FORM NO. 4

(SEE RULE 12)

CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH.

ORDER SHEET

~~Org.App/ Misc. Petn/~~Cont. Petn/ ~~Rev.Appl.~~ 6/04

In O.A. 467/01

Name of the Applicant(S) Pankaj Boruah

Name of the Respondent(S) (1) B.K. Mishra (2) K.K. Das.

Advocate for the Applicant A. Dasgupta, S. Chakraborty

Counsel for the ~~Railway~~/ C.G.S.C. A Deb Roy

OFFICE NOTE	DATE	ORDER OF THE TRIBUNAL
This Contempt petition has been filed by the Counsel for the Petitioner praying initiating Contempt proceedings against the Contemnors for willful disobedience of the order dated 26.6.02 passed by this Hon'ble Tribunal in O.A 467/2001. Laid before the Hon'ble Court for further orders. sd/ Section officer	25.2.2004	Present: The Hon'ble Shri Shanker Raju, Member (J). The Hon'ble Shri K.V. Prahladan, Member (A). Direction contained in O.A. No. 467/2001 are yet to be complied with by the respondents. Issue notice to the respondents prima facie contempt is found against the respondents. Contemnors are exempted from personal appearance. List on 26.3.2004 for orders. Member (A) Member (J)
	26.3.2004	On the plea of counsel for the applicant list on 1.4.2004 for orders. Member (A)

mb

Notice & order dt. 25/2/04
Sent to D/Section
for issuing to respondent
no. 1 & 2.

5/3/04.

1.4.2004 Present: Hon'ble Shri Kuldip Singh, Judicial Member

Hon'ble Srhi K.V. Prahlada, Administrative Member.

Heard the learned counsel for the parties. Orders passed separately.

Member(A) Member(J)

nkm

Received copy
for R
22/4/04

22.4.04

Copy of the order has been sent to the D/Sec. for issuing the same to the applt. as well as to the Addl. C.G.S.C. for the Respdn.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Contempt Petition No.6 of 2004

Date of decision: This the 1st day of April 2004

The Hon'ble Shri Kuldip Singh, Judicial Member

The Hon'ble Shri K.V. Prahladan, Administrative Member

Shri Pankaj Borah,
S/o Late Baburam Borah,
Resident of Village- Bhakatgaon,
P.O.- Nabhanga, Golaghat, Assam. .....Petitioner

By Advocates Mr A. Dasgupta and
Mr S. Chakraborty.

- versus -

1. Shri Binod Kumar Mishra
General Manager
Telecom, Kamrup Telecom District,
Guwahati.
2. Shri Kamal Krishna Das
Divisional Engineer (ADmn).
Office of General Manager, Telecom,
Kamrup Telecom District,
Guwahati. .....Respondents

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

.....

O R D E R (ORAL)

KULDIP SINGH, JUDICIAL MEMBER

The petitioner has filed this Contempt Petition on 25.2.2004 whereas the order in the O.A. was passed on 26.8.2002. Even excluding the time for communication of this order and the time given for implementation of the order then also the Contempt Petition has become barred by limitation under the provisions of Section 20 of the Contempt of Courts Act. The respondents have taken another objection that the officers belong to the Bharat Sanchar Nigam Limited (BSNL for short), therefore, the Tribunal

has no jurisdiction. The learned counsel for the respondents even quoted a judgment of the Delhi High Court in Ram Gopal Verma Vs. Union of India and others, reported in 2002 (1) SLJ 352, wherein it was held that the Tribunal has no jurisdiction for a Public Sector Enterprise unless notification is issued under Section 14(2) of the Administrative Tribunals Act. The learned counsel for the respondents also referred to another judgment passed by the Allahabad Bench of the Tribunal in Civil Misc. Contempt Application No.175 of 2003 wherein also the contempt peititon was also filed against officers of the BSNL and since no notification have been issued in respect of the BSNL under Section 14(2) of the Administrative Tribunals Act, it was held that the Tribunal had no jurisdiction over the BSNL.

2. Following the aforementioned two judgments we also hold that this Tribunal has no jurisdiction over the BSNL and accordingly the Contempt Peition is dismissed.

(K. V. PRAHLADAN)
ADMINISTRATIVE MEMBER

(KULDIP SINGH)
JUDICIAL MEMBER

nkm

Filed by:-
Sri Pankaj Borah
Suman Chakraborty
Advocate

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Contempt Application No. 6 /04

In the matter of: -

An application for initiating contempt proceedings against the contemners under Sec 17 of the Administrative Tribunal Act, 1985 for willful disobedience of the order dated 26.8.02 passed by this Hon'ble Tribunal.

- AND -

In the matter of: -

An Application under Rule 24 of the Central Administrative Tribunal Procedure Rules, 1987 for execution of the order dated 26.8.02 passed by this Hon'ble Tribunal in OA No. 467 / 01.

- AND -

In the matter of: -

Sri Pankaj Borah
Son of Late Baburam Borah
Resident of vill – Bhakatgaon,
P.O. – Nabhanga, Golaghat, Assam.

------ **Petitioner**

Contd...P/-

- VS –

1. Sri Binod Kumar Mishra
   General Manager
   Telecom, Kamrup Telecom
   District, Guwahati.

2. Sri Kamal Krishna Das
   Divisional Engineer (Adm)
   Office of G.M: Telecom,
   Kamrup Telecom District,
   Guwahati.

Humble petition of the petitioner above named.

MOST RESPECTFULLY SHEWETH: -

1. That the petitioner was engaged as a Casual Labourers by the Department of Telecommunication on 5.8.96. Initially he was engaged at Telephone office, Assam Sachibalaya. The Department of Telecommunication prepared a list of Casual mazdoors / labourers engaged in the department on 30.10.96 containing different particulars of casual labourers including the date of engagement. The petitioner's name was also included in that list showing his date of engagement as 5.8.96

   A copy of the list prepared on 30.10.96 is annexed as **Annexure –A.**

2. That the petitioner continuously worked with other casual labourers of the department and discharged his duties to the satisfaction of all concerned. His services were not tainted with

any stigma. But suddenly he was disengaged on 30.9.97 along with other casual labourers vide an order dated 30.9.97 passed by the Divisional Engineer CTO, Guwahati.

A copy of the order dated 30.9.97 is annexed as **Annexure – B.**

3. That the disengaged casual labourers approached this Hon'ble Tribunal contending, interalia, that they were entitled to have the Temporary Status in terms of a Scheme called Casual Labourer (Grant of Temporary Status & Regularization) scheme, 1989 framed by the Govt. and as such their disengagement was against the procedure established by law. Some of these case were registered as OA – 107 / 98, OA – 112 / 98, OA – 114 / 98, OA – 118 / 98, OA – 120 / 98, OA – 131 / 98, OA – 195 / 98, OA – 141 / 98 and etc. This Hon'ble tribunal while disposing off these application directed the respondents to examine the cases of the applicants for the purpose of conferring Temporary status if they has completed 240 days of work.

4. That pursuant to the direction of this Tribunal the department constituted a verification committee to ascertain the number of days of working of the casual labourers. Accordingly on 10.4.2000 the Divisional Engineer CTO directed the petitioner to appear before the verification committee on 12.4.2000 and accordingly he appeared.

A copy of the order dated 10.4.2000 is annexed as **Annexure – C.**

Smt Pankaj Boruah

5. That on 27.12.2000 the Divisional Engineer (Admn). O/o G.M. Telecom), Kamrup informed the petitioner that as per the report of the verification committee he could not satisfy the eligibility criteria laid down in the scheme for conferment of TSM / Regularisation and as such his case could not be considered favourably. Along with the aforesaid order the finding of the verification committee was enclosed and it appeared that the concerned authority computed the number of working days from September' 96 to September' 97. According to them the petitioner completed more than 300 days of working, but as he couldn't complete 240 days of work in a particular year his case was not considered in terms of the scheme. The concerned authority erred in calculating the period as one calendar year and not one year from the date of engagement.

A copy of the order dated 27.12.2000 passed by the D.E. along with the findings of the verification committee is annexed as **Annexure –D** (Collectively)

6. That the petitioner being aggrieved by the aforesaid order approached this Hon'ble Tribunal and a case being OA No. 467 / 2001 was registered. This Hon'ble Tribunal after hearing the parties was pleased to allow the application by setting aside the order dated 27.12.2000 with direction to the respondents to pass appropriate order for conferment of temporary status to the petitioner within one month from the date of receipt of the order vide order dated 26.8.02. This Hon'ble Tribunal was pleased to hold that the petitioner completed more than 240 days of work

during the period of his engagement and as such he was entitled to conferment of temporary status in the light of the scheme.

A copy of the order-dated 26.8.02 passed in OA 467 / 2001 is annexed as **Annexure –E.**

7. That the aforesaid order was duly communicated to the respondents / contemners, but no order has yet been passed in compliance of this Hon'ble Tribunal's order. The petitioner ran from pillar to post and tried all possible means to get the order dated 26.8.02 implemented, but all his efforts ended in vain. Finding no other alternative he served a legal notice to the Divisional Engineer (Adm) on 12.12.03 for implementation of the order-dated 26.8.02. However a long time have elapsed, but not action has been taken to implement the order of this Hon'ble Tribunal.

A copy of the legal notice dated 12.12.03 is annexed as **Annexure –F.**

8. That the petitioner states he is a poor man and since his disengagement he is passing his days in acute financial crisis. It has become almost impossible to meet the basic requirements of life. Under such circumstances he time and again approached the respondents for a favourable order in compliance of this Hon'ble Tribunal's order. But to his utter surprise nothing has been done till date. The petitioner being a poor man, his economic condition did not permit him to approach this Hon'ble Tribunal for a second round of litigation. Moreover the

Sri Pankaj Borah

respondents verbally told him that they were examining his case and an order would be passed soon. In this way more than a year have passed, but nothing has been done to comply theorder of this Hon'ble Tribunal. The petitioner was expecting the order from the respondents, but now it is clear that nothing will be done unless this Hon'ble Tribunal initiates a contempt proceeding against the respondents as well as a proceeding for execution of the order dated 26.8.02. Somehow with great difficulty and with some financial assistance from friends and relatives, the petitioner has approached this Hon'ble Tribunal as his last resort to get justice which was denied to him. Hence the delay, if any, may be condoned for the ends of justice.

9. That the petitioner submits that t he respondents have willfully disobeyed the direction given by this Hon'ble Tribunal. Their intentional disregard to order passed by this Hon'ble Tribunal is nothing but a contemptuous action liable for punishment and a proceeding may be drawn in exercise of the power conferred under sec 17 of the Administrative Tribunal Act, 1985.

10. That the petitioner submits that this is a fit case for this Hon'ble Tribunal to exercise the powers conferred under sec 17 of the Administrative Act, 1985 and punish the respondents / contemners for willful disobedience of the directions given vide order dated 26.8.03 in OA No. 467 / 2001. And also initiate a proceeding under Rule 24 of the CAT Procedure Rules, 1987 for execution of the order dated 26.8.02 passed in OA No. 467 / 01.

11. That the petitioner has not other alternative efficacious remedy for implementation of the order dated 26.8.2002.

12. That the petitioner is made bonafide and for the interest of justice.

It is, therefore, prayed that this Hon'ble Tribunal may be pleased to initiate a contempt proceeding against the respondents / contemners and punish them for willful disobedience of the order dated 26.8.02 passed in OA No. 467 / 2001 by this Hon'ble Tribunal. And also initiate a proceeding in exercise of powers conferred under Rule 24 of the CAT Procedure Rules, 1987 for execution of the order dated 26.8.02 and / or pass any such further or other order / orders as this Hon'ble Tribunal may deem fit and proper for the ends of justice.

And for this your petitioner, as in duty bound shall ever pray.

Sri Ponkaj Borah

Smt Ponkaj Borah.

DRAFT CHARGE

Laid down before this Hon'ble Tribunal for willful non-compliance of the order dated 26.8.2002 passed in OA No. 467 / 2001. Therefore this Hon'ble Tribunal would be pleased to impose penalty upon the alleged condemners for non-compliance of the order dated 26.8.2002 passed in OA No. 467 / 2001 and further be pleased to pass any other order / orders as deem fit and proper.

B

Sri Pankaj Borah,

COURT FEE 1 Rs. ONE RUPEE

AFFIDAVIT

I, Sri Pankaj Borah, son of Late Baburam Borah, aged about 24..... years, resident of Village – Bhakatgaon. P.O. – Nabhanga, Golaghat, Assam do hereby solemnly affirm and declare as follows: -

COURT FEE 25 Rs. TWENTY FIVE PAISE

1. That I am the petitioner of this case and as such well acquainted with the facts and circumstances of this case.

2. That the statements made in this affidavit and paragraphs 1, 2 , 7, 8 are true to my knowledge and that made in paragraph 3, 4, 5, 6 are true to my information derived from records which I believe to be true and rest are my humble submissions before this Hon'ble Tribunal.

I sign this affidavit on this the 19th day of February 2004 at Guwahati.

Identified by: -

S. Chakraborty.
Advocate.

Sri Pankaj Borah.
DEPONENT

Divisional Judicial Magistrate Guwahati

Solemnly affirmed and declared before me by t he deponent who is identified by Sri Suman Chakraborty, Advocate on this 19th Day of February 2004 at Guwahati.

19.2.04.
Divisional Judicial Magistrate
MAGISTRATE, GUWAHATI

ANNEXURE – A

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

SL. No.	Name of the Casual Labour	Community	Date of Birth	Date of Engagement	Engaged by	Place of engagement.	Engaged Against	Remarks
1.	2.	3.	4	5	6	7	8	9
1.	Sri Dhaniram Deka	OC	24.9.67	01.01.90	CSCTO,GM	T/C Panbazar	Parash-Cum-A/Maz.	Engaged as per instruction of the CGMT / GH letter No. RRFC-18 / RE dtd. 23/12/92 & No. TTUI – 1/3/95 dtd 18.4.95.
2. ……								
……								
……								
22.	Sri Pankaj Bora	OC	05.08.96	-do-		T/C Assam Sachivalaya	- do -	

No. STA – 51 / CL / 36 / 97 / 04 Dated at Guwahati, the 30.10.96.

Sd/- Illegible
30.10.96
Chief Superintendent.

Attested by
Advocate.

ANNEXURE : - B

GOVT. OF INDIA
Department of Telecommunication
Office of the Divisional Engineer CTO, Guwahati.

No. STA – 51/CL/96-97/18 dated at Guwahati the 30.09.97

In pursuance of vigilance officer, O/O, CGMT Assam Circle, Guwahati letter No. Vig / Assam / 30 (D) / 10 dated 10.09.97 and the GM Telecom, Kamrup Telecom District, Guwahati letter No. GM / Kamrup / CON / 96 – 97 dtd. 11.09.97, the following labours working in CTO / TO s & T / C s of Telegraph Activity area under GMT / Guwahati are hereby retrenched with effect from the afternoon of 30.09.97.

1. Shri Dhani Ram Deka
2. Shri Champak Talukdar
3. Shri Sachin Das.
4. Shri Kulen Das.
5. Shri Subhash Barman
6. Shri Niranjan Malakar.
7. Shri Sarju Basfore.
8. Shri Santu Chakraborty.
9. Shri Kameshwar Kardong.
10. Shri Birbal Basfore.
11. Shri Kiran Ch. Boro.
12. Shri Bijoy Boro.
13. Shri Rabin Ch. Boro.
14. Miss Kiran Kalita.
15. Shri Sanjay Saw.
16. Mrs. H. Das.
17. Shri Romani Medhi.
18. Shri Nayan Jyoti Dutta.
19. Shri Pankaj Bora.
20. Shri Kusal Medhi.
21. Shri Khargeswar Kalita
22. Shri Madan Ch. Boro.

Sd/-
(S. TAID)
Divisional Engineer,
CTO, Guwahati – 781001.

Copy for information & necessary action to: -

1) GM Telecom KTD, Ulubari, Guwahati- 781007 for information w.r.t is letter cited above.
2) All I/Cs of T.Os & T/Cs..
3) All SDEs, CTO, Guwahati.
4) The A.O., CTO, Guwahati.
5) The Chief Manager, Deptt. Canteen, CTO, Guwahati.
6) The Chief SS (Admn), CTO, Guwahati.
7) The Chief (Acctt), CTO, Guwahati.
8) O/C

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

Attested by
Adv.
Advocate

ANNEXURE – C

DEPARTMENT OF TELECOMMUNICATIONS.

Office of the Divisional Engineer, CTO, Guwahati.

To,

Sri Pankaj Bora, Ex. C/M.

CTO / Gh.

No. SPA – 51/CL/ Loose / 16. Dated 10.04.2000

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

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

Sd/- Illegible

10 / 04 / 2000

Divisional Engineer,

Central Telegraph Office,

Guwahati – 781001.

Attested by
Advocate

17

ANNEXURE: - C(Colly.)

Government of India.

Department of Telecommunication

Office of the Divisional Engineer, CTO, Guwahati – 1.

* * * * * *

No. STA – 51 / CL/ LOO SE / 15. Dated at Guwahati the 10.04.2000.

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

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

Sd/- Illegible
10.4.2K
Divisional Engineer
Central Telegraph Office,
Guwahati – 781001

Copy for information to : -

1 – 6 Ex- Casual Mazdoor concerned.

Attested by
Advocate

18

ANNEXURE – D

By Regd. Post or
Through Peon Book.

BHARAT SANCHAR NIGAM LIMITED.
(A Govt. of India Enterprise).
OFFICE OF THE GENERAL MANAGER TELECOM.
KAMRUP TELECOM DISTRICT.
GUWAHATI – 781007

No. GMT/ EST – 179 / TSM / 100-101 / 104. Dated at Guwahati, the 27.12.2000.

To,
Shri Pankaj Bora, C/O. Late Babu Ram Bora,
Vill : Bhakatgaon, P.O. Nabhanga, Golaghat,
Dist:- Golachat (Assam).

As you are aware that as per direction given by Hon'ble CAT, Guwahati Bench, Guwahati in OA No.s 107 / 98, 112 / 98, 114 / 98, 118 / 98, 120 / 98, 131 / 98, 135 /98, 136 / 98, 141 / 98, 142 / 98, 145 / 98, 192 / 98, 223 / 98, 269 / 98 and 293 / 98, the department constituted verification committee for different SSAs / Units under the circle for conducting detailed verification / scrutiny about the number of days of engagement year –wise in different units / office and also to collect proof / evidence for such causal labourers including yourself. The committee verified all the documentary as well as other proof from the various units / offices and also personally interviewed such casual labourers including you on 10.04.2000. In our officer / SSA, the committee comprised of three members namely one Shri A. S Choudhury, / Shri S.C. Tapadar, DE (Admn) O/O GMT / KTD / Guwahati, (2) Shri N.K. Das, CAO (Cash), O/O GMT / KTD / Guwahati (3) Shri S.C. Sharma, ADT (Legal), O/O CGMT / Guwahati.

The aforesaid committee submitted his report to the Department detailing all about their finding /proof against each casual labourers

including you. The detail of such scrutiny report is enclosed and furnished herewith as in annexure for your information.

Under the above circumstances as you could not satisfy the eligibility criteria as laid down in the scheme for conferment of TSM / Regularisation, your case could not be considered favourably. Please take notice that you have not been in engagement under the department since 30.09.1997 and you have been retrenched vide DE, CTO letter No. STA – 51 / CL / 95 – 97 /18 dated 30.09.97 you have been disengaged as casual labourer with effect from 31.01.2001 as the department is bound to consider only the cases of such casual labourers for conferment of TSM against such vacancies / works. This is done in accordance with the Hon'ble Tribunals order and also the stay / statusquo that was directed to be maintained.

Head of SSA / Unit
Sd/- Illegible
Divisional Engineer (Admn)
O/O GM Telecom
Kamrup Telecom District
Guwahati – 7.

Copy to:

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

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

Sd/- Illegible
Divisional Engineer (Admn)
O/O GM Telecom
Kamrup Telecom District
Guwahati – 7.

Attested by
Adv.
Advocate.

ANNEXURE: - D (Colly)

Details of findings by the verification committee of Kamrup telecom district Guwahati (Name of SSA/Unit) in case of Shri Pankaj Bora in DE. CTO . GM.

Date of Engagement	**Authority of Engagement**	**No. of Days engaged year wise / month wise**	**Proof of Engagement (documentary)**	**Name & Designation of members as found**	**Reasons in brief as found**	**Remark**
Sep' 96	DE, CTO GM	09/96 - 30.00 10/96 - 31.00 11/96 - 30.00 12/96 - 28.50 01/97 - 19.25 02/97 - 25.25 03/97 - 25.75 04/97 - 27.50 05/97 - 26.00 06/97 - 25.75 07-97 - 27.00 08/97 - 21.90 09/97 - 25.25	Payment Register	1. Shri S.C. Tapadar DE (Admn) 2. Shri N.K. Das CAO 3. Shri G.C Sharma ADT (Legal)	Not completed 240 days in any calander year.	Not recomanded by the committee.

Signature - Illegible
Divisional Engineer (Admn)
O/O GM Telecom
Kamrup Telecom District
Guwahati - 7.

Attested by
Le
Advocate.

ANNEXURE-E

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No. 467 of 2001.

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

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

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

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

...Applicant

By Advocate Sri A.Dasgupta.

- Versus -

1. Union of India,
represented by the Secretary,
Government of India,
Ministry of Communication,
New Delhi.

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

3. Chairman,
Telecom Commission,
New Delhi.

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

5. General Manager (Telecom),
Kamrup, Guwahati.

6. Divisional Engineer,
Central Telegraph Office,
Guwahati.

7. Divisional Engineer (Admn.)
G.M., Telecom,
Kamrup Telecom District.

...Respondents

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

O R D E R

CHOWDHURY J.(V.C)

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

Attested by
Advocate.

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

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

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

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

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

Sd/VICE CHAIRMAN

Sd/MEMBER (A)

BENCH

TRUE COPY

pg

1/19/02

Section Officer (J)

Administrative Tribunal

Guwahati

Laman Chakraborty
ADVOCATE
GAUHATI HIGH COURT

Residence :
Pahartoli 3rd bye Lane
Kalapahar
GUWAHATI-781 018
Phone : (C) 542431
(R) 523691 247691

Date 12.12.03

To,

The Divisional Engineer (Admn.),
G.M. Telecom,
Kamrup Telecom District,
Guwahati.

Sub :- Legal Notice for violation of the Order dtd. 26.8.02 passed by Hon'ble CAT in OA 467/01.

Sir,

Under instruction of my client Sri Pankaj Bora you are hereby served with this legal notice for violation of the order dtd. 26.8.02 passed by Hon'ble CAT, Guwahati.

That my aforesaid client, a casual labour appointed in Oct'96, preferred an application before Hon'ble CAT, Guwahati for conferment of Temporary Status. The case was disposed of along with similar other applications with directions to the authorities to consider the case of the applicants for conferment of temporary status.

That pursuant to the order of the Hon'ble Tribunal a verification committee was constituted for consideration of the cases for grant of temporary

C ntd...2

Attested by
Advocate.

Suman Chakraborty
ADVOCATE
GAUHATI HIGH COURT

Residence :
Pahartoli 3rd bye Lane
Kalapahar
GUWAHATI-781 018
Phone : (C) 542431
(R) 523691

Date.....

status. However the case of my client was not considered and rejected vide Memo dtd. 27.12.2000 passed by Divisional Engineer (Admn.).

That my client challenged the aforesaid order dtd. 27.12.2000 before Hon'ble CAT ,Guwahati and the case was registered as OA 467/01. The Hon'ble Tribunal after hearing both the parties was pleased to reject the contention of the telecom authorities and set aside the order dtd. 27.12.2000 with directions to pass appro--priate order for conferment of temporary status to my client within one month from the date of receipt of the order. .

That the aforesaid order was duly communicated to you, but surprisingly you have failed to pass appro--priate order in compliance with the order dtd. 26.8.02 although a long time have elapsed.

That your aforesaid conduct is clearly in violation of the order passed by Hon'ble CAT, Guwahati. The Hon'ble Tribunal Categorically held that my client duly completed 240 days under the Telecom authorities and as such it was incumbent on your part to confer him temporary status in the light of the scheme. Under such clear order there is no scope for you to- delay

Contd...3

Suman Chakraborty
ADVOCATE
GAUHATI HIGH COURT

Residence :
Pahartoli 3rd bye Lane
Kalapahar
GUWAHATI-781 018
Phone : (C) 542431
(R) 523691

Date.....

conferment of temporary status to my client. Thus your action shows total disregard to the order passed by the Hon'ble Tribunal and amounts to contempt of Court.

In the above facts and circumstances you are hereby requested to pass appropriate order in terms of the order dtd. 26.8.02 passed by Hon'ble CAT in OA 467/01 within 10 days from the date of receipt of this notice. In the event of your failure to pass appro-priate order, my client will be compelled to file an application for contempt before the Hon'ble CAT without further reference to you.

Yours faithfully

Suman Chakraborty

(SUMAN CHAKRABORTY)
ADVOCATE 13/11/02