

50/100

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

O.A./T.A No. 83/2001

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SECTION OFFICER (Judl.)

FORM NO.4
(See Rule 42)

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

ORDER SHEET
Original APPLICATION NO 83 OF 2001

Applicant (s)- Smt. Gayatri Devi Long

Respondent(s) U.O.I Long

Advocate for Applicant(s) J. Hussain, Mrs. S. Seal

Advocate for Respondent(s) CGSC

Notes of the Registry	Date	Order of the Tribunal
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This application is in form
not in form of a petition
Petition is filed vide
M.P. No. 100/2001
for the purpose of
IPO/ / 5G 422504
Dated 20.2.2001

27.2.01

Heard Mr I. Hussain, learned
counsel for the applicants.

Issue notice to show cause as
to why this application shall not
be admitted. Returnable by four
weeks

27.2.01

Application is admitted. Issue
notice on the respondents. Return-
able by four weeks.

List on 27.3.01 for written
statement and further orders.

pendency of this application
shall not debar the respondents
to consider the case of the appli-
cants for regularisation.

ICC Sharma
Member

Vice-Chairman

pg

27.3.01

List on 24.4.01 to enable the
respondents to file written state-
ment.

ICC Sharma
Member

Vice-Chairman

pg

Requisite has been
filed.
Vice-Chairman

23/2/01

1-3-2001

Service of Notice
issued to the respon-
dents vide No. 921-25
dt. 13.3.2001

① Service report were
still awaited.

② No. written statement
has been filed.

301
26.3.01

2

11.4.01

no w/s has been filed

24.4.01

On the prayer of learned counsel for the respondents case is adjourned to 21.5.01 to enable the respondents to file written statement.

Member

Vice-Chairman

No written statement has been filed.

lm

20
23.4.01

24.4.01

List on 21.5.01 to enable the respondents to file written statement.

ICU Sharma
Member

Vice-Chairman

lm

① Notice duly served on R.No. 1, 2 and 3.

21.5.01

List on 18.6.01 to enable the respondents to file written statement.

② No written statement has been filed.

ICU Sharma
Member

Vice-Chairman

lm

20
15.6.01

18-6-01

Mr. B.C.Pathak, learned Adll. C.G. C. for the respondents prays for and ~~and no more time is~~ granted 4 weeks time to file written statement. ~~Time allowed, no more time will be granted.~~ The applicant may file rejoinder ~~within two weeks thereafter.~~ List on 8-8-2001 for order.

No written statement has been filed.

ICU Sharma
Member

Vice-Chairman

20
7.8.01

pg
8.8.01

List again on 10/9/01 to enable the respondents to file written statement.

No. w/s has been filed.

20
7.9.01

mb
10.9.01

ICU Sharma
Member

Vice-Chairman

Heard Mrs. S.Seal, learned counsel for the applicant and also Mr.B.C.Pathak, learned Adll.C.G.S.C. for the respondents.

List on 26/9/01 to enable the respondents to file written statement.

18.9.2001
W/s on behalf of respondents has been submitted.

ICU Sharma
Member

Vice-Chairman

mb

O.A. 83/2001

Notes of the Registry

Date

Order of the Tribunal

26.9.01

Written statement has been filed. The case may now be listed for hearing. In the meantime, the applicant may file rejoinder, if any, within 2 weeks from today.

List on 12/11/01 for hearing.

mb

1C1Ushary
Member

Vice-Chairman

12.11.2001

List this case alongwith O.A.No.66/2001 on 20.11.01 for hearing.

1C1Ushary
Member

Vice-Chairman

nk.m

20.11.2001

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.

1C1Ushary
Member

Vice-Chairman

nk.m

7.12.2001

Copy of the judgment has been sent to the office for filing the same to the applicant as well as to the Addl. Cst. in the Resp. Ds.

HC

Notes of the Registry

Date

Order of the Tribunal

6

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 L. Hussain and Mrs S. Seal.

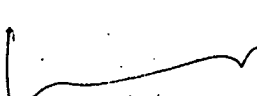
- versus -

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.

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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 Bench 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.

Sd/VICE CHAIRMAN

Sd/MEMBER (Adm)

nk m

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AT GUWAHATI

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

ORIGINAL APPLICATION NO. 83/2001

Smt. Gayatri Devi and ors. ... Applicants

-Vs.-

Union of India and others. Respondents.

I N D E X

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3.	<u>Annexure No. 3 and 4</u> copies of representations dated 23.8.97 of the Applicant No. 1 and 2 and 3	24 to 26
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5.	Notice.	

Filed by

B. Seal

Advocate.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

AT GUWAHATI

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

ORIGINAL APPLICATION NO. _____/2001

Smt. Gayatri Devi and others

... Applicant.

-Versus-

The Union of India and others

..... Respondents.

DETAILS OF THE APPLICANTS :

1. Name of the Applicants : 1. Smt. Gayatri Devi,
and designation Civilian Switch Board
Operator, (C.S.B.O.)
Station Head Quarter,
H.Q. 51 Sub Area Exchange
Guwahati,
C/o. 99 A.P.O.
2. Smt. Sabita Paul,
Civilian Switch Board
Operator (C.S.B.O.)
Station Head Quarter,
Guwahati, H.Q. 51 Sub
Area Exchange,
C/o. 99 A.P.O.
3. Smt. ...

: 2 :

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

PARTICULARS OF THE
RESPONDENTS :

- Name and/or design- : 1. The Union of India
ation of the through the Secretary,
Respondents. Ministry of Defence,
Govt. of India,
New Delhi - 110 001.
2. The Chief Record Officer,
Signal Regiment, Jabbaipur,
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...

SP

14
5. The Administrative Commandant,
Station Head Quarter,
Guwahati, 51 Sub Area,
C/o. 99 A.P.O.

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

The application is filed against the Order of the Respondent authorities appointing the applicants on regular basis w.e.f. the judgment of this Hon'ble Tribunal dated 17.11.93 in O.A. No. 184/92, No. 195/92, No. 196/92 and No. 197/92 instead of appointment of applicants' initial dates of appointment on temporary basis.

2. JURISDICTION OF THE TRIBUNAL :

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

3. LIMITATION :

That the applicants declares that they had been approaching the respondent authorities from time to time verbally and also by filing representations with prayer for regularising their service w.e.f. the dates of their initial appointments on temporary basis instead of the date of the order of this Hon'ble Tribunal i.e.

17.11.93.....

SD

17.11.93, However, they did not ~~appe-~~reach this Hon'ble Tribunal earlier as they genuinely under impression that, their prayer will be considered by the respondents for regularisation of their services from their date of ^{initial} temporary appointment.

4. FACTS OF THE CASE :

4.1. That the applicants state that , they are Citizens of India and all of them are serving as Civilian Switch Board Operator (hereinafter referred to C.S.B.O. for sake of brevity) under the Respondent authorities referred above. The applicant No. 1 and 2 are presently posted at Station H.Q., Guwahati and the applicant No. 3 is posted at Station Head Quarter, Shillong.

4.2. That the applicants state that, they are having common cause of action and prayer for relief and as such have filed this single application under Rule 4(5) of the Central Administrative Tribunal(Procedure) Rules, 1987.

4.3. That, the applicants state that, they came to learn that, few post of C.S.B.O. were lying vacant under the respondents and accordingly they submitted their applications for the said posts. Thereafter they also appeared in interview and were selected for appointment.

4.4. That, the applicant No.1 was initially appointed as C.S.B.O. in June, 1987 the applicant No.2 in March, 1985 the applicant No. 3 also in March, 1985. Thereafter, all of them were continuously working as such with artificial break of service of 2 or 3 days in between. In this

regard...

regard the applicants beg to state that, the respondents after issuing appointment order, had taken back all of them and as such are unable^{to} annex the same alongwith this application. However, the initial dates of their appointments have been referred to in the order dated 17.11.93 of this Hon'ble Tribunal which is being annexed with subsequent ~~para~~ a paragraph of this Memo of application (vide Annexure No.2).

4.5. That the applicants state that, they had been approaching the respondents for regularisation of their services as there were number of vacancies of C.S.B.O. under them. As no action was taken for their regularisation they approached this Hon'ble Tribunal for redressal of their grievances. Vide O.A. No. 106 of 1992 and 197 of 1992, and this Hon'ble Tribunal was pleased to admit the same on 29.10.92 and in the interim directed the respondents not to discharge the applicants from service. Thereafter this Hon'ble Tribunal after hearing the parties was pleased to pass a common order along with some other Original Applications filed by other similarly situated persons. In the said order this Hon'ble Tribunal was pleased to discuss about the matter ~~the matter~~ in detail including the dates of original appointments of the applicants and directed the respondents of those applications to regularise the services of the applicants including the present Applicants as C.S.B.O. in 4 corps Army Telephone Exchange, Tezpur, within a period of 90 days.

The....

SB.

The copy of the Common order dated 29.10.92 & 17th November, 1993 in O.A. No. 184/92 and batch are annexed herewith and marked as Annexure Nos 1 and 2 respectively.

4.6. That the applicants states that, thereafter the respondent authorities regularised their services as C.S.B.O. from the date of the order of this Hon'ble Tribunal i.e. from 17th November, 1993 instead of their Original dates of appointment on temporary basis. The applicants are unable to annex the copies of the appointment order as they had to return the same to the respondent authorities after having seen the same and these are with the respective authorities concerned.

4.7. That the applicants state that, after their regularisation, they had been approaching from time to time for regularising their services w.e.f. the dates of their original appointments on temporary basis. However, no ~~wa~~ action had been taken by the respondents and the applicants are getting the benefit only from 17.11.93. The applicants are unable to annexe any copy of the representation submitted to the authorities except ^{Copies} a ~~copy~~ of representations dated 23.8.97 of the applicant No. 1² and 3 submitted to the Admn, Commandant Station Head Quarter, Guwahati / Shillong^{ss}.

The copies of representations dated 23.8.97 of the applicant No. 1 and 2 are annexed herewith and marked as Annexure Nos 3, and 4 & 5

SB

4.8. That the applicants state that, the Hon'ble Tribunal while passing the order did not specifically mentioned that the applicants service should be regularised w.e.f. the date of order of the Tribunal (~~x~~ i.e. 17.11.93). As no date was mentioned the applicants presumed that, their services would be regularised from the dates of their initial appointments.

4.9. That the applicants state that, as ~~she~~^{they} ~~was~~^{were} expecting for a positive response from the respondents for regularisation of ~~xxxx~~ their services after submissions of representations they did not approach this Hon'ble Tribunal in time as per Section 21 (1)(b). However, this Hon'ble Tribunal may be pleased to admit this application by invoking its ~~xxxx~~ power under Section 21(3) of the Administrative Tribunal Act, 1985 in the interest of justice.

5. GROUND FOR RELIEF WITH LEGAL PROVISIONS :

1. For that, the applicant were 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 them on regular basis from the date of their initial appointment itself. But the respondents due to reasons best known to them appointed the applicants in ~~xxxx~~ purely temporary basis which were extended from time to time with artificial

break....

SP

break in service in violation of established procedure and rules. As the applicants had no alternative had to ~~xxx~~ accept whatever they could get with a hope that their services would be regularised. This action of the respondents is not regularising the service of the applicants w.e.f. their initial dates 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 ~~ø~~ period of the temporary engagement of the applicants. But the respondents had given artificial breaks in their service so that they can not claim to be a regular employee. This action of the respondents are illegal, unjustified 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 applicants from the date of their initial appointments.

iii) For that, the applicants have given many years of their services to the respondents ~~xxx~~ with a hope that they will get all service benefits from their initial appointments but their hopes and aspiration have been ^{believed} ~~believed~~ and they are suffering because of no fault of their own. As such this Hon'ble Tribunal may be pleased to interfere in the matter and pass appropriate directions in this regard.

iv) For

SP

iv) For that, this Hon'ble Tribunal did not mentioned any date for giving the benefits of regularisation of services of the applicants. But the respondents on their own wisdom had taken the date of order of this Hon'ble Tribunal (i.e. 17.11.93) passed the Original Application. They even did not bother to refer to the interim order dated 29.10.92 of this Tribunal by which the respondents were directed not to disturb the applicants from their service. The action of the respondents in choosing a date for regularisation of service of the applicant on their own is not proper and as 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 applicants with all service benefits from the date of their initial appointments.

v) For that, because of the reasons mentioned in Paragraph 4.9 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 applicants.

vi) For that in any view of the matter the respondents are liable to be directed to regularise the service of the applicants with effect from their initial date of appointment as C.S.B.C. instead of 17.11.93.

6. DETAILS OF RELIEF EXHAUSTED.

1. That, the applicants declares that they have availed all the remedies available to them by approaching the respondents as well by submitting representations from time to time.

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

The ~~xxx~~ applicants further declares that, they had not filed any applications writ petition, suit etc. except the Original Application referred above which were disposed by this Hon'ble Tribunal and no cases is pending in any court of ~~xxx~~ law in regards to the present greivances.

8. RELIEF SOUGHT FOR. :

Under the facts and circumstances of the case as stated above, the applicants pray for a following reliefs.

i) That the respondents be directed to regularise the services of the applicants from retrospective date of their initial appointment as Civilian Switch Board Operators (C.S&B.O) under the Respondents i.e. the service of Applicant No.1 w.e.f. June, 1987 and of Applicant No. 2 and 3 w.e.f. March, 1985 instead of 17.11.93.

ii) That,,,,,

SP

: 11 :

ii) That the respondents be directed to give all service benefits as applicable to other regular employees from the date of their initial appointments.

iii) That the respondents be directed to regularise the artificial break in service of the appointments.

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 services of the applicants from the date of their initial appointment as Civilian Switch Board operator (C.S.B.O) with all service benefits i.e. w.e.f. June, 1987 (Applicant No.1) and March 1985 (Applicant No. 2 and 3) respectively.

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

Postal Order No.	: 56422504
Date of Issue	: 20-2-2001
Issued from	: G.P.O., Guwahati,
Payable at	: Guwahati.

11. LIST OF ENCLOSURES.

As per Index.

CP

Verification...

23

: 12 :

V e r i f i c a t i o n

I, Smt. Sobita Paul, Wife of Sn B. C. Paul
presently working as Civilian Switch Board Operator
(C.S.B.O) under 51 Sub-Area Exchange, C/o. 99 A.P.O.
and as authorised by the Applicant No. 1 and 3. Smt.
Sobita Paul do hereby verify that, the contents in
paragraph 1, 2, 3, 4, 5, 6, 7, 10 and 11 are true
to my personal knowledge and the contents in
paragraphs 5, 8 and 9 are believed to be true as
legal advise and I have not suppressed any material
fact.

Date : 23.2.2000

Place : Guwahati.

Sobita Paul

Signature of Applicant/
Declarant.

CENTRAL ADMINISTRATIVE TRIBUNAL- 13 -
GUWAHATI BENCH: GUWAHATI.5

O.A.No.197/92

Ax.No.1

S.K.Mahanta &ors Applicant

vrs.

U.O.I.&ors Respondents.

P R E S E N T

THE HON'BLE MR.JUSTICE S.HAQUE, VICE CHAIRMAN

For the Applicants, Mr.T.C.Khatrri, Mr.S.Kayal, Smt.S.Begum
For the Respondents, Mr.S.Ali, Sr. C.G.S.C.

29.10.92

It is an application jointly by ten (10) persons. Heard learned counsel Mr.T.C. Khatrri on behalf of Shri Saroj Kumar Mahanta and nine(9) others for permission under Rule 4(5)(a) of the Central Administrative Tribunal(Procedure) Rules, 1987 to file single application. Having regard to the similar cause of action and common interest in the matter of all the ten applicants, the prayer for joint application is allowed.

Heard learned counsel Mr.T.C.Khatrri for all the ten applicants. Perused the statements of grievances and reliefs sought for in this application.

This application is admitted. Issue notice on the respondents under registered post. Learned Sr.C.G.S.C Mr.S.Ali takes notice of this case by receiving a copy of the application and prays for six weeks time to file counter. Time allowed as prayed for.

ATTESTED

J. Sen

ADVOCATE

contd..

Date	Court's order
29.10.92	<p>Heard Mr.Khatri on the interim relief prayer. Also heard Mr.Ali on this point. The applicants have been appointed as Civilian Switch Board Operators with effect from 10th October,1992 to 28th November 1992 (50 days) vide Annexure 'A-1 to A-12' dated 9th October, 1992. Mr.Khatri further submits that the relief of these ten applicants is covered by the decision in Akhil Chandra Deb & others -Vs- Union of India & Ors. (C.A.T-Calcutta) reported in 1991(1) S.L.R.417. Relying this decision, it is considered to be a fit case for an interim direction. It is, therefore, directed that the respondents shall not discharge the ten(10) applicants from service after 26th November,1992 and shall allow them to continue in service as Civilian Switch Board Operators till disposal of this application/case or until further orders. The respondents will be at liberty to approach the Tribunal for alteration, modification or cancellation of this order, if so advised.</p> <p>List on 10.12.1992 for counter and order.SD/ S.HAQUE, VICE CHAIRMAN</p>

Memo No. 3362

Copy for information to:-

- 1) Mr.S.Ali, Sr.C.G.S.C.
- 2) Mr.T.C.Khatri, Advocate.

Dt. 5/11/92

BY REGISTRAR(J)

12/11/92

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH

Original Applications No.184/92, No.195/92,
No.196/92 and No.197/92.

Date of Order : This the 17th day of November 1993.

Shri S. Haque, Vice-Chairman

Shri B.L. Sanglyino, Member (Administrative).

O.A.No.184 of 1992

1. Sri Indu Kumar Hazarika
2. Sri Saroj Kumar Mahanta
3. Sri Satyajit Baruah
4. Mrs Dipali Gogoi (Kalita)
- ✓ 5. Mrs Sabita Paul
- ✓ 6. Mrs Chandi Sarkar (Das)
7. Mrs Ratna Borah (Sarma)
8. Mrs Labanya Bora (Shakhawat)
9. Ms Mina Saikia
10. Sri Biren Kalita
- ✓ 11. Ms Gayatri Devi
12. Sri Dipen Kumar Hazarika
13. Sri Pranjit Baruah

All are working as Civilian Switch
Board Operators, 4 Corps Army Telephone
Exchange, Tezpur, District - Sonitpur,
Assam

.... Applicants

By Advocates, Shri T.C. Khetri, Smt S. Barthakur,
Smt S. Bayon and Sri S. Koyal

-Versus-

1. Union of India represented by the
Secretary to the Government of India,
Ministry of Defence, New Delhi
2. Chief of Army Staff, Army Head Quarters,
New Delhi
3. General Officer Commanding-in-Chief,
Headquarters, Eastern Command, Fort
William, Calcutta
4. Commanding Officer, Headquarters 4 Corps
(Signals), C/o.99 A.P.O.
5. Administrative Commandant Station
Headquarters, Tezpur

..... Respondents

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

ATTESTED

S. Paul
ADVOCATE

*Sabita Paul
Gayatri Devi
Chandi Sarkar*

O.A.No.195 of 1992

27

Sri Dipen Hazarika
 Civilian Switch Board Operator,
 4 Corps Army Telephone Exchange,
 Tezpur, District-Sonitpur, Assam Applicants
 By Advocates Sri T.C. Khetri, Smt S. Bayan
 and Sri S. Keyal

-Versus-

1. Union of India represented by the
 Secretary to the Government of India,
 Ministry of Defence, New Delhi
 2. Chief of Army Staff, Army Headquarters,
 New Delhi
 3. General Officer Commanding-in-Chief,
 Headquarters, Eastern Command, Fort
 William, Calcutta
 4. Commanding Officer, Headquarters,
 4 Corps (Signals), C/o.99 A.P.O.
 5. Administrative Commandant Station
 Headquarters, Tezpur Respondents
- By Advocate Sri S. Ali, Sr. C.G.S.C.

O.A.No.196 of 1992

Ms Gayatri Devi
 Civilian Switch Board Operator,
 4 Corps Army Telephone Exchange
 Tezpur, District-Sonitpur, Assam Applicants
 By Advocates, Sri T.C. Khetri, Smt S. Bayan and Sri S. Keyal

-Versus-

1. Union of India represented by the
 Secretary to the Government of India,
 Ministry of Defence, New Delhi
 2. Chief of Army Staff, Army Headquarters,
 New Delhi
 3. General Officer Commanding-in-Chief,
 Headquarters, Eastern Command, Fort
 William, Calcutta
 4. Commanding Officer, Headquarters 4 Corps
 (Signals), C/o.99 A.P.O.
 5. Administrative Commandant Station
 Headquarters, Tezpur, District-Sonitpur,
 Assam Respondents
- By Advocate Sri S. Ali, Sr. C.G.S.C.

- 17 -
: 3 : 7

O.A.No.197 of 1992

1. Sri Saroj Kumar Mahanta
2. Sri Satyajit Baruah
3. Smt Dipali Kalita
4. Smt Sabita Paul
5. Smt Chandi Das
6. Smt Ratna Borah
7. Smt Labanya Shekhawat
8. Ms Mina Saikia
9. Sri Biren Kalita
10. Sri Pranjit Baruah

All are working as Civilian Switch
Board Operators, 4 Corps Army
Telephone Exchange, Tezpur,
District-Sonitpur, Assam

..... Applicants

By Advocates, Sri T.C. Khetri, Smt S. Bayan and
Sri S. Koyal

-Versus-

1. Union of India represented by the
Secretary to the Government of India,
Ministry of Defence, New Delhi
2. Chief of Army Staff, Army Headquarters,
New Delhi
3. General Officer Commanding-in-Chief,
Headquarters, Eastern Command, Fort
William, Calcutta
4. Commanding Officer, Headquarters,
4 Corps (Signals), C/o.99 A.P.O.
5. Administrative Commandant Station
Headquarters, Tezpur, Distric-Sonitpur,
Assam

..... Respondents

By Advocate, Sri S. Ali, Sr. C.G.S.C.

....

HAQUE.J.

Applicants Indu Kumar Hazarika in O.A.No.184/92, Miss Gayatri Devi in O.A.No.196/92 and ten applicants, Saroj Kumar Mahanta, Satyajit Barua, Dipali Kalita, Sabita Paul, Chandi Das, Ratna Borah, Labanya Shekhawat, Mina Saikia, Biren Kalita and Pranjit Baruah in O.A. No.197/92 have filed these three applications under Section 19 of the Administrative Tribunals Act, 1985 praying for directions on the respondents to absorb and regularise their service as Civilian Switch Board Operators (CSBO). All these twelve(12) CSBOs are serving in the 4 Corps Army Telephone Exchange, Tezpur, District Sunitpur under the respondents and particularly under respondent No.5, Administrative Commandant, Station Headquarters, Tezpur since several years as under:

Name	Year of appointment	Last appointment
1. Indu Kr Hazarika	March 1985	August 1992
✓ 2. Gayatri Devi	June 1987	June 1992
3. Saroj Kr Mahanta	March 1985	August 1992
4. Satyajit Barua	March 1985	August 1992
5. Dipali Kalita	March 1985	August 1992
✓ 6. Sabita Paul	March 1985	August 1992
✓ 7. Chandi Sarkar	March 1985	August 1992
8. Labanya Shekhawat	March 1985	August 1992
9. Mina Saikia	March 1985	August 1992
10. Pranjit Baruah	March 1985	August 1992
11. Ratna Borah	March 1985	September 1992
12. Biren Kalita	February 1987	August 1992

All these twelve applicants are discharging duties as CSBO all these years with a break of two or three days after each limited period of appointment for ninety eight days and on some occasions the period was fifty to thirty days. Presently all of them (12) are serving as CSBO without any break vide our orders dated 29.9.1992, 29.10.1992 and 29.10.1992 in the cases O.A.184/92, O.A.192/92 and O.A.No.197/92 respectively. Their grievance is for permanent absorption and regularisation in the post of CSBOs under the respondents.

2. Learned counsel Mr T.C. Khatri on behalf of the applicants submits that the services of the SBO in Military Telephone Exchange Headquarters at Tezpur, District Sunitpur are of permanent nature, but inspite of willingness of regularising services of the CSBOs, the local authority could not fulfill it for want of regular sanction. In this regard Mr Khatri has referred to the letter No.104022/48/95(SD) dated 13.1.1990 of the Headquarters East Command, Fort William, Calcutta wherein it is focussed that the arrangement of according sanction in respect of posts of CSBOs is not satisfactory one because requirement of their services being of permanent nature, the Army Headquarters was once again approached to consider permanent sanction for the CSBOs service and posts. Mr Khatri submits that retention by periodical employments for years together with two or three days break after each period would cause irreparable injury to the employees if they are not finally absorbed and regularised in service and that at the same time they will earn disqualification by age bar for employment in other fields. It is further submitted that the

applicants.....

applicants had been serving all those years with breaks only under reasonable expectation of regularisation because requirement of their works are of permanent nature and they were utilised in the service consecutively inclusive of the days shown as breaks only in papers for the purpose of a fresh salary period. Mr. Khetri also refers to the policy for engagement of the CSBOs contained in order No. 104022/43/GS(SD) dated 30th August 1986 issued by the Headquarter Eastern Command, Fort William, Calcutta issued by Col. GS(SD) for CSO (Annexure A/2) and submits that such a policy of limited period engagement deliberately deprives employees from acquiring a legitimate right for regularisation in usual course in the services which are admittedly of permanent nature is against the principle of service-employment ethics. Another letter No. 104022/43/GS(SD) dated 2nd November 1988 by the same authority (Annexure A/3) in the same subject matter is also relevant. This disclosed the scope of enhancement in the posts of CSBOs in view of permanent nature of the service. Learned Sr. C.G.S.C. Mr S. Ali submits that the local authority as well as the HQ Eastern Command at Fort William, Calcutta consider the service of CSBOs as permanent nature and are trying time and again with the Respondents No. 1 and 2 for permanent sanction for the posts of CSBOs at the stations where applicants are serving under Eastern Command.

3. The submissions of Mr Khetri carry substance and are acceptable. It will be unjust to applicants if their services are allowed to be utilised by the respondents like the past years without regularisation because they will be deprived of all service benefits that normally accrue in regular service and their age

will.....

will run out debarring for seeking employment in other organisations. The service-employment ethics do not permit that they should be kept under vague expectation as regards regularisation after serving so many years. By now many of them become age barred for pursuit of employment in other organisations. The only recourse left is to regularise them in the posts of CSBOs under the respondents to uphold the service-employment ethics and the settled principles of law as well as to safeguard their service career.

4. The reliefs sought for in these three cases O.A.No.184/92, O.A.No.196/92 and O.A.No.197/92 are covered by judgment dated 25.5.1993 in O.A.No.70/92 (Riajuddin Ahmed and others -vs- Union of India and Others) of this Bench. The applicants of these three cases are also entitled to similar reliefs for regularisation of their services in the posts of CSBOs.

5. The applicant Shri Dipen Hazarika in O.A.195/92 was initially appointed in May/June 1936 as CSBO by the respondent No.5 Administrative Commandant Station Headquarter, Tezpur for ninety(90) days till 30.8.1986 and then continued in service with 1 to 3 days break after each appointment for 89(eightynine) days till 2.4.1989 and thereafter continued similarly by each appointment from 50 to 30 days till end of 22.6.1992. He has prayed for re-employment in the post of CSBO, absorption and regularisation in service. Mr T.C. Khatri submits that his non re-employment after continuous service for six years with 1 or 2 days breaks after each limited period of appointment caused irreparable injury as he worked with reasonable expectation for absorption

in....

in the post and also now becomes age barred for seeking service in other organisations. He also submits referring to CSO letter No.104022/48/GS(SD) dated 30.8.1988 that the policy and system introduced thereunder is detrimental to service security and against the settled principle of law safe guarding continuity of service and discouraging actions for non-engagement after utilising for several years. It is further submitted that the letter No.104022/48/GS(SD) dated 2.11.1988 of the HQ Eastern Command to the Addl. Director General of Staff Duty(SD-7), GSB, Army HQ, DHQ, New Delhi disclosed that 4 Corps Army Telephone Exchange got scope for appointment of atleast 25 CSBOs and 5 Monitors in view of its operational necessity minimal unescapeable requirement of CSBOs and thus having enough scope for enhancing employment and re-enforcement. Learned Sr. C.G.S.C. Mr Ali could not assign any reason as to why the applicant Shri Dipen Hazarika was not re-employed after 22.6.1992. No satisfactory ground for such action has been stated by respondents in their written statement. When all his coemployees had been reappointed, it was expected that he should also have been reappointed. Non re-employment/reappointment of Dipen Hazarika was a discriminatory treatment. We accept the submissions of Mr T.C. Khetri and hold that Dipen Hazarika is entitled to reemployment as CSBO under the respondents in the 4 Corps Army Telephone Exchange, Tezpur.

6. In the result all the four applications, O.A. No.184/92, O.A.No.195/92, O.A.No.197/92 and O.A.No.195/92 are allowed. The applicants(12) in O.A.No.184, 196 and 197

of.....

- 23 -

34

of 1992 are entitled to be regularised in their services as CSBOs under the respondents in the 4 Corps Army Telephone Exchange, Tezpur. Accordingly, the respondents are directed to regularise their services in the posts of CSBOs. The respondents are further directed to implement the directions within a period of 90(ninety) days from the date of receipt of copy of this judgment/order.

7. The application U.A.No.195/92 is allowed. The applicant Dipen Hazarika is entitled to get re-employment under the respondents in the post of CSBOs in the 4 Corps Army Telephone Exchange, Tezpur. The respondents are directed to re-employ applicant Shri Dipen Hazarika in the vacant post of CSBOs within 15(fifteen) days from the receipt of copy of judgment/order and thereafter regularise him in service.

8. Inform all concerned immediately for compliance.

Sd/- S. Haque
VICE CHAIRMAN

Sd/- G.L.Sanglyina
MEMBER (ADMN)

TRUE COPY

[Signature] 21.1.94
Section Officer (Judicial)
Central Administrative Tribunal
Guwahati Bench, Guwahati.

27/1/94

ANNEXURE No. 3

To,

The Adm. Commandant,
Station H.Q. Guwahati
Through Proper channel.

Dated

Sub. : Fixation of Seniority on Regularisation
of service in pursuance of CAT Verdict.
Dated 17.11.93.

Sir,

With reference to the verdict pronounced by Central Administrative Tribunal on 17.11.93, 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 6th June, 1987.

2. That Sir, It has been admitted by the honourable CAT vide above mentioned Judgment that I have been serving your department continuously and not intermittently. As such, breaks which was given during the course of my service were artificial breaks as already admitted by CATT.

3. As such I am entitled to get the benefit of seniority in view of the CAT judgment with effect from the date of my initial appointment.

In view of the above, it is requested kindly to allow the benefit of seniority in service with back salaries by way of fixation with retrospective effect for which I shall be highly obliged.

Dated Guwahati the
23.8.1997.

Yours faithfully
Sd/- Illegible.
Miss. Gayatri Devi
C.S.B.O.
H.Q. 51 Sub Area
Exchange.

ATTESTED
S. Sani
ADVOCATE

To,

Annexure No.4.

The Admn, Commandant,
Station H.Q. Guwahati.
(Th. Proper channel)

Sub. : Fixation of seniority on Regularisation of
service in pursuance of CAT Verdict dated
17.11.93.

Sir,

With reference to the verdict pronounced by
Central Administrative Tribunal on 17.11.93 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
2nd March, 1985.

2. That Sir, it has been admitted by the
Hon'ble CAT vide above mentioned judgment 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 ~~admit~~
admitted by CATT.

3. As such, I am entitled to get the benefit
of seniority in view of the CAT Judgment with effect from
the date of my initial appointment.

In view of the above, it is requested kindly
to allow the benefit of seniority in service with back
salaries by way of fixation with retrospective effect
for which I shall be highly obliged.

Yours faithfully,

Sd/- Illegible.
Mrs. Sabita Paul, CSBO,
H.Q. 51 Sub Area,
Exchange.

Dated Guwahati
the 23.8.1997.

ATTESTED
P. Seal
ADVOCATE

- 26 -

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Annexure No.5

To,

The Adm. Commandant,
Station H.Q.,
Shillong.

(Th. Proper channel)

Sub. : Fixation of Seniority ^{regularisation} ~~of on~~ ~~Regist~~ of service
~~on person of~~ CAT Verdict dated 1993 17th Nov.

Sir,

With teference to the verdict pronounded by Central Administrative tribunal on 17th Nov. 1993. I have the honour to state as follows :-

1. That Sir, I have been contineously working as CSBO in your department w.e.f. 1st march, 1985.
2. That Sir, it has been admitted by the Hon'ble CATvide above mentioned Judgment that I have been serving your department contineously and not intermittantly as such, breaks which was given during the course of my service were artificial break as already admitted CAT7.
3. As such, I am entitled to get the benefit as seniority in view of the CAT Judgment with effect form the date of my initial appointment.

In x view of the 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

Yours faithfully,

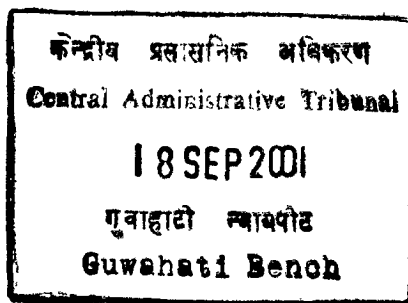
Sd/- Illegible.

Chandi Das,

4. 02. 2001.

23-8-97

ATTESTED
S. S. S. S.
ADVOCATE



Filed by
18/09/01
18/09/01
(S. C. Pathak)
Addl. Central Govt. Standing Counsel
Central Administrative Tribunal
Guwahati Bench : Guwahati

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH ::: GUWAHATI

O.A. NO. 83/2001

Smti. Gayatri Devi & Ors.

-Vs-

Union of India & Ors.

..... Applicants

..... Respondents

(Written Statements on behalf of the respondents
above noted are as follows :

1. That the copy of the O.A. No. 83/2001 (referred to as the "application") has been served on the respondents. The respondents have gone through the same and understood the content 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 these being matter of records, nothing is admitted beyond such records.
4. That the respondents have no comments to offer to the statements made in para 2 of the application.
5. That with regard to the statements made in para 3, the respondents state that the application is hopelessly barred by limitation. There is nothing to show that the applicants

had ever approached the respondents to represent their claims.

6. That with regard to the statements made in para 4.1 and 4.2, the respondents have no comments to offer.

7. That with regard to the statement made in para 4.3, the respondents state that the applicants were appointed as casual employees as there were no regular sanction posts/vacancies. It is also denied that the applicant had ever appeared in any interview and were selected.

8. That with regard to the statements made in para 4.4, the respondents state that the applicants were appointed as casual employee with break in service. As there was no sanction post/vacancies, they were engaged as per requirements and hence break in service was as per requirements and not as "Artificial" as claimed by the applicants. The details of date of appointment by Headquarters, Eastern Command, Kolkata from time to time are attached as Annexure - R-1 (series).

9. That with regard to the statements made in para 4.5, the respondents state that no applications were received from the CSBOs concerning the regularisation as claimed by them, hence the applicants are not entitled to be made permanent from the date of initial employment as there was no vacancy existing at that time and applicants were employed purely on casual basis, which is evident from their terms of employment. The initial appointment letter issued to the applicants, states in clear and categorical terms that they are employed purely on temporary basis. The Respondents have followed the Hon'ble Tribunal's order.

10. That with regard to the statements made in para 4.6, the respondents state that these being matter of records, nothing is admitted beyond the records. It is also denied that the appointment letters were taken back by the respondents.

11. That with regard to the statements made in para 4.7, the respondents state that the applicants were given the permanency status with effect from the date of Tribunal's Order. Thus, the Hon'ble CAT's Order has been obeyed in letter and spirit and there has been no violation of the order. No application/representation has been received by this office to make them permanent from the date of initial employment.

12. That ~~with~~ the statements made in para 4.8, the respondents state that the respondents have no comments to offer to there facts.

13. That the answering respondents state that the statements made in para 4.9, are false and baseless. No representations were received from the applicants by this Headquarters.

14. That with regard to the statements made in para 6 5.1 to 5.V, the respondents state that as state hereinab~~ove~~ and in view of the facts of the case and law, the grounds as shown cannot sustain in law and hence the application is liable to be dismissed with cost.

15. That with regard to the statements made in para 6 and 7, the respondents state that the applicant never approached and represented to the respondents as claimed .

16. 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 legal points involved, the applicants are not entitled to any relief whatsoever as prayed for and hence, 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 also be pleased to dismiss the application with cost.

Verification.....

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

I, ~~Sri~~ Colonel A K Bhogal, presently working as Administrative Commandant, 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 16 are true to my knowledge and belief, those made in para -8- being matter of records, are true to information derived therefrom and the rest are my humble submission before this Hon'ble Tribunal. I have not suppressed any material fact.

And I sign this verification on this 11 th day of September, 2001, at Guwahati.

Deponent.



(A K Bhogal)
Col
Adm Comdt
Stn HQ Cell
HQ 51 Sub Area
Guwahati.

STATEMENT OF CASE IN RESPECT OF CIVILIAN SWITCH BOARD OPERATORS FOR MAKING THEM REGULAR TO ESTABLISHMENT AND REGULARISATION ON PEACE ESTABLISHMENT OF STATION HEADQUARTERS, TEZPUR

INTRODUCTION

1. Twenty Civilian Switch Board Operators had been initially employed in 1985 on temporary basis upto 31 Dec 89 with the sanction of HQ Eastern Command accorded vide letter No 104022/48/GS(SD) dated 03 Oct 89 (copy attached) as Appendix 'A'. The total amount for salaries sanctioned per month was Rs 15,000/- for all of them. Subsequently the amount was raised to Rs 30,000/- with the increase in salaries of each Civilian Switch Board Operators could then be employed. Hence the service of remaining seven of them were terminated. At present 13 Civilian Switch Board Operators are employed to work at Military Exchange, Signal Centre Tezpur which is being manned by 4 Corps Op Sig Regt. Details in respect of 13 Civilian Switch Board Operators are as under :-

(a)	Mr Indu Kumar Hazarika	- 01 Mar 85
(b)	Mr Pranjit Baruah	- " do "
(c)	Mr Saroj Kumar Mahanta	- " do "
(d)	Mr Satyajit Baruah	- " do "
(e)	Mrs Bipali Kalita	- " do "
(f)	Miss Mina Saikia	- " do "
(g)	Mrs Sabita Paul	- " do "
(h)	Mrs Chandi Das	- " do "
(j)	Mrs Labanya Sakhayat	- " do "
(k)	Mrs Ratna Borah	- " do "
(l)	Mr Dipen Kumar Hazarika	- 01 May 86
(m)	Mr Biren Kalita	- 01 Feb 87
(n)	Miss Gayatri Devi	- 06 Jun 87

2. Details of sanction and appointment letters as per Appendix 'A' attached.

3. After being temporary employed for 05 years the Civilian Switch Board Operators filed cases at Central Administrative Tribunal, Gauhati regarding their regularisation. The details of court cases are as under :-

- Central Administrative Tribunal Gauhati Bench case No OA - 184/92 filed by Sh Indu Kumar Hazarika Vs UOI & others.
- Central Administrative Tribunal Gauhati Bench case No OA - 195/92 filed by Sh Dipen Hazarika Vs UOI & others.
- Central Administrative Tribunal Gauhati Bench case No OA - 195/92 filed by Miss Gayatri Devi Vs UOI & others.
- Central Administrative Tribunal Gauhati Bench case No OA - 197/92 filed by Sh SK Mahanta & others Vs UOI & others.

-7- 70 44


RECOMMENDATIONS OF STATION COMMANDER, TEZPUR FOR
REGULARISATION OF CIVILIAN SWITCH BOARD OPERATORS AT
STATION HEADQUARTERS, TEZPUR ON REGULAR BASIS AND
THEIR AUTHORIZATION ON PEACE ESTABLISHMENT OF
STATION HEADQUARTERS, TEZPUR TO PURSUANT TO CENTRAL
ADMINISTRATIVE TRIBUNAL GAHATI ORDER CASES NO -
194/92, 195/92, 196/92 & 197/92 IN RESPECT OF TEMPORARY
CIVILIAN SWITCH BOARD OPERATORS

1. The case for regularisation cum authorisation of 20 Civilian Switch Board Operators of the Peace Establishment of Station Headquarters, Tezpur has been examined in consultation with Chief Signal Officer 4 Corps. In order to provide smooth and efficient communication both during peace and war, their services are considered indispensable.

2. It is recommended that 13 Civilian Switch Board Operators presently employed on temporary basis be regularised as an immediate measure to save the organisation from the embarrassment of contempt of court proceedings. Also the - sanction to include 20 Civilian Switch Board Operators in the Peace Establishment of Station Headquarters, Tezpur be accorded by the competent authority.

Station : Tezpur

Dated : 31 Dec 94


(KS Kahlon)
Brig
Stn Cdr

Telephone No. : 3010642

Signals Mahanideshalaya (Sigs 4(b))
General Staff Shikha
Thal Seng Mukhyalaya
Directorate Gen of Sigs (Sigs 4(a))
General Staff Branch
Army Headquarters
DHQ PO New Delhi - 110011

B/44572/Sigs 4(a)

18 May 95

Signal Records
Jodhpur (M. P.) - 482001

REGULARISATION OF TEMPORARY CSBOs
EASTERN COMMAND

1. Further to our letter No B/44624/Sigs 4(c) dated 28 Mar 95.
2. The services of 35 CSBOs (details as per the Appendix attached) have been regularised by Govt of India, Min of Def and they will be taken in GS Branch Common Roster against the existing vacancies in Eastern Command.
3. This has the approval of Govt of India, Min of Def with their VO No 3677/JS (G)/95 dated 10 May 95.
4. These CSBOs had obtained orders from various CATs in their favour and hence an expeditious action be taken to regularise their services. Completion report be forwarded to this Directorate General by 15 Jun 95.

(SS Attn)

Colonel

Nideshak Karmik/Director Personnel
Kritey Ramukh Signal Adhikari/
For Signal Officer-in-Chief

COPY TO

Director, SD-7

Headquarters
Eastern Command (Sigs)
Calcutta

- For information please.

Headquarters
Eastern Command (SD)
Calcutta

- For information please.

DETAILS OF CSBOs TO BE REGULARISED IN EASTERN COMMAND

Sl. No	OA No	Bench	Name of CSBOs	Stn HQ
1.	185/90 70/92 104/92	Guwahati	Madan Chandra Urma Jogeshwar Nath Lakhinder Khosla Pulin Sharma Miss Mun Mun Das Smt Bedvati Das Prasanna Kumar Das	Misamari
2.	810/91	Calcutta	AK Patnaik KD Tanang BK Mistry	Gangtok
	187/91	Calcutta	Vijay Rajan Amal Chanda Radha Krishan Manoj Kumar Bishoyi Sunil Kumar Das Ravi Lama	
3.	642/94	Calcutta	Kumar Pushkar	Bengdubi
4.	173/91 174/91 175/91 176/91 177/91	Guwahati	Mrs Anita Bhattacharjee Silchar Babu Mia Chowdhary Ranjit Kumar Dutt Shahabuddin Barbhuiya Ms Indrani Biswas	
5.	184/92 195/92 196/92 197/92	Guwahati	Indu Kumar Hazarika Tezpur Saroj Kumar Mohanta Satyajit Baruah Mrs Depali Gogoi (Kalita) Mrs Chandni Sarkar (Das) Mrs Ratna Borah (Sarua) Mrs Labanya Bora (Shekhawat) Mrs Mina Saikia Biren Kalita Mrs Gayatri Devi Dipen Kumar Hazarika Mrs Sabita Paul Pranjit Baruah	

Total 35

-10-

-2-

Annexure B-5

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Station Headquarters
Tezpur

3032/CSBO's/3032

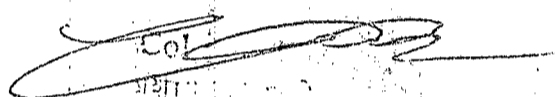
22 Aug 94

Mrs Chandan Das
Tagi Motors, Mohan Mills (2nd gate)
Paltan Pukhuri Road
Sonitpur (Assam)

EMPLOYMENT OF CSBO's IN FEMA BLDG

You are hereby offered temporary appointment as
CSBO's wef 10 Sep 94 to 29 Oct 94 (50 days)
at the pay scale of Rs. 950/- and other allowance as
admissible from time to time.

If you accept the offer, you should report to
Headquarters on 10 Sep 94 at 0730 hrs
duty.


Col. A. K. Das
Adjutant General
Tezpur

-11-

-19-

Annexure 13-4 47

Station Headquarters
Tezpur

23 Aug 94

Mrs Sabita Paul
VIII - Lalimali, No. 2 Fire Brigade
Dist. - Sonitpur (Bassor)

EMPLOYMENT OF C.S.C.'s ON TEMP. BASIS

You are hereby offered temporary appointment
as a S.D.O.'s from 10 Sep 94 to 23 Oct 94 (50 days)
at the pay scale of Rs. 957/- and other allowance as
admissible from time to time.

If you accept the offer, you should report to
this Headquarters on 10 Sep 94 at 0730 hrs
for duty.

ARSON

10/9/94

Administrative Officer
Tezpur

-12-

-12-

Annexure A-4

48

Station Headquarters
Tozpur

2032/CSBO s/Enp

09 Oct 92

M. P. Chatterjee, Poul.

Mr. Bhairab Nagesh

M. P. Chatterjee (Poul.)

EMPLOYMENT OF CSBOs OF THE B/LS

1. You are hereby offered temporary appointment of CSBOs we 10 Oct 92 to 27 Nov 92 (50 days) at the pay scale of Rs 950/- and other allowance as admissible from time to time.

2. If you accept the offer, you should report to this Headquarters on 10 Oct 92 at 0730 hrs for duty.

[Signature]
Deputy Commandant

Copy to:-

4 Corps Op Sig Regt- 1. The (Over leaf) individual is hereby directed to report to you for duty in 4 Corps Sig Centre as CSBO s.

4 Corps Sig Centre -2. For info, and the above individual (List att over) is hereby directed to report to you for duty.

Attested
Lt. Col. Chand Khatris
25/10/92
Advocate in Applicant

73-

- 9 -

Annexure A-1

(C3)

49

Station Headquarters
Tezpur

2032/CSBO's/Imp

16 Oct 92

Miss Gajaloi Devi
vill - Chandinari, p. Tezpur
Dist - Sonitpur (Assam)

EMPLOYMENT OF CSBO'S ON TEMP BASIS

1. You are hereby offered temporary appointment of CSBO's wef 16 Oct 92 to 27 Nov 92 (44 days) at the pay scale of Rs. 950/- and other allowance as admissible from time to time.

2. If you accept the offer, you should report to this Headquarters on 16 Oct 92 at 0730 hrs for duty.

Col M. S. S. S.
Administrative Commandant
Tezpur

Copy to:-

4 Corps Op Sig Regt- 1. The (Over leaf) individual is hereby directed to report to you for duty in 4 Corps Sig Centre as CSBO's.

4 Corps Sig Centre - 2. For info, and the above individual (List att over) is hereby directed to report to you for duty.

Attested
- Tikun Chand Kranti
20/10/92
Advocate for Applicant

74

- 16 -

Annexure B

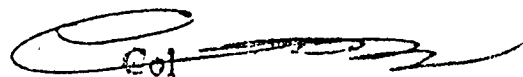
Station Headquarters
Tezpur

23 Aug 94

Miss Gayatri Devi
Vill 2 PO Chandimari
Dist - Sonitpur (Assam)ENTITLEMENT OF OFFICER ON TEMP BASIS

You are hereby offered temporary appointment &
 on the 10 Sep 94 to 29 Oct 94 (50 days)
 on pay scale of Rs. 950/- and other allowances
 available from time to time.

If you accept the offer, you should report to
 this Headquarters on 10 Sep 94 at 0730 hrs
 on duty.



Col

Superintendent

Administrative Superintendent

Tezpur

For information of the Hon'ble District Judge
 Tezpur, the following is filed by SH SH Bhanja
 on 10/09/94.

2/-

DETAILS OF SANCTION FOR APPOINTMENT OF CSBOs

Sl No	Details of Sanction		Details of Appt letter		Remarks
	Letter No	Date	Letter No	Date	
	2	3	4	5	6
1.	Sanction of GOC-in-C, Eastern Comd letter No 104022/37/GS(SD)	17 Jan 85	Stn HQ Tezpur letter No 331/2/GS(SD)	28 Feb 85	For 20 CSBO from 01 Mar to 16 May 85
	-do-	20 May 85	Stn HQ Tezpur letter No 3032/CSBO/EST	31 May 85	For 20 CSBO from 01 Jun to 27 Aug 85
	-do-	12 Aug 85	-do-	05 Sep 85	For 20 CSBO from 01 Sep to 28 Nov 85
	-do-	05 Nov 85	-do-	02 Dec 85	For 20 CSBO from 02 Dec to 28 Feb 86
	-do-	25 Jan 86	-do-	28 Feb 86	For 20 CSBO from 03 Mar to 30 May 86
	-do-	27 May 86	-do-	29 May 86	For 20 CSBO from 02 Jun to 30 Aug 86
	-do-	11 Aug 86	-do-	02 Sep 86	For 20 CSBO from 03 Sep to 30 Nov 86
	-do-	12 Nov 86	-do-	16 Nov 86	For 20 CSBO from 01 Dec to 27 Feb 87
	-do-	06 Feb 87	-do-	25 Feb 87	For 20 CSBO from 03 Mar to 30 May 87
10.	Sanction of GOC-in-C, Eastern Comd, letter No 104031/118/GS(SD)	11 May 87	-do-	15 May 87	For 20 CSBO from 03 Jun to 21 Aug 87
11.	Sanction of GOC-in-C, Eastern Comd letter No 104022/48/GS(SD) dt	10 Aug 87	-do-	13 Aug 87	For 20 CSBO from 24 Aug to 20 Nov 87
12.	-do-	03 Nov 87	-do-	07 Nov 87	For 20 CSBO from 24 Nov to 20 Feb 88
13.	-do-	10 Feb 88	-do-	15 Feb 88	For 20 CSBO from 21 Feb to 20 May 88
14.	Sanction of GOC-in-C, Eastern Comd Sig No O-3178	04 Jul 88	-do-	05 Jul 88	For 20 CSBO from 04 Oct 88 to 20 CSBOs.
15.	Sanction of GOC-in-C, Eastern Comd letter No 104022/48/GS(SD)	03 Oct 88	-do-	27 Sep 88	For 20 CSBO from 05 Oct to 01 Jan 89
16.	-do-	20 Dec 88	-do-	01 Jan 89	For 20 CSBO from 04 Jan to 02 Apr 89
17.	-do-	27 Mar 89	-do-	29 Mar 89	For 20 CSBO from 05 Apr to 04 May 89
18.	-do-	01 Jul 89	-do-		For 20 CSBO

Page 3 (cont.)

1	2	3	4	5	6
19.	Sanction of GOC-in-C, Eastern Command letter No 104022/4/CS(37)	01 Oct 90	Sanction of GOC-in-C, Eastern Command letter No 104022/4/CS(37)	01 Oct 90	Sanction of GOC-in-C, Eastern Command letter No 104022/4/CS(37)
20.	-	04 Mar 90	-	05 Mar 90	Sanction of GOC-in-C, Eastern Command letter No 104022/4/CS(37)
21.	-	06 May 90 (06 Apr 90)	-	08 May 90 (06 Apr 90)	Sanction of GOC-in-C, Eastern Command letter No 104022/4/CS(37)
22.	Sanction of GOC-in-C, Eastern Command letter No 104022/4/CS(37)(1)	02 May 90	-	02 May 90	Sanction of GOC-in-C, Eastern Command letter No 104022/4/CS(37)
23.	-	01 Jun 90	-	02 Jun 90	Sanction of GOC-in-C, Eastern Command letter No 104022/4/CS(37)
24.	Sanction of GOC-in-C, Eastern Command letter No 104022/4/CS(37)(v)	03 Jul 90	-	12 Jul 90	Sanction of GOC-in-C, Eastern Command letter No 104022/4/CS(37)
25.	Sanction of GOC-in-C, Eastern Command letter No 104022/4/CS(37)(1)	03 Aug 90	Sanction of GOC-in-C, Eastern Command letter No 104022/4/CS(37)	03 Aug 90	Sanction of GOC-in-C, Eastern Command letter No 104022/4/CS(37)
26.	Sanction of GOC-in-C, Eastern Command letter No 104022/4/CS(37)(v)	04 Sep 90	-	12 Sep 90	Sanction of GOC-in-C, Eastern Command letter No 104022/4/CS(37)
27.	Sanction of GOC-in-C, Eastern Command letter No 104022/4/CS(37)(1)	04 Oct 90	-	15 Oct 90	Sanction of GOC-in-C, Eastern Command letter No 104022/4/CS(37)
28.	-	12 Nov 90	-	15 Nov 90	Sanction of GOC-in-C, Eastern Command letter No 104022/4/CS(37)
29.	Sanction of GOC-in-C, Eastern Command letter No 104022/4/CS(37)(VI)	17 Dec 90	-	20 Dec 90	Sanction of GOC-in-C, Eastern Command letter No 104022/4/CS(37)
30.	Sanction of GOC-in-C, Eastern Command letter No 104022/4/CS(37)(1)	15 Jan 91	-	20 Jan 91	Sanction of GOC-in-C, Eastern Command letter No 104022/4/CS(37)
31.	Sanction of GOC-in-C, Eastern Command letter No 104022/4/CS(37)	03 Feb 91	-	04 Feb 91	Sanction of GOC-in-C, Eastern Command letter No 104022/4/CS(37)
32.	-	03 May 91	-	06 May 91	Sanction of GOC-in-C, Eastern Command letter No 104022/4/CS(37)
33.	-	26 Jun 91	-	02 Jul 91	Sanction of GOC-in-C, Eastern Command letter No 104022/4/CS(37)
34.	-	12 Aug 91	-	12 Aug 91	Sanction of GOC-in-C, Eastern Command letter No 104022/4/CS(37)
35.	-	03 Oct 91	-	07 Oct 91	Sanction of GOC-in-C, Eastern Command letter No 104022/4/CS(37)
36.	-	25 Nov 91	-	26 Nov 91	Sanction of GOC-in-C, Eastern Command letter No 104022/4/CS(37)
37.	-	17 Jan 92	-	18 Jan 92	Sanction of GOC-in-C, Eastern Command letter No 104022/4/CS(37)
38.	-	03 Mar 92	-	04 Mar 92	Sanction of GOC-in-C, Eastern Command letter No 104022/4/CS(37)

Page 1 of 1

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01.	Sanction of GOC-in-C, Eastern Command Letter No 106022/01/03(0D)(19)	25 Apr 92	Sanction of GOC-in-C, Eastern Command Letter No 106022/01/03(0D)(19)	03 May 92	Sanction of GOC-in-C, Eastern Command Letter No 106022/01/03(0D)(19)
02.	-	13 Jun 92	-	20 Jun 92	Sanction of GOC-in-C, Eastern Command Letter No 106022/01/03(0D)(19)
03.	Sanction of GOC-in-C, Eastern Command Letter No 106022/01/03(0D)(19)	11 Aug 92	-	15 Aug 92	Sanction of GOC-in-C, Eastern Command Letter No 106022/01/03(0D)(19)
04.	-	07 Oct 92	-	07 Oct 92	Sanction of GOC-in-C, Eastern Command Letter No 106022/01/03(0D)(19)
05.	Sanction of GOC-in-C, Eastern Command Letter No 106022/01/03(0D)(19)	20 Nov 92	-	20 Nov 92	Sanction of GOC-in-C, Eastern Command Letter No 106022/01/03(0D)(19)
06.	Sanction of GOC-in-C, Eastern Command Letter No 106022/01/03(0D)(19)	11 Jan 93	-	18 Jan 93	Sanction of GOC-in-C, Eastern Command Letter No 106022/01/03(0D)(19)
07.	Sanction of GOC-in-C, Eastern Command Letter No 106022/01/03(0D)(19)	27 Feb 93	-	05 Mar 93	Sanction of GOC-in-C, Eastern Command Letter No 106022/01/03(0D)(19)
08.	Sanction of GOC-in-C, Eastern Command Letter No 106022/01/03(0D)(19)	08 Apr 93	-	19 Apr 93	Sanction of GOC-in-C, Eastern Command Letter No 106022/01/03(0D)(19)
09.	-	07 Jun 93	-	10 Jun 93	Sanction of GOC-in-C, Eastern Command Letter No 106022/01/03(0D)(19)
10.	-	26 Jul 93	-	02 Aug 93	Sanction of GOC-in-C, Eastern Command Letter No 106022/01/03(0D)(19)
11.	-	11 Sep 93	-	20 Sep 93	Sanction of GOC-in-C, Eastern Command Letter No 106022/01/03(0D)(19)
12.	-	13 Nov 93	-	12 Dec 93	Sanction of GOC-in-C, Eastern Command Letter No 106022/01/03(0D)(19)
13.	-	23 Dec 93	-	31 Dec 93	Sanction of GOC-in-C, Eastern Command Letter No 106022/01/03(0D)(19)
14.	-	21 Feb 94	-	02 Mar 94	Sanction of GOC-in-C, Eastern Command Letter No 106022/01/03(0D)(19)
15.	Sanction of GOC-in-C, Eastern Command Letter No 106022/01/03(0D)(19)	12 Apr 94	-	15 Apr 94	Sanction of GOC-in-C, Eastern Command Letter No 106022/01/03(0D)(19)
16.	Sanction of GOC-in-C, Eastern Command Letter No 106022/01/03(0D)(19)	26 May 94	-	31 May 94	Sanction of GOC-in-C, Eastern Command Letter No 106022/01/03(0D)(19)
17.	Sanction of GOC-in-C, Eastern Command Letter No 106022/01/03(0D)(19)	20 Jun 94	-	25 Jun 94	Sanction of GOC-in-C, Eastern Command Letter No 106022/01/03(0D)(19)
18.	-	13 Aug 94	-	15 Aug 94	Sanction of GOC-in-C, Eastern Command Letter No 106022/01/03(0D)(19)
19.	-	20 Sep 94	-	02 Oct 94	Sanction of GOC-in-C, Eastern Command Letter No 106022/01/03(0D)(19)
20.	-	16 Dec 94	-	17 Dec 94	Sanction of GOC-in-C, Eastern Command Letter No 106022/01/03(0D)(19)