasgupta

ADVOCATE FOR THE APPLICANT(S)

-VERSUS-

Union of India & Ors.

RESPONDENT(S)

Sri A. Deb Roy, Sr.C.G.S.C

ADVOCATE FOR THE
RESPONDENT(S)

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

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

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

Judgment delivered by Hon'ble Vice-Chairman



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CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No. 467 of 2001.

Date of Order : This the 26th Day of August, 2002.

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

The Hon'ble Mr K.K.Sharma, Administrative Member.

Sri Pankaj Bora,
Son of late Baburam Rora,
Resident of village Bhakatgaon,
P.O. Nabhanga, Golaghat.

...Applicant

By Advocate Sri A.Dasgupta.

- Versus -

1. Union of India,
represented by the Secretary,
Government of India,
Ministry of Communication,
New Delhi.
2. The Director General,
Department of Telecommunications,
New Delhi.
3. Chairman,
Telecom Commission,
New Delhi.
4. The Chief General Manager,
Assam Telecom Circle,
Ulubari, Guwahati-7.
5. General Manager (Telecom),
Kamrup, Guwahati.
6. Divisional Engineer,
Central Telegraph Office,
Guwahati.
7. Divisional Engineer (Admn.)
G.M., Telecom,
Kamrup Telecom District.

...Respondents

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

O R D E R

CHOWDHURY J.(V.C)

The issue relates to conferment of temporary status. Series of Original Applications were preferred

before this Tribunal seeking for a direction for conferment of temporary status. The Tribunal after hearing the parties disposed the Original applications directed the authorities to consider the case of the applicants for conferment of temporary status. Sequal to the order of the Tribunal the authority considered the case of the applicants through Verification Committee and on consideration the respondents authority did not consider the case of the applicant and rejected the same vide Memo dated 27.12.2000. Hence this application assailing the legitimacy of the order of the respondents in rejecting his claim.

2. We have heard Mr A. Dasgupta, learned counsel appearing for the applicant and also Mr A. Deb Roy, learned Sr.C.G.S.C appearing on behalf of the respondents. On the own showing of the respondents the applicant was engaged for about 312 days from October 1996 to September 1997. Mr A. Deb Roy, learned Sr.C.G.S.C stated that 240 days is to be computed in one calendar year and not in a year as argued by the learned counsel for the applicant. We have perused the scheme of Conferment of Temporary Status which speaks about the employment for at least one year, which means that they must have been engaged for a period of at least 240 days during the relevant period. Therefore question of not giving temporary status did not arise, since the applicant duly completed 240 days under the respondents it was incumbent on the part of the authority

to confer him temporary status in the light of the scheme.

3. For the reasons stated above, the impugned order dated 27.12.2000 issued by the Divisional Engineer (Admn.) is set aside and the respondents are directed to pass appropriate order for conferment of temporary status to the applicant in the light of the observations made above within one month from the date of receipt of this order.

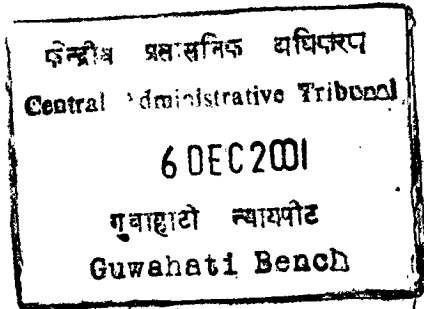
The application is allowed. There shall, however be no order as to costs.

K. K. Sharma

(K.K.SHARMA)
ADMINISTRATIVE MEMBER

[Signature]

(D.N.CHOWDHURY)
VICE CHAIRMAN



8
Filed by the
Sri Pankaj Bora
applicant through
Advocate
6/11/01

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL: GUWAHATI BENCH.

O. A. No. 467/2001.

Sri Pankaj Bora.

..... Applicant.

- AND -

Union of India & others.

..... Respondents.

I N D E X.

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Filed by -

Advocate.

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL,
GUWAHATI BENCH.

O.A.No. _____ / 2001.

Between -

Sri Penkaj Bora,
son of late Babaram Bora,
Resident of village Hakatgaon,
P.O. - Nabhaaga, Golaghat.

-AND-

1. Union of India,

Represented by -

Secretary to the Government of India,
Ministry of Communication,
New Delhi.

2. The Director General,
Department of Telecommunication,
New Delhi.

3. Chairman,
Telecom Commission,
New Delhi.

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

5.....

Filed by me 9
Sri Penkaj Bora
gettinen
for the Assam Tel. Circle
6/12/01

P
Sri Pankaj Bora

5. General Manager, (Telecom),
Kamrup, Gauhati.
6. Divisional Engineer,
Central Telegraph Office,
Gauhati.
7. Divisional Engineer, (Adm.),
G.M. Telecom.
Kamrup Telecom District.

..... Respondents.

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

The applicant, a casual worker was disengaged by the Divisional Engineer, C.T.O., Gauhati on 30.9.77. Subsequently in terms of judgement and orders in a number of cases of this Tribunal, the respondent authority examined the case of the applicant along with others whether they can be conferred with temporary status and passed an order on 27.12.2000 holding that this status cannot be conferred to the applicant.

2. Limitation : This application is within the period of limitation as prescribed under section 21 of the Administrative Tribunal Act, 1985.

3. Jurisdiction: The subject matter of this application is within the jurisdiction of this Hon'ble Tribunal.

4. Facts of the case.

4.1. The applicant was engaged as a casual labour by the Department of Telecommunication. Initially he was engaged at Telephone Office, Assam Sahibnagar. He had been continuously working in the said department along with other casual workers. His initial date of engagement was 5.8.96. The Department of Telecommunication prepared a list of casual mazdoor/labours engaged in Telecommunication Department on 30.10.96. This list contains the particulars of different casual workers. Applicant's name also figured at serial No. 21 which inter alia stipulate the date of engagement as on 5.8.96.

A copy of the list prepared on 30.10.96 is annexed hereto and marked as Annexure - A of this application.

4.2. That the applicant discharged his duties to the satisfaction of all concerned. His services were not spotted by any stigma. But on 30.9.97 he was

disengaged

disengaged from his services along with the others. An order in this regard was passed by the Divisional Engineer C.T.O., Guwahati vide his order No. STA-51/CL/96-97/98.

A copy of the order dated 30.9.97 is annexed hereto and marked as Annexure - 'B' to this Application.

4.3. That a number of similarly situated casual employees who were disengaged approached before this Tribunal by stating inter alia that they were entitled to have the Temporary status but the Authority concerned without conferring the said status illegally disengaged them against procedure established by law. Some of these cases as registered in this Tribunal are - OA.107/98, OA.112/98, OA.114/98, OA.118/98, OA.120/98, OA.131/98, OA.135/98, OA.141/98 and others. This Tribunal while disposing off these applications directed the Respondents Authority to examine the cases of the applicants for the purpose of conferring Temporary status if they had completed 240 days of working.

4.4. That the Department constituted another verification ^{Committee} ~~committee~~ to ascertain the numbers of days of working of the casual workers served under them.

On.....

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Sri Ponkaj Borra

See Ponkaj Bora

On 10.4.2000 Divisional Engineer, Central Telegraph Office issued a letter directing the applicant to appear before the Verification Committee on 12.4.2000. The applicant had to appear before the Verification Committee in order to comply with the order passed by the Divisional Engineer on 12.4.2000.

A copy of the said order dated 10.4.2000 is annexed hereto and marked as Annexure - C to this application.

4.5. That in daily dated casual labourers employed under P. & T Department -versus- Union of India and others (reported in 1988 1 SCC 122) the apex court directed the Department of P & T. ^{from} ~~for~~ a scheme for absorption of casual labourers who were continuously working for a year for giving certain benefits. Accordingly to sec. 25(B) of the Industrial Dispute Act, 1947 continuous service for a year means 240 working days in that year. Accordingly, the Department of Telecommunication framed a scheme for absorption of casual employees by by conferring temporary status on completion of 240 days of work in a year. The Rule so framed by the Ministry of communication is called as "Casual Labour (grant of temporary status and Regularisation) Scheme" which was

communicated

communicated by the Govt. vide letter No. 209-1089-STM dated 17.11.89. The applicant claims leave of this Hon'ble Tribunal to refer to and rely upon said scheme at the time of hearing, if so required.

4.6. That on 27.12.2000, Divisional Engineer (Adm. O/O. G.M. Telecom), Kannur Telecom District issued an order vide his order order No. GMT/EST-179/TSM/100 - 101/104. By this order the applicant was informed that as per direction given by Central Administrative Tribunal in a number of cases, as indicated therein. The Department constituted verification committees for different SSAS/Units under the Circle for conducting detail Verification/Scrutiny about the number of days of engagement year-wise in different units/offices and also to collect proof/evidence for such casual labourers including the applicant. The committee verified and interviewed such casual labourers including applicant on 10.4.2000. The committee comprised of 3 members namely (1) Sri A. S. Choudhury/Sri S. C. Tapadar, (2) Sri N.K. Das, (3) Sri G. C. Sama. The Committee submitted its report to the Department detailing all about their finding/proof against each casual Labourer including the applicant. The applicant was informed that he could not satisfy

the....

Sci for koi Bora

Sd/- Pankaj Bora

the eligibility criteria laid down in the scheme for conferment of TSM/Regularisation and the Applicant's case could not be considered favourably.

A copy of this order dated 27.12.2000 passed by the Divisional Engineer ^{in finding of the verification committee} ~~the~~ annexed hereto and marked as Annexure - D.2 D₁

4.7. That the finding of the verification committee was also enclosed in this impugned order. It appears that they computed number of working days from Sept '96 to Sept. '97. According to them that the applicant completed more than 300 days of working. They were of the view that the applicant could not complete 240 days of work in a particular year. Probably they completed these days within a period of a financial year. A year was not calculated as 12 month from the date of joining. The concern authority was under impression that the temporary status would only be conferred against the number of existing vacancies.

5. GROUND WITH LEGAL PROVISION.

5.1. That the impugned order is apparently illegal inasmuch as the grant of temporary status would only be

considered.....

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Sri Pankaj Bora

considered to those persons who completed 240 working days within a period of one year from the date of joining. In other words it is to be looked into that whether within a period of 12 months a person completed 240 days of work or not. If the person concerned has completed 240 days within that period of 12 calendar month he is entitled to have the grant of temporary status.

5.2. That the Authority concern was under impression that the grant of temporary status would depend upon the existing vacancies. It is an erroneous consideration. It may be relevant for the purpose of regularisation and not for grant of temporary status.

5.3. That as the Authority concern were influenced by extraneous consideration the petitioner was deprived of his due entitlement to have a temporary status. The concerned Authority was under impression that in order to confer temporary status to a casual employee, the persons concerned must work for 240 days in a financial year. They are influenced by another extraneous consideration that the temporary status can only be conferred against the existing vacancies. Both these considerations are erroneous. Had they not been influenced by such

erroneous.....

7
Sri Pankaj Bora

erroneous consideration, they would not have passed the impugned order.

5.4. That the impugned order suffers from non-application of mind; it is violative of Article 14 of the Constitution of India.

5.5. That the applicant deprived of his livelihood against the procedure established by law.

6. DETAILS OF REMEDIES EXHAUSTED .

The applicant declares that ^{he has} ~~they~~ have exhausted all the remedies available to ^{him} ~~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 previously filed any application, writ petition or suit regarding the grievances in respect of which this application is made before any court or any bench of this Tribunal.

8. RELIEF SOUGHT FOR.

Under the facts and circumstances the applicant

prays.....

Sd/- Pankaj Bora

prays that this Hon'ble Tribunal upon hearing the respondents may be pleased to pass the following orders :

- (1) quash the impugned order dated 27.12.2000 passed by the Divisional Engineer (Annexure-0/0), G.M. Telecom, Kamrup Telecom District as contained in order No. GMT/EST-179/TSM-100-101/104 ;
- (2) Direct the Respondents to grant temporary status with all consequential benefits;
- (3) To pass any further or other order or orders as this Hon'ble Tribunal may deem fit and proper.

9. PARTICULARS OF IPO.

- 1) I.P.O No. - 66 790328
- 2) Date - 6.12.2007
- 3) Payable at - *Chowdhury*

10. LIST.....

10. LIST OF ENCLOSURES.

As indicated in the Index.

VERIFICATION.

I, Sri Pankaj Bara, aged about 24 years,
son of late Baburam Bara, resident of Bhakatganj,
P.O. - Nobhanga, Golaghat, do hereby affirm and
state as follows :

That the statements made in paragraphs 1, 2, 3,
4, 3, 4, 5, 4, 7 are true to my knowledge and that are
made in paragraphs 4, 1, 4, 2, 4, 4, 4, 6 are matters
of records.

I sign this verification on this day of 5th
November, 2001, at Guwahati.

Sri Pankaj Bara

Signature of Applicant.

ANNEXURE - A

List of Casual Mazdoor/Labours engaged in Telegraph activity area of Kamrup SSA.

Sr. No.	Name of the casual Labour.	Community.	Date of birth.	Date of engagement.	Engaged by.	Place of engagement.	Engaged against.	Remarks.
1.	2	3	4	5	6	7	8	9
1.	Sri Bhadriram Deka.	OC	24.9.67.	01.01.90.	C. S. CTD, GH.	T/C. Panbazar.	Parash-dum-A/Mat.	Engaged as per instructions of the CGMT/GH letter No. RRFC-18/RE dtd. 23.12.92 & No. TTUI-1/3/95-dtd. 18.4.95.
2...								
...								
...								
22.	Sri Pankaj Bora.	OC	01.01.	05.08.96	-do-	T/C. ASSM Sachivalaya.	-do-	

No. STA-51/CL/36-97/04.

Dated at Guwahati, the 30.10.96.

Sd/- Illegible.
30.10.96.
Chief Superintendent.

attached to photocopy
[Signature]
6/12/01

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ANNEXURE - 'B'

GOVT. OF INDIA.
Department of Telecommunications,
Office of the Divisional Engineer, C.T.O., Guwahati.

No. STA-51/CL/96-97/18. Dated at Guwahati, the 30.09.97.

In pursuance of the Vigilance Officer, O/O. the COMT Assam Circle, Guwahati letter No. Vig/Assam/30(D)/10 dtd. 10.09.97 and the G.M. Telecom, Kamrup Telecom District, Guwahati letter No. GM/Kamrup/CON/96-97 dtd. 11.9.97, the following Casual Labours working in CID/TDs & T/Cs of Telegraph Activity Area under COMT/Guwahati are hereby retrenched with effect from the afternoon of 30.09.97.

- 1) Sri Bhani Ram Deka.
- 2) " Champak Talukdar.
- 3) " Sachin Das.
- 4) " Kulen Das.
- 5) " Subhasy Barmen.
- 6) " Niranjan Mallick.
- 7) " Sarju Basfor.
- 8) " Santu Chakraborty.
- 9) " Kameswar Karbong.
- 10) " Birbal Basfor.
- 11) " Kiran Ch. Boro.
- 12) " Bijoy Boro.
- 13) " Rabin Ch. Boro.
- 14) Miss Kiran Kalita.
- 15) Sri Sanjay Saw.
- 16) Mrs. H. Das.
- 17) Sri Romani Medhi.
- 18) " Nayan Jyoti Dutta.
- 19) " Pankaj Boro.
- 20) " Kusai Medhi.
- 21) Khargeswar Kalita.
- 22) " Madan Ch. Boro.

Sd/-
(S. T. D.)
Divisional Engineer,
C.T.O. Guwahati-781001.

Copy for information & necessary action to :-

- 1) The G.M. Telecom, KTD, Ulubari, Guwahati-781007 for information w.r.t. his letter cited above.
- 2)
- 3) All I/Cs of T.Os. & T/Cs.
- 4) All SDEs, CID, Guwahati.
- 5) The A.O, CID, Guwahati.
- 6) The Chief Manager, Deptl. Canteen, CID, Guwahati.
- 7) The Chief SS (Adm.), CID, Guwahati.
- 8) The Chief (Acctt.), CID, Guwahati.

Sd/- Illegible.
30/9.
(M.H. Ansari),
Sub-Divisional Engineer (G),
C.T.O. Guwahati-781001.

*Attached to
true copy
[Signature]
6/11*

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- 14 -

ANNEXURE - 'C'

2x

DEPARTMENT OF TELECOMMUNICATIONS

Office of the Divisional Engineer, CTD, Guwahati.

To

Sri Pankaj Bora, Ex. C/M,
CTD/GH.

No. STA-51/CL/Loose/16.

Dated 10.04.2000.

You are hereby directed to appear before D.E.
(Admn.), O/O. the G.M. Telecom, KTD, Guwahati-7 on or
before 12.04.2000 for verification of your records/
authenticity of service by the Verification Committee.

Two copies of passport size photograph (one copy
 duly attested) may be submitted to the D.E. (Admn.), O/O.
the G.M. Telecom, KTD, Guwahati.

Sd/- Illegible.

10/04/2000.

Divisional Engineer,
Central Telegraph Office,
Guwahati-781001.

advised
[Signature]
Adm.
8/12

25

- 15 -

Annexure - C1

Government of India.

Department of Telecommunications,
Office of the Divisional Engineer, CTO, Guwahati-I.

.....

No. STA-51/CL/L00 se/15. Dated 10.04.2000 at Guwahati the 10.04.2000.

The following Ex-Casual Mazdors are directed to appear in this office with two copies of Passport size photograph on or before 12.04.2000 to take further instruction for appearing before the committee latest by 12th April/2000.

- (1) Sri Gopal Ram Basfore.
- (2) " Ramani Medhi.
- (3) " Sanjay Shaw.
- (4) " Madan Ch. Boro.
- (5) " Pankaj Boro.
- (6) Miss Kiran Kalita.

Sd/- Illegible.

10.4.2000.

Divisional Engineer
Central Telegraph Office,
Guwahati- 781001.

Copy for information to :-

i-6. Ex-Casual Mazdors concerned.

Handwritten signature and initials

24

16 -

Annexure - D

By Regd. Post or
Through Peon Book.

BIHARAT SANCHAR NIGAM LIMITED

(A Govt. of India Enterprise).

OFFICE OF THE GENERAL MANAGER TELECOM.

KAMRUP TELECOM DISTRICT

GUWAHATI - 781007.

No. GMT/EST-179/TSM/100.101/104. Dated at Guwahati, the
27.12.2000.

To

Smt. Pankaj Bora, C/O. Late Babu Ram Bora,
Vill. : Bhakatgan, P.O. - Nakhanga, Golaghat.
Dist. - Golaghat (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 committee for different SSAs/Units under the circle for conducting a detailed verification/survey about the no. of days of engagement year-wise in different units/offices and also to collect proof/evidence for such casual labourer 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 10.04.2000. In our office/SSA, the committee comprised

of three.....

attnd
[Signature]
[Signature]

Annex - 'D'

of three members namely (1) Shri. A. S. Choudhury, /
Shri. S. C. Tapadar, DE(Adm.) 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. CMT/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/Regularisation, your case could not be considered favourably. Please take notice that you have not been in engagement under the Department since 30.09.1997 and you have been retrenched vide DE, UID's letter No. STA-51/CL/96-97/18, Dtd. 30.09.1997/you have been disengaged as casual labourer with effect from 31.03.2001 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 Tribunal's order and also the stay/satis quo that was directed to be maintained.

cc/dpc
Head of SSA/Unit.
Sd/- Illegible.
Divisional Engineer (Adm.)
O/O. G.M. Telecom.
Kamrup Telecom District.
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..

Sd/-
Divisional Engineer (Adm.),
O/O/G.M. Telecom.
Kamrup Telecom District,
Guwahati-7.

Sep 96

Annexure - D₁

Details of findings by the Verification Committee Of Karmup Telecom

District/Guwahati (Name of SSA/Unit) in case of Sri Pankaj Borah in the DE.CTO.GH.

Date of engagement.	Authority of engagement.	No. of days engaged Yearwise/month wise.	Book Proof of engagement (documentary)	Name & Designation of members as found.	Reasons in brief as found.	Remarks.
	(A)	(B)				
Sep'90.	DE.CTO GH.	09/96-30.00. 10/96-31.00. 11/96-30.00. 12/96-28.50. 01/97-19.25. 02/97-25.25. 03/97-25.75. 04/97-27.50. 05/97-26.00. 06/97-25.75. 07/97-28.00. 08/97-21.90. 09/97-25.25.	Payment Register.	1. Sri S. C. Tantiar. DE(Adm.) 2. Sri N.K. Das, X CAO. 3. Sri G. C. Samra, ADT (Legal).	Not completed 240 days in any Calendar year. ✓	Not recommended by the Committee.

Signature - Illegible.
Designation.

Seal - Divisional Engineer (Adm.).
O/O/G.M. Telecom.
Karmup Telecom District,
Guwahati-7.

*Adm
6/12*

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWANATI BENCH :: GOWAHA TI.

Filed by

9/7/02

(A. DEBROY)

Sr. C. C. J. C.

G. A. T., Guwahati Bench

O.A.NO. 467 OF 2001

Shri Pankaj Bera.

-vs-

Union of India & Others.

- And-

In the Matter Of ::

Written statement submitted by the
Respondents.

The Respondents beg to submit written statements
as follows :-

1. That with regard to para - 4.1 of O.A. the respondents beg to state that the applicant was retrenched vide DE/CTO office letter No-STA-51/CL/96-97/18 dtd.30/9/97 w.e.f. afternoon of 30/9/97.
2. That with regard to paras - 4.3,4.4 & 4.5 of O.A. the respondents beg to offer no comments.
3. That with regard to para - 4.6 of O.A., the respondents beg to state that the verification committee had been formed in each and every Division of the Circle Comprising of one D/E, one A/O and one SDE from circle office to scrutinize the records on the basis of paid vouchers, muster Roll and other authentic records. After detailed and through examination the committee arrived at the findings that the applicant has not completed 240 days in any year and not entitled for the

Contd...P/2

benefit of the Departmental scheme.

4. That with regard to para - 4.7 of O.A., the respondents beg to offer no comments.

5. That with regard to para - 5.1 to 5.5 of O.A., the respondents beg to offer no comments.

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

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

I, Shri Shankar Chandra Das presently
working as Asstt. Director Telecom (Legal) be duly
authorised and competent to sign this verification, do
hereby solemnly affirm and state that the statements made
in para 2, 3, 4 and 5
are true to my knowledge and belief, those made in para 1
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 24 th day of
June 2002.

Shankar Chandra Das

Declarant.

सहायक नि.

Assistant Director Telecom

कार्यालय, मुख्य एवं सहायक नि.

Old The Chief General Telecom.

असम दूरसंचार परिसर, गुवाहाटी-७

Assam Telecom Circle, Guwahati-7

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

No.-GMT/ENG/CL-1/2001-2002/56 Dated at Guwahati the 17-05-2002

Sub :- Verification committee's report

A verification committee was constituted to examine and scrutinise the engagement particulars of the casual labourers with reference to office records. The same committee has been revived by GM/KTD/GH vide his office letter No.- GMT/ EST-179/ TSM/ 2002- 2003/ 200 dated 10-05-2002 to examine and scrutinise the working particulars of the Casual Labourers claimed to have worked under the jurisdiction of Kamrup SSA.

The Present Committee consists of the following members:-

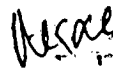
- (1) Sri N.Bhaskaran. Divisional Engineer (ADMIN)
- (2) Sri N.K. Das. Chief Accounts officer (Finance)
- (3) Sri S.C.Das ADT (Legal), Circle office / Guwahati.

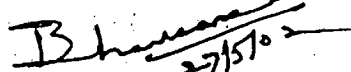
The committee has started functioning and verified various records relating to the payment particulars available with Divisional Engineer C.T.O. Panbazar in respect of the applicant of OA No.-467/01.(Sri Pankaj Bora) The committee after careful examination of the records found that the applicant in OA No. 467/2001 has not completed atleast 240 days in any calendar year prior to August 1998. The findings of the committee 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 Department & 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 temporary status to Sri Pankaj Bora.

The committee, therefore does not recommend the applicant 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.

ANNEXURE 'C' (Part-2)
 ENGAGEMENT PARTICULARS FROM THE DATE OF INITIAL ENGAGEMENT

Sri Pankaj Bora S/o Late Babu Ram Bora
 GA 467/2001.

YEAR	MONTH	DATE	MODE OF PAYMENT (M/S/ST/) PARTICULARS (VOLUME NOS)	AMOUNT	PERIOD OF WHOM	CHECKED PASSED AUTHOR:	NAME OF A.O. WHO HAS PAID
1996	Jan.						
	Feb.						
	March						
	April						
	May						
	June						
	July						
	August						
	Sept.						
1996	Oct.	31	ACG-17	Rs. 1984/-			
	Nov.	30	- 50 -	" 1920/-			
	Dec.	28.5	- 50 -	" 1824/-			
1997	Jan.	19.25	- 50 -	" 1232/-			
	Feb.	25.25	- 50 -	" 1616/-			
	March	25.75	- 50 -	" 1648/-			
	April	27.5	- 50 -	" 1855/-			
	May	26	79/10.6.97	" 1664/-			
	June	25.75	ACG-17	" 1648/-			
	July	27	- 50 -	" 1728/-			
	August	21.88	- 50 -	" 1400/-			
	Sept.	25.25	- 50 -	" 1616/-			
	Oct.						
	Nov.						
	Dec.						
	Jan.						
	Feb.						
	March						
	April						
	May						
	June						
	July						
	August						
	Sept.						
	Oct.						
	Nov.						
	Dec.						

89.5 days

223.63 days

SIGNATURE OF THE CONCERNED MEMBERS

[Signature]

[Signature]

[Signature]
 27/12/02