

30/100

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

✓ (DESTRUCTION OF RECORD RULES,1990)

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O.A/T.A No. 66/01

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SECTION OFFICER (Judl.)

Bahita
5/12/17

FORM NO.4
(See Rule 42)

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

ORDER SHEET
APPLICATION NO 66 OF 2001

Applicant (s) *Smt Anila (Sarna) Bhattacharya*

Respondent(s) *Govt of India 2005.*

Advocate for Applicant(s) *Mr. I. Hussain
Mrs. S. Seal*

Advocate for Respondent(s) *C.G.S.C.*

Notes of the Registry	Date	Order of the Tribunal
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16.2.01

Present: Hon'ble Mr. Justice
D.N. Choudhury, Vice-Chairman and
Hon'ble Mr. K.K. Sharma administrative member.

Heard learned counsel for the parties. Application is admitted. Issue notice on the respondents. Call for records. Returnable by 4 weeks. List on 19.3.01 for orders.

Pendency of this application shall not stand on the way of the respondents to consider the case of the applicant.

K. Ushar
Member

[Signature]
Vice-Chairman

1m

19/02/01

19.3.01

List on 24.4.01 to enable the respondents to file written statement

K. Ushar
Member

[Signature]
Vice-Chairman

pg

This application is in form but not in the form of a Petition as per Rule 42 of the Act. M. P. No. 422028 dated 07-02-2001.

[Signature]
Dy. Registrar

Requints 5 copies with envelope is filed.
[Signature]
13/02/01

23.2.2001

Service of Notice ready & issued to the concerned parties vide v. No. 713-716 Bore dt. 26-2-01.

(1) Service report will still awaited.

(2) No written statement has been filed.

24.4.01

Await Service Report. List on 21.5.01 for orders.

K. C. Sharma
Member

[Signature]
Vice-Chairman

lm

16.5.01

Mr. B.C. Pathak, learned Addl. C.G.S.C. submitted that he has already received the necessary instruction from the department for filing of written statement and steps are being taken in this regard. List on 18.6.2001 for orders.

No written statement has been filed.

[Signature]
15.6.01

K. C. Sharma
Member

[Signature]
Vice-Chairman

bb

18-6-01

Mr. B.C. Pathak, learned Addl. C.G.S.C. for the respondents, prays for and granted ~~4 weeks~~ ^{and no more} time to file written statement.

~~Time allowed, no more time will be granted.~~

The applicant may file rejoinder, ^{within two weeks} ~~within two weeks~~. List on 8-8-2001 for order.

No written statement has been filed.

[Signature]
7.8.01

K. C. Sharma
Member

[Signature]
Vice-Chairman

pg

8.8.01

List again on 12/9/01 to enable the respondents to file written statement.

No written statement has been filed.

K. C. Sharma
Member

[Signature]
Vice-Chairman

mb

[Signature]
11.9.01

12.9.01

List again on 28/9/01 to enable the respondents to file written statement.

K. C. Sharma
Member

[Signature]
Vice-Chairman

26.9.2001

W/s on behalf of Respondent No. 1, 2, 3, 4 and 5 have been submitted.

mb
28.9.01

Written statement has already been filed. The case is now to be listed for hearing. The applicant may file rejoinder, if any.

List on 20/11/01 for hearing.

K. C. Sharma
Member

[Signature]
Vice-Chairman

No rejoinder has been filed.

[Signature]
12.11.01

Notes of the Registry	Date	Order of the Tribunal
<p><u>7.12.2001</u></p> <p>Copy of the Judgment has been sent to the Office for issuing the line to the applicant as well as to the ADD, CGSC. for the Reply.</p> <p>nk m</p>	<p>20.11.2001</p>	<p>Heard the learned counsel for the parties. Hearing concluded. Judgment delivered in open court, kept in separate sheets. The application is dismissed. No order as to costs.</p> <p>Member</p> <p>Vice-Chairman</p>

Notes of the Registry

Date

Order of the Tribunal

CENTRAL ADMINISTRATIVE TRIBUNAL ::
GUWAHATI BENCH.

O.A./~~XXX~~ No. .66 of 2001

And

O.A.No.83 of 2001

DATE OF DECISION 20.11.2001

1. O.A.No.66/2001

Smt Anita (Sharma) Bhattacharjee

APPLICANT(S)

2. O.A.No.83/2001

Smt Gayatri Devi and 2 others

Mr I. Hussain and Mrs. S. Seal

ADVOCATE FOR THE APPLICANT(S)

- VERSUS -

The Union of India and others

RESPONDENT(S)

Mr B.C. Pathak, Addl. C.G.S.C.

ADVOCATE FOR THE
RESPONDENTS.


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 ?

5.

Judgment delivered by Hon'ble Vice-Chairman



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No.66 of 2001

And

Original Application No.83 of 2001

Date of decision: This the 20th day of November 2001

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

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

O.A.No.66/2001

Smt Anita (Sharma) Bhattacharjee,
Civilian Switch Board Operator,
101 Area, Shillong Cantt,
C/o 99 A.P.O.

.....Applicant

By Advocates Mr I. Hussain and Mrs S. Seal.

- versus -

1. The Union of India, through the
Secretary, Ministry of Defence,
Government of India,
New Delhi.
2. The Chief Record Officer,
Signal Regiment,
Jabalpur, C/o 56 A.P.O.
3. The Administrative Commandant,
Station Headquarter,
Shillong Cantt., 101 Area,
C/o 99 A.P.O.
4. The Administrative Commandant,
H.Q., 41, Sub Area,
Shillong Cantt.,
C/o 99 A.P.O.
5. The Administrative Commandant,
Station Headquarter,
Silchar Cantt.,
P.O. Arunachal, District Cachar,
Assam.

.....Respondents

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

O.A.No.83/2001

1. Smt Gayatri Devi,
Civilian Switch Board Operator,
Station Headquarter,
H.Q. 51 Sub Area Exchange,
Guwahati, C/o 99 A.P.O.
2. Smt Sabita Paul,
Civilian Switch Board Operator,
Station Headquarter,
Guwahati, H.Q. 51 Sub Area Exchange,
C/o 99 A.P.O.

3. Smt Chandi Sarkar,
Civilian Switch Board Operator,
Station Head Quarter,
Shillong, 41, Sub Area Exchange,
C/o 99 A.P.O.

.....Applicants

By Advocates Mr I. Hussain and Mrs S. Seal.

- versus -

1. The Union of India, through the
Secretary, Ministry of Defence,
Government of India,
New Delhi.
2. The Chief Record Officer,
Signal Regiment, Jabalpur,
C/o 56 A.P.O.
3. The Administrative Commandant,
Station Head Quarter,
Shillong Cantt., 101 Area,
C/o 99 A.P.O.
4. The Administrative Commandant,
H.Q., 41 Sub Area,
Shillong, Cantt.,
C/o 99 A.P.O.
5. The Administrative Commandant,
Station Head Quarters,
Guwahati, 51 Sub Area,
C/o 99 A.P.O.

.....Respondents

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

.....

O R D E R (ORAL)

CHOWDHURY.J. (V.C.)

Both the applications were taken up for hearing together since common questions of law as well as similar facts are involved.

2. These applicants are Civilian Switch Board Operators. The applicant in O.A.No.66/2001 worked as a Civilian Switch Board Operator on the strength of the Office Order dated 27.3.1985 on the basis of a selection made by the respondents. Similarly, the three applicants in O.A.No.83/2001 are also Civilian Switch Board Operators. The applicant No.1 was appointed in June 1987 and the applicant Nos.2 and 3 in March 1985. All these applicants alongwith others preferred applications before the Tribunal for regularisation of their services. The Tribunal by orders dated 21.2.1994 and 17.11.1993 in O.A.Nos.176/1991 and 184/1992 and like cases directed the respondents to regularise their services. The

respondents subsequently regularised their services with effect from the date of the order of the Tribunal. The applicant in O.A.No.66/2001 was regularised with effect from 21.2.1994 pursuant to the order of the Tribunal in O.A.No.176/1991 and in the case of the applicants in O.A. No.83/2001 their services were regularised with effect from 17.11.1993, i.e. from the date of the order of the Tribunal. Admittedly, from the facts enumerated above it appears that the respondents provided the benefit of regularisation to the applicants with effect from the date of the order of the Tribunal.

3. Mr L. Hussain, learned counsel for the applicants submitted that these applicants for all practical purposes were appointed after holding due selection. The names of these applicants were registered in the Employment Exchange. The applicants, since the date of joining service, were discharging their lawful duties regularly with artificial breaks in their service. Since the applicants rendered their services with all sincerity and their initial appointments were also duly made after holding a regular process of selection, the date of their regular appointment should be with effect from the date of entry into service. The past services of the applicants could not be ignored by the respondents in determining their date of regularisation. The learned counsel submitted that the respondents in a most arbitrary fashion determined their date of regularisation ignoring their past services. The applicants were holding the post of Switch Board Operators. There were no other persons other than these Switch Board Operators appointed on the basis of any other mode of selection who would be affected if these applicants are appointed retrospectively for granting them pensionary benefits. According to the applicants the respondents acted in a most arbitrary and unjust fashion in ignoring their seniority from the date of their entry into service without any good reason. If the applicants were restored to seniority with effect from the date of their entry into service it would not affect any other person who may be appointed by taking recourse to any recruitment procedure. All the ad hoc Switch Board Operators were regularised on the strength of the order of the Tribunal.

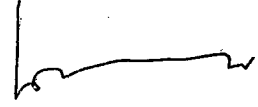
4. Mr B.C. Pathak, learned Addl. C.G.S.C. submitted that the decision of regularising the services of the applicants from the date of the Judgment and Order of the Tribunal cannot be said to be an arbitrary one. The respondents in fixing the inter se seniority thought it wise to give their regularisation with effect from the date of the order of the Tribunal. Seniority of similarly situated persons were also computed with effect from the date of the Judgment and Order of the Tribunal. Mr Pathak has referred to a decision of this Bench in O.A.No.96/2000 rendered on 16.7.2001. Mr Pathak also contended that the initial appointments of the applicants were of ad hoc character, a stop-gap arrangement of fortuitous nature.

5. We have given our anxious consideration in the matter. Whether an appointment and/or engagement can be termed as Ad hoc or stop-gap arrangement and/or fortuitous will always depend upon the facts and circumstances in which the appointments are made. The object and nature of the appointments, the circumstances under which the appointments are made, the manner and methods adopted, the eligibility criterion followed in the appointments are relevant factors. Where a post is created to cope with a particular protempore situation for a specified period such appointments can be labelled as ad hoc and/or fortuitous appointment. We hasten to add that the above discussion only sets some illustration, but not complete. There is no cut and dried rubric. Various aspects of the nature of ad hoc appointments were aptly focussed by the Apex Court in O.P. Singla and another Vs. Union of India and others, reported in (1984) 4 SCC 450 and Rudra Kumar Sain Vs. Union of India and others, reported in (2000) 8 SCC 25. On consideration of all aspects of the matter the appointments of the applicants cannot be said to be of fortuitous or ad hoc nature. But then, we are not in a position to ignore the Behcn decision in O.A.No.96/2000, wherein the Tribunal directed the authority to compute the seniority of these applicants from the date of the decision. We are not inclined to depart from the earlier judgment of the Tribunal.

6. For the aforesaid reasons we are not inclined to accept these applications. The applications are accordingly dismissed. There shall, however, be no order as to costs.

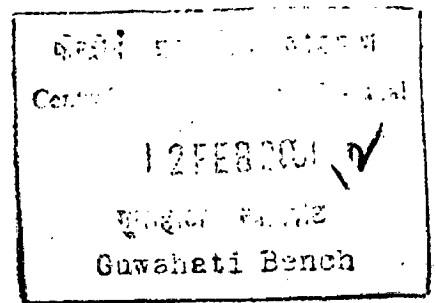


(K. K. SHARMA)
ADMINISTRATIVE MEMBER



(D. N. CHOWDHURY)
VICE-CHAIRMAN

nk m



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AT GUWAHATI

(An Application under Section 19 of the Central
Administrative Tribunal Act, 1985)

ORIGINAL APPLICATION NO. 66/2001

Smt. Anita (Sharma) Bhattacharjee ... Applicant

-Versus-

The Union of India and other. Respondents.

I N D E X

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Copy of the Order dated 14.6.95 of the Respondent No.4 communicating the approval of the regularisation of service of the applicant.

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9. Annexure No. 8 :

Copy of the order dated 7.7.95 passed by the Respondent No.5 regularising the service of the applicant w.e.f. 21.2.94

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10. Annexure No. 9 :

Copy of the representation dated 11.1.96 submitted to the Respondent No.5.

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11. Annexure No. 10 :

Copy of the representation dated 8.5.98 submitted to the Respondent No.2.

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12. Vakalatnama.

Notice.

J. H. M. S.

Advocate.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AT GUWHATI

(AN APPLICATION UNDER SECTION 19 OF THE CENTRAL
ADMINISTRATIVE TRIBUNAL ACT, 1985)

ORIGINAL APPLICATION NO. 66/2001

Smt. Anita (Sharma) Bhattacharjee

.... Applicant.

-Versus-

The Union of India & Others

..... Respondents.

DETAILS OF THE APPLICANTS :

1. Name of the Applicant : Smt. Anita (Sharma)
and Designation Bhattacharjee,
Wife of Sri Nirmalendu
Bhattacharjee,
Civilian Switch Board
Operator (C.S.B.O)
101 Area,
Shillong Cantt,
C/o. 99 A.P.O.

2. PARTICULARS OF THE
RESPONDENTS

Name of and/or designation of the
Respondents.

1. Union of India,
through the Secretary,
Ministry of Defence,
Govt. of India,
New Delhi - 110 001.

2. The

14
Filed by the Applicant
Smt. Anita (Sharma)
Bhattacharjee
Shillong
12/12/2001

2. The Chief Record Officer,
Signal Regiment,
Jabalpur,
C/o. 56 A.P.O.

3. The Administrative Commandant,
~~xxxx~~ Station H.Q.,
Shillong Cantt.,
101 Area,
C/o. 99 A.P.O.

4. The Administrative Commandant,
H.Q., 41, Sub Area,
Shillong Cantt.,
C/o. 99 A.P.O.,

5. The Administrative Commandant,
Station H.Q.,
Silchar Cantt.,
P.O. Arunachal,
District Cachar, Assam.

I. PARTICULARS OF THE ORDERS AGAINST WHICH THE APPLICATION IS MADE :

i) This application is filed against the Order No. 0341/11/EMP/GS (SD(i)) Dated 14th June, 1995 of the Administrative Commandant, Head Quarter, 41 Sub Area, C/o. 99 A.P.O. (Respondent No. 4) communicating the approval of the Govt. of India, Ministry of Defence for regularising the service of the applicant and without mentioning the date of regularisation (Annexure No.6).

ii) This...

ii) This application is also made against the Order No. ADM/64/EST dated 7.7.95 issued by the Administrative Commandant, Station Head Quarters Silchar Cantt. (Respondent No.5) appointing the applicant on regular basis w.e.f. the judgment of this Hon'ble Tribunal dated 21.2.94 in O.A. No. 176/91 and batches instead of applicant's initial date of appointment on temporary basis with effect from 27.3.85. (vide Annexure No. 8)

2. JURISDICTION OF THE TRIBUNAL :

That the applicant declares that, the application made is within the jurisdiction of this Hon'ble Tribunal.

3. LIMITATION :

That, the applicant declares that the application ^{after} ~~after she filed~~ her representation dated 11.1.96 and again on 8.5.98, she approached the respondent authorities from time to time for regularisation of her service w.e.f. from the date of her initial appointment on temporary basis but without any result. She did not approach this Hon'ble Tribunal earlier as she was genuinely felt that her prayer will considered for regularisation of her service from the date of her original appointment on temporary basis.

4. FACTS.....

B

4. FACTS OF THE CASE :

4.1. That the applicant is a Citizen of India and are presently serving as Civilian Switch Board Operator (hereinafter referred to as C.S.B.O. for make of brivity) under the respondent authorities referred above and is presently posted at 101 Area, Shillong Cantt.

4.2. That the applicant states that she came to learn that few post of C.S.B.O were lying vacant in Station Head Quarter under the Respondents at Silchar Accordingly the applicant submitted her application for one of the aforesaid post.

4.3. That the applicant thereafter appeared in the selection process and got selected. It be mentioned that her name was also registered in the Employment Exchange at Silchar to enable her to find a suitable job through due procedure and rules. After having been selected the Respondent No.3 vide an order dated 27.3.85 directed her to appear in Medical Examination etc. Thereafter, she was initially appointed for temporary period w.e.f. 17.6.85, in the scale of pay of Rs. 260/- to Rs. 400/- plus other allowances. Thereafter she was appointed periodically with artificial break. for a few days and she continued as such for couple of years. It be mentioned herein that although there existed regular vacancies her case was not considered for regularisation although she was getting her usual scale of pay etc. at that time. The applicant is annexing herewith the first appointment order dated 27.3.85 and last order dated 27.3.95 issued by the Respondent No.3 appointing the applicant for sake of brivity. However, she is giving the detail statement/

particulars of temporary appointment as well as certificate dated 22.7.91 regarding service since 17.6.85 for kind perusal of this Hon'ble Tribunal.

The copies of appointment Order dated 27.3.85 and 22.3.95 are annexed herewith and marked as Annexure Nos 1 and 2 respectively.

The copy of statement of appointment/service period of applicant is annexed herewith and marked as Annexure No.3.

The copy of certificate dated 22.7.91 of the Respondent No.3 certifying regarding service of applicant as C.S.B.O. since 17th June, 1985 is annexed herewith and marked as Annexure No. 4.

4.5. That, the applicant states that she had been ~~approach~~ approaching the Respondent authorities from time to time for regularisation of her service but as no action was taken by the Respondents, she preferred an application before this Hon'ble Tribunal vide O.A. No. 176/91 with a prayer her appointment on regular basis with effect from her initial appointment on temporary basis, to give all service benefit and to regularise the artificial breaks in service.

4.6. That the applicant states that the afore-said application was admitted by this Hon'ble Tribunal. Thereafter applicants also filed Misc. Petition for amendment of application ~~misc~~ and also for an interim orders. Accordingly, the Hon'ble Tribunal allowed the Misc. Petition and directed the Respondents to allow the applicants to continue in service untill further order. However, the Respondents went on giving temporarily appointment to the applicants with artificial breaks in between in violation of orders of this Hon'ble Tribunal.

The copy of the Order dated 10.1.92 passed in Misc. Case No. 6/91 is annexed herewith and marked as Annexure No. 5.

4.7. That the applicant states that, some other similarly situated temporary C.S.B.O. also filed original application before this Hon'ble Tribunal for regularisation of this services under the same Respondents and all the said applications were admitted by this Hon'ble Court. Thereafter this Hon'ble Tribunal was pleased to hear the matter in detail and passed a common order on 21.2.94 narrating the facts and submissions of the applicants as well as the respondents. The Hon'ble Tribunal was pleased to allow all the applications including the application of the present applicant and directed the respondents to regularise

the.....

the service of the applicants in the post of C.S.B.O. within a period of 90 days from the date receipt of the order. The Hon'ble Tribunal further directed the Respondents not to interfere/terminate the services of the applicant before regularisation and the interim orders dated 10.1.92 passed in Misc. petition were made absolute.

The copy of the common order dated 21.2.94 passed in O.A. Nos. 173/91, 174/91, 175/91, 176/91 and 177/91 is annexed herewith and marked as Annexure Nos 6.

4.8. That, the applicant states that after the order of the Hon'ble Tribunal she approached the Respondents from time to time both verbally and through various representations with a prayer for regularisation of her service w.e.f. from their date of initial appointment as C.S.B.O. However, they did not do anything in this regard for a long time. Thereafter, the H.Q, 41 Sub Area, C/o. 99 A.P.O. (Respondent No.4) vide an order No. 0341/11/EMP/GS(SD)(i) dated 14th June, 1995 communicated the approval for regularisation the service of the applicant along with four other similar employees and informed the respondent No.4 accordingly. Thereafter the respondent No.5 vide an order dated 7.7.95 regularised the service of the applicant w.e.f. 21.2.94 i.e. from the date of final order of this Hon'ble Tribunal in O.A. No. 176/91 and batches. After her regularisation, the applicant was

transferred....

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: 8 :

transferred to shillong and is presently posted under Respondent No. 4.

The copy of the Order dated 14.6.95 of the Respondent No.4 communicating the approval of the regularisation of service of the applicant is annexed herewith and marked as Annexure No. 7.

The copy of the order dated 7.7.95 passed by the respondent No. 5 regularising the service of the applicant w.e.f. 21.2.94 is annexed herewith and marked as Annexure No.8.

4.9. That, the applicant states that the Hon'ble Tribunal while passing the order did not specifically mentioned that the applicants service ~~would~~ be regularised w.e.f the date of order of the Tribunal (ie. 21.2.94) . As ~~no~~ no date ~~was~~ was mentioned it was presumed that, her service would be regularised w.e.f. the date of her initial appointment. Being aggrieved, the applicant again approached the respondent authorities for regularisation of her service from the date of initial appointment. She also submitted representation dated 11.1.96 to the respondent No.5 through with a prayer for her regularisation w.e.f. the date of initial appointment. The applicant also submitted her representation dated 8.5.98 to the

Respondent

Respondent No. 2 with a prayer for her regularisation w.e.f. 17.6.1985 i.e the date of initial appointment.

The copy of the representation dated 11.1.96 submitted to the Respondent No.5 is annexed herewith and marked as Annexure No. 9.

The copy of the representation dated 8.5.98 submitted to the respondent No. 2 is annexed herewith and marked as Annexure No. 10.

4.10 That the applicants state that, as she was expecting for a positive response from the respondents for regularisation of her service after submissions of representations she did not approach this Hon'ble Tribunal in time as per Section 21 (i) (b). However, this Hon'ble Tribunal may be pleased to admit this application by invoking its power under Section 21(3) of the Administrative Tribunal Act, 1985 in the interest of justice.

5. GROUND FOR RELIEF WITH LEGAL PROVISIONS.

i) For that, the applicant was initially recruited after due selection process against existing vacancies of C.S.B.O. at the relevant time and the respondents ought to have appointed her on regular basis from the date of her initial appointment itself. But the respondents due to reasons best known to them appointed the applicants on purely temporary basis which was

extended, , , ,

extended from time to time with artificial break in service in violation of established procedure and rules. As the applicant had so alternative, had to accept whatever she could get with a hope that, her services would be regularised. This action of the respondents in not regularising the service of the applicant w.e.f. her initial date of appointment is arbitrary, illegal and in violation of principles of equity, good conscience and administrative fairness.

ii) For that, there was necessity for employees on regular basis as can be inferred by the length of period of the temporary engagement of the applicant. But the respondents had given artificial breaks in her service so that, she can not claim to be a regular employee. This action of the respondents is illegal, ~~un~~justified and violative of Article 21 of the Constitution of India and as such the respondents are liable to be directed to regularise the service of the applicant from the date of her initial appointment.

iii) For that, the applicant has given many years of her services to the respondents with a hope that she will get all service benefits from her initial appointment but her hopes and aspiration have been belied and she is suffering because of no fault of her own. As such this Hon'ble Tribunal may be pleased to interfere in the matter and pass appropriate directions in this regard.

iv) For.....

AB

iv) For that, this Hon'ble Tribunal did not mentioned any date for giving the benefits of regularisation of services of the applicant. But the Respondents on their own wisdom had taken the date of order of this Hon'ble Tribunal (i.e. 21.2.94) passed the Original application. They even did not bother to refer to the interim order dated 10.1.92 of this Hon'ble Tribunal by which the respondents were directed not to disturb the applicant from ~~their~~ ~~his~~ her service. The action of the respondents in choosing a date for regularisation of service of the applicant on their own is not proper and is in violation of directions of this Hon'ble Tribunal. As such this Hon'ble Tribunal may be pleased to direct the respondents to regularise the services of the applicant with all service benefits from the date of her initial appointment.

v) For that, because of the reasons mentioned in Paragraph 4.10 above; this Hon'ble Tribunal may be pleased to admit this application and further be pleased to hear the matter and give appropriate relief to the applicant.

vi) For that in any view of the matter the respondents are liable to be directed to regularise the service of the applicant with effect from her initial date of appointment as C.S.B.C. instead of 21.2.94.

6. DETAILS

AS

6. DETAILS OF RELIEF EXHAUSTED :

That, the applicant declares that she has availed all the remedies available to her by approaching the respondents as well by submitting representations from time to time.

7. MATTERS NOT PREVIOUSLY FILED OR PENDING WITH ANY OTHER COURT/TRIBUNAL.

The applicant further declares that, she had not filed any applications, writ petition, suit etc except the Original Applications referred above which was disposed by this Hon'ble Tribunal and no case is pending in any court of law in regards to the present grievances.

8. RELIEF SOUGHT FOR :-

Under the facts and circumstances of the case as stated above, the applicant prays for following reliefs.

- i) That the respondents be directed to regularise the services of the applicant from retrospective date of their initial appointment as Civilian Switch Board Operators (C.S.B.O.) under the Respondents ie. with effect from 17.6.85.;

ii) That....

B

- ii) That the respondents be directed to give all service benefits as applicable to ~~xx~~ other regular employees from the dates of their initial appointments ;
- iii) that the respondents be directed to regularise the artificial break in service of the applicant;
- iv) any other order/orders as deemed fit and proper by this Hon'ble Tribunal in the interest of justice.

9. INTERIM RELIEF IF PRAYED FOR :-

The respondents may be directed to regularise the service of the applicant from the date of her initial appointment as Civilian Switch Board Operator (C.S.B.O.) with all service benefits i.e. w.e.f. 17.6.85.

PARTICULARS.....

AB

27
: 14 :

10. PARTICULARS POSTAL ORDER IN RESPECT OF
Appt APPLICATION FEE.

Postal Order No. : 5G 422028

Date of Issue : 7.2.2001.

Issued from : G.P.O., Gauhati.

Payable at : Guwahati.

11. LIST OF ENCLOSURES :

As per Index.

Verification,,,

AB

28

: 15 :

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

I, Smt. Anita Bhattacharjee, Wife of Sri Nirmalendu Bhattacharjee presently working as Civilian Switch Board Operator under 101 Area, Shillong Cantt.

C/o. 99 A.P.O. and as authorised by the applicant No.2 ~~sushx~~ Smt. Anita Bhattacharjee do hereby certify that the contents in Paragraph 1,2,3,4,5,6,7, and 10 and 11 are true to my personal knowledge and the contents in paragraphs 5, 8 and 9 are belived to be true as leagal advice and I have not suppressed any medical fact.

PLACE : Guwahati.

Date : 12 . 2 . 2001.

Anita Bhattacharjee

Signature of Applicant/Declarant

*

A

-16-

Ax. No 1

Station Mukhyalaya
Station Headquarters 29
Silchar Cantt
Po : Arunachal-788 025
Distt : Cachar (Assam)

27 Mar 85

dm/42/Est

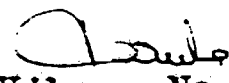
1ss ANITA SHARMA, D/O & C, D
ri Sitangshu Mohan Sharma. Vill-Arunachal
o-ARUNACHAL, Distt-Cachar (Assam)

APPOINTMENT CIVILIAN SWITCH BOARD OPERATOR

1. Having been selected for appointment of temporary civilian switch Board Operator in the pay scale of B 260-6-290-EB-8-326-8-66-EB-8-390-10-400, you are directed to report to Station HQ Silchar Cantt on 03 Apr 85 at 0800 hrs for medical examination. In case you are found medically unfit, your selection will be treated as cancelled.

2. Please note that your service will be terminated from the date of completion of 3 (three) months, if further sanction not received from higher authorities.

/is


(Vikram Narula)
Major
SSC
for Adm Comdt Cl-1

ATTN
ADVOCATE
ATTN
ADVOCATE

ANNEXURE No. 2

Station Headquarters
Masirpur (Silchar Ganti)

Adm/42/Est.

22 March, 1995

Anita Bhattacharjee.

Appointment Civilian Switch Board
Operator.

1. You have been appointed as a temporary CSBO in this Office (Signal Centre) 57 Admn Div Sig Regt. w.e.f. 02 April 1995.
2. Your service will stand terminated w.e.f. 01 June 1995 from the date of your service are no longer required by this HQ which ever is earlier.
3. You must adhere to the office timing strictly.

Sd/- Illegible.

Copy to :-

(ML Guha)

Lt. Col.

1. 57 Mtn. Div. Sig Regt (Rear)

S.S.C.

for Adm. Comdt. CL-I

2. AAO, Shillong.

ATTESTED
ADVOCATE

ANNEXURE No. 3DOCUMENT NO. 4STATEMENT OF SERVICE PARTICULARS
OF MRS. ANITA BHATTACHERJEE

<u>Sl. No.</u>	<u>Period served</u>	<u>No. of days served</u>	<u>Remarks</u>
1.	17.6.85 to 13.9.85	89	
2.	09.10.85 to 14.01.85	89	35 days
3.	05.2.86 to 02.5.86	87	2 "
4.	05.5.86 to 01.9.86	89	2 "
5.	03.8.86 to 30.10.86	89	3 "
6.	03.11.86 to 30.01.87	89	4 "
7.	04.02.87 to 03.05.87	89	3 "
8.	07.05.87 to 25.7.87	89	2 "
9.	28.07.87 to 31.8.87	25	2 "
10.	24.8.87 to 20.11.87	89	2 "
11.	25.11.87 to 19.2.88	89	2 "
12.	21.2.88 to 18.5.88	89	49 "
13.	07.7.88 to 18.9.88	75	1 "
14.	20.9.88 to 2.12.88	74	2 "
15.	05.12.88 to 16.2.89	74	2 "
16.	18.2.88 to 03.5.89	74	2 "
17.	06.5.89 to 18.7.89	74	12 "
18.	31.7.89 to 1.10.89	74	2 "
19.	15.10.89 to 17.12.89	74	67 "
20.	5.03.90 to 03.4.90	30	3 "
21.	07.4.90 to 6.5.90	30	3 "
22.	10.5.90 to 08.6.90	38	2 "
23.	11.6.90 to 10.7.90	30	1 "
24.	12.7.90 to 10.8.90	30	2 "
25.	13.8.90 to 11.9.90	30	2 "
26.	14.9.90 to 13.10.90	30	2 "

ATTESTED

ADVOCATE

Ax. No.3 (...2)

27.	16.10.90 to 14.11.90	30 days	2 days
28.	17.11.90 to 16.12.90	30 "	3 "
29.	20.11.90 to 18.01.91	80 "	2 "
30.	21.01.91 to 31.3.90	70 "	2 "
31.	03.4.91 to 11.6.91	70 "	2 "
32.	14.6.91 to 23.8.91	70 "	2 "
33.	25.8.91 to 2.11.91	70 "	2 "
34.	6.11.91 to 15.1.92	70 "	4 "
35.	18.1.92 to 27.3.92	73 "	3 "
36.	30.3.92 to 7.6.92	70 "	3 "
37.	11.6.92 to 15.8.92	66 "	7 "
38.	22.8.92 to 30.10.92	70 "	3 "
39.	2.11.92 to 11.1.93	72 "	2 "
40.	12.1.93 to 23.3.93	70 "	no Gap.
41.	24.3.93 to 2.6.93	69 "	-do-
42.	3.6.93 to 2.8.93	61 "	-do-
43.	3.8.93 to 2.10.93	61 "	-do-
44.	3.10.93 to 2.12.93	61 "	-do-
45.	3.12.93 to 1.2.94	61 "	-do-
46.	2.2.94 to 3.4.94	61 "	-do-
47.	5.4.94 to 4.6.94	60 "	-do-
48.	5.6.94 to 4.8.94	60 "	-do-
49.	5.8.94 to 4.10.94	60 "	-do-
50.	4.10.94 to 3.12.94	60 "	-do-
51.	14.1.95 to 2.4.94	75 "	14 days
52.	2.4.95 to 1.6.95	70 "	No Gap.

ATTESTED
ADVOCATE

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-20-

Ax. No. 4

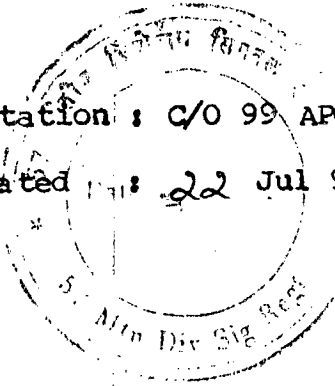
33

C E R T I F I C A T E

It is certified that Mrs Anita Bhattacharjee has been working in Military Exchange, Masimpur as civilian switch board operator since 17 Jun 1985.

Station : C/O 99 APO

Dated : 22 Jul 91



(P Aravindakshan)

Capt

OIC

Mil Exch Masimpur

ATTESTED
ADVOCATE

ANNEXURE No. 5

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH ::: GUWAHATI

MISC. EXS PETITION NO. 6/92
IN O.A. 176/91

Smt. A.Sharma Bhattacheryya ... Applicant

-Versus-

U.O.I. & Ors. Respondents.

P R E S E N T

THE HON'BLE JUSTICE SRI S.HAJUE,
Vice Chairman.

For the Applicant : Mr. N.Choudhury,
Mr. M. Chanda, Advocates..

For the Respondents : Mr. A.K. Choudhury,
Addl. C.G.S.C.

O R D E R

10.1.92

Heard learned counsel Mr. G.N. Sahewalla on behalf of applicant. Shri A.Sharma Bhattacharjee on this amendment petition. Also heard learned Addl. C.G.S.C. Mr. A.K. Choudhury. In view of subsequent development reappointing the ~~xxxxxx~~-applicant again with effect from 6.11.91 upto 15.1.92, amendment has become necessary in the main application. Accordingly, prayer for amendment in paragraph 4 of the main application as indicated in this petition is allowed. The applicant shall file a consolidated application in the main case within a period of two weeks.

ATTESTED
ADVOCATE

Ax. No. 5 (....2)

Heard counsel for the parties for interim direction. It is directed that the Respondents shall not discharge the appellant from service and shall allowed him to continue until further orders from the Tribunal.

This misc. Petition is disposed of with the above orders.

Sd/- S. Haque,
Vice Chairman.

Memo No. 169

Dated 14.1.92.

Copy for information and necessary action to :-

1. Mr. M. Chanda, Advocate,
2. Mr. A.K. Choudhury, Addl. C.G.S.C.

Sd/- Illegible.
Deputy Registrar(J)

ATTESDE
[Signature]

22-

Ax.No. 6

96

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI

Original Application Nos. 173/91, 174/91, 175/91, 176/91
and 177/91.

Date of Order:- This the 21st day of February, 1994.

Hon'ble Justice Shri S. Haque, Vice-Chairman

Hon'ble Shri G.L. Sanglyine, Member (Administrative)

O.A. 173/91

Shri Sahab Uddin Barbhuiya
son of Shri Sarafat Ali Barbhuiya,
Village, Saptagram, P.O. Dholai,
District, Cachar.

...Applicant

-Versus-

1. Admn. Commandant, Signal Centre, 57, Mtn.
D.W. Sig. Regt., Station H.J., Silchar Cantt.,
C/o 99 A.P.O.
2. Union of India (Through Secretary, Defence,
Government of India).

...Respondents.

By Advocates Shri G.N. Sahewalla, Shri N. Choudhury
and Shri M. Chanda on behalf of the applicant.

By Advocate Shri A.K. Choudhury, Addl. C.G.S.C. on
behalf of the respondents.

O.A. No. 174/91.

Shri Babu Mia Choudhury, son of
Shri Nur Uddin Choudhury, Village, Moragang,
P.O. Sibpur, Dist. Cachar.

... Applicant.

By Advocates Shri G.N. Sahewalla, Shri N. Choudhury
and Shri M. Chanda.

-Versus-

1. Admn. Commandant, Signal Centre, 57, Mtn. D.W.
Sig. Regt., Station H.J., Silchar Cantt.,
C/o 99 A.P.O.
2. Union of India (Through Secretary, Defence,
Government of India).

.... Respondents.

By Advocate Shri A.K. Choudhury, Addl. C.G.S.C.

contd. 2/-



RECEIVED
ADVOCATE

O.A. 175/91

Miss Indrani Biswas, O/O Sub Maj K.C.
Biswas, Village, Assami Basti, P.O. Tarapur,
Pt. II, Silchar Dist. Cachar (Assam).

.... Applicant

By Advocates Shri G.N. Sahewalla, Shri N. Choudhury
and Shri M. Chanda.

-Versus-

1. Admn. Commandant, Signal Centre, 57, Mtn.
D.W. Sig. Regt. Station H.J., Silchar Cantt.,
C/O 99 A.P.O.
2. Union of India (Through Secretary, Defence,
Government of India, New Delhi).

... Respondents.

By Advocate Shri A.K. Choudhury, Addl. C.G.S.C.

O.A. 176/91.

Mrs. Anita (Sharma) Bhattacharjee, wife of
Shri Nirmalendu Bhattacharjee, Chandmari Road,
Silchar-3, Dist. Cachar.

... Applicant.

By Advocates Shri G.N. Sahewalla, Shri N. Choudhury
and Shri M. Chanda.

-Versus-

1. Admn. Commandant, Signal Centre, 57, Mtn. D.W.
Sig. Regt., Station H.J., Silchar Cantt.,
C/O 99 A.P.O.
2. Union of India (Through Secretary, Defence,
Government of India, New Delhi).

... Respondents.

By Advocate Shri A.K. Choudhury, Addl. C.G.S.C.

O.A. 177/91.

Shri Ranjit Kumar Dutta, son of late
Rabindra Chandra Dutta, P.O. & Village-
Koonapani, District, Cachar (Assam), presently
posted at Station H.J. Silchar Cantt.,
Dist. Cachar.

... Applicant.

By Advocates Shri G.N. Sahewalla, Shri N. Choudhury and
Shri M. Chanda.

contd. 3/-



ATTN: ADVOCATE

-Versus-

1. Admn.Commandant,Signal Centre,57,Mtn.D.W.
Sig.Regt.Station H.I.,Silchar Cantt.,
C/O 99 A.F.O.
2. Union of India,(Through Secretary,Defence,
Government of India,New Delhi).

...Respondents.

By Advocate Shri A.K.Choudhury,Addl.C.G.S.C.

O R D E R

HAJUE, J.

All the above five applications are heard analogously for common cause of action and reliefs sought for by the five applicants serving as Civilian Switch Board Operators under respondent No.1 namely, Admn.Commandant,Signal Centre,57,Mtn. D.W. Sig.Regt.Station H.I.,Silchar Cantt.,C/O 99 A.F.O. Applicant Mrs.Anita (Sarma) Bhattacharjee is serving since June,1985 continuously with artificial breaks as temporary casual CSBOs. Applicants Shri Babu Mia Choudhury and Shri Ranjit Kumar Dutta are serving since February,1986 continuously with artificial breaks as temporary casual CSBOs. Applicant Miss Indrani Biswas is serving since August,1986 continuously with artificial breaks as temporary casual CSBO. Applicant Shri Sahabuddin Barbhuiya is serving since October,1989 continuously with artificial breaks as temporary casual CSBO. Presently, all the five applicants are serving continuously since last date of appointments pursuant to order dated 10.1.92 passed in Misc.Petition Nos. 3 to 7 of 1992. They have now prayed for directions on the

contd.4/-



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ADVOCATE

respondents to regularise their services in the posts of CSBOs with effect from the date of their initial appointments. Perused statement of grievances common in the applications with similar prayers. The respondents have filed written statements in each case with similar pleas and stating mainly in para 20 that the unit concerned is on the move in short notice, as such, CSBO cannot be taken along with unit and therefore regular appointments are not made.

2. Learned counsel Mr M.Chanda on behalf of applicants submits that the grievances of the five applicants are similar to the grievances of the applicants of O.A.No.185/90 and series (three cases) and O.A.No.184/92 and series (three cases) disposed of on 23.5.93 and 17.11.93 respectively directing respondents to regularise the temporary CSBOs and prays for similar reliefs. Perused facts and law of the disposed of cases and found that the grievances of the present five applications are similar and therefore the present applicants deserve similar treatment and reliefs.

3. Learned Addl.C.G.S.C.Mr A.K.Choudhury submits with reference to para 20 of the written statement and the difficulties faced by respondents on that ground to regularise services of applicants. Mr Chanda submits that regular incumbents of some permanent establishments may also suffer for move of the establishments or parts thereof and for such anticipated situation process of regularisation of

contd.5/-



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ADVOCATE

-: 5 :-

temporary employees cannot be stopped. There is force in the submissions of Mr Chanda. Plea taken by respondents to defeat claim of applicants cannot be accepted.

4. All observations and findings of the previous judgments referred to above are aptly applicable in these cases. We also rely on the decision in the case Akhil Ch.Dev & Ors. -Vs- Union of India & Ors. reported in 1991(1)SLR 417 of CAT Calcutta Bench. That decision relates to temporary CSBO for regularisation and directions were given. It will be unjust for the applicants if their services are utilised by respondents like past years with artificial breaks without regularisation then they would suffer irreparable loss due to age bar to seek other employments. The service-employment ethics do not permit that they should be kept under uncertain expectation of regularisation after serving so many years. By now some of them have attained age bar for pursuit of other employments. The only recourse now left is to regularise them in the posts of CSBOs under the respondents to uphold the service-employment ethics and to safeguard their service career. We decide to award them similar reliefs granted in the earlier cases.

5. All the five applications are allowed. The five applicants are entitled to be regularised in their services as CSBOs under respondents.

contd.1/



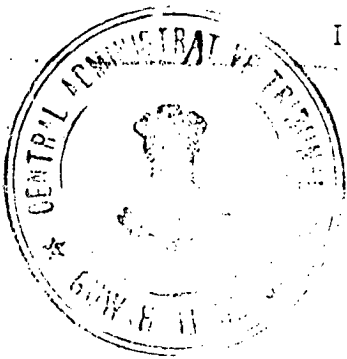
ENTITLED
ADVOCATE

-27-

-: 6 :-

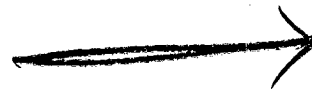
Accordingly, the respondents are directed to regularise the services of the applicants in the post of CSOs within a period of 90 days from the date of receipt copy of this Judgment/Order. Respondents are further directed not to interfere or terminate the services of the applicants before regularisation and in that view our interim orders dated 10.1.92 passed in Misc.Petition Nos. 3 to 7 of 1992 are made absolute.

Inform all concerned.



Sd/- S. Haque
VICE CHAIRMAN

Sd/- S.L.Sanglyino
MEMBER (ADMIN)



TRUE COPY

[Signature]
Section Officer (Judicial)
Central Administrative Tribunal
Guwahati Bench, Guwahati.

[Signature]
ATTESTED
ADVOCATE

- 28 -
COPY

Ax. No. 7
Mukhyalaya 41 Sub Area
Headquarters 41 Sub Area
E/O 99 APO

0341/11/FMP/GS (SD) (1)

14 Jun 95

Sta HQ Silchar

REGULARISATION OF TEMP CSBOs

1. It is for your info that services of 05 CSBOs as per details given at Appx have been regularised by Govt of India, Min of Def and will be taken in GS Branch common roster maint by Sig Records Jabalpur.

2. This has the approval of Govt of India, Min of Def vide UO No 3877/JS (O)/95 dt 10 May 95.

(Auth : Army HQ Sigs 4 (b) letter No B/44572/Sigs 4 (c) dt 18 May 95 and HQ 101 Area letter 10711/12/GS (SD) dt 07 Jun 95).

Sd/- x x x x x
(NK Thapa)
~~Sd/-~~
Lt Col
Offg Col GS

Appx

(Ref to para 1 of HQ 41 Sub Area letter No 0341/11/FMP/GS (SD) dt Jun 95)

DETAILS OF CSBOs TO BE REGULARISED IN HQ 41 SUB AREA

Ser No	OA No	Branch	Name of CSBOs	Sta HQ	No of CSBOs
1.	173/91 174/91 175/91 176/91 177/91	Guwahati	Mrs Anita Bhattacharjee Babu Mia Chowdhury Ranjit Kumar Dutta Shababudin Barbhuiya MS Indrani Biswas	Silchar	

ATTN:
PROVOCATE

MOVEMENT ORDER

Ax. No 8

43

1. No Rank & Name : NYA CSBO Gde-II
371/Cmt ANITA BHATTACHARJEE
2. From : Station Headquarters Silchar Cantt
PO : Arunachal, Distt: Cachar (Assam)
3. To : Station Headquarters, Shillong
4. Auth : Signal Records Jabalpur letter No :
3681/1/CA6/PE/46/dt 18 Jun 95
5. Remarks : Posted on permanent duty to
Station HQ Shillong
TA/DA is admissible for journey as
per existing rules.
6. As regards regularisation of posts and reckoning his/her
seniority, it is pointed out that :-
(a) His/her seniority to regular establishment will be
reckoned only wef the date of regular appt ie, date of
Court Judgement (Wef 21 Feb 94). Same for leave Account
(E/L, HPL). EL- 55 days, HPL-33 days, C/L -12.
(b) Services rendered on casual basis prior to appt in
regular est will not be counted for the purpose of pay
fixation etc.
7. He/She in receipt of the following pay and allces pm
(upto 30 Jun 95). SOS : 03 JUL 95 (A/N)
Allowances : Basic pay & DA only
Basic pay 950/- wef 2/94 to
DA 104% of pay wef 2/94 to 6/94
DA 114% of pay wef 7/94 to 12/94
DA 125% of pay wef 1/95 to 6/95
8. Advance : NIL
9. He/She will be paid upto 30/6/95. Pay and allces for the
month remaining period may, please be claimed at your end.
10. His/Her Identity Card bearing No 332542 will
be withdrawn by the receiving unit for destruction under
intimation to this Headquarters.

9

Station Headquarters
Adm/G4/Est
Station Headquarters
Wazirpur (Silchar Cantt)

[Signature]
A Col
880
HQ Silchar

07 Jul 95

- Dists :-
- | | |
|---------------------------|---------------------------------|
| Stn HQ Shillong | - for info and necessary action |
| Stn HQ Jodhpur | -do- |
| Stn HQ Belgaum | -do- |
| Signal Records, Jabalpur | -do- |
| Army HQ AG/CG 4 (Civ) (b) | -do- |
| DMR PO New Delhi | |
| Indvl concerned | As movement order |
| LAC (A) Silchar | for info |

ATTESTED
[Signature]
ADVOCATE

-30-

Ax.No.9 44

To

The Adm. Commandant
Station H.Q - Shillong.

(Through proper channel)

Subject ::

FIXATION OF SENIORITY ON REGULARIZATION
OF SERVICE IN PURSUANCE OF CAT VERDICT,
DATED - 21-02-94.

Sir,

With reference to the verdict pronounced
by Central Administrative Tribunal on 21-2-94, I have the
honour to state as follows :-

(1) That Sir, I have been continuously working
as C.S.B.O in your department with effect from 17th June 1985.

(2) That Sir, it has been admitted by the
honourable CAT vide above mentioned judgement that I have
been serving your department continuously and not inter-
mittantly. As such, breaks which was given during the course
of my service were artificial breaks as already admitted
by CAT

(3) As such I am entitled to get the benefit
of Seniority in view of the CAT judgement with effect from
the date of my initial appointment.

In view of the ~~xxx~~ above, it is requested
kindly to allow the benefit of seniority in Service with
back Salaries by way of fixation with restrospective effect
for which I shall be highly obliged.

Dated Shillong

The 11-01-1996

Yours faithfully,

(Anita Bhattacharya)
101 Area Encl. Shillong.

ATTESTED
20/2/96

ANNEXURE No. 10

To,

The Chief Record Officer,
Signal Regiment,
Jabalpur,
C/o. 99 A.P.O.

(Through Admn. Commandant,
Shillong Cantt.,
101 Area, C/o. 99 A.P.O.

Sub. : FULL COMPLIANCE OF JUDGMENT AND ORDER
DATED 29.2.94 PASSED BY THE CENTRAL
ADMINISTRATIVE TRIBUNAL, GUWAHATI
BENCH IN O.A. NO. 176/91.

REF. : My earlier representation dated 11.1.1996.

Sir,

With due respect and humble submission, I beg
to lay the following few lines before your kindself
for perusal and sympathetic consideration and
favourable order please -

1. That Sir, on receiving call from District
Employment Exchange, Silchar, Assam I came to know
some posts of C.S.B.O. are vacant and my name was
forwarded to the Admn. Commandant, Silchar Cantt.
for the same post. Accordingly, after interview,
medical examination and police verification, I was
appointed to the post by Order dated 27.3.85 and in
pursuance thereof I joined on 17.6.85. Thereafter,
I was allowed to continue with artificial gaps
obviously to deprive me from the due service benefits.

2. That Sir, my individual prayers and represent-
ations for getting regularisation having failed to
evoke any response, I approached the Hon'ble Central
Administrative Tribunal, Guwahati Bench through O.A.
No. 176/91. The said case was admitted on 10.1.92 and

...2.

ATTESTED
ADVOCATE

Ax. No. 10(...2)

the Hon'ble Tribunal was pleased to pass interim order directing the authorities to allow me to continue in service without break. Thereafter the said O.A. No.176/91 was finally heard and allowed on 21.2.94 directing the authorities to regularise my service in the post within 90 days. By the said final judgment, the earlier interim order dated 10.2.92 was also made absolute meaning thereby that my service remained continuous for all intents and purposes from 10.1.92 (Copy enclosed).

3. That Sir, by the aforesaid direction, the Hon'ble Tribunal deprecated the practice of the authorities in ~~xx~~ giving artificial break in my service although the post held by me since beginning i.e. 17.6.85 is substantive, permanent and sanctioned and the post was not a temporary and casual one. In pursuance of the aforesaid direction my service was regularise w.e.f. 21.2.94 and not from the date of initial joining i.e. 17.6.85. The action of the authority therefore is clearly in violation of the direction of the Hon'ble Tribunal and I have been prejudiced thereby. It is the consistent stand of the Hon'ble Apex Court of the country that whenever on initial appointment though not regular is subsequently regularised the period of earlier service is counted for the ~~xx~~ purpose of seniority. It appears that the same settled position of law has been given a complete go by while considering my case and thus the aforesaid action tantamounts to discrimination and arbitrariness apart from being illegal and harass.

....3.

ATTN
ADVOCATE

Ax. No. 10.(...3)

4. That Sir, I submitted representations earlier before your kind self on the dated aforementioned praying for giving the benefit of my pass services for computing seniority and for future pension. It does not appear that my aforesaid representations have received any consideration whatsoever from your kind self, in as much as I have never been communicated as to the fate of my representations till date.

Under the circumstances, I appeal before yourself to sympathically consider my case and to give full effect to the judgement dated 21.2.94 passed by the Hon'ble Central Administrative Tribunal, Guwahati Bench in O.A. No. 176/91 and to give effect to regularisation of my service since 17.6.85 and oblige thereby.

Yours faithfully,

Sd/-

Dated, Shillong
the 08.05.98

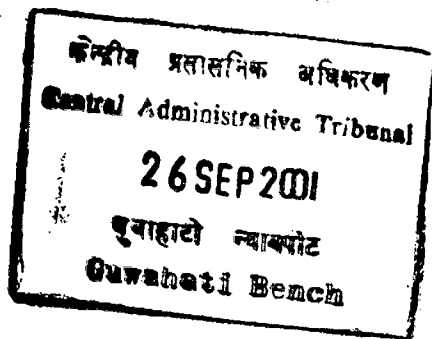
(ANITA BHATTACHERJEE)
C.S.B.O.,
101 Area,
Shillong Cantt.

Copy to :-

1. The Record Officer, Signal Regiment, Jabbalpur,
C/o. 56 A.P.O. for information and necessary
action please.
2. The Admn. Commandant, Shillong Cantt., 101 Area
C/o. 99 A.P.O. for information and necessary
action please.
3. The commanding Officer, 'F' composite Sig.Regd.
Shillong... for information and necessary
action please.

Sd/- Illegible.
(ANITA BHATTACHERJEE)
C.S.B.O.
101 Area, Shillong Cantt.

ATTESTED
ADVOCATE



Filed by: *[Signature]*
26/9/01
48

(B. C. Pathak)
Addl. Central Govt. Standing Counsel
Central Administrative Tribunal
Guwahati Bench, Guwahati

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH ::: GUWAHATI

O.A. NO. 66/2001

Smti. Anita (Sarma) Bhattacharjee.

..... Applicant.

-Vs-

Union of India & Ors .

..... Respondents.

(Written Statements on behalf the Respondents

No. 1, 2, 3, 4 and 5)

The Written statements of the abovenoted
respondents are as follows :

1. That the copy of the O.A. No. 66/2001 (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 all the respondents being similar. The respondents have filed the written statements as common for all of them.
2. That the statements made in the application which are not specifically admitted, are hereby denied by the respondents.
3. That with regard to the statements made in para 1 of the application, the respondents state that the Govt. of India, Ministry of Defence has regularised the service of the applicant with effect from the date of Court Judgement decided in their favour. The services of the applicant

has been regularised with effect from 21.2.1994 as per the verdict of the Judgement Order in O.A. No. 176/91.

4. That the respondents have no comments to offer against the statements made in para 2 of the application.
5. That with regard to the statements made in para 3 of the application, the respondents state that the application is barred by limitation and hence the same is liable to be dismissed.
6. That with regard to the statements made in para 4.1, the respondents state that the applicant has been posted to Station Headquarters, Shillong on 09 Jul 1995 on regularisation.
7. That with the respondents have no comments to para 4.2 of the application.
8. That with regard to the statements to the statements made in para 4.3, the respondents state that the applicant was initially appointed purely on temporary basis with a break after 89 days. As per Signal Records letter No. 3681/1/CA/PE/EC/46 dated 16 Jun95 on the authority of Govt. of India, Ministry of Defence, Seniority to regular establishment will be reckoned only with effect from the date of regular appointment i.e. date of judgement of the Hon'ble Tribunal and service rendered on casual basis prior to appointment in regular establishment will not be counted for the purpose of pay fixation etc. The copy of the letter dated 16.6.95 is annexed as Annexure - R-1.
9. That with regard to the statements made in para 4.5 the respondents state that the regularisation of service of

of the applicant has been considered by Govt. of India, Ministry of Defence based on the Court Order vide Judgement Order in O.A. No. 176/91 dated 21.2.94. Therefore, the claim of the applicant can not sustain in law.

19. That with regard to the statements made in para 4.6 of the application.

11. That with regard to the statements made in para 4.7, the respondents state that the Judgement/order passed by the Hon'ble Tribunal has been implemented and services of the casual CSBOs has been regularised by Govt. of India, Ministry of Defence with effect from the date of Judgement i.e. 21.2.94.

12. That with regard to the statements made in para 4.8, the respondents state that the regularisation of service of the applicant has been done by Govt. of India, Ministry of Defence based on the direction of the Hon'ble Tribunal vide Judgement Order in O.A. No. 176/91 dated 21.2.94 where it clearly states that services of the applicants to be regularised within a period of 90 days from the date of receipt of the copy of order and accordingly Govt. of India has regularised their services with effect from the date of Judgement i.e. 21.2.94, but nowhere it is mentioned to regularise their services with effect from their date of initial casual appointment as their initial appointment was purely on temporary basis with a break after every 89 days. Accordingly, service of the applicant has been regularised with effect from 21.2.94 and posted the applicant on regularisation to Station Headquarters, Shillong Vide Signal Records, Jabalpur

posting order no. 3681/CA6/PE/EC/46 dated 16 Jun 95.

13. That with regard to the statements made in para 4.9, the respondents state that the Hon'ble Tribunal has clearly directed the respondents to regularise the services of the applicants in the post of CSBOs within a period of 90 days from the date of receipt of the copy of the Judgement/ order and accordingly their services have been regularised with effect from the date of Judgement i.e. 21.2.94 by Govt. of India, Min. of Defence and Adjustment/Posting of CSBOs on regularisation of posts as CSBO Grade II has been carried out by Signal Records, Jabalpur vide their letter No. 3681/1/CA6/PE/EC/46 dated 16 Jun 95.

14. That with regard to statements made in para 4.10, the respondents re-iterate and re-assert the foregoing statements in this written statements.

15. That with regard to the statements made in para 5.1 the respondents state that the applicant was initially appointed on purely temporary basis for a period of 3 months from the date of employment vide HQ Eastern Command letter No. 104022/37/GS(SD) (vi) dated 17 Jan 85. Since there was a ban on employment wef 03 Jan 84 till further orders by Govt. of India vide OM No. F. 7(1)-E(Coord)/84 dated 03 Jan 84 and Army HQ letter No. B/50884/SD6B dated 18 Apr 86 therefore, appointment of the applicant was made on purely temporary basis with a break after ~~1989xxx~~ 89 days and her service has been regularised by Govt. India only based on the direction of the Tribunal vide Judgement order dated 21.2.94 and with effect from the date of Judgement

1.e. 21.2.94. The copies of the letter dated 3.1.84 and 18.4.86 are annexed as Annexure- R-2 and R-3 respectively.

16. That with regard to the statements made in para 5.II the respondents state that the appointment of the applicant on purely temporary basis is justified as the respondents cannot violate the order of Govt. of India on imposition of ban on employment. Hence action taken by the respondents is justified and proper as the service of the applicant has been regularised only after the direction of the Hon'ble Tribunal but not from the date of her initial appointment.

17. That with regard to the statements made in para 5.III, the respondents state that as per the appointment letter issued to the applicant has clearly mentioned vide HQ Eastern Command letter No. 104 022/37/GS(SD)(vi) dated 27 Mar 85 that the appointment for a period of 3 months from the date of employment and the service will be terminated from the date of completion of three months. Therefore, the applicant has got no right to claim all service benefits from her initial appointment since it is nowhere mentioned that she was appointed on regular post. Moreover, the respondents has to adhere to the govt of P India order dated 17.1.85 and 27.3.85 are annexed as Annexure - R-4 and R-5 respectively.

18. That with regard to the statements made in para 5.IV, the respondents state that the Hon'ble Tribunal has clearly mentioned in the Judgement order that the service of the applicants to be regularised in the post of CSBOs within a period of 90 days from the date of receipt copy of the Judgement order. Accordingly, Govt. of India has considered to regularised their services with effect from the date of Judgement i.e.

21.2.94. The respondents has considered the date for regulari-
sation of services of the applicant i.e. 21.2.94 is fully
justified and proper as the verdict of the Judgement states
that " The respondents are directed to regularise the services
of the applicants in the order of CSBOs within a period of
90 days from the date of receipt copy of this Judgement Order."
Submissions made by the applicant are false and baseless, hence
denied.

19. That with regard to the statements made in para 5.v,
the respondents state that the applicant has approached the
Hon'ble CAT for a relief for which ~~in~~ she is not entitled and for
the same relief she approached the Administrative Commandant.

20. That with regard to the statements made in para 5.VI, ~~the~~
the respondents state that the applicant has approached the
Hon'ble CAT for a relief for which she is not entitled. Your
Lordship would be pleased to dismiss her application with costs
as devoid of any merit. The grounds shown also cannot sustain
in law on the facts of the case.

21. That with regard to the statements made in para 6 and
7 of the application, the respondents state that these statements
are not correct and the same are made by suppression of material
fact. As stated above, the applicant had earlier approached
this Hon'ble Tribunal vide O.A. No. 176/91 which has been finally
decided. Therefore this application is liable to be dismissed
for this false declaration.

22. That with regard to the statements made in para 8.1 to 8.IV and 9, the respondents state that under the facts and circumstances of the case and the provisions of law, the applicant is not entitled to any relief whatsoever as prayed for and the application is liable to be dismissed with cost as devoid of any merit.

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 further be pleased to dismiss the application with cost.

Verification.....

VERIFICATION

I, ~~Sri~~ Col Gharsi' Ram, presently
working as Administrative Commandant, Station Cell
Shillong
being duly authorised and competent to sign this verification,
do hereby solemnly affirm and state that the statements made
in para ^{1, to 7, 9 to 14, 16, 18, 19, 20, 21, 22.} ~~to 7~~ are true to my knowledge and belief,
these made in para ^{8, 15, 17.} ~~to 7~~ 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 26th day of
September, 2001, at Guwahati.

Deponent.



COLONEL
ADMINISTRATIVE
COMMANDANT

Tele Mil No 2027

OP IMMEDIATE/REGD SDS

Signal Abhilekh Karyalaya

SIGNALS Records

Post Bag No 5

Jabalpur-482001

3681/1/CA6/PE/EC/46

16 Jun 95

Station Headquarters
Missamari, Assam-784500Station Headquarters
GangtokStation Headquarters
Bengdubi, Darjeeling(WB)Station Headquarters
Silchar CanttStation Headquarters
TejpurADJUSTMENT/POSTING OF CSBOS ON REGULARISATION
OF POSTS AS CSBOS GRADE II

1. The services of 35 CSBOS of following Station Headquarters have been regularised by the Govt of India, Ministry of Defence and they have been taken into the GS Branch Common Roster against the regular vacancies of CSBOS Grade II wef the date of Court judgements decided in their favour :-

- | | |
|----------------------|------|
| (a) Stn HQ Missamari | - 07 |
| (b) Stn HQ Gangtok | - 09 |
| (c) Stn HQ Bengdubi | - 01 |
| (d) Stn HQ Silchar | - 05 |
| (e) Stn HQ Tejpur | - 13 |

2. These 35 CSBOS after taking them into the GS Branch Common Roster, the posting as per Appx 'A' to this letter is hereby ordered.

3. Move of the CSBOS shown at Appx 'A' to this letter will be treated as on public grounds and they will be elegible for TA/DA as per existing rules.

4. As regards, regularisation of posts and reckoning their seniority, the following is pointed out :-

(a) Their seniority to regular establishment will be reckoned only with effect from the date of regular appointment ie, date of Court judgement decided in their favour.

(b) Service rendered on casual basis prior to appointment in regular establishment will not be counted for the purpose of pay fixation etc.

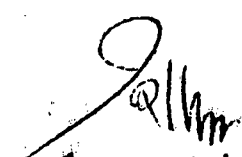
... 2/-

C. T. C
COLONEL
ADMINISTRATIVE
COMMANDANT

Auth :- (i) Govt of India, Min of Def UO No 3877/
JS(0)/95 dated 10 May 95;
(ii) Army HQ (Sigs 4(c)) letter No B/44572/Sigs
4(c) dated 18 May 95;
(iii) Army HQ (Sigs 4(c)) signal No B/44572/Sigs
4(c) dated 05 Jun 95.

5. A copy of Part II Order promulgating regularisation of posts, taking them into the GS Branch Common roster and their adjustment/postings etc may please be forwarded to this office quoting this letter as reference for updating our records. Service card (IAFY-2004) in their respects may also be forwarded duly completed for further retention by this office.

6. Please acknowledge receipt,


A Nair
Lt Col
Chief Record Office
For OIC Records

/mpk

Copy to :-

Dte Gen of Signals, Sigs 4(c) - For info with ref to Army HQ
General Staff Branch letter No B/44572/Sigs 4(c)
Army Headquarters dated 18 May 95, signal No
DHQ PO New Delhi-110011 B/44572/Sigs 4(c) dated 05 Jun 95
and our signal No A 8016 dated
08 Jun 95.

HQ Eastern Command (Sigs Br) X - For info please.
HQ Eastern Command (GS/SD) X

Stan HQ Dehradun
Stn HQ Binnaguri
Stn HQ Pokaran
Stn HQ Ramgarh
Stn HQ Aurangabad
Stn HQ Ahmedabad
Stn HQ Shillong
Stn HQ Jodhpur
Stn HQ Belgaum
Stn HQ Gaya
Stn HQ Dimapur
Stn HQ Guwahati

AC Centre and School
Ahmednagar
IMA, Dehradun
Eastern Comd Sig Regt
Calcutta
UP Area Sig Regt
Bareilly
P&HP Area Sig Regt
Ambala Cantt
Bengal Area Sig Coy
Calcutta

Appendix 'A'

(Refer to para 2 of Signals
Records letter No 3681/1/
CAE/PE/EC/46 of
16 Jun 95)

Ser No	Particulars of the individual	From	Unit posted
(a)	(b)	(c)	To (d)
1.	Shri Madan Chandra Urma	Station HQ Misamari	AC Centre and School Ahmednagar
2.	Shri Jogeshwar Nath	-do-	-do-
3.	Shri Lakhinder Khosla	-do-	Stn HQ Dehradun
4.	Shri Pulin Sharma	-do-	-do-
5.	Kum Mun Mun Das	-do-	Stn HQ Binnaguri
6.	Smt Bedvati Das	-do-	-do-
7.	Shri Prasanna Kumar Das	-do-	Bengal Area Sig Coy Calcutta
8.	Shri AK Patnaik	Station HQ Gangtok	East Comd Sig Regt Calcutta
9.	Shri K D Tanang	-do-	-do-
10.	Shri B K Mistry	-do-	Stn HQ Pokaran (Raj)
11.	Shri Vijay Rajan	-do-	Stn HQ Ramgarh
12.	Shri Amal Chanda	-do-	Stn HQ Aurangabad
13.	Shri Radha Krishnan	-do-	UP Area Sig Regt Bareilly
14.	Shri Manoj Kumar Bishoyi	-do-	IMA, Dehradun
15.	Shri Sunil Kumar Das	-do-	Stn HQ Ahmedabad
16.	Shri Ravi Lama	-do-	-do-
17.	Shri Kumar Pushkar	Station HQ Bengdubi	Bengal Area Sig Coy Calcutta

... 2/-

C. T. C.

COLONEL
ADMINISTRATIVE
COMMANDANT

Appendix 'A'

(Refer to para 2 of Signals
Records letter No 3681/1/
CAS/PE/EC/ 46 of 16 Jun 95)

(a)	(b)	(c)	(d)
18.	Smt Anita Bhattacharjee	Station HQ Silchar	Stn HQ Shillong ✓
19.	Shri Babu Mia Chowdhary	-do-	Stn HQ Jodhpur
20.	Shri Ranjit Kumar Dutt	-do-	-do-
21.	Shri Shahabuddin Barbhuiya	-do-	Stn HQ Belgaum
22.	Kum Indrani Biswas	-do-	Stn HQ Shillong ✓
23.	Shri Indu Kumar Hazarika	Station HQ Tezpur	PH & HP Area Sig Regt, Ambala Cantt
24.	Shri Saroj Kumar Mohanta	-do-	-do-
25.	Shri Satyajit Baruah	-do-	Stn HQ, Patna Gaya
26.	Smt Depali Gogoi (Kalita)	-do-	Stn HQ Dimapur
27.	Smt Chandi Sarkar (Das)	-do-	-do-
28.	Smt Ratna Borah (Sarma)	-do-	-do-
29.	Smt Labanya Bora (Shekhawat)	-do-	-do-
30.	Smt Mina Saikia	-do-	-do-
31.	Shri Biren Lalita	-do-	Stn HQ Guwahati
32.	Smt Gayatri Devi	-do-	-do-
33.	Shri Dipen Kumar Hazarika	-do-	Stn HQ Shillong ✓
34.	Smt Sabita Paul	-do-	Stn HQ Guwahati
35.	Shri Pranjit Baruah	-do-	Bengal Area Sig Coy Calcutta

-13-27

Antu

Shillong (128)

Tele : 277

101 Area Mukhyalaya
Headquarters 101 Area
c/o 99 APO

60

Jul 84

Annexure-R-2

30

0711/1/R/GS(SD)

HQ 1 Sub Area
HQ 1 Sub Area
HQ Stn Shillong

LHQ

RECRUITMENT RULES AND CREATION OF AVENUES
OF PROMOTION FOR CONSERVANCY PERSONNEL

1. Further to Army HQ letter No B/60430/SD 6 B dated 23 Mar 84. (Copy att).
2. It is intimated that the Government vide their OM No. F.7(1)-E(Coord)/84 dated 03 Jan 84 have imposed an absolute and complete ban on creation of new non-operational posts till Sep 84. You are, therefore, requested to issue necessary instructions to all Headquarters/formations/SAs under your command to ensure that no new posts as given in Army Headquarters letter under reference are created in the conservancy establishments till the ban is relaxed by the Government.
3. The process of filling up of posts which have already been created at various Station Headquarters but have yet been filled may also be held in abeyance till further orders from this Headquarters. There is, however, no ban on filling up of posts on compassionate grounds.

Auth : (Army HQ letter No B/60430/SD6B dated 02 Jul 84).

(R S Bathh)
Capt
GSO 3
for Col GS

Internal

Camp

'A' Branch

STATION HEADQUARTERS	
DATE	30/7
BY	30/7
FOR	30/7
BY	30/7
FOR	30/7

C. T. C
CORONEL
ADMINISTRATIVE
COMMANDANT

14 ~~179~~ Annexure R-3 (101)
Tele 3018903

OP IMMEDIATE/REGISTERED/SDS
Staff Duty Mahanideshalaya (SD 6B)
General Staff Shakh
Sena Mukhyalaya
Dte General of Staff Duties (SD6B)
General Staff Branch
Army Headquarters
DHQ PO New Delhi 110011

B/60884/SD 6B

18 Apr 86

Station HQ

Shillong

RELAXATION OF BAN ON FRESH RECRUITMENT

1. The Government have imposed a complete ban on filling up as well as creation of new civilian posts with effect from 03 Jan 84 till further orders. Since then a number of vacancies might have arisen due to retirement/death/resignation of the incumbents. As such great difficulties are being experienced by the various units and establishments owing to non-filling up of vacancies of civilian employees. To overcome this difficulty, a general case for relaxation of ban for certain categories posts was taken up through AG's Branch with Min of Def. The data regarding the deficiencies of certain categories of personnel was furnished to the Min of Def on the basis of figures available with this HQ upto Aug/Sep 85.

2. It has now been stated by AG's Branch that the number of deficiencies in the categories projected by this Directorate would have been increased due to wastages, etc. They have, therefore, desired to furnish a statement of deficiencies which have occurred till 31 Mar 86. This information may be furnished in the attached proforma in respect of cooks, watchmen/ chowkidars/Range chowkidars, safaiwalas, tailors, boot repairers, washermen, barbers and consy safaiwalas only, who are under the admn control of this Dte (SD6B) and should reach this HQ by 09 May 86 positively.

BMS/DBR

urgent action

28/4

(Krishan Kumar)

Civilian Staff Adhikari/CSO
General Staff Afsar/GSO 2 SD6B
Kritey Up Senadhyaksh/
-For Deputy Chief of the Army Staff

C. T. C

COLONEL
ADMINISTRATIVE
COMMANDANT

-15-

Date	
STN CODE	
ADM CODE	
WCLX	
62	PROFORMA
STATEMENT SHOWING NUMBER OF AUTHORISED STRENGTH, DEFICIENCIES AND VACANCIES RECOMMENDED TO BE FILLED UP	

Sr. No.	Category	Authorised strength as in Aug/Sep 85	Deficiencies as in Aug/Sep 85
1	2	3	4
1.	Cooks		
2.	Watchmen/Chowkidars/Range Chowkidars		
3.	Safaiwalas		
4.	Tailors		
5.	Boot repairers		
6.	Washermen		
7.	Barbers		
8.	Conservancy Safaiwalas		
Authorised strength as on 31 Mar 86	Deficiencies as on 31 Mar 86	Vacancies recommended to be filled up	Remarks
5	6	7	8

Note :-

- Sl.No 1-7 - Authorised on PE of the Est.
- Sl.No 8 - Authorised on Supplement Est of the PE.

Station Hq
Shillong

SDS

No B/60884/SD 6B
dated 18 Apr 86

ACSO/SD6B
24 Apr 86

16

Annexure-R-4

Tale : FM 223

Purv Kaman Mukhyalaya
Headquarters
Eastern Command
Fort William
Calcutta - 700021

104022/37/65(SD) (v1)

17 Jan 85

HQ 101 Area
C/O 99 AFU

EMPLOYMENT OF CIVILIAN SWITCH BOARD
OPERATORS ON TEMPORARY BASIS

1. Reference our letter No 104022/37/65(SD) dated 17 Nov 83 and your reply thereto.
2. Under the provisions of rule 58 and 59 of Financial Regulations Part I of 1963, sanction of the General Officer Commanding-in-Chief Eastern Command is hereby accorded for temporary employment of 10 Civilian Switch Board Operators and 2 Supervisors for Station Headquarters Silchar for a period of 3 months from the date of employment.
3. The above vacancies may please be filled up as per existing order.

S. Wadhawan
(S. Wadhawan)

Col

Col GS(SD)

for General Officer Commanding-in-Chief

Copy to :-

HQ 51 Sub Area

Station Headquarters - 2 copies
Silchar

C. T. C.

[Signature]
PERSONAL
ADMINISTRATIVE
COMMANDANT

Annexure-R-5
Station Mukhyalaya
Station Headquarters
Silchar Cantt
Po : Arunachal-788 025
Distt : Cachar (Assam)

27 Mar 85

64

m/42/Est

ss ANITA SHARMA, D/O & C. T.
i Sitangshu Mohan Sharma. Vill-Arunachal
-ARUNACHAL. Distt-Cachar (Assam)

APPOINTMENT CIVILIAN SWITCH BOARD OPERATOR

Having been selected for appointment of temporary civilian
Switch Board Operator in the pay scale of B 260-6-290-EB-8-326-8-
6-EB-8-390-10-400, you are directed to report to Station HQ
Silchar Cantt on 03 Apr 85 at 0800 hrs for medical examination.
In case you are found medically unfit, your selection will be
treated as cancelled.

Please note that your service will be terminated from the
date of completion of 3 (three) months, if further sanction not
received from higher authorities.

/1s

Vikram Narula
(Vikram Narula)
Major
SSC
for Adm Comdt Cl-1

e. t. e

[Signature]
COLONEL
ADMINISTRATIVE
COMMANDANT

78 -
Registered with A.D.

Order
Respect. No. 1
O.A No. 176/91

IN THE
Silchar Cantt.

CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH : GUWAHATI

DESPATCH NO. 820

DATED GUWAHATI, THE 1/3/74

ORIGINAL APPLICATION NO. : 173, 174, 175, 176 & 177/91.
MISC. CASE NO. :
CONTEMPT CASE NO. :
REVIEW APPLICATION NO. :
TRANSFER APPLICATION NO. :

Shri Sahab Uddin Barbhuiya APPLICANT (S) /
S.O.S. PETITIONER (S)

VERSUS

Union of India S.O.S. RESPONDENT (S)

To

Adm. Commandant,
Signal Centre, 57,
Mtn. D.W. Sig. Regt.,
Station H.Q., Silchar Cantt.,
C/O. 22 A.P.O. --

Sir,

I am directed to forward herewith a copy of Judgment/Order dated 21.2.74 passed by the Bench of this Tribunal comprising of Hon'ble Justice Shri S. Haque Vice-Chair-man and Hon'ble Shri G.L. Sanghvi Member, Administrative in the above noted case, for information and necessary action, if any. Please acknowledge receipt.

Yours faithfully,

Enclo. : As above.

C. 7. C

173-287494
DEPUTY REGISTRAR (JUDL.)

1/3/74

ADML
ADMINISTRATIVE
COMMANDANT

19
CENTRAL ADMINISTRATIVE TRIBUNAL
GUJARATI BENCH
GUJARATI

66

Original Application Nos. 173/91, 174/91, 175/91, 176/91
and 177/91.

Date of Order:- This the 21st day of February, 1994.

Hon'ble Justice Shri S. Haque, Vice-Chairman

Hon'ble Shri G.L. Sanglyine, Member (Administrative)

O.A. 173/91

Shri Sahab Uddin Barbhuiya
son of Shri Sarafat Ali Barbhuiya,
Village, Septagram, P.O. Dholai,
District, Cachar. ... Applicant

-Versus-

1. Admn. Commandant, Signal Centre, 57, Mtn.
D.W. Sig. Regt., Station H.O., Silchar Cantt.,
C/o 99 A.P.O.

2. Union of India (Through Secretary, Defence,
Government of India).

... Respondents.

By Advocates Shri G.N. Sanevala, Shri N. Choudhury
and Shri M. Chanda on behalf of the applicant.

By Advocate Shri M.K. Choudhury, Addl. C.G.S.C. on
behalf of the respondents.

O.A. No. 174/91.

Shri Babu Mia Choudhury, son of
Shri Nur Uddin Choudhury, Village, Moragang,
P.O. Sibpur, Dist. Cachar. ... Applicant.

By Advocates Shri G.N. Sanevala, Shri N. Choudhury
and Shri M. Chanda.

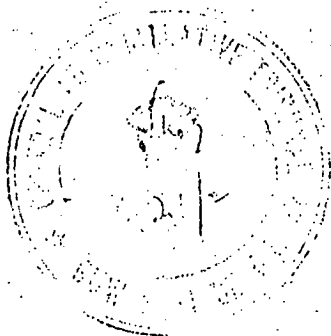
-Versus-

1. Admn. Commandant, Signal Centre, 57, Mtn. D.W.
Sig. Regt., Station H.O., Silchar Cantt.,
C/o 99 A.P.O.

2. Union of India (Through Secretary, Defence,
Government of India).

... Respondents.

By Advocates Shri G.N. Sanevala, Shri N. Choudhury
and Shri M. Chanda.



-: 2 :-

O.A. 175/91

Miss Indrani Biswas, O/O Sub Maj K.C.
Biswas, Village, Assami Basti, P.O. Tarapur,
Pt. II, Silchar Dist. Cachar (Assam).

.... Applicant

By Advocates Shri G.N. Sahewalla, Shri N.G.
and Shri M. Chanda.

-Versus-

1. Admn. Commandant, Signal Centre, 57, Mtn.
D.W. Sig. Regt. Station H.I., Silchar G.
C/O 99 A.P.O.
2. Union of India (Through Secretary, Defence
Government of India, New Delhi).

... Responder

By Advocate Shri A.K. Choudhury, Addl. C.G.

O.A. 176/91.

Mrs. Anita (Sharma) Bhattacharjee, wife
Shri Nirmalendu Bhattacharjee, Chandhari
Silchar-3, Dist. Cachar.

... Applicant

By Advocates Shri G.N. Sahewalla, Shri N.G.
and Shri M. Chanda.

-Versus-

1. Admn. Commandant, Signal Centre, 57, Mtn.
Sig. Regt., Station H.I., Silchar Cantt.
C/O 99 A.P.O.
2. Union of India (Through Secretary, Defence
Government of India, New Delhi).

... Responder

By Advocate Shri A.K. Choudhury, Addl. C.G.

O.A. 177/91.

Shri Ranjit Kumar Dutta, son of late
Rabindra Chandra Dutta, P.O. & Village-
Noonapani, District, Cachar (Assam), present
posted at Station H.I. Silchar Cantt.,
Dist. Cachar.

... Applicant

By Advocates Shri G.N. Sahewalla, Shri N.G.
and Shri M. Chanda.



-Versus-

1. Admn. Commandant, Signal Centre, 57, Mtn. D.W.
Sig. Regt. Station H.I., Silchar Cantt.,
C/O 99 A.P.O.
2. Union of India, (Through Secretary, Defence,
Government of India, New Delhi).

...Respondents.

By Advocate Shri A.K. Choudhury, Addl. C.C.S.C.

O R D E R

H A I L E, J.

All the above five applications are heard analogously for common cause of action and reliefs sought for by the five applicants serving as Civilian Switch Board Operators under respondent No. 1 namely, Admn. Commandant, Signal Centre, 57, Mtn. D.W. Sig. Regt. Station H.I., Silchar Cantt., C/O 99 A.P.O. Applicant Mrs. Anita (Sarma) Bhattacharjee is serving since June, 1985 continuously with artificial breaks as temporary casual CSBOs. Applicants Shri Babu Mia Choudhury and Shri Ranjit Kumar Dutta are serving since February, 1986 continuously with artificial breaks as temporary casual CSBOs. Applicant Miss Indrani Biswas is serving since August, 1986 continuously with artificial breaks as temporary casual CSBO. Applicant Shri Sahabuddin Farbhuiya is serving since October, 1989 continuously with artificial breaks as temporary casual CSBO. Presently, all the five applicants are serving continuously since last date of appointments pursuant to order dated 10.1.92 passed in Misc. Petition Nos. 3 to 7 of 1992. They have now prayed for directions on the

contd. 4/-



respondents to regularise their services in the posts of CSBOs with effect from the date of their initial appointments. Perused statement of grievances common in the applications with similar prayers. The respondents have filed written statements in each case with similar pleas and stating mainly in para 20 that the unit concerned is on the move in short notice, as such, CSBO cannot be taken along with unit and therefore regular appointments are not made.

2. Learned counsel Mr M.Chanda on behalf of applicants submits that the grievances of the five applicants are similar to the grievances of the applicants of O.A.No.185/90 and series (three cases) and O.A.No.184/92 and series (three cases) disposed of on 25.5.93 and 17.11.93 respectively directing respondents to regularise the temporary CSBOs and prays for similar reliefs. Perused facts and law of the disposed of cases and found that the grievances of the present five applications are similar and therefore the present applicants deserve similar treatment and reliefs.

3. Learned Addl.C.G.S.C.Mr A.K.Choudhury submits with reference to para 20 of the written statement and the difficulties faced by respondents on that ground to regularise services of applicants. Mr Chanda submits that regular incumbents of some permanent establishments may also suffer for move of the establishments or parts thereof and for such anticipated situation process of regularisation of

contd.3/-



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temporary employees cannot be stopped. There is force in the submissions of Mr Chanda. Plea taken by respondents to defeat claim of applicants cannot be accepted.

4. All observations and findings of the previous judgments referred to above are aptly applicable in these cases. We also rely on the decision in the case Akhil Ch.Dev & Ors. -Vs- Union of India & Ors. reported in 1991(1)SLR 417 of CAT Calcutta Bench. That decision relates to temporary CSBO for regularisation and directions were given. It will be unjust for the applicants if their services are utilised by respondents like past years with artificial breaks without regularisation then they would suffer irreparable loss due to age bar to seek other employments. The service-employment ethics do not permit that they should be kept under uncertain expectation of regularisation after serving so many years. By now some of them have attained age bar for pursuit of other employments. The only recourse now left is to regularise them in the posts of CSBOs under the respondents to uphold the service-employment ethics and to safeguard their service career. We decide to award them similar reliefs granted in the earlier case.

5. All the five applications are allowed. The applicants are entitled to be regularised in the service as CSBOs under respondents.



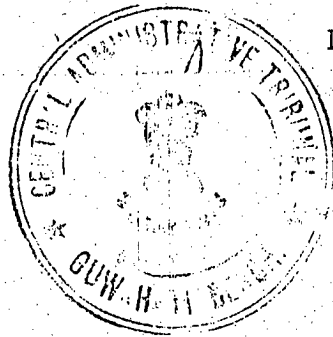
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-: 6 :-

Accordingly, the respondents are directed to regularise the services of the applicants in the post of CSOs within a period of 90 days from the date of receipt copy of this Judgment/Order. Respondents are further directed not to interfere or terminate the services of the applicants before regularisation and in that view our interim orders dated 10.1.92 passed in Misc. Petition Nos. 3 to 7 of 1992 are made absolute.

Inform all concerned.



Sd/- S. Haque
VICE CHAIRMAN

Sd/- G.L. Sanglying
MEMBER (ADMIN)

TRUE COPY

28/2/94
Section Officer (Judicial)
Central Administrative Tribunal
Guwahati Bench, Guwahati.

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Ar. No 7

Mukhyalaya 41 Sub Area
Headquarters 41 Sub Area
E/O 99 APO

71

341/11/IMP/GS (SD) (1)

14 Jun 95

Stn HQ Silchar

REGULARISATION OF TEMP CSBOs

1. It is for your info that services of 05 CSBOs as per details given at Appx have been regularised by Govt of India, Min of Def and will be taken in GS Branch common roster maint by Sig Records Jabalpur.

2. This has the approval of Govt of India, Min of Def vide GO No 3877/JS (O)/95 dt 10 May 95.

(Auth: Army HQ Sigs 4 (b) letter No B/44572/Sigs 4 (c) dt 18 May 95 and HQ 101 Area letter 10711/12/GS (SD) dt 07 Jun 95).

Sd/- x x x x x
(MC Thupa)
Lt Col
Offg Col GS

APPX

(Ref to para 1 of HQ 41 Sub Area letter No 341/11/IMP/GS (SD) dt Jun 95)

DETAILS OF CSBOs TO BE REGULARISED IN HQ 41 SUB AREA

Ser No	OA No	Branch	Name of CSBOs	Stn HQ	No of CSBOs
1.	73/91	Guwahati	Mrs Anita Bhattacharjee Silchar		
	74/91		Babu Mia Chowdhury		
	75/91		Ranjit Kumar Dutta		
	76/91		Shahabudin Barbhuiya		
	77/91		MS Indrani Biswas		