

30/10/00
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

✓ (DESTRUCTION OF RECORD RULES, 1990)

INDEX

✓ O.A/T.A No. 72/01.....
R.A/C.P No.....
E.P/M.A No.....

1. Orders Sheet..... O.A Pg. 1 to 2
2. Judgment/Order dtd. 28.8.2001 Pg. 1 to 4 Allotted
3. Judgment & Order dtd. Received from H.C/Supreme Court
4. O.A..... Pg. 1 to 29
5. E.P/M.P..... Pg. 1 to
6. R.A/C.P..... Pg. 1 to
- ✓ 7. W.S. No. 10 H..... Pg. 1 to 29
8. Rejoinder..... Pg. 1 to
9. Reply..... Pg. 1 to
10. Any other Papers..... Pg. 1 to
11. Memo of Appearance.....
12. Additional Affidavit.....
13. Written Arguments.....
14. Amendment Reply by Respondents.....
15. Amendment Reply filed by the Applicant.....
16. Counter Reply.....

SECTION OFFICER (Judl.)

Shafiq
5/12/19

FORM NO.4
(See Rule 42)

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

ORDER SHEET
APPLICATION NO

72 OF 200 1

Applicant (s)

Sri Suresh Bontha & Sons.

Respondent(s) Tom & sons

Advocate for Applicant(s) Mr B.K. Sharma

Mr B.K. Sharma.

Mr S-Sarma & H.K.Goswami.

Notes of the Registry Date

Order of the Tribunal

Mentian case.

14.2.01

Present: Hon'ble Mr. Justice
D.N.Choudhury, Vice-Chairman.

Heard learned counsel for the parties.

Application is admitted. Issue notice on the respondents. Call for records. Returnable by 4 weeks

Issue notice on the respondent as to why interim order shall not be granted as prayed for. In the meantime the respondents are directed to allow the applicants to continue ⁱⁿ ~~in~~ their present post till the returnable date.

List on 14.3.01 for orders.

16-2-2001

Jm

Service of Notice issued
to the respondent in
D. no. 676-617 dt. 22.2.0

14.3.01

Heard learned counsel for
the parties.

Mr. A. Deb Roy, Sr. C.G.S. C. prays for time to file written statement. Prayer is allowed. List on 9.5.01 for orders. Meanwhile the interim order shall remain in operation.

101 Shan
Member

Member

105

1m

9.5.2001

No written statement so far have been filed. The respondents may file written statement within six weeks.

List on 20.5.2001 for orders.

In the meantime interim order shall continue.

24.3.01

Notice duly served on Regd No. 13, 4.

bb

20.6.01

At the request of Mr. B.C. Pathak, Addl. C.G.S.C. 4 weeks time is allowed for filing of written statement. List on 20.7.01 for orders.

Vice-Chairman

Born

No written statement has been filed.

lm

19.6.01

20.7.01

List the matter on 24.8.2001 for hearing alongwith O.A.316/2000 & 291/2000. Respondents may file written statement during this period.

IC Uddin

Member

19.7.2001

No. W/statement has been filed

Born

bb

24.8.01

A prayer has been made on behalf of Mr B.C. Pathak, learned Addl.C.G.S. C who is absent today by Sri A. Deb Roy for adjournment of the case.

List again on 28.8.01 for hearing.

Vice-Chairman

31.8.2001

Copy of the judgment has been sent to the D/sec for issuing the same to the applicants, as well as to the respondents by post, by the cost of application.

pg

28.8.2001

Heard the learned counsel for the parties. Hearing concluded. Judgment delivered in open court, kept in separate sheets. The application is allowed. No order as to costs.

Vice-Chairman

CENTRAL ADMINISTRATIVE TRIBUNAL ::
GUWAHATI BENCH.

O.A./~~MAXX~~ NO. . 72 of 2001

DATE OF DECISION 28.8.2001

Shri Suren Borah and 2 others

APPLICANT(S)

Mr B.K. Sharma, Mr S. Sarma and

Mr U.K. Goswami

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

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.72 of 2001

Date of decision: This the 28th day of August 2001

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

1. Shri Suren Borah
2. Shri Kesham Gohain
3. Shri Babul Das

..... Applicants

Applicants are Casual Workers in the
Office of the SD0t, Golaghat
(Now DTO, Golaghat).

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

- versus -

1. The Union of India, represented by the
Secretary to the Government of India,
Ministry of Communication,
New Delhi.
2. The Chief General Manager,
Telecom, Assam Telecom Circle,
Ulubari.
3. The Telecom District Manager,
Jorhat.
4. The District Telecom Officer,
Golaghat.

..... Respondents

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

.....

O R D E R (ORAL)

CHOWDHURY. J. (V.C.)

The case pertains to grant of temporary status. The three applicants in this application claim to be casual workers, who worked in the Office of the SD0, Golaghat presently cited as DTO, Golaghat. In the application it was pleaded that the applicant No.1 was initially appointed as casual worker in the month of April 1996 in the Office of the respondent No.4. Prior to it he was working as a Muster Roll employee in the year 1992. He was allotted work of regular nature

like that of a Grade 'D' employee. The applicant No.2 claims that he was initially appointed as a casual labourer in August 1992 under the respondent No.4 and rendered service like that of a regular Grade 'D' employee. Prior to it he worked as a Muster Roll employee. The applicant asserted that he was initially appointed as a casual labourer in January 1991 and he was allotted work of Office Peon under the respondent No.3. Like the other two applicants he was also engaged as a Muster Roll employee prior to 1991. All these applicants put up their claim for conferring them the temporary status as per the accepted norms, vis-a-vis the grant of temporary status under the scheme known as "Casual Labourers (Grant of Temporary Status and Regularisation) Scheme, 1989.

2. The respondents submitted their written statement and pleaded that the applicant Nos.1 and 2 were engaged to perform casual nature of work and they were paid on daily rate basis. As regards applicant No.3, it was stated that there were two casual labourers of the same name under the respondent No.3. One Keshab Gohain, son of Biswanath Gohain was engaged on November 1992 and was disengaged on 1.6.1998 and he was paid on ACG-17. The other Keshab Gohain, son of Ratneswar Gohain was engaged on August 1993 and was disengaged on 1.9.1994. The respondents stated that pursuant to the order dated 31.8.1999 divisionwise verification committees were formed to verify the claim of each casual labourers. The case of the applicants were also verified by the committee constituted for the purpose. The committee after thorough scrutiny of all connected records submitted its finding in respect of all casual labourers. As per the report of the committee amongst the three applicants, only Shri Babul Das completed 240 days of service in a year, but his case was not considered for grant of temporary status as he was not on engagement on 1.8.1998. As regards the other two applicants it was stated that since they did not fulfil the required length of service they also could not be granted temporary status.

3. I have heard Mr S. Sarma, learned counsel for the applicants and Mr B.C. Pathak, learned Addl. C.G.S.C. The object of the Scheme, was to give temporary status to those persons who had completed 240 days of service. The Scheme was extended from time to time. One such Circular bearing No.269-4/98-STN-II dated 12.2.1999 circulated with letter No.269-13/99-STN-II dated 12.2.1999 on the subject conveyed the approval for grant of temporary status to the casual labourers eligible as on 1.8.1998 and for regularisation of casual labourers with temporary status who were eligible as on 31.3.1997. As per the communication eligibility was to be determined as on 1.8.1998. That did not naturally convey the meaning that one should be in appointment on 1.8.1998. In the instant case since the applicant No.3 completed 240 days of service, his purported disengagement on 1.6.1998 would not disentitle him for being considered for grant of temporary status. The respondents obviously fell into error in not granting temporary status to applicant No.3, despite his fulfilling the eligibility criteria by completing 240 days service. The respondents are accordingly directed to take up the matter for consideration of the case of the applicant No.3 in the light of the Scheme.

4. As regards applicant Nos.1 and 2, I am of the view that ends of justice will be met if a direction is given to the respondents to re-examine their case afresh. In the event the applicants are also directed to submit fresh representations narrating all the facts before the respondents to enable the respondents to reconsider their case. The applicants shall place the materials which were placed before us in support of their contentions by producing the connected records, which were furnished here. The respondent authority shall verify those along with other connected records and scrutinise the records and examine the applicants' entitlement in the light of the observations made above. The applicants are accordingly directed to file fresh representations within three weeks from the date of receipt of the order so that the respondents can examine the same by giving them adequate opportunity

to.....

to place their case. In the case of applicant No.3, the respondents shall pass an appropriate order in the light of the observations made above for grant of temporary status. The respondents are directed to complete the aforesaid exercise as early as possible, preferably within three months from the date of receipt of the representations.

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


(D. N. CHOWDHURY)
VICE-CHAIRMAN

nk m

केन्द्रीय प्रसंसनिक अधिकारक
Central Administrative Tribunal

187 14 FEB 2001

गुवाहाटी न्यायालय

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH.

Title of the case :-

D.A. No. 72 of 2001

BETWEEN

Shri Suren Borah & Ors. Applicants.

AND

Union of India & Ors. Respondents.

I N D E X

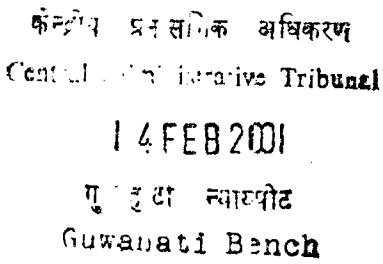
Sl.No.	Particulars	Page No.
1.	Application	1 to 11
2.	Verification	12 - 13
3.	Annexure-1	13 - 14
4.	Annexure-2	15 - 18
5.	Annexure-3	19
6.	Annexure-4	20 - 23
7.	Annexure-5	24 - 31

Filed by : S. Sarma, Advocate.

Regn. No. :

File No. : WS7/SUREN

Date : 14-2-2001



10

Filed by
Lokendra Jaiswar
14/2-2001

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH : GUWAHATI

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

D.A. No. of 2001

Between

1. Shri Surer Borah.
Casual Worker, In the Office of the, SDOT Golaghat.
(Now DTO Golaghat),
→ 1) Not on Exam
1.8.98
2. Shri Keshab Gohain.
Casual Worker, In the Office of the, SDOT Golaghat.
(Now DTO Golaghat),
2) Not on Exam
290-15
3. Shri Babul Das,
Casual Worker, In the Office of the, SDOT Golaghat.
(Now DTO Golaghat),
... Applicants.

- AND -

1. Union of India, represented by the Secretary to the, Government of India, Ministry of Communication, Sansar, Bhawan, New Delhi-1.
2. The Chief General Manager, Telecom, Assam Telecom Circle Ulubari Guwahati.
3. The Telecom District Manager, Jorhat.
4. The District Telecom Officer, Golaghat.
..... Respondents.

DETAILS OF THE APPLICATION.

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

The present application is not directed against any particular order but has been made against the action of the part of the Respondents in not considering the case of the Applicants for grant of temporary status and regularisation in the light of

14 FEB 2001

ग्रन्ति नियम

Apex Court verdict and the ~~Guwahati~~ ^{2nd} ~~Guwahati~~ prepared pursuant to the said verdict as well as subsequent clarifications issued from time to time by the Respondents. The Applicants through this application pray for an appropriate direction to the Respondents to extend the benefit of the scheme as well as its subsequent clarifications by granting temporary status and subsequent regularisation.

2. JURISDICTION OF THE TRIBUNAL

That the Applicants declare that the subject matter of the present application is well within the Jurisdiction of this Hon'ble Tribunal.

3. LIMITATION

The Applicants declare that the present application have been filed within the limitation period prescribed under Section 21 of the Administrative Tribunal Act 1985.

1.1.98

4. FACTS OF THE CASE

4.1. That the Applicants are citizens of India and as such they are entitled to all the rights and privileges as guaranteed under the Constitution of India and laws framed thereunder.

4.2. That the Applicant No.1 initially got his appointment as a casual worker in the in the month of April 1996 in the office of the Respondent No.4. Prior to his such appointment he was appointed as Muster Roll worker in the year 1992. After his aforesaid appointment as Casual Worker, he was allotted the work of regular nature like the other Gr-D workers. The applicant although has been appointed as casual worker but in fact he has been treated as regular Gr-D staff in all respect and he has been

getting his salary under the departmental pay bills like ACG-17. The applicant is a sponsored candidate from the local Employment Exchange and till date he has been working without any break.

The Applicant No.2 initially got his appointment as casual worker in the year 1992 (Aug) under respondent No.4. He was allotted the regular nature of work as regular Gr D staff under the said respondents. Prior to his such appointment he has been working as Muster Roll Worker under the respondents since 1991. Thereafter his service has been converted to Casual worker and he has been continuing as such till date. The applicant No 2 is a sponsored candidate from the local Employment Exchange and each year from the year 1993 he has completed 240 days of casual work, however, under the regular establishment of the respondents No 3.

The applicant No 3 initially got his turn of appointment in the month of January '91 as casual worker and often he has been allotted the work of Office Peon in addition to his regular work of casual worker under the Respondent No.3. Like the other applicants he was also engaged as Muster Roll worker under the respondents prior to 1991 and thereafter he got the present post on casual basis. He is also a sponsored candidate by the local Employment Exchange.

The cause of action and relief sought for by all the four applicants are similar and hence they pray for joining together in a single application invoking Rule 4(5)(a) of Central Administrative Tribunal (Procedure) Rules 1987.

Since the date of engagement is not in dispute, the Applicants instead of annexing all the certificates, beg to produced the certificate regarding their engagement at the time of hearing of the case.

4.3. That the applicants initially appointed as a Muster Roll worker on various dates and their services were put under the casual establishment after 2/3 years of service and as such they are entitled to get the benefit of the scheme prepared pursuant to a verdict of Hon'ble Supreme Court. The applicants beg to state that since their date of entry in to the services under the respondents, each year they have been continuously working for more than 240 days and as such they fulfill all the required qualifications as described in the scheme and its subsequent clarifications issued from time to time. Till date they have been working as casual worker but the Respondents have not yet granted them temporary status and other benefits as described in the scheme as well as its subsequent clarifications.

4.4. That the Applicants beg to state that some of the casual workers of the Department of Post had approached this Hon'ble Supreme Court and the Hon'ble Supreme Court after hearing the parties was pleased to issue direction to the official Respondents thereto to prepare a scheme. Claiming similar benefit another set of casual workers working in the Telecommunication department also approached the Hon'ble Supreme Court seeking a similar direction and the said matter was also disposed of by a similar order and direction has been issued to the Respondents to prepare a scheme on rational basis for the casual workers who has been working continuously for one year and who have completed 240 days of continuous service.

A copy of the order of the Hon'ble Supreme Court is annexed herewith and marked as Annexure-1.

4.5. That the Applicant begs to state that the Respondents thereafter issued an order vide No. 269-10/89-STN dated 7.11.89

केन्द्रीय सरकारी अधिकारी
Central Public Sector Undertaking
14 FEB 1991
Guwahati Bench

14

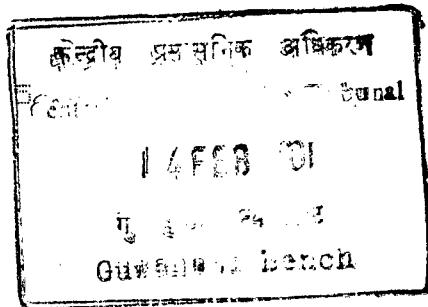
by which a scheme in the name and style "casual laborers" (grant of temporary status and regularisation scheme 1989) has been communicated to all heads of Departments. As per the said scheme certain benefit have been granted to the casual workers such as conferment of temporary status, wages and daily rates etc.

A copy of the order dated 7.11.89 is annexed herewith and marked as Annexure-2.

4.6. That the Applicants state that as per the direction contained in Annexure-1 judgment of the Hon'ble Supreme Court and Annexure-2 schemes they are entitled to get the benefit including temporary status and subsequent regularisation. The Applicants fulfill required qualifications mentioned in the said judgment and as such they are entitled to all the benefits as described in the aforesaid scheme.

4.7. That the Applicant begs to state that after issuance of Annexure-2 schemes dated 7.11.89 the Respondents issued an order vide No. 269-4/93-STN-II dated 17.12.93 by which the benefit conferred to the casual workers by the said scheme has been clarified.

4.8. That the Applicants beg to state that of the Respondents thereafter have issued various orders by which modification/clarifications has been made in the aforesaid Annexure-2 scheme dated 7.11.89. By the aforesaid clarifications the Respondents have made the scheme applicable to almost all the casual workers who have completed 240 days continuous service in a year. To that effect mention may be made order dated 1.9.93 issued by the Government of India Department of Telecommunication



by which the benefit of the scheme has been extended the
recruitees up to 1.8.98.

A copy of the said order dated 1.9.99 is annexed
and marked as Annexure-3.

4.9. That the applicants beg to state that some of the
similarly situated employees like that of the Applicant had
approached this Hon'ble Tribunal by way of filing OA No. 299/96
and 302/96 and the Hon'ble Tribunal was pleased to passed an
order dated 13.8.97 directing the Respondent to extend the bene-
fit, of the said scheme.

A copy of the order dated 13.8.97 is annexed here-
with and marked as Annexure-4.

4.10. That the applicants being aggrieved by the said action
submitted numbers of representations to the concerned authority
i.e. Respondent No. 2 for grant of temporary status and regulari-
sation but till date nothing has been done so far in this matter.

The Applicants instead of annexing all the
representations beg to produce all the representations at the
time of hearing of the case.

4.11. That the applicants beg to state that under similar
facts situation numbers of casual workers had approached this
Hon'ble Tribunal by way of filing various OAs and the Hon'ble
Tribunal after hearing the parties to the proceeding was pleased
to dispose of the said OAs by a common judgement and order dated
31.8.99 directing to the Respondents to consider their cases in
the light of Hon'ble Apex Court verdict as well as the scheme and
its subsequent clarifications issued from time to time.

A copy of the said judgment and order dated 31.8.99

is annexed herewith and marked as Annexure-5.

4.12. That the applicants beg to state that their cases are covered by the aforesaid judgement of this Hon'ble Tribunal. It is stated that pursuant to the aforesaid judgment and order dated 31.8.99 the Respondents have initiated proceedings for filling up at least 900 posts of DRM under Assam Circle. However, the Respondents have only taken into consideration those casual labourers who had approached this Hon'ble Tribunal and in whose favour the Hon'ble Tribunal has given the direction. The applicants has been pursuing the matter before the Respondents but the Respondents have shown their helplessness in absence of any order of this Hon'ble Tribunal. It is therefore the applicants have come under the protective hands of this Hon'ble Tribunal, praying for an appropriate direction from this Hon'ble Tribunal to the Respondents to consider their cases for grant of temporary status and regularisation in accordance with the verdict of the Hon'ble Apex Court as well as the scheme and its subsequent clarifications issued from time to time.

4.13. That the applicants beg to state that the Respondents have acted illegally in not considering the case of the applicants only on the ground of not having an order from this Hon'ble Tribunal. The law is well settled that in a given case if any law is laid down for one set of employees, same is applicable to all the similarly situated employees. However, in the present case the Respondents have acted illegally in differentiating the applicants with others and for that the entire action of the Respondents is liable to be set aside and quashed.

4.14. That the applicants beg to state that as per the

direction of the Hon'ble Apex Court (Annexure-1) they are entitled to all the benefits described in the Annexure-2 schemes dated 7.11.89. The direction of the Hon'ble Apex Court is very clear and Respondents now cannot shift their burden by taking the ground of not having any order from this Hon'ble Tribunal. The judgment and order of the Hon'ble Apex Court is applicable to all the casual employees working under the Telecommunication departments and as such the applicants are also entitled to all the benefits as has been granted to others similarly situated employees like that of them.

4.15. That the applicants beg to state that presently they are the only earning members of their family and the Respondents are making a move to terminate their services in absence of any order from this Hon'ble Tribunal. It is therefore the applicants pray for an appropriate interim order directing the Respondents not to terminate their service during the pendency of this OA. It is noteworthy to mention here that till date they have been working as casual worker under the Respondents and other the said Respondents there are as many as 32 vacancies are in existence under the Group D Establishment one of which posts are being occupied by the present applicants. It is therefore the balance of convenience lies very much in favour of the applicants in passing the aforesaid interim as prayed for and there is every likelihood that in case their interests are not protected by way of passing an appropriate interim order as prayed for, the Respondents may disengage them causing irreparable loss and injury.

5. GROUND WITH LEGAL PROVISIONS

5.1. For that the entire action on the part of the Respondents in not granting the temporary status to the Applicant

14 FEB 2001

गुवाहाटी न्यायालय
Guwahati Bench

violating the provisions contained in the Annexure-I judgment and order passed by the Hon'ble Apex Court is illegal and arbitrary and same are liable to be set aside and quashed.

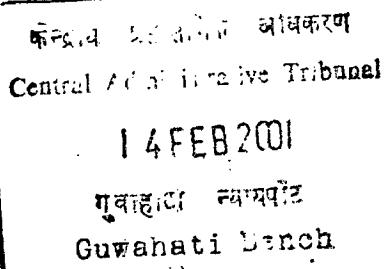
5.2. For that action of the Respondents in treating the Applicant not at par with the other similarly situated employees to whom the benefit of the scheme has already been granted is violative of Article 14 and 16 of the Constitution of India. The Respondents being a model employer should have extended the said benefit to the Applicant without requiring him to approach this Hon'ble Tribunal, more so when they themselves have allowed the said benefit to one set of their employees. In any case the Respondents cannot differentiate their employees in regard to employment as has been done in the instant case. Hence the entire action of the Respondents is illegal and not sustainable in the eye of law.

5.3. For that the Respondents have acted illegally in not considering the case of the applicants for grant of temporary status in view of order dated 1.9.99 as well as judgment and order dated 31.8.99 passed in similar matters and hence same is liable to set aside and quashed with a further direction to the Respondents to extend the benefits of the said scheme to the applicants including all other consequential benefits.

5.4. For that in any view of the matter the action on the part of the Respondents is not sustainable in the eye of law and liable to be set aside and quashed.

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

6. DETAILS OF THE REMEDIES EXHAUSTED.



That the applicants declare that they have exhausted all the possible departmental remedies towards the redressal of the grievances in regard to which the present application has been made and presently they have got no other alternative than to approached this Hon'ble Tribunal.

7. MATTER PENDING WITH ANY OTHER COURTS

That the applicants declare that the matter regarding this application is not pending in any other Court of Law or any other authority or any other branch of the Hon'ble Tribunal.

8. RELIEF SOUGHT:

Under the facts and circumstances stand above the applicants pray that the instant application be admitted, records be call for and upon hearing the parties on the cause or causes that may be shown and on perusal of records be pleased to grant the following reliefs.

8.1. To direct the Respondents to extend the benefit of the scheme and to grant them temporary status as has been granted to the other similarly situated employees like them with retrospective effect with all consequential service benefits including arrear salary and seniority etc.

8.2. To direct the respondents to allow the applicants to continue in their present post after granting temporary status and regularisation..

8.3. Cost of the application.

8.4. Any other relief/reliefs to which the present Applicant are entitled to under the facts and circumstances of the case and as may be deemed fit and proper by the Hon'ble Tribunal.

9. INTERIM ORDER PRAYED FOR:

केन्द्रीय प्रशासनिक अधिकार अधिकार
Central Administrative Tribunal

14 FEB 2001

गुवाहाटी अधिकार

Under the facts ~~विवरणीय~~ circumstances of the case the

applicants pray for interim order directing the Respondents not to disengage them from their current employment and to allow them to continue in service pending disposal of this application.

10. THE APPLICATION IS FILED THROUGH ADVOCATE:

11. PARTICULARS OF THE POSTAL ORDER :

(i) I.P.O. No.: SG 421944

(ii) Date: 30-1-2001

(iii) payable at Guwahati

12. LIST OF ENCLOSURES : As stated in the Index.

VERIFICATION

I, Shri Babul Das, S/o Sri Jitu Das, aged about 33 years, presently working as casual worker under the SDOT Golaghat, do here by solemnly affirm and state that the statement made in this petition from paragraph 1,2,3, 4'1-4'3, 4'6, 4'7, 4'10, 4'12 to 4'15 and 5 to 12 are true to my knowledge and those made in paragraphs 4'4, 4'5, 4'8, 4'9 and 4'11 are matters records of records informations derived therefrom which I believe to be true and the rest are my humble submission before this Hon'ble Tribunal.

I am the applicant No 3 in the present application and I have been authorised by the other two applicants to swear this verification.

And I sign this verification on 13th day of Feb 2001.

✓ *बाबूल दास*

(BABUL DAS)

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

In the Supreme Court of India
Civil Original Jurisdiction.

Writ Petition (C) No 1280 of 1989.

Ram Gopal & ors. Petitioners.

-versus-

Union of India & ors Respondents.

With

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

Jant Singh & ors etc. etc? Petitioners.

-versus-

Union of India & ors. Respondents.

ORDER

We have heard counsel for the petitioners. Though a counter affidavit has been filed no one turns up for the Union of India even when we have waited for more than 10 minutes for appearance of counsel for the Union of India.

The principal allegation in these petitions under Art 32 of the Constitution on behalf of the petitioners is that they are working under the Telecom Department of the Union of India as Casual Labourers and one of them was in employment for more than four years while the others have served for two or three years. Instead of regularising them in employment their services have been terminated on 30th September 1988. It is contended that the principle of the decision of this Court in Daily Rated Casual Labour Vs. Union of India & ors. 1988 (1) Section (122) squarely applies to the petitioner though that was rendered in case of Casual Employees of Posts and Telegraphs Department. It is also contended by the counsel that the decision rendered in that case also relates to the Telecom Department as earlier Posts and Telegraphs Department was covering both sections and now Telecom has become a separate department. We find from paragraph 4 of the reported decision that communication issued to General Managers Telecom have been referred to which support the stand of the petitioners.

By the said Judgment this Court said :

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

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

Sd/-

(Ranganath Mishra) J.

New Delhi

April 17, 1990.

Sd/-

(Kuldeep Singh) J.

24
ANNEXURE-2.

CIRCULAR NO. 1
GOVERNMENT OF INDIA
DEPARTMENT OF TELECOMMUNICATIONS

STN SECTION

No. 269-10/89-STN

New Delhi 7.11.89

To

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

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

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

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

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

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

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

4. The scheme finalised in the Annexure has the concurrence of Member (Finance) of the Telecom Commission vide No SMF/78/98 dated 27.9.89.

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

sd/ =

ASSISTANT DIRECTOR GENERAL (STN).

Copy to.

P.S. to MDS (C).

P.S. to Chairman Commission.

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

All recognised Unions/Associations/Federations.

sd/ =

ASSISTANT DIRECTOR GENERAL (STN).

24

ANNEXURE

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

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

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

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

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

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

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

Temporary Status.

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

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

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

iv) Such casual labourers who acquire temporary status will not, however be brought on to the permanent establishment unless they

are selected through regular selection process for Gr. posts.

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

- i) Wages at daily rates with reference to the minimum of the pay scale of regular Gr.D officials including DA, HRA, and CCA.
- ii) Benefits in respect of increments in pay scale will be admissible for every one year of service subject to performance of duty for at least 240 days (206 days in administrative offices observing 5 days week) in the year.
- iii) Leave entitlement will be on a pro-rata basis one day for every 10 days of week. Casual leave or any other leave will not be admissible. They will also be allowed to carry forward the leave at their credit on their regularisation. They will not be entitled to the benefit of encasement of leave on termination of services for any reason or their quitting service.
- iv) Counting of 50 % of service rendered under Temporary Status for the purpose of retirement benefit after their regularisation.
- v) After rendering three years continuous service on attainment of temporary status, the casual labourers would be treated at par with the regular Gr. D employees for the purpose of contribution to General Provident Fund and would also further be eligible for the grant of Festival Advance/ food advance on the same condition as are applicable to temporary Gr.D employees, provided they furnish two sureties from permanent Govt. servants of this Department.
- vi) Until they are regularised they will be entitled to Productivity linked bonus only at rates as applicable to casual labour.

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

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

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

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

@ @ @

29
ANNEXURE 3.

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

Dated 1.9.99.

To

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

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

Sir,

I am directed to refer to letter No. 269-4/93-STN-II dated 12.2.99 circulated with letter No. 269-13/99-STN-II dated 12.2.99 on the subject mentioned above.

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

Yours faithfully

(HARDAS SINGH)
ASSISTANT DIRECTOR GENERAL (STN).

All recognised Unions/Fedarations/Associations.

(HARDAS SINGH)
ASSISTANT DIRECTOR GENERAL (STN)

As on 1.8.98.

ANNEXURE-4.

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No.299 of 1996
AND 302 of 1996.

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

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

O.A.No.299 of 1996

All India Telecom Employees Union,

Line Staff and Group-D,

Assam Circle, Guwahati & Others. Applicants.

- Versus -

Union of India & Ors. Respondents.

O.A. No.302 of 1996.

All India Telecom Employees Union,

Line Staff and Group-D

Assam Circle, Guwahati & Others. Applicants.

- Versus -

Union of India & Ors. Respondents.

Advocate for the applicants : Shri B.K. Sharma

Shri S. Sharma

Advocate for the respondents : Shri A.K. Choudhury, Addl.C.G.S.C.
ORDER

BARUAH J. (V.C.)

Both the applications involve common question of law and similar facts. In both the applications the applicants have prayed for a direction to the respondents to give them certain benefits which are being given to their counter parts working in the Postal Department. The facts of the cases are :

- O.A. No.302/96 has been filed by All India Telecom Employees Union, Line Staff and Group-D, Assam Circle, Guwahati,

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

2. They are working as casual labourers in the Department of Telecom under Ministry of Communication. They are similarly situated with the casual labourers working in the Department of Postal Department under the same Ministry. Similarly the members of the applicant No 1 are also casual labourers working in the telecom Department. They are also similarly situated with their counter parts in the Postal Department. They are working as casual labourers. However the benefits which had been extended to the casual labourers working in the Postal Department under the Ministry of Communications have not been given to the casual labourers of the applicants Unions. The applicants state that pursuant to the judgment of the Apex Court in daily rated casual labourers employed under Postal Department vs. Union of India & Ors. reported in (1988) in sec.122 the Apex Court directed the department to prepare a scheme for absorption of the casual labourers who were continuously working in the department for more than one year for giving certain benefits. Accordingly a scheme was prepared by the Department of Posts granting benefit to the casual labourers who had rendered 240 days of service in a year. Thereafter many writ petitions had been filed by the casual labourers , working under the department of Telecommunication before the Apex Court praying for directing to give similar benefits to them as was extended to the casual labourers of

Department of Posts. Those cases were disposed of in similar terms as in the judgment of Daily Rated Casual Labourers (Supra). The Apex Court, after considering the entire matter directed the Department to give the similar benefit to the casual labourers working under the Telecom Department in similar manner. Pursuant to the said judgment the Ministry of Communication prepared a scheme known as "Casual Labourers (Grant of Temporary Status and regularisation) Scheme" on 7.11.89. Under the said scheme certain benefit had been granted to the casual labourers such as conferment of temporary Status, Wages and Daily Rates with reference to the minimum of the pay scale etc. Thereafter, by a letter dated 17.3.93 certain clarification was issued in respect of the scheme in which it had been stipulated that the benefits of the scheme should be confined to the casual labourers engaged during the period from 31.3.1985 to 22.6.1988. On the other hand the casual labourers worked in the Department of Posts as on 21.11.1989 were eligible for temporary Status. The time fixed as 21.11.1989 had been further extended pursuant to a judgment of the Ernakulam Bench of the Tribunal dated 13.3.1995 passed in O.A.No.750/94. Pursuant to that judgment, the Govt. of India issued a letter dated 1.11.95 conferring the benefit of Temporary Status to the casual labourers. The present applicants being employees under the Telecom Department under the Ministry of Communication also urged before the concerned authorities that they should also be given same benefit. In this connection the casual employees submitted a representation dated 29.12.1995 before the Chairman, Telecom Commission, New Delhi but to the knowledge of the applicant the said representation has not been disposed of. Hence the present application.

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

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

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

Sd/- Vice Chairman.

83
ANNEXURE.-5.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

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

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

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

1. O.A. No.107/1998

Shri Subal Nath and 27 others. Applicants.
By Advocate Mr. J.L. Sarkar and Mr. M.Chanda
- versus -
The Union of India and others. Respondents.
By Advocate Mr. B.C. Pathak, Addl. C.G.S.C.

2. O.A. No.112/1998

All India Telecom Employees Union,
Line Staff and Group- D and another..... Applicants.
By Advocates Mr.B.K. Sharma and Mr.S.Sarma.
- versus -
Union of India and others. Respondents.
By Advocate Mr.Mr.A.Deb Roy, Sr. C.G.S.C.

3. O.A.No. 114/1998

All India Telecom Employees Union
Line Staff and Group-D and another. Applicants.
By Advocates Mr. B.K. Sharma and Mr. S.Sarma.
- versus -
The Union of India and others Respondents.
By Advocate Mr. A.Deb Roy, Sr. C.G.S.C.

4. O.A.No.118/1998

Shri Bhupan Kalita and 4 others. Applicants.
By Advocates Mr. J.L. Sarkar, Mr.M.Chanda
and Ms.N.D. Goswami.
- versus -
The Union of India and others. Respondents.
By Advocate Mr.A.Deb Roy, Sr. C.G.S.C.

5. O.A.No.120/1998

Shri Kamala Kanta Das and 6 others Applicant.
By Advocates Mr. J.L. Sarkar, Mr.M.Chanda
and Ms. N.D. Goswami.
- versus -
The Union of India and Others Respondents.
By Advocate Mr.B.C. Pathak, Addl.C.G.S.C.

6. O.A.No.131/1998

All India Telecom Employees Union and another...Applicants.
By Advocates Mr.B.K.Sharma, Mr.S.Sarma and Mr.U.K.Nair.

- versus -

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

7. O.A. No.135/1998

All India Telecom Employees Union
Line Staff and Group-D and 6 others. Applicants.
By Advocates Mr.B.K.Sharma, Mr.S.Sarma and
Mr.U.K.Nair.

- versus -

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

8. O.A. No.136/1998

All India Telecom Employees Union,
Line Staff and Group-D and 6 others. Applicants.
By Advocates Mr.B.K.Sharma, Mr.S.Sarma and Mr.U.K.Nair.

- versus -

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

9. O.A. No.141/1998

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

- versus -

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

10. O.A. No.142/1998

All India Telecom Employees Union,
Civil Wing Branch. Applicants.
By Advocate Mr.B.Malakar

- versus -

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

11. O.A. No.145/1998

Shri Dhani Ram Deka and 10 others. Applicants
By Advocate Mr.I.Hussain.

- versus -

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

12. O.A. No. 192/1998

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

-versus-

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

13. D.A.No.223/1998

All India Telecom Employees Union,
Line Staff and Group-D and another Applicants
By advocates Mr. B.K.Sharma and Mr.S.Sarma.
- versus -
The Union of India and others .. Respondents.
By Advocate Mr.A.Deb Roy, Sr.C.G.S.C.

14. D.A.No.269/1998

All India Telecom Employees Union,
Line Staff and Group-D and another Applicants
By advocates Mr. B.K.Sharma and Mr.S.Sarma,
Mr.U.K.nair and Mr.D.K.Sharma
- versus -
The Union of India and others .. Respondents.
By Advocate Mr.B.C.Pathak,Addl. Sr.C.G.S.C.

15. D.A.No.293/1998

All India Telecom Employees Union,
Line Staff and Group-D and another Applicants
By advocates Mr. B.K.Sharma and Mr.S.Sarma,
and Mr.D.K.Sharma.
- versus -
The Union of India and others .. Respondents.
By Advocate Mr.B.C.Pathak,Addl. Sr.C.G.S.C.

D R D E R

BARUAH.J. (V.C.)

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

2. The All India Telecom Employees Union is a recognised
union of the Telecommunication Department. This union takes up
the cause of the members of the said union. Some of the appli-
cants were submitted by the said union, namely the Line Staff and
Group-D employees and some other applicantion were filed by the
casual employees individually. Those applications were filed as
the casual employees engaged in the Telecommunication Department
came to know that the services of the casual Mazdoor under the
respondents were likely to be terminated with effect from
1.6.1998. The applicants in these applications, pray that the

respondents be directed not to implement the decision of terminating the services of the casual Mazdoors, but to grant them similar benefits as had been granted to the employees under the Department of Posts and to extend the benefits of the scheme, namely casual Labourers (Grant of Temporary Status and Regularisation) Scheme of 7.11.1998, to the casual Mazdoors concerned O.A.s, however, in O.A. No.269/1998 there is no prayer against the order of termination. In O.A. No.141/1998, the prayer is against the cancellation of the temporary status earlier granted to the applicants having considered their length of services and they being fully covered by the scheme. According to the applicants of this O.A., the cancellation was made without giving any notice to them in complete violation of the principles of natural justice and the rules holding the field.

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

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

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

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

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

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

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

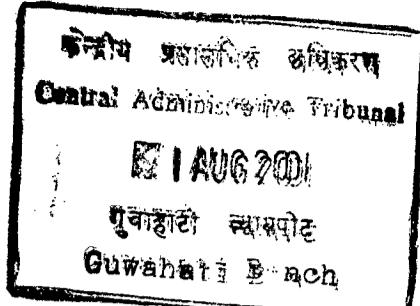
8. In view of the above we dispose of these applications with direction to the respondents to examine the case of each applicant. The applicants may file representations individually within a period of one month from the date of receipt of the order and if such representations are filed individually,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

tion with the records and thereafter pass a reasoned order on merits of each case within a period of six months thereafter. The interim order passed in any of the cases shall remain in force till the disposal of the representations.

9. No order as to costs.

SD/- VICE CHAIRMAN

SD/- MEMBER (A)



Filed by *[Signature]* 18701
(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. 72/2001

Shri Suren Borah & Ors.

..... Applicants

- Vs -

Union of India & Ors.

..... Respondents.

- And -

In the matter of :

Written Statements of Respondent

No. 1 to 4 .

The written statements of the abovenoted respondents are as follows :

1. That a copy of the O.A. No. 72/2001 (referred to as "application") has been served on the respondents. The respondents have gone through the contents of the said application and understood the contents thereof. The interest of all the respondents being common and similar, these written statements are filed as common for all of them.
2. That the statements made in the application which are not specifically admitted, are hereby denied.
3. That with regard to the statement made in para 1 of the application, the respondents state that the applicants' cases are ~~not covered~~ not covered by the Scheme/ Guidelines and direction of the Hon'ble Supreme Court of

Supremo of India . The essence of the direction of the Apex Court as well as the Departmental Scheme is to absorb casual labourers who have worked for at least 240 days in a year and are on engagement on the date of effect of the scheme is 01.10.89. However, the cut off date has now been advanced to 01.08.98, as a one time relaxation.

- 4 . That the respondents have comments to make with regard to the statements made in para 2, 3 and 4.1,
- 5 . That with regard to the statements made in para 4.2, the respondents state that the applicant no.1 was engaged to perform casual nature of job initially on 16.08.97 and was paid on ACG-17 on daily rate basis. It is not correct to say that he has been working without any break. In fact he had been disengaged on 01.06.98.

The applicant no.2 was also engaged to perform purely casual nature of job on April '1992 and was paid on ACG-17 on daily rate basis. That he has been working till the date of filing of the application has been denied by the Respondent . The payment particulars in respect of the applicant clearly shows that he had been disengaged on 01.06.98.

The name of applicant no.3 is however confusing as his name carries no father's name and there were two casual labourers of same name under the respondent no.3 . The details of both the applicant no.3 are stated here as follows .

(i) Shri Keshab Gohain son of Biswanath Gohain was engaged on Nov '92 and was dis-engaged on 01.06.98. He was paid on ACG-17.

(ii) Shri Keshab Gohain son of Ratnesware Gohain was engaged on Aug '93 and was dis-engaged on 01.09.94.

The applicant were engaged to meet the special nature of job requirement and for the specific work on day to day basis and their engagement came to an end when such special occasion disappears. The applicant have not been re-engaged for any work after their disengagement, the last disengagement being 01.06.98. The applicants kept silent for more than 2 years and has become time barred.

6. That with regard to para 4.3, the respondents state that the Department reviewed the case of casual labourers under the provision of Departmental Scheme/Guidelines and granted Temporary Status to those casual labourers who are found eligible. The applicants of this O.A. also could not qualify to become eligible for grant of Temporary status and, therefore, no benefit are extended to them.

7. That with regard to the statements made in para 4.4 to 4.7, the respondents state that pursuant to the judgement delivered by the Supreme Court of India, the Department of Telecom prepared a scheme in 1989 for absorption of all casual labourers who have put in at least 240 days casual service in a year and are on engagement on the date of introduction of

of scheme. The scheme is known as casual labourers grant of Temporary status and regularization scheme, 1989 and came into effect on 01.10.89. Under the provision of the scheme, the department has regularized thousand of eligible casual labourers.

The Department has imposed a complete ban on engagement of casual labourers w.e.f. 22.06.88 and restraining orders were issued to all concerned. Though the Telecom Officers are devoid of any power to engage casual labourers for any type of work, there are irregularities of enormous scale in the engagement of casual labourers on choose and pick basis in defiance of ban order. The accumulated result of such mindless engagement by the field officers has aggravated the situation to the detriment of the Department.

8. That with regard to the statements made in para 4.8, the respondents state that the Department of Telecom has addressed the situation on humanitarian ground and as a one-time relaxation it has been decided that all casual mazdoors on engagement as on 01.08.98 and who have continuously worked for at least 1(one) year would be granted Temporary Status, followed by regularization. In the process the Department has liberalized the scheme and advanced the cut off date to 01.08.98.

9. That with regard to the statements made in para 4.9 to 4.70, the respondents state that the judgement dated 13.08.97 passed in O.A. No. 299/96 and 302/96, was aimed at ending alleged discrimination between Postal Scheme and the Telecom Scheme as regards the cut-off date.

45

Till that time, the cut-off date for Telecom Scheme was upto 22-6-88, while that for the Deptt. of Posts was upto 10-9-93, of Telecom Department. Now the Department of Telecom has liberalized the scheme to take care of all casual labourers who are on engagement on 01.08.98 and have worked for at least 240 days in any calendar year prior to 01.08.98. Thus the judgement dated 13.08.97 has lost its relevance.

10. That with regard to the statements made in paras 4.11 to 4.13, the respondents state that pursuant to the order dated 31.08.99, division wise verification committees were formed to verify the claim of each casual labourers. The committee was given access to all records to find out the full engagement particulars of the casual labourers.

The applicant case has also been verified by a committee constituted for the purpose. The committee after through scrutiny of all connected records submitted its findings in respect of the applicant casual labourers. The findings of the committee reveal that none of the applicant casual labourers are found eligible for grant of Temporary status. The details of engagement particulars are shown below.

<u>Name of the Applicant</u>	<u>No of days/year</u>	<u>Date of disengagement</u>
i. Shri Suren Borah S/o Shri Kalita Borah	01 day/1997 53 days/1998	01.05.98
ii. Shri Babul Das S/o Jitu Das	224 days/1992 304 days/1993 236 days/1994 81 days/1995 157 days/1996 26 days/1997 113 days/1998	01.06.98

Recd by

Mr C. I.

JTJ

<u>Name of the Applicant</u>	<u>No. of days/year</u>	<u>Date of Disengagement</u>
iii. Shri Keshab Gohain	61 days/1992	
S/o Biswanath Gohain	61 days/1993	
	46 days/1994	
	51 days/1995	
	161 days/1996	
	80 days/1997	
	134 days/1998	
		240 01.06.98
iv. Shri Keshab Gohain	152 days/1993	
S/o Lt. Ratneswar Gohain	239 days/1994	
		01.09.94

(here who is applicant No.3 is uncertain and disputed).

Among the applicants, Shri Babul Das has completed more than 240 days in the year 1993 and rest of the applicant have not put in service for at least 240 days in a year. Shri Babul Das though completed the required length of service , cannot be granted Temporary Status as he was not on engagement as on 01.08.98.

The findings of the committee are annexed herewith as R 1 R 2 R 3 and R 4 respectively.

11. That with regard to the statements made in para 4.14, the applicant state that the settled position of law and the essence of the scheme is very clear that casual labourers who have worked at least 240 days in a calendar year and is available on engagement as on 01.08.98 would be granted temporary status.

The respondent Department has rightly considered the cases of the applicants under the scheme and found that they are not eligible for the grant of Temporary Status.

12. That with regard to the statements made in para 4.15, the applicant states that the respondents state that as explained in the foregoing paras there has not been any discrimination against the applicants. The department has rightly considered their cases on the basis of the findings of the committee. It has also been made clear that the applicants were disengaged long back ranging from 1994 to 01.06.98 as detailed in reply to para 4.11. It has also been made clear that they were never the part of regular establishment of the department.

13. That with regard to the grounds as stated in para 5.1 to 5.4 of the application, the respondents state that as explained hereinabove, none of the grounds are a valid and good ground to sustain in law. Hence the application is liable to be dismissed with cost.

14. That the respondents have comments to the statements made in para 6 and 7 of the application.

15. That the answering respondents state that the applicants are not entitled to any relief as prayed for in para 8.1 to 8.4 of the application. As explained above and under the law and the scheme, they do not come within the zone of consideration. Hence the application is liable to be dismissed with cost.

In the premises aforesaid, it is therefore respectfully 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.

-8-

-8-

VERIFICATION

I, Shri Ganesh Chandra Sarma, presently working as Asst. Director Telecom. (Legal) of CGMT Guwahati, being competent and duly authorised to swear and sign this verification do hereby solemnly affirm and state that the statements made in para 4 to 9, 11 to 15.

are true to my knowledge and belief, those made in para 10. 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/concealed any material fact.

And I sign this verification on this 30th day of July, 2001, at Guwahati.

Ganesh Ch. Sarma,
Deponent

ANNEXURE - R1

ANNEXURE - A

Details of findings of Verification in respect
 of Shri/Smti/
 /Office
 Suren Borsah, S/o - Kalia Borsah
 Na - Panna Guon, P.O - Sungi, Jashor
 SDOT, Godachar

Date of engagement	Authority of engagement	No. of days engaged year wise / month wise	Proof of engagement documentar	Name & Designation of the officer who verified the records	Reasons in brief as found liable	Remarks
(A)	(B)					
		Upto 01-08-98 for normal cases (Year/Days)	(Year/Day s) for the cases because of stay/status quo/not to disengage order passed by Hon'ble Tribunal	Say ACG-17		

16-8-97

Does not arise

Does not arise

ACG-17

+

Sri A.D.C. Sarman

JTO, Bokakheri

1997 - 1 day

1998 - 53 days

Date of engagement - 1-8-98

मंत्री नियुक्ति (प्रमाण पत्र वा अ.)
 Divisional Commissioner, Jharkhand, India
 Date: 1-8-98
 S.N. 1
 File No. 10001

—10— Sven Bora

Katia Bora

5

SUDAS

2 112.97 x v v v

SUDAS

3 113.97 x v v v

7 183.97 v v v

4 6 21.3.97 v v v

SUDAS

11 114.97 v v v

4 30.6.97 x v v

1 7.4.97 v v v

PARBOM

3 28.6.97 v v v

SUDAS

5 16.5.97 x v v

7 21.5.97 x v v

5 7.5.97 x v v

8 31.5.97 x v v

16-8

SUDAS

6 11 21.6.97 x v v

10 14.6.97 x v v

9 7.6.97 x v v

12 30.6.97 x v v

SUDAS

13 7.7.97 v v v

15 21.7.97 v v v

16 3.7.97 x v v

14 14.7.97 v v v

SUDAS

18 21.8.97 x v v

17 14.8.97 x v v

19 31.8.97 x 16.8.97 1

HECUM

SUDAS

20 7.9.97 v v v

SUDAS

21 14.9.97 v v v

23 30.9.97 v v v

22 21.9.97 v v v

SUDAS

27 31.10.97 x v v

24 7.10.97 x v v

25 7.10.97 x v v

26 21.10.97 x v v

5

1996-07-16 10:20:31

SUNDAY	11/97	30	21.11.97	x	x	x	x	x
		28	7.11.97	x	b	b	b	b
		29	14.11.97	x	x	x	x	x
		31	30.11.97	x	x	x	x	x

2	✓	8	100.00	11	100.00	100.00	
2	✓	8	100.00	12	100.00	100.00	
2	✓	8	100.00	13	100.00	100.00	

Certified that no. of days worked

have been verified from the available
records & are reported correctly.

THE CONSTITUTION OF THE UNITED STATES OF AMERICA.

✓ 5 8 11-11-18 118

SUDAN	1/98	37	16198	v	v	x
		39	31.1.98	26	31.1.98	27
		36	7198	v	v	x
		38	21198	v	v	x

SUDAN	2/98	40	7298	x	x	x
		42	71298	v	v	x
		44	14298	v	v	x

SUDAN	3/98	45	16398	x	v	x
		47	30398	x	v	x
		46	21398	v	v	x
		44	7398	v	v	x

SUDAN	4/98	3	21498	x	v	x
		1	7498	v	v	x
		2	14698	x	v	x
		4	30498	31	30498	26
						D. Kolkoty PM.

SUDAN	5/98	5	7598	x	x	x
		7	21598	v	v	x
		8	30598	v	v	x
		6	14598	x	v	x

SUDAN	6/98	11	30698	v	v	x
		9	14698	v	v	x

16198, 21198, 30398, 30498, 30698

7198, 7298, 7398, 7498, 14298, 14598

16298, 21298, 31298, 30698

3

मृत्युः तद्देह

5. Bd.
Vill-Nagymaros Gyula

g. o. - Sungei

B-O-Ehōgung

8-0 ~~19~~ May

Certified that no. of days worked
have been verified from the available
records and noted correctly.

A. L. Sammons

JUNIOR TELECOM OPERATOR

BOOK REVIEWS AND DISCUSSION

— 100 —

ANNEXURE - R2

ANNEXURE - A

Details of findings of Notification in ASPC of Shri/Smti. Babul Das, S/O - Jitn Das in the Unit / Office Naxagon, Goalashat S.D.O.T, Goalashat

Date of engagement	Authority of engagement	No. of days engaged year wise / month wise	Proof of engagement documents	Name & Designation of the officer who verified the records	Reasons in brief as found ineligible	Remarks
		(A)	(B)			
		Upto 01-08-98 for normal cases (Year/Days)	(Year/Day s) for the cases because of stay/status quo/not to disengage order passed by Hon'ble Tribunal	Say ACG-17		

4/92 SDot
Goughat

Does not arise in Ach-17

Sri T. Dutta SDE(M'8), Jorhat
Sri S. R. Baruah SDE(TT), Jorhat
Sri P. K. Sharma JTO, Bokakhat

1992 - 224 days
1993 - 304 days
1994 - 236 days
1995 - 81 days
1996 - 157 days
1997 - 26 days
1998 - 113 days

Date of disengagement - 1.6.98

-13-

Name of Muzdoor : ~~Das~~ ~~Das~~ ~~Das~~

Father's name = Jitu Das.

Village Naragaon, Bolghat.

Name of DDO	Month	A/C No.	P/E	Vr. No.	No. of days	Engaged by
S.K. Das.	April '92	2	14.4.92			
"		4	30.4.92	17	11	Rebakanilar Sanjana
	May '92	5	7.5.92	x	x	April '92
"		8	31.5.92	x	x	
"	June '92	9	7.6.92	4	30	"
"		10	14.6.92	x	x	
"	July '92	13	7.7.92	12	30	"
	Aug '92	17	7.8.92	x	x	
"	Sept '92	21	7.9.92	3	31	" Aug '92
"	Oct '92	25	7.10.92	14	30	" Sept '92
		28	31.10.92	x	x	
"	Nov '92	29	7.11.92	5	31	" Oct '92
		30	14.11.92	x	x	
"	Dec '92	33	7.12.92	6	30	" Nov '92
		34	14.12.92	x	x	
		35	21.12.92	x	x	
		36	31.12.92	x	x	
"	Jan '93	37	7.1.93	5	31	" Dec '92
		38	14.1.93	x	x	224
		39	21.1.93	x	x	
		40	31.1.93	x	x	
"	Feb '93	41	7.2.93	4	31	" Jan '93
		42	14.2.93	x	x	
		43	21.2.93	x	x	
"	Mar '93	45	5.3.93	5	28	" Feb '93
		47	21.3.93	x	x	
P.C. Dey		48	27.3.93	45	27	" Mar '93
"	April '93	15	7.4.93	15	4	" Mar '93
		2	14.4.93	x	x	
		4	30.4.93	x	x	
"	May '93	5	7.5.93	8	30	" April '93
		7	21.5.93	x	x	
		8	31.5.93	x	x	

~~DDO~~ ~~DDO~~ ~~DDO~~

14
Naragao, Golaghat

(1)	(2)	(3)	(4)	(5)	(6)	(7)
	June'93	11	21.6.93	x	x	
S.K. Das.	July'93	17	7.8.93	5	31	Reba Kanta Sarkar July'93
		18	14.8.93	x	x	
		19	21.8.93	x	x	
		20	31.8.93	x	x	
"	Aug'93	21	7.9.93	4	31	" Aug'93
		22	14.9.93	x	x	
		23	21.9.93	x	x	
		24	30.9.93	x	x	
"	Oct'93	25	7.10.93	2	30	" Sept'93
		26	14.10.93	x	x	
		27	21.10.93	x	x	
		28	31.10.93	x	x	
"	Nov'93	29	7.11.93	3	31	" Oct'93
		30	14.11.93	x	x	
		31	21.11.93	x	x	
		32	30.11.93	x	x	
"	Dec'93	33	7.12.93	13	30	" Nov'93
		34	14.12.93	x	x	
		35	21.12.93	x	x	
		36	31.12.93	x	x	
"	Jan'94	37	7.1.94	3	31	" Dec'93
		38	14.1.94	x	x	304
"		39	31.1.94	31	31	" Jan'94
	Feb'94	40	7.2.94	x	x	
		41	14.2.94	x	x	
		42	21.2.94	x	x	
"		43	28.2.94	28	28	" Feb'94
	Mar'94	44	7.3.94	x	x	
		45	14.3.94	x	x	
		46	21.3.94	x	x	
"		47	28.3.94	39	28	" Mar'94

SDERig

1000ft

</

①	②	③	④	⑤	⑥	⑦
April '94	1	7.4.94		x		
	2	14.4.94		x		
	3	21.4.94		x		
S.K. Das.	4	30.4.94	13	16	T.C. Bora	
May '94	5	7.5.94		x		
	6	14.5.94		x		
	7	21.5.94		x		
"	8	31.5.94	20	30	P. Saikia	
June '94	9	7.6.94		x		
	10	14.6.94		x		
"	12	30.6.94	24	16	F.C. Bora	
July '94	13	7.7.94		x		
	14	14.7.94		x		
	15	21.7.94		x		
"	16	31.7.94	34	30	Rebakanta Saikia	
Aug '94	17	7.8.94		x		
	18	14.8.94		x		
	19	21.8.94		x		
"	20	31.8.94	20	27	"	
Sept '94	21	7.9.94		x		
	22	14.9.94		x		
	23	21.9.94		x		
	24	30.9.94		x		
Oct '94	25	7.10.94		x		
	26	14.10.94		x		
	27	21.10.94		x		
Nov '94	30	11.11.94		x		
	31	21.11.94		x		
"	32	30.11.94	22	30	"	
partly cloudy vom 30	33	7.12.94		x		
	34	14.12.94		x		
	35	21.12.94		x		
	36	31.12.94		x		

-16-

Naragaon, Golaghat

	(1)	(2)	(3)	(4)	(5)	(6)	(7)
	Jan '95	37	7.1.95		x		
		38	14.1.95		x		
		39	21.1.95		x		
S.K. Das.		40	31.1.95	27	30	lebakanta Saitia	
	Feb '95	41	7.2.95		x		
		42	14.2.95		x		
		43	21.2.95		x		
	4	44	28.2.95	19	28	"	
	Mar '95	45	7.3.95		x		
		46	14.3.95		x		
		47	21.3.95		x		
	"	48	27.3.95	27	23		
	Mar '96	44	14.3.96		x		
	4	4	30.4.96	28	26		
	May '96	5	7.5.96		x		
		7	21.5.96		x		
	"	8	31.5.96	19	27		
	June '96	9	7.6.96		x		
	"	12	30.6.96	35	25		
	July '96	13	7.7.96		x		
		14	21.7.96		x		
	"	15	31.7.96	15	27		
	Aug '96	16	7.8.96		x		
		17	14.8.96		x		
		18	21.8.96		x		
	"	19	31.8.96	21	27		
	Sept '96	20	7.9.96		x		
		21	14.9.96		x		
		22	21.9.96		x		
Aug '96		23	30.9.96	12	25		
50	Oct '96	24	7.10.96		x		
50		25	14.10.96		x		
50		27	31.10.96		x		

Sri Babul Das

Naragason, Boleghat

(5)

①	②	③	④	⑤	⑥	⑦
Nov'96	30	21.11.96		x		
	31	30.11.96		x		
Feb'97	2	4.2.97		x		
Mar'97	45	14.3.97		x		
	46	21.3.97		x		
April'97	1	7.4.97		x		
	3	28.4.97		x		
SK.Das.	4	30.4.97	12	26		
May'97	5	7.5.97		x		
	6	14.5.97		x		
	7	21.5.97		x		
	8	31.5.97		x		
June'97	9	7.6.97		x		
	10	14.6.97				
	11	21.6.97				
	12	30.6.97				
	7	18.3.97				
	13	7.7.97				
	14	14.7.97				
	15	21.7.97				
	16	31.7.97				
	17	11.8.97				
	18	21.8.97				
	19	31.8.97				
	20	7.9.97				
	21	14.9.97				
	22	21.9.97				
	23	30.9.97				
SDS	24	7.10.97				
SDS	25	14.10.97				
SDS	26	21.10.97				
SDS	27	31.10.97				

Sri Babu Das
Naraganj, Golaghat.

6

Author's name

Sifu Dan

81

return date	match date	PE	IV	date	days	note
SUDAN 1/198	37 1/1/98	37	x	31/1/98	29	SDOTLAT
	39 31/1/98	39	x	31/1/98	x	
	36 7/1/98	36	x	7/1/98	x	
	38 21/1/98	38	x	21/1/98	x	
SUDAN 2/198	40 1/2/98	40	x	1/2/98	x	
	42 21/2/98	42	x	21/2/98	x	
	41 14/2/98	41	x	14/2/98	x	
SUDAN 3/198	47 30/3/98	47	x	30/3/98	30	SDOTLAT
	45 14/3/98	45	x	14/3/98	x	
	46 21/3/98	46	x	21/3/98	x	
	44 7/3/98	44	x	7/3/98	x	
SUDAN 4/198	3 21/4/98	3	x	21/4/98	x	
	1 7/4/98	1	x	7/4/98	x	
	2 14/4/98	2	x	14/4/98	x	
	4 30/4/98	4	x	30/4/98	26	SDOTLAT
SUDAN 5/198	5 7/5/98	5	x	7/5/98	x	
	7 21/5/98	7	x	21/5/98	x	
	8 30/5/98	8	x	30/5/98	28	SDOTLAT
	6 14/5/98	6	x	14/5/98	x	
SUDAN 6/198	11 30/6/98	11	x	30/6/98	x	
	9 14/6/98	9	x	14/6/98	x	
						113
Author's signature	Author's signature					
Author's address	Author's address					
Author's telephone number	Author's telephone number					

ANNEXURE - R3

Details of findings of visitation in respect
of Shri/Smti. Keshab Geohain, S/O - Biswanath Geohain
/ Office Attagon, P.O. - Fugating, Goalashai in the Unit
SDOT, Goalashai

Date of engagement	Authority of engagement	No. of days engaged year wise / month wise	Proof of engagement documentary	Name & Designation of the officer who visited the records	Reasons in brief as found ineligible	Remarks
		Upto 01-08- 98 for normal cases (Year/Days)	(Year/Day/ s) for the cases because of stay/status qua/not to disengage order passed by Hon'ble Tribunal	Say ACG-17		

11/92 - SDOT
Goalashai

Registration - In ACG-17

Sri T. Dutta S.D.E(vig), Jorhat
Sri S.R. Barphuh S.D.E(TT) Jorhat
Sri A.K. Saikia JTO, Bokakhat

1992 - 61 days
1993 - 61 days
1994 - 26 days
1995 - 51 days
1996 - 161 days
1997 - 80 days
1998 - 134 days

Date of disengagement - 1.6.98

मंडल अधिकारी (प्रशासन विभाग)
Dibrugarh Sub-Divisional Commissioner
कार्यालय - दिखारा, असम, 781001, एल
O/O 03622222222, 03622222222 N.L.
फोन/फैक्स - 03622222222

Name of Head door = Sri' Keshab Gohain
Father's name = Biswanath Gohain.
Ath gaon, P. O. Furkating.

Date of engagement	Name of SDO	Month	A/c No.	P/E	Voucher No.	No. of days	Engaged by
		2	14.2.92			x	
		4	30.4.92			x	
		5	7.5.92			x	
		8	31.5.92			x	
		9	7.6.92			x	
		10	14.6.92			x	
		13	7.7.92			x	
192		17	7.8.92			x	
		21	7.9.92			x	
		25	7.10.92			x	
		28	31.10.92			x	
		29	7.11.92			x	
		30	14.11.92			x	
S. K. Das	Nov '92	33	7.12.92	5	30	Folk Ch. Bora	
		34	14.12.92			x	30
		35	21.12.92			x	
		36	31.12.92			x	
	Dec '92	37	7.1.93	6	31	- do -	
		38	14.1.93			x	61
		39	21.1.93			x	
		40	31.1.93			x	
	Jan '93	41	7.2.93	3	31	- do -	
		42	14.2.93			x	
		43	21.2.93			x	
		45	7.3.93			x	
		47	21.3.93			x	
		48	27.3.93			x	
		49	7.4.93			x	
		2	14.4.93			x	
		4	30.4.93			x	
P. C. Dey	April '93	5	7.5.93	5	30	- do -	
		7	21.5.93			x	61
		8	31.5.93			x	

Shri Kishanbhai B. J.
S/O - Biswanath Gohain
Akhgaon.

①	②	③	④	⑤	⑥	⑦
			11	21.6.93	x	
			17	7.8.93	y	
			18	14.8.93	x	
			19	21.8.93	x	
			20	31.8.93	y	
			21	7.9.93	y	
			22	14.9.93	x	
			23	21.9.93	y	
			24	30.9.93	x	
			25	7.10.93	y	
			26	14.10.93	y	
			27	21.10.93	x	
			28	31.10.93	y	
			29	7.11.93	y	
			30	14.11.93	y	
			31	21.11.93	x	
			32	30.11.93	x	
			33	7.12.93	x	
			34	14.12.93	x	
			35	21.12.93	x	
			36	31.12.93	x	
			37	7.1.94	x	
			38	14.1.94	x	
			39	31.1.94	x	
			40	7.2.94	y	
			41	14.2.94	y	
			42	21.2.94	x	
			43	28.2.94	x	
			44	7.3.94	x	
			45	14.3.94	x	
			46	21.3.94	x	
			47	29.3.94	y	

5/0 —

buwanan - tokwan -

Athgavon.

65

①	②	③	④	⑤	⑥	⑦
			1 7.4.94		x	
			2 14.4.94		x	
			3 21.4.94		y	
			4 30.4.94		x	
			5 7.5.94		x	
			6 14.5.94		x	
			7 21.5.94		x	
			8 31.5.94		y	
			9 7.6.94		x	
			10 14.6.94		x	
June'94	12	30.6.94	24	16	Folik Ch. Bona.	
	13	7.7.94		x		
	14	14.7.94		y		
	15	21.7.94		x		
	16	31.7.94		y		
	17	7.8.94		y		
	18	14.8.94		x		
	19	21.8.94		y		
	20	31.8.94		x		
	21	7.9.94		x		
	22	14.9.94		x		
	23	21.9.94		x		
SD 2 V.P.	24	30.9.94		x		
SD 2 V.P.	25	7.10.94		x		
SD 2 V.P.	26	14.10.94		y		
SD 2 V.P.	27	21.10.94		x		
	30	14.11.94		y		
	31	21.11.94		x		
S.K.Das.	Nov'94	32	30.11.94	27	30	Folik Ch. Bona
		33	7.12.94		x	
		34	14.12.94		x	46
		35	21.12.94		x	
		36	31.12.94		x	

-24-

Sri Kankab, Bijnar
S/O - Biswanath Behari
A/P Joon, Fulkating

66

① ② ③ ④ ⑤ ⑥ ⑦

37 7.1.95 x

38 14.1.95 x

39 21.1.95 x

40 31.1.95 x

41 7.2.95 x

42 14.2.95 x

43 21.2.95 x

S.K. Das. Feb '95 44 28.2.95 26 28 Fulk Ch. Bijnar

45 7.3.95 x

46 14.3.95 x

47 21.3.95 x

Mar '95 48 27.3.95 17 23 S.K. Das. 51 500T/61

49 14.3.96 x

April '96 5 30.4.96 27 30 Fulk Ch. Bijnar

5 7.5.96 x

7 21.5.96 x

May '96 8 31.5.96 19 27 -

9 7.6.96 x

June '96 12 30.6.96 35 25 -

13 7.7.96 x

14 21.7.96 x

July '96 15 31.7.96 15 27 -

16 7.8.96 x

17 14.8.96 x

Aug '96 18 21.8.96 x -

19 31.8.96 21 27 -

20 7.9.96 x

21 14.9.96 x

22 21.9.96 x

Sept '96 23 30.9.96 12 25 -

24 7.10.96 x

25 14.10.96 x

27 31.10.96 x

Double
Side Fig.

500T/61

— 25 —

5/10
Akh goni, Furtating.

6X

①	②	③	④	⑤	⑥	⑦	=
	3.0	21.11.96		x			
	3.1	30.11.96		x			
	2	4.2.97		x		T61	
	4.5	14.3.97		x			
	4.6	21.3.97		x			
	1	7.4.97		x			
	3	28.4.97		x			
S.K. Das.	April '97	4	30.4.97	12	26	—	
		5	7.5.97		x		
		6	14.5.97		x		
		7	21.5.97		x		
		8	31.5.97		x		
		9	7.6.97		x		
		10	14.6.97		x		
		11	21.6.97		x		
		12	30.6.97		x		
		7	18.3.97		x		
		13	7.7.97		x		
		14	14.7.97		x		
		15	21.7.97		x		
		16	31.7.97		x		
S.K. Das	July '97	17	14.8.97	{7}	$\frac{15}{2} = 27$	A (6.17 payment.	
		18	21.8.97		x		
		19	31.8.97		x	T61	
		20	7.9.97		x		
With the SDE Vip - Von 605		21	14.9.97		x		
		22	21.9.97		x		
		23	30.9.97		x		
		24	7.10.97		x		
		25	14.10.97		x		
		26	21.10.97		x		
		27	31.10.97		x		

S/O - Biswanath Ghosh.
At geria, Fulkatingh.

6

Exhibit 1
Keshab Ghosh
Bishwanath Ghosh

Name of the victim	Age	P.E	V.R	Code	Report No.
SUDAN	1/98	37	141298	311297	27 370111
		39	31.1.98	2	
		36	7.1.98	2	80
		38	21.1.98	2	

SUDAN	2/98	40	7.2.98	1	30.1.98	27	370110
		42	21.2.98	2			
		44	16.2.98	2			

SUDAN	3/98	47	30.3.98	24	27.3.98	27	370112
		45	14.3.98	2			
		46	21.3.98	2			
		44	7.3.98	1	28.3.98	24	370113

SUDAN	4/98	3	21.4.98	2	6	2	
		2	7.4.98	2	6	6	
		4	14.4.98	2	6	6	
		4	30.4.98	29	30.4.98	26	370114

SUDAN	5/98	5	17.5.98	2	4	2	
		7	21.5.98	2	4	2	
		8	30.5.98	2	4	2	
		6	14.6.98	4	1.7.98	4	370115

SUDAN	6/98	11	30.6.98	1	31.8.98	26	370116
		9	14.6.98	2			

1.2.1998 (2/98)	1.2.1998 (1.2.98)	1.2.1998 (1.2.98)	2)	
2.2.1998 (2/98)	2.2.1998 (2.2.98)	2.2.1998 (2.2.98)		
3.2.1998 (2/98)	3.2.1998 (3.2.98)	3.2.1998 (3.2.98)		
4.2.1998 (2/98)	4.2.1998 (4.2.98)	4.2.1998 (4.2.98)		
5.2.1998 (2/98)	5.2.1998 (5.2.98)	5.2.1998 (5.2.98)		

70

Certified that no. of days worked
have been maintained from the available
records and noted correctly.

P. W. Soren

JUNIOR HIGH SCHOOL, 1947-48
BOILING SPRINGS, SOUTH CAROLINA

ANNEXURE - R4

ANNEXURE - A

Details of findings of Verification in respect
of Shri/Smti. Keshab Gohain S/o Late Ratneswar Gohain in the Unit
/ Office Ahom Goh, P.O-Furkating, Golaghat

SDOT, Golaghat

Date of engagement	Authority of engagement	No. of days engaged year wise / month wise	Proof of engagement documentary	Name & Designation of the officer who verified the records	Reasons if brief as found ineligible	Remarks
(A)	(B)					
8/93	SDOT, Golaghat	Upto 01-08-98 for normal cases (Year/Days)	(Year/Day s) for the cases because of stay/status quo/not to disengage order passed by Hon'ble Tribunal	Say ACG-17		

Does not - In A(h-17)-

1993 - 152 days
1994 - 239 days

Sri T. Dutta SDIB(Vig), Jorhat
Sri S.R. Baruah SDIB(T), Jorhat
Sri A.J.C. Sarma STO, Bokakhat

Date of disengagement 1.9.94.

मंडल अधिकारी (प्रशासन पर प्रभाव)

Divisional Inspector (P & A)

कार्यालय : १०२, ब्रह्मपुर, गोरखपुर
O/o : १०२, Telco : 135 P.L.

प.प. नं. ४८४/जोरह-७८५००१

Father's name - Lalji Nitin Kumar Jadhav
 Ahom Gaon, P.O. Funkating, Golaghat.

Name of SDO	Month	A/C No.	P/E	Wether No.	No. of days	Engaged by
S.K. Das.	Aug'93	21	7.9.93	5	31	Fotuk Ch. Bora.
	Sept'93	25	7.10.93	6	30	-do-
	Oct'93	29	7.11.93	9	31	-do-
	Nov'93	33	7.12.93	8	30	-do-
	Dec'93	37	7.1.94	3	30	-do-
	Jan'94	39	31.1.94	32	31	-do-
	Feb'94	43	28.2.94	31	28	-do-
	Mar'94	47	29.3.94	41	28	-do-
	April'94	4	30.4.94	13	30	-do-
	May'94	8	31.5.94	23	31	-do-
	July'94	16	31.7.94	32	30	-do-
	August'94	20	31.8.94	32	31	-do-

8

W.D.
SDE Vtg.
SDO
CSECT
CSECT

50/-