

30/100
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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O.A/T.A No. 08/2001

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CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH:GUWAHATI.5

ORIGINAL APPLICATION NO. 8/2001

Sri. Arambinda Haloi & Ors. ..Applicant.

VERSUS

Union of India & Ors Respondents.

For the Applicant(s) Mr. B.C. Sharma

S. Sarma

Uk ovaria

Uk Goswami

For the Respondents.

C.G.S.C.

NOTES OF THE REGISTRY

DATE

ORDER

This application is in form
but not in the original application
Petitioner is B.C. Sharma & Co.
Mr. B.C. Sharma is the Addl. C.G.S.C.
for the Petitioner. Dated 28.1.2001
Proposed No. 77/827
Dated 28.1.2001

Dy. Registrar

24.1.01

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

Admit. Issue notice. Returnable on
28.2.2001. In the meantime Mr. B.C. Pathak,
learned Addl. C.G.S.C. may obtain necessary
instructions on the matter. List on
28.2.2001 for further orders.

Vice-Chairman

Service of Envelope
me latem.

24.1.01
25.1.01
26.1.01

B
25(1)(1)

5.2.2001

Service of Notice ready
to prepared for issuance
of Notice to the
Respondents vide D.N.C.
B.G.S.C. 401 Dt. 6.2.2001

28.2.2001

Four weeks time allowed to the
respondents to file written statement.
List it on 28.3.01 for orders.

Vice-Chairman

nkm

28.3.2001

Four weeks time allowed to the
respondents to file written statement. List
it for orders on 2.5.01.

Vice-Chairman

① Service report are
still awaited.

② No written statement
has been filed.

28.4.2001 nkm

2.5. Passover to 25/8/2001

B/o
A/c
25

31.5.01

Written statement has been filed.

List the case for hearing on 29.6.01

The applicant may file rejoinder if any,
within two weeks from today.

17.5.2001

W/S has been
submitted by the
Respondent Nos. 1 to 4.

Vice-Chairman

29.6.2001

29.6.2001

Rejoinder has not been
filed.Rejoinder has not been
filed.

26.6.01

27.7.01 There is a reference.
The case is adjourned to 29/8/2001.B/o
A/c
27.7.01

29.8.01

List the case on 5.10.2001 to
enable the counsel for the parties to
obtain necessary instruction.

Vice-Chairman

bb

26.10.01

5.10.2001

Heard the learned counsel for the parties.

Hearing concluded. Judgment delivered in open
court, kept in separate sheets. The application
is disposed of. No order as to costs.H.C. Shrivastava
Member

nkm

12.11.2001
Copy of the judgement
has been sent to the
D/o for issuing the
same to the L/B Ads.
for the parties.

HS

CENTRAL ADMINISTRATIVE TRIBUNAL ::
GUWAHATI BENCH.

O.A./XXX No. . 8 OF 2001

DATE OF DECISION 5.10.2001

Shri Arabinda Haloi and 213 others

APPLICANT(S)

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

Mr U.K. Nair and Mr U.K. Goswami

ADVOCATE FOR THIS APPLICANT(S)

- VERSUS -

The Union of India and others

RESPONDENT(S)

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

ADVOCATE FOR THE
RESPONDENTS.

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

THE HON'BLE

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

Ex.

Judgment delivered by Hon'ble Administrative Member

Umeshwar

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No.8 of 2001

Date of decision: This the 5th day of October 2001

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

Shri Arabinda Haloi and 213 othersApplicants

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

- versus -

1. The Union of India, represented by the Secretary to the Government of India, Ministry of Communication, New Delhi.
2. The Chief General Manager (Telecom), Assam Circle, Guwahati.
3. The Telecom District Manager, Department of Telecom, Tezpur.
4. The Divisional Engineer (P&A), Department of Telecom, Office of the Telecom District Manager, Department of Telecom, Tezpur.

.....Respondents

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

.....

O R D E R (ORAL)

K.K. SHARMA, ADMINISTRATIVE MEMBER

In this application under Section 19 of the Administrative Tribunals Act, 1985 214 applicants have joined together and has sought permission to pursue the application under Rule 4 (5) (a) of the Central Administrative Tribunal (Procedure) Rules, 1987. As the issue involved is the same they are allowed to pursue the single application.

2. The applicants are employed as casual workers under the respondents. Under the Scheme formulated by the Telecommunication Department the applicants were provisionally conferred temporary status by order dated 27.5.1996. The temporary status conferred on the applicants was subsequently cancelled and the matter had been despatched

IC Ushere

to the Central Bureau of Investigation (CBI for short) for investigation of certain facts relating to the appointment of the applicants. The applicants being casual workers were allowed to appear in the qualifying test for Phone Mechanic. As per Memo No.7-43/97-N C G dated 11.11.1997 (Annexure 4 to the application), four categories of employees were entitled to appear in the qualifying test for Phone Mechanic, namely, (1) Group D, (2) Regular Mazdoors, (3) Casual Mazdoors and (4) Temporary Status Mazdoors.

3. Mr S. Sarma, learned counsel for the applicants, submitted that even if the temporary status of the applicants has been cancelled and as they are still continuing, their status is that of Casual Mazdoors and as Casual Mazdoors they have been authorised to appear in the qualifying test. Therefore, there is no inconsistency to allow the applicants to appear in the test. The applicants were allowed to appear in the test, but their results have been withheld on account of the fact that their status is under investigation by the CBI.

4. I have heard Mr S. Sarma, learned counsel for the applicants and Mr B.C. Pathak, learned Addl. C.G.S.C. Having gone through the documents filed with the application, I am of the view that once the applicants have been allowed to appear in the test being found eligible and even the cancellation of temporary status conferred on the applicants does not debar them from appearing in the qualifying test as their status continue to be that of casual nature. The only relief sought for by the applicants is the declaration of the result of the qualifying test. From the written statement filed by the respondents I find no reason why the result of the qualifying test held cannot be declared. The qualifying Casual Workers/Temporary Status Mazdoors are sent for training only after qualified Linemen are appointed as Phone Mechanics.

5. The respondents are directed to declare the result of the qualifying test of Phone Mechanics and deal with the subsequent training/promotion as per law. Needless to say that further action by the respondents

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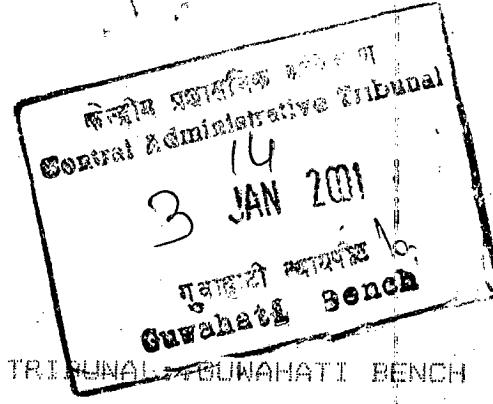
will.....

will be subject to the outcome of the CBI investigation relating to the applicants.

6. The application is disposed of. There shall be no order as to costs.

K. K. Sharma
(K. K. SHARMA)
ADMINISTRATIVE MEMBER

nk m



- 15 -

THE CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH

GUWAHATI

D.A. No. 8/2001 of 2000

BETWEEN

Shri Arabinda Haloi, and ors.Applicants.

-Vs-

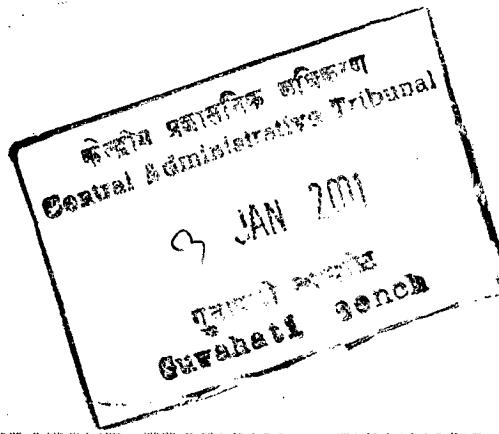
Union of India & ors.Respondents.

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Filed by :

For office use



Filed by:

the Applicants 9
through
Rejal Kr. Goswami
Advocate

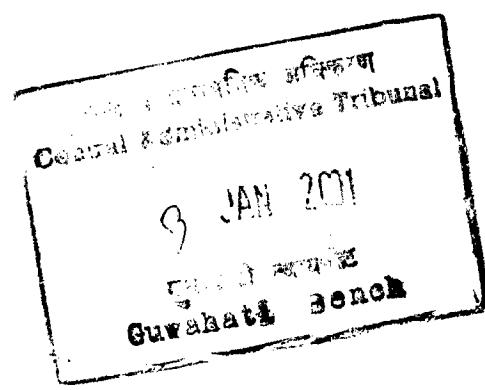
THE CENTRAL ADMINISTRATIVE TRIBUNAL : GUWAHATI BENCH
GUWAHATI

O.A. No. 8/2001
of 2000

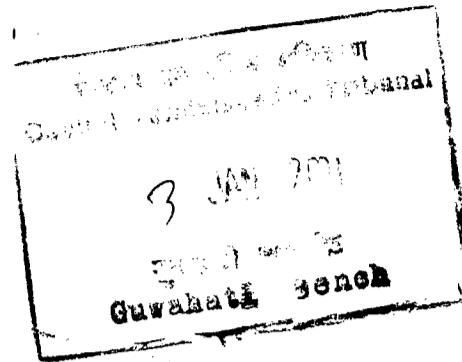
BETWEEN

1. Shri Arabinda Haloi
2. Shri Pulin Bora
3. Shri Prasanta Koach,
4. Shri Digambar Das
5. Shri Bubul Bhuyan
6. Shri Jitu Talukdar
7. Shri Basanta Bijay Mahanta.
8. Shri Rana Sur
9. Shri Sankar Ghatak.
10. Shri Uttam Saha.
11. Shri Ranjit Das
12. Shri Mahesh Deka.
13. Shri Ghanashyam Lahkar.
14. Shri Kamal Ch Das.
15. Shri Nipen Ch Haloi
16. Shri Balin Das.
17. Shri Nipul Choudhury.
18. Shri Pulak Haloi
19. Shri Bipul Nath
20. Shri Babul Saikia.
21. Shri Bijit Bora.
22. Shri Kalpana Saikia.
23. Shri Ramesh Ch Nath.
24. Shri Pankaj Chetry
25. Shri Bhaben Ch Saikia
26. Shri Anil Thakur
27. Shri Mridul Deka
28. Shri Purna Ch Nath
29. Shri Balin Swargiary
30. Shri Bhyagya Sangma.
31. Shri Rajib Gogoi
32. Shri Dharani Swargiary
33. Shri Naba Kr. Sarma.
34. Shri Arani Ch Talukdar
35. Shri Mridul kr Das
36. Shri Nagen Saikia.
37. Shri danadhar Das
38. Shri Jiten Kr Sut
39. Shri Prasanna Saikia.
40. Shri Inderswar Saikia.
41. Shri Kandarpa Saikia.
42. Shri Ramaprasad Bodo.
43. Shri Pankaj Sutradhar.
44. Shri Jitu Sarma.
45. Shri Jyoti Prasad Saikia.
46. Shri Dhanapad Swargiary.
47. Shri Juri Sarma.
48. Shri Kishor Kr Pathak.

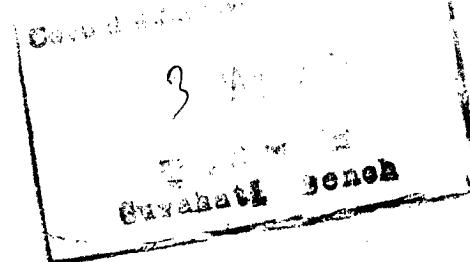
49. Shri Maina Bora/Khargeswar Bora.
50. Shri Babul Saikia
51. Shri Paban Kakati
52. Shri Gobinda Bhuyan
53. Shri Biren Das
54. Shri Gagan Bhuyan
55. Shri Jiten sarma
56. Shri Gobinda Bora
57. Shri Cheniram sarma
58. Shri Prabhat Sarma
59. Shri Ramdev Bhagat
60. Shri Tilak Bora
61. Shri Pranjal Kakati
62. Shri Abani Baush
63. Shri Tun Mani saikia
64. Shri Biren Bora
65. Shri Basanta Bhuyan
66. Shri Dharmendra Kr Rai
67. Shri Pulin Borah
68. Shri Amika Barman
69. Shri Prabhat Kalita
70. Shri Dweopen Bhuyan
71. Shri Bharat Basfor
72. Shri Jayanta Phukan
73. Shri Kalyan Mech
74. Shri Biman Kr Payeng
75. Shri Biren Duwara
76. Shri Lila Ram Payang
77. Shri Sunanda Sonowal
78. Shri Ananda Sonowal
79. Shri Mohan Sonowal
80. Shri Nabin Sonowal
81. Shri Lohit Sonowal
82. Shri Prafulla Sonowal
83. Shri Cheni Ram Borah
84. Shri Rabin Doley
85. Shri Khemchand Pegu
86. Shri Dinesh Pegu
87. Shri Kamal Ch Nath
88. Shri Babul Bora
89. Shri Kalipada Bora
90. Shri Thogi Ram Taye
91. Shri Bibekananda Pegu
92. Shri Gagan Deka
93. Shri Anil Kr Das
94. Shri Ranjan Adhikari
95. Shri Shbijyoti Mazumdar
96. Shri Ujjal Mahanta
97. Shri Abdul Karim
98. Shri Dipak Deka
99. Shri Satya Ranjan Kalita
100. Shri Mahesh Baroi
101. Shri Swadesh Seal
102. Shri Debasis Das
103. Shri Ajit Das
104. Shri Abdul Jabbar
105. Shri Chintamani Bora
106. Shri Siba Pd. sarma.
107. Shri Jadab Deka



108. Shri Nanki Debi
109. Shri Nayan Kalita
110. Shri Reba Kanta Saikia
111. Shri Dinen Ch Deka
112. Shri Rohini kanta Basumatari.
113. Shri Bhupen Barmen
114. Shri Mainul Haque
115. Shri Muzamil Haque
116. Shri Rajat Bhattacharjee
117. Shri jatin Saloi
118. Shri Miran Daimary
119. Shri Nabin Rabha
120. Shri Daya Ram Boro
121. Shri Durlav Baruah
122. Shri Birendra Basumatary
123. Shri Rajin Kr Boro
124. Shri Baneswar Boro
125. Shri Nigam Swargiary
126. Shri Sanjay Dutta
127. Shri Nerendra Basumatary
128. Shri Kamaleswar Narzary
129. Shri Yama Kanta Chamlagain
130. Shri Piar Ali
131. Shri Biren Rabha
132. Shri Tanu Ram Boro
133. Shri Bhaba Kanta sarma
134. Shri Rajkumar kakati
135. Shri Pradip Sut
136. Shri Pulak Ch mahanta
137. Shri Pradip Kr Bora
138. Shri Babul Ch Das
139. Shri Pradip Bora
140. Shri Narendra Kakati
141. Shri Ganesh Das
142. Shri Nagina Roi
143. Shri Ramesh Katal
144. Shri Gautom Kr Paul
145. Shri Swapna Kr Saha
146. Shri Indira Bora
147. Shri Indarmal Goala
148. Shri Gajen Barua
149. Shri Mazubur Rahman
150. Shri Taizuddin Ahmed.
151. Shri Pabin Ch Boro
152. Shri Khagendra Nath deka
153. Shri Sartaz Ahmed.
154. Shri Sadhi Ram Deka
155. Shri Maznur Ali
156. Shri Babul Ch kalita
157. Shri Bolo Saikia
158. Shri Ratenswar Sonowal
159. Shri Rohit Sonowal
160. Shri Dambaru Chutia
161. Shri Dilip Neog
162. Shri Maina Sonowal
163. Shri Jorgeswar Bora
164. Shri Gahin Sonowal
165. Shri Dembeswar Sonowal
166. Shri Jiten Thengal



167. Shri Mahendra Cheileng
168. Shri Dhani Ram Basumatary
169. Shri Rebat Sonowal
170. Shri Dimbeswar Saikia
171. Shri Motital Mili
172. Shri Gobin Sonowal
173. Shri Lohit Bora
174. Shri Ghana Sonowal
175. Shri Lokeswar Sonowal
176. Shri Nizu Hazarika
177. Shri Dibya Sonowal
178. Shri Atul Sonowal
179. Shri Prafulla Sonowal
180. Shri Giridhar Saikia
181. Shri Upendra Nath Saikia
182. Shri Siba Gogoi
183. Shri Niramal Pawe
184. Shri Rudra Thengal
185. Shri Tulan Thengal
186. Shri Khargeswar Sonowal
187. Shri Anil Nath
188. Shri Ghana kanta Sonowal
189. Shri Maheswar Saikia
190. Shri Jogen Sonowal
191. Shri Dipali Hazarika
192. Shri Dwijen Baishya
193. Shri Atul Ch deka
194. Shri Parimal Sarkar
195. Shri Saki Ram Mazhi
196. Shri Karuna Ch Lakhkar
197. Shri Bishwajit Malakar
198. Shri Mina Das
199. Shri Paramita Dey
200. Shri Rupen Ch. Das
201. Shri Sanjay Kr Deb
202. Shri Dukhan Ray
203. Shri Anup Kr Dutta
204. Shri Dina Kanta Dhatowal
205. Shri Manjula Das
206. Shri Skehkar Chutia
207. Shri Ranjan Das
208. Shri Aloke Shome
209. Shri Prasanta Das
210. Shri Sabitri Das Roy
211. Shri Biswa Das
212. Shri Baneswar Baishya
213. Shri Rumi Kalita
214. Shri Upen Kalita.

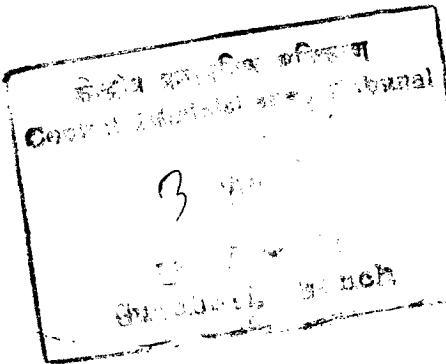


... Applicant

AND

1. The Union of India, represented by the Secretary to the Government of India, Ministry of Communication, New Delhi-1.
2. The Chief General Manager, (Telecom), Assam Circle, Guwahati.

Al



3. The Telecom District Manager,
Department of Telecom, Tezpur.
4. The Divisional Engineer, (P&A),
Department of Telecom, office of the
The Telecom District Manager,
Department of Telecom,
Tezpur.

... Respondents

DETAILS OF APPLICATION

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

The present application is directed against the inaction on the part of the Respondents in not declaring the results of the of the Examination for promotion to the post of Phone Mechanics, TTAs ; and Sr. TOAs i.e, the 2nd qualifying test for promotion to the restructured cadre of Phone Mechanics, . The respondents illegally disallowed the applicants to appear in the said examination although they were fully qualified for the same and the applicants thereafter moved the Hon'ble Tribunal by way of filing OA No 157 of 1998 and the Hon'ble Tribunal finally disposed of the in favour of the applicants. Now the respondents have withhold the results of the said examination without any further intimation to the applicants. Through this application the applicants prays for a direction to the respondents to declare the results of the said examination with a further direction to take follow up action for such promotion.

2. JURISDICTION OF THE TRIBUNAL :

The Applicant declares that the subject matter of

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3 JAN 2001

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the application is within the jurisdiction of this Hon'ble Tribunal.

3. LIMITATION :

The Applicant further declares that the application is filed within the limitation period prescribed under Section 21 of the Administrative Tribunals Act, 1985.

4. FACTS OF THE CASE :

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

219
4.2 That the Applicants are presently working under the respondents as "temporary status mazdoor" (TSM). The grievances made by the applicants and the relief sought by the applicants are similar and as such they crave leave of the Hon'ble Tribunal to join together in a single application invoking Its power under Rule 4(3)(a) of the Central Administrative Tribunal (Procedure) Rules 1987, to minimise the number of litigation as well as the cost of the application.

4.3 That the respondents pursuant to a judgment and order passed by the Hon'ble Supreme Court, a scheme in the name and style "casual labourers grant of temporary status and regularisation" scheme 1989. The respondents thereafter communicated the said scheme vide order dated 7.11.89. In the said scheme the respondents have

Gustavus Bonch

granted certain benefits to the employees after conferment of such status.

A copy of the said order dated 7.11.89 enclosing the scheme is annexed herewith and marked as **ANNEXURE-1**.

4.4 That the respondents thereafter constituted a DPC for grant of Temporary Status to the applicants in the light of the Annexure -1 scheme. On 9.4.96 said DPC meeting held and all the relevant records were produced before the said DPC. The said DPC thereafter considering all these records granted temporary status to the applicants. The respondents, i.e., the Telecom District Engineer issued an order vide No X-1/CMPT/96/Con-7, dated 27.5.96 by which all the applicants have been granted with the temporary status.

A copy of the order dated 27.5.96 is annexed herewith and marked as **ANNEXURE-2.**

4.5 That the respondents thereafter have decided hold the written Examination for the post of Phone Mechanics, and other similar posts on 26.7.98. The Chief General Manager, issued an order dated 26.6.98 to the Divisional (P&A) intimating about the procedures and steps to be taken in this regard.

A copy of the said order dated 26.6.98 is annexed herewith and marked as ANNEXURE-3.

4.6. That the applicants beg to state that all of them are eligible to appear in the said examination for promotion to the post of Phone Mechanics. The Govt. of

3 16
Gurukul Singh

India, Ministry of Communication vide its order dated 11.11.97 has defined the eligibility criteria. In the said letter dated 11.11.97 the eligibility criteria has been laid down as follows:

"In respect of phone Mechanics, while options can be called for from the group D/regular mazdoor/casual mazdoor/TSMs also but they will be sent for training after the qualified Line Man/ Wire Man are appointed as Phone Mechanics.

A copy of the order dated 11.11.97 is annexed herewith and marked as **ANNEXURE-4.**

4.8 That the Applicants beg to state that all the applicants are presently working under the respondents as Temporary Status Mazdoor as such they are entitled to appear in the said examination for promotion to the post of Phone Mechanics. The Divisional Engineer, Tezpur issued a letter dated 18.6.98 forwarding the names of the applicants for issuance of the hall permits.

The applicants crave leave of the Hon'ble Tribunal to produce the said copy of the order dated 18.6.98 at the time of hearing of the case.

4.9 That the applicant begs to state that they were under the bonafide belief that the respondents would issue necessary order granting hall permits to them but surprisingly no such order has been issued by the respondents. In fact the respondents by the Annexure-3.

order dated 26.6.98 have only given permission to approximately 80 candidates. It is pertinent to mention here that all the applicants had submitted their option for the said examination. However, at that point of time no call letters were issued to them. Situated thus the, applicants were constrained to move the Hon'ble Tribunal by way of filing O.A. No 157 of 1998. The Hon'ble Tribunal on the date of admission was pleased to pass an interim order dated 22.7.98 directing the respondents to allow them to appear in the said examination. Finally the said O.A. has been disposed of in favour of the applicants. (ANNEXURE-5) 5

4.10 That the Applicant submits as per the order dated 11.11.97 the applicants are entitled to get the chance for appearing in the said Examination. Even casual workers are also entitled to place their options for said examination. However, their training will be after exhausting the regular Gr -D staff. After the judgement and order of the Hon'ble Tribunal the respondents have not done anything as follow up action least 80 vacancies in the cadre of Phone Mechanics and in any view of the matter the respondents are duty bound to send them to training without any fail and as has been done in case of other employees. On enquiry the respondents have expressed their helplessness in this regard without any judgment and order from the Hon'ble Tribunal. In fact the prayer made in the O.A 157 of 1998 was regarding their eligibility but the

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respondents misinterpreting the said order has not yet issued any order sending them to training. The applicants have made several requests but same has not yet acceded to by the respondents. Having no other alternative the applicants have come under the protective hands of this Hon'ble Tribunal praying for a direction to the respondents to make necessary order for their training and posting i.e., the follow-up action after declaring the results of the said examination.

5. GROUNDS FOR RELIEF WITH LEGAL PROVISIONS :

5.1 For that the action on the part of the respondents in not declaring the results of the 2nd qualifying test for promotion to the restructured cadre of Phone Mechanics, is illegal, arbitrary and violative of Article 14 and 16 of the Constitution of India and laws framed therein.

5.2 For that the respondents have illegally withheld the results of the applicants without any reasonable cause and the same has violated the principle of natural justice and administrative fair play and necessary order need be issued to the respondents to declare the results of the applicants and to pass necessary order for the follow up action as per the existing Rules.

5.3 For that the respondents themself have issued the eligibility criteria for the said screening test and now they can not with hold the results of the said

9 AM '70

Supreme Bench

examination that too on the plea that there is no order
from the Hon'ble Tribunal which is per se illegal.

5.4 For that in any view of the matter the entire action of the respondent are liable to be set aside and quashed.

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

6. DETAILS OF REMEDIES EXHAUSTED

The Applicant declares that he has no other alternative and efficacious remedy except by way of filing this application.

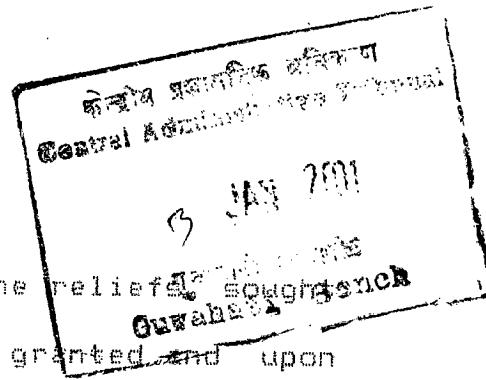
7. MATTERS NOT PREVIOUSLY FILED OR PENDING BEFORE ANY OTHER COURT

The Applicant further declares that no other application, writ petition or suit in respect of the subject matter of the instant application is filed before any other Court, Authority or any other Bench of the Hon'ble Tribunal nor any such application, writ petition or suit is pending before any of them.

8. RELIEFS SOUGHT FOR

Under the facts and circumstances stated above, the Applicant prays that this application be admitted, records be called for and notice be issued to the

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Respondents to show cause as to why the relief(s) sought in this application should not be granted and upon hearing the parties and on perusal of the records, be pleased to grant the following reliefs :

- 8.1 To direct the Respondents to issue necessary order declaring the results of the said the 2nd qualifying test for promotion to the restructured cadre of Phone Mechanics.
- 8.2 To direct the Respondents to issue necessary order to take the follow up action, including training and posting, after declaring the results, the 2nd qualifying test for promotion to the restructured cadre of Phone Mechanics,
- 8.3 Cost of the application.
- 8.4 Any other relief/reliefs to which the Applicant is entitled to.

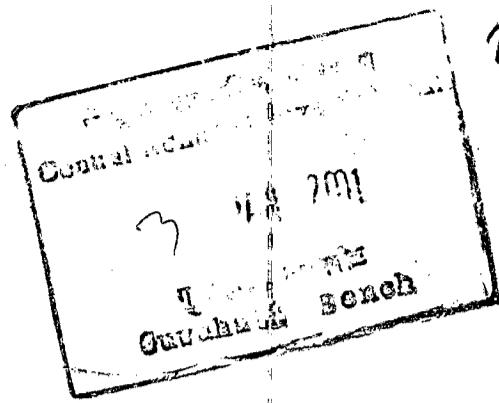
9. INTERIM ORDER PRAYED FOR :

Under the facts and circumstances of the case, the applicants pray for an interim order directing the respondents to issue necessary order declaring the results of the 2nd qualifying test for promotion to the restructured cadre of Phone Mechanics, during the pendency of the DA.

10.

The application is filed through Advocate.

AB



11. PARTICULARS OF THE I.P.O. :

i) I.P.O. No. : 66 771827
ii) Date : 29.12.2000
iii) Payable at : Guwahati.

12. LIST OF ENCLOSURES :

As stated in the Index.

Verification.

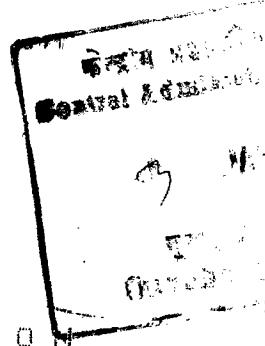
affidavit in the case for Phone Mechanic

15 - affidavit on the basis of open court 27.5.96

26 - - Cancelled

28 - Graph / Figures

29 - OA -



VERIFICATION

I, Shri Anil Kr Das, aged about 43 years, son of I Das, at present working as Temporary Status mazdoor In the Office of the SDE Phones Tezpur, do hereby solemnly affirm and verify that the statements made in paragraphs 4'1, 4'2, 4'8, 4'10, 5'1 to 5'4 are true to my knowledge ; those made in paragraphs 4'3, 4'4, 4'5, 4'6 & 4'9 are true to my information derived from records and the rests are my humble submissions before the Hon'ble Tribunal. I am duly authorised by the other applicants to swear this verification.

And I sign this verification on this the 2nd day of Jan 2001.

Arabina Haloi

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ANNEXURE-1.

CIRCULAR NO. 1
GOVERNMENT OF INDIA
DEPARTMENT OF TELECOMMUNICATIONS

STN SECTION

No. 269-10/89-STN

New Delhi 7.11.89

To :

The Chief General Managers, Telecom Circles
M.T.H.I New Delhi/Bombay, Metro Dist.Madras/
Calcutta.

Heads of all other Administrative Units.

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

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

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

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

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

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

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

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

sd/=

ASSISTANT DIRECTOR GENERAL (STN).

Copy to.

P.S. to MDS (C).

P.S. to Chairman Commission.

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

All recognised Unions/Associations/Federations.

sd/=

ASSISTANT DIRECTOR GENERAL (STN).

*Attested
Udayan
Advocate*

ANNEXURE

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

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

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

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

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

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

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

Temporary Status.

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

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

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

iv) Such casual labourers who acquire temporary status will not, however be brought on to the permanent establishment unless they are selected through regular selection process for Gr. posts.

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

i) Wages at daily rates with reference to the minimum of the pay scale of regular Gr.D officials including DA, HRA, and CCA.

ii) Benefits in respect of increments in pay scale will be admissible for every one year of service subject to performance of duty for at least 240 days (206 days in administrative offices observing 5 days week) in the year.

iii) Leave entitlement will be on a pro-rata basis one day for every 10 days of week. Casual leave or any other leave will not be admissible. They will also be allowed to carry forward the leave at their credit on their regularisation. They will not be entitled to the benefit of encasement of leave on termination of services for any reason or their quitting service.

iv) Counting of 50% of service rendered under Temporary Status for the purpose of retirement benefit after their regularisation.

v) After rendering three years continuous service on attainment of temporary status, the casual labourers would be treated at par with the regular Gr. D employees for the purpose of contribution to General Provident Fund and would also further be eligible for the grant of Festival Advance/ food advance on the same condition as are applicable to temporary Gr.D employees, provided they furnish two sureties from permanent Govt. servants of this Department.

vi) Until they are regularised they will be entitled to Productivity linked bonus only at rates as applicable to casual labour.

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

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

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

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

@@@

Attested
M. Jayarao
Advocate

DEPARTMENT OF TELECOMMUNICATIONS
OFFICE OF THE TDE, TEZPUR
TEZPUR-784001

No. X-1/CMPT/96-97/Con-7

Dated at Tezpur the 27th May 96.

With reference to the CGMT, Assam Circle, Guwahati RJCM Minute & C.O. forwarded under BMST/2/Vol-VI/5B dtd. 29/8/95 the under mentioned Casual Mazdoors/Part Time Casual Mazdoors are hereby conferred Temporary Status under the scheme of Casual Labours (Grant of Temporary Status & Regularisation) with immediate effect.

The terms & Conditions are as under:-

(i) Conferment of Temporary Status to the Casual Labours would not involve any change in their duties & responsibilities. The engagement will be on daily rate of pay on a need basis. They may be deployed anywhere within the recruitment unit/territorial circles on the basis of availability of work.

(ii) Such Casual Labourers who acquire Temporary Status will not, however, be brought on the permanent establishment unless they are selected through regular selection process for Group 'D' posts.

(iii) Temporary Status would entitle the Casual Labourers to the following benefits:-

(a) Wages at daily rate with reference to the minimum of the scale of pay for a regular Gr. 'D' official including DA, HRA & CCA.

(b) Benefit in respect of increments in the pay scale will be admissible for every one year of service subject to performance of duty for at least 240 days in a year.

(c) Leave entitlement will be on a pro-rata basis, one day for every 10 days of work. Casual leave or any other kind of leave will not be admissible. They will also be allowed to carry forward the leave at their credit on their regularisation. They will not be entitled to the benefit of encasement of leave on termination of service for any reason or their quieting service.

(d) Counting of 50% of service rendered under Temporary Status for the purpose of retirement benefits after their regularisation.

(e) After rendering three years continuous service on attainment of Temporary Status the Casual Labourers would be treated at par with temporary Gr. 'D' employees for the purpose of contribution of G.P.E. & would also further be eligible for the grant of Festival Advance/ Flood Advance on the same conditions as per applicable to temporary Gr. 'D' employees, provided they furnish two sureties from permanent Govt. servant of this department.

(f) Until they are regularised, they would be entitled to productivity linked bonus only at rates as applicable to casual labourers.

Attested
by
Advocate

(g) Despite conferment of temporary status, the service of a casual labourer may be dispensed with in accordance with the relevant provisions of the Industrial disputes Act, 1947 on the ground of non availability of work. A casual labourer with temporary status can quit service by giving one month's notice.

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

(i) The payments will be given w.e.f. joining date.

(j) N.B.—Their names are not being arranged in order of seniority.

LIST OF CASUAL MAZDOORS/PART TIME MAZDOORS SELECTED FOR CONFERRING TEMPORARY STATUS

SL.NO	NAME OF THE CASUAL MAZDOOR	WORKING UNDER	DT_ENTRY IN DEPT.
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SDE (CABLE), TEZPUR

1.	Arabinda Haloi	SDECABL	03/03/88
2.	Pulin Bora	SDECABL	05/03/88
3.	Prasanta Koch	SDECABL	05/03/88
4.	Digashwar Das	SDECABL	08/03/88
5.	Babul Bhuyan	SDECABL	11/03/88
6.	Jitu Talukdar	SDECABL	11/03/88
7.	Deasanta Bijoy Mahanta	SDECABL	15/03/88
8.	Rana Sur	SDECABL	15/03/88
9.	Sankar Ghatak	SDECABL	15/03/88
10.	Ottam Saha	SDECABL	15/03/88
11.	Ranjit Das	SDECABL	20/03/88
12.	Mahesh Deka	SDECABL	26/03/88
13.	Bhanashyam Lahkar	SDECABL	26/03/88
14.	Kamal Ch Das	SDECABL	26/03/88
15.	Nripen Ch Haloi	SDECABL	26/03/88
16.	Balin Das	SDECABL	26/03/88
17.	Nipul Chaudhury	SDECABL	26/03/88
18.	Pulak Haloi	SDECABL	26/03/88
19.	Ripul Nath	SDECABL	26/03/88
20.	Babul Saikia	SDECABL	28/03/88
21.	Dijit Bora	SDECABL	28/03/88
22.	Smt Kalpana Saikia	SDECABL	28/03/88
23.	Ramesh Ch Nath	SDECABL	28/03/88
24.	Pankaj Chetri	SDECABL	28/03/88
25.	Bhaben Ch Saikia	SDECABL	28/03/88
26.	Anil Thakur	SDECABL	28/03/88
27.	Mridul Deka	SDECABL	30/03/88
28.	Purna Ch Nath	SDECABL	30/03/88
29.	Balit Swargiary	SDECABL	30/03/88
30.	Bhagya Sangma	SDECABL	30/03/88

*Attested
W. M. D. M.
Advocate*

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SDE (COMPUTER), TEZPUR

1.	Rajib Gogoi	SDECOM	01/01/88
2.	Dharani Swargiary	SDECOM	01/01/88
3.	Naba Kumar Sarma	SDECOM	01/01/88
4.	Arani Ch Talukdar	SDECOM	01/01/88
5.	Mridul Kr Das	SDECOM	01/02/88
6.	Nagen Saikia	SDECOM	01/02/88
7.	Dandhar Das	SDECOM	01/02/88

SDE (CONSTRUCTION), TEZPUR

1.	Jiten Kr Sut	SDECONS	19/04/88
2.	Prasanna Sarania	SDECONS	20/04/88
3.	Indreswar Bhuyan	SDECONS	21/04/88
4.	Kandarpa Saikia	SDECONS	22/04/88
5.	Ranaprasad Bodo	SDECONS	25/04/88
6.	Pankaj Sutradhar	SDECONS	25/04/88

SDE (PHONES), CHARITAL

1.	Titu Sarmah	SDEPCLI	01/01/88
2.	Jyoti Prasad Saikia	SDEPCLI	01/01/88
3.	Dhanpud Swargiary	SDEPCLI	01/01/88
4.	Juri Sarmah	SDEPCLI	01/01/88
5.	Kishore Kr Pathak	SDEPCLI	01/01/88
6.	Maina Borah/Khargeswar Bora	SDEPCLI	01/01/88
7.	Babul Saikia	SDEPCLI	01/01/88
8.	Paban Kataki	SDEPCLI	01/01/88
9.	Gobinda Bhuyan	SDEPCLI	01/01/88
10.	Biren Das	SDEPCLI	01/01/88
11.	Gagan Bhuyan	SDEPCLI	01/01/88
12.	Jiten Barma	SDEPCLI	01/01/88
13.	Gobinda Borah	SDEPCLI	01/01/88
14.	Ceniram Sarmah	SDEPCLI	01/01/88
15.	Prabhat Sarmah	SDEPCLI	01/01/88
16.	Ramdeb Bhakat	SDEPCLI	01/01/88
17.	Tilak Bora	SDEPCLI	01/02/88
18.	Pranjal Kataki	SDEPCLI	01/02/88
19.	Abani Baruah	SDEPCLI	01/02/88
20.	Tunmoni Saikia	SDEPCLI	01/02/88
21.	Biren Bora	SDEPCLI	01/02/88
22.	Basanta Bhuyan	SDEPCLI	01/02/88
23.	Dharmendra Kr Rai	SDEPCLI	01/03/88
24.	Pulin Borah	SDEPCLI	01/03/88
25.	Amika Barman	SDEPCLI	01/03/88
26.	Prabhat Kaliya	SDEPCLI	15/02/88
27.	Dorepen Bhuyan	SDEPCLI	15/02/88

* Held up due to non submission of Employment
Exchange Card

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SDE (PHONES), DHEMAJII

1.	Bharat Basphore	SDEPDMJ	01/01/88
2.	Jayanta Phukan	SDEPDMJ	01/01/88
3.	Kalyan Mech	SDEPDMJ	01/02/88
4.	Biman Kr. Payeng	SDEPDMJ	01/04/88
5.	Biren Dugarah	SDEPDMJ	01/04/88
6.	Lila Ram Panyang	SDEPDMJ	01/04/88
7.	Sunanda Sonowal	SDEPDMJ	01/04/88
8.	Ananda Sonowal	SDEPDMJ	01/04/88
9.	Mohan Sonowal	SDEPDMJ	01/04/88
10.	Nabin Sonowal	SDEPDMJ	01/04/88
11.	Lolit Sonowal	SDEPDMJ	01/04/88
12.	Prafulla Sonowal	SDEPDMJ	01/04/88
13.	Cheni Ram Bora	SDEPDMJ	01/04/88
14.	Robin Doley	SDEPDMJ	01/05/88
15.	Khemachand Pegu	SDEPDMJ	01/05/88
16.	Dinesh Pegu	SDEPDMJ	01/05/88
17.	Kamal Ch. Nath	SDEPDMJ	01/05/88
18.	Babul Bora	SDEPDMJ	01/05/88
19.	Kalipada Bora	SDEPDMJ	04/04/88
20.	Thagi Ram Taye	SDEPDMJ	25/03/88
21.	Bibekananda Pegu	SDEPDMJ	25/03/88
22.	Gagan Deka	SDEPDMJ	25/03/88
		SDEPDMJ	25/03/88

SDE (PHONES), TEPUR

1.	Anil Kumar Das	SDEPTZ	01/01/88
2.	Ranjan Adhikari	SDEPTZ	01/01/88
3.	Shivjyoti Majumder	SDEPTZ	01/01/88
4.	Ujjal Mahanta	SDEPTZ	01/01/88
5.	Abdul Karim	SDEPTZ	01/01/88
6.	Dipak Deka	SDEPTZ	01/02/88
7.	Satya Ranjan Kalita	SDEPTZ	01/02/88
8.	Maheesh Baroi	SDEPTZ	01/02/88
9.	Resmi Acharjee	SDEPTZ	01/02/88
10.	Swadesh Seal	SDEPTZ	01/02/88
11.	Debasis Das	SDEPTZ	01/02/88
12.	Ajit Das	SDEPTZ	01/02/88
13.	Abdul Jabbar	SDEPTZ	01/02/88
14.	Chintumoni Borah	SDEPTZ	01/02/88
15.	Siba Rd Sarmah	SDEPTZ	01/02/88
16.	Nabajyoti Deka	SDEPTZ	01/04/88
17.	Jadav Deka	SDEPTZ	01/05/88
18.	Nanki Devi	SDEPTZ	01/05/88
19.	Nayan Kalita	SDEPTZ	01/06/88
20.	Reba Kanta Saikia	SDEPTZ	01/06/88
21.	Dinen Ch Deka	SDEPTZ	01/06/88
22.	Phulena Basphore	SDEPTZ	21/07/88

SDE (PHONES), UDALGURI

1.	Rahini Kanta Basumatary	SDEPUDL	01/05/88
2.	Rhupen Barman	SDEPUDL	01/05/88
3.	Moinul Haque	SDEPUDL	01/05/88
4.	Mozamul Haque	SDEPUDL	01/05/88

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• 5.	Rajat Bhattacharjee	SDEPUDL	01/05/88
• 6.	Jatin Saloi	SDEPUDL	01/05/88
• 7.	Miran Daimary	SDEPUDL	02/05/88
• 8.	Nabin Rava	SDEPUDL	02/05/88
• 9.	Dayaram Bodo	SDEPUDL	03/05/88
• 10.	Durlab Baruah	SDEPUDL	16/04/88
• 11.	Binendra Basumatary	SDEPUDL	18/04/88
• 12.	Rajin Kr Bodo	SDEPUDL	24/04/88
• 13.	Banembar Bodo	SDEPUDL	25/04/88
• 14.	Nigam Bhargiary	SDEPUDL	26/04/88
• 15.	Sanjoy Dutta	SDEPUDL	26/04/88
• 16.	Narendra Basumatary	SDEPUDL	27/04/88
• 17.	Kamaleeswar Narzary	SDEPUDL	28/04/88
• 18.	Yama Lt Chamlagain	SDEPUDL	28/04/88
• 19.	Piar Ali	SDEPUDL	28/04/88
• 20.	Biran Rava	SDEPUDL	30/04/88
• 21.	Tanuram Bodo	SDEPUDL	30/04/88

SDO (CHONES), TEZPUR

• 1.	Dhaba Lt Baroo	SDOPTZ	01/01/88
• 2.	Rajkumar Kataki	SDOPTZ	01/01/88
• 3.	Pradip Gut	SDOPTZ	01/01/88
• 4.	Pulak Ch Mahanta	SDOPTZ	01/01/88
• 5.	Pradip Kr Bora	SDOPTZ	01/01/88
• 6.	Babul Ch Das	SDOPTZ	01/01/88
• 7.	Pradip Borah	SDOPTZ	01/01/88
• 8.	narendra Kataky	SDOPTZ	01/01/88
• 9.	Ganesh Das	SDOPTZ	01/01/88
• 10.	Nagina Ray	SDOPTZ	01/01/88
• 11.	Ramesh Kated	SDOPTZ	01/01/88
• 12.	Gautam Kr Paul	SDOPTZ	01/01/88

SDO (T), MANGALDHAR

• 1.	Swapan Kr Saha	SDOTMLD	01/01/88
• 2.	Indira Borth	SDOTMLD	01/01/88
• 3.	Imamal Gowali	SDOTMLD	01/01/88 - Held
• 4.	Gajen Baruah	SDOTMLD	01/01/88 UF
• 5.	Samshed Alam	SDOTMLD	01/01/88
• 6.	Binod Ch Bodo	SDOTMLD	01/01/88
• 7.	Mazibur Rahman	SDOTMLD	01/01/88
• 8.	Taizuddin Ahmed	SDOTMLD	01/01/88
• 9.	Pabin Ch Bodo	SDOTMLD	01/01/88
• 10.	Khagendra Nath Deka	SDOTMLD	01/01/88
• 11.	Sartaz Ahmed	SDOTMLD	01/01/88
• 12.	Sadhi Ram Deka	SDOTMLD	01/01/88
• 13.	Maznur Ali	SDOTMLD	01/01/88
• 14.	Babul Ch Kalita	SDOTMLD	01/01/88

* Held Up due to non subission of
Employment Exchange Card

SDO(T), NORTH LAKHIMPUR

1.	Balo Saikia	SDOTNMP	01/01/88
2.	Ratneswar Sonowal	SDOTNMP	01/01/88
3.	Rohit Sonowal	SDOTNMP	01/01/88
4.	Damburu Chutia	SDOTNMP	01/01/88
5.	Dilip Neog	SDOTNMP	01/01/88
6.	Maina Sonowal	SDOTNMP	01/01/88
7.	Jogeswar Borah	SDOTNMP	01/01/88
8.	Gabin Sonowal	SDOTNMP	01/01/88
9.	Dimbeswar Sonowal	SDOTNMP	01/01/88
10.	Jiten Thengal	SDOTNMP	01/01/88
11.	Mahendra Chelleng	SDOTNMP	01/01/88
12.	Dhaniram Basumatary	SDOTNMP	01/01/88
13.	Rebat Sonowal	SDOTNMP	01/01/88
14.	Dimbeswar Saikia	SDOTNMP	01/01/88
15.	Moti Lal Hili	SDOTNMP	01/01/88
16.	Gobin Sonowal	SDOTNMP	01/01/88
17.	Lohit Borah	SDOTNMP	01/01/88
18.	Shana Sonowal	SDOTNMP	01/01/88
19.	Lokeswar Sonowal	SDOTNMP	01/01/88
20.	Niju Hazarika	SDOTNMP	01/01/88
21.	Dibya Sonowal	SDOTNMP	01/01/88
22.	Atul Sonowal	SDOTNMP	01/01/88
23.	Prafulla Sonowal	SDOTNMP	01/01/88
24.	Siridhar Saikia	SDOTNMP	01/01/88
25.	Upendra Nath Saikia	SDOTNMP	01/01/88
26.	Siba Gogoi	SDOTNMP	01/01/88
27.	Nirmal Pave	SDOTNMP	01/01/88
28.	Rudra Thengal	SDOTNMP	01/01/88
29.	Tulan Thengal	SDOTNMP	01/01/88
30.	Khargeswar Sonowal	SDOTNMP	01/01/88
31.	Anil Nath	SDOTNMP	01/01/88
32.	Shana Kt. Sonowal	SDOTNMP	01/01/88
33.	Maheśwar Saikia	SDOTNMP	01/01/88
34.	Jogen Sonowal	SDOTNMP	01/10/88

SDO(T), TEZPUR

1.	Dipali Hazarika	SDOTTZ	01/01/88
2.	Dwijen Baishya	SDOTTZ	01/05/88
3.	Atul Ch Deka	SDOTTZ	01/05/88
4.	Masitul Rahman	SDOTTZ	01/05/88
5.	Phulena (Golapmani) Basphore	SDOTTZ	01/05/88 X Held
6.	Parimal Sarkar	SDOTTZ	10/05/88 Up
7.	Sakiram Mazhi	SDOTTZ	15/05/88
8.	Karuna Ch Lehkar	SDOTTZ	15/05/88
9.	Biswajit Malakar	SDOTTZ	15/05/88
10.	Mina Das	SDOTTZ	15/05/88
11.	Paramita Dey	SDOTTZ	20/05/88
12.	Rupen Ch Das	SDOTTZ	21/05/88
13.	Sanjoy Kr Deb	SDOTTZ	21/05/88
14.	Dukham Ray	SDOTTZ	21/05/88
15.	Anup Kr Dutta	SDOTTZ	30/05/71
16.	Dina Kanta Ghatowal	SDOTTZ	01/06/88 X Held UP

* Held Up due to non submission of Educational, Age
Certificates & Employment Exchange Card

- 28 - 25 - 27 -

Page No. 2

TDE, Tezpur

1.	Ranajita Das	TDETZ	07/01/88
2.	Sukher Chetia	TDETZ	07/05/88
3.	Ronjan Das	TDETZ	07/05/88
4.	Aloke Ghome	TDETZ	07/05/88
5.	Prasanta Das	TDETZ	07/05/88
6.	Sabitri Dasgupta	TDETZ	07/05/88
7.	Aswad Rava	TDETZ	07/05/88
8.	Biswajit Das	TDETZ	07/05/88
9.	Baneswar Bajishiya	TDETZ	07/05/88
10.	Rumi Kalita	TDETZ	07/05/88

Sd/-

TDE, Tezpur

Copy for information to :-

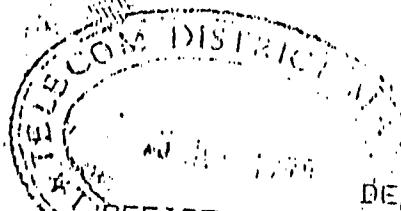
1. CGMT/GH w.r.t to his letter no
2. ADT(SSE), O/O CGMT, GH
3. AMT/GH
4. All Gr. 'D' Officers of Tezpur BSA
5. JAO's, SSS (Construction, Staff & General) // TDE, TZ
6. Spares
7. File NO E-38/CMPT/TZ

Myog

TDE, Tezpur

A. Choudhury
SD2 (HRD) TZ

Mr. Choudhury
Wingman
Associate



GOVERNMENT OF INDIA
DEPARTMENT OF TELECOMMUNICATIONS
OFFICE OF THE CHIEF GENERAL MANAGER TELECOM.::ASSAM CIRCLE
ULUBARTI::GUWAHATI::781007.

NO. REC TT-3/73/16

BY FAX

Dated at Guwahati, the 26th JUNE, 1998.

To

SRI J. N. DEORI,
DIVISIONAL ENGINEER (P&A), (Supervising Officer),
O/O Telecom. District Manager, TEZPUR.

SUB:-

Nomination of Supervising officer for Second Qualifying Screening Test for entry into restructured cadre of PHONE MECHANICS to be held on 26th JULY, 1998 (SUNDAY).

I am directed to intimate you that the competent authority has nominated you as the Supervising officer for conducting the above noted Examination for the TEZPUR Centre. In this connection, following points may kindly be noted for further necessary action.

1. The venue of Examination may kindly be intimated to this office on or before 6TH JULY, 1998.
2. The Question Papers may be collected from the DGM (Admn), O/O the CGMT, Guwahati.
3. The Answer Books may be collected from the ADT(Gen.), O/O the CGMT, Guwahati.

You are, therefore, requested to make necessary arrangements for holding of the examination as scheduled. The Answer Books, Statement and other relevant papers should be sent to this office immediately after the examination is completed. List of candidates is permitted to appear the examination. Schedule of the Examination and a Specimen copy of HALL PERMIT will be forwarded later on. The approximate number of candidates is 80 (Eighty).

H. Prasad

(M. BISWAS)
Asstt. Director Telecom. (EAR)
for Chief General Manager,
Assam Circle :: Guwahati-781007.

Copy to :-

1. DGM(Admn.), Exam. Co-ordinator, Circle office, Guwahati.
2. The Telecom. District Manager, TEZPUR.
3. The ADT(Gen.), Circle Office, Guwahati.

For Mr. P.
B. S. J. P.
3/7/98
SAC
Attention
B. S. J. P.
CS&S (BS)
Attn: B. S. J. P.

Attested
in your
affidavit

for Chief General Manager,
Assam Circle :: Guwahati.

00000000

Attested
Advocate

No.7-43/97-N C G

Government of India

Ministry of Communication

Department of Telecom

Dated 11th Nov.1997.

To

All Heads of Telecom.Circle/Distt.

The Chief General Managers

Mahanagar Telephone Nigam Ltd.

Mumbai/New Delhi.

Sub: Exercise of fresh option for entry in to the restructured cadres of Telecom Technical Asstt. and Phone Mechanics.

Sir,

A kind reference is invited to this office letter of even No.252-1/91 STN(PT) dated 27.4.94 regarding calling of options and preparation of eligibility list for the restructured cadres. A No.of references are being received from various field units/individuals requesting for allowing one more chance to opt for the restructured cadres who could not earlier exercise their option within stipulated time for one or other reason. The matter has been considered in details and I am directed to convey the approval of Telecom Commission as under :

Fresh option will be called from the eligible officials in the feeder cadres for entry in to the restructured cadres of the Phone Mechanics,TTAs and Sr.TOAs. A time limit of 3 months from the date of issue of this letter may be given for receiving the options.

*A Heski
J. L. J. S.
J. L. J. S.*

In respect of phone mechanics, while option can be called from the Gr-D /Regular Mazdoors/casual mazdoors/TSMs also but they will be sent on training only after the qualifying Linemen are appointed as Phone Mechanics.

All other terms and conditions circulated vide this office letter No.252-1/91-STN (Pt) dated 27.4.94 will remain unchanged.

It may be ensured that these orders are given wide publicity so that all eligible officials, who wish to switch over to the restructured cadres, can exercise their options in stipulated time. Options once exercises will be treated as final. This will be the last opportunity for giving options for restructured Cadres.

Yours faithfully

(H.N Singh)

Asstt. Director General (STC)

Copy to:

1. PPS to Chairman Telecom Commission
2. PPS to Member(s)/Advisor (HRD)
3. SDDG (E)/DDG (Trg)/DDG (P)
4. ADG (STN)/ADG (TE)
5. Guard File
6. All recognised Unions/Federations.

*Attested
for
Advocate*

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No.157 of '98

Date of Order: This the 7th Day of July 1999

HON'BLE MR.JUSTICE G.L.SANGLYINE, ADMINISTRATIVE MEMBER

1. Mr. Arabinda Haloi & Ors. Applicants

By Advocate Mr.B.K.Sharma, Mr.S.Sarma, Mr.U.K.Nair
-Vs-

1. Union of India
Represented by the Secretary to the
Government of India,
Ministry of Communication,
New Delhi-1

2. The Chairman, Telecom Commission,
Sansar Bhawan.
New Delhi

3. The Chief General Manager, (Telecom)
Assam Circle, Ulubari,
Guwahati-781007

4. The Telecom District Manager,
Department of Telecommunication
Tezpur-78400

5. The Divisional Engineer, (P&A)
Department of Telecommunication
Office of the Telecom District Manager
Tezpur, Assam-78001. Respondents

TSM

O R D E R.

SANGLYINE, MEMBER(A):

213 applicants submitted this Original Application jointly. A test known as Second Qualifying Screening Test for entry into restructural cadre of Phone Mechanics was scheduled to be held on 26-7-98. According to the applicants, they were eligible to appear in the said Test. However, they were not called to appear in the Test. although, according to them, they were to be given a chance on the strength of the letter dated 11-11-1997, Annexure 4, issued by the Department of Telecommunications. Therefore, they had submitted this Original Application. In this application, they have prayed for a direction on the respondents to

After this
whether
or not

allow them to appear in the Test.

Heard counsel for both sides. The Test scheduled to be held on 26-7-98 was postponed until further orders. Since the examination was postponed indefinitely the Original Application is disposed of with a direction to the respondents to scrutinise the eligibility of the applicants to appear in such test and, if the applicants are found eligible, they may be allowed to appear in the postponed examination when it is rescheduled.

The application is disposed of. No costs.

Sd/ MEMBER (A)

केन्द्रीय प्रशासनिक विधिकरण
Central Administrative Tribunal

16 MAY 2001

गुवाहाटी फैसला

Guwahati Bench

IN THE ~~CENTRAL ADMINISTRATIVE TRIBUNAL~~

GUWAHATI BENCH :::: GUWAHATI

O.A. NO. 8 OF 2001

Shri A. Haloi & Ors.

..... Applicants.

- Vs -

Union of India & Ors.

..... Respondents.

(Written Statements filed for Respondents No.1 to 4

The Written Statements of the abovenoted respondents are as follows :

1. That a copy of the O.A. 8/2001 (hereinafter referred to as the "application") has been served on the respondents. The respondents have gone through the same and understood the contents thereof. The interest of all the respondents being common and similar, the respondents have the common written statements for all of them.
2. That the statements made in the application which has not been specifically admitted, are denied by the respondents.
3. That with regard to the statements made in para 1 of the application, the answering respondents state that the applicants were allowed to sit in the screening test held on 07.05.2000 on a provisional basis as their status is still under dispute. These applicants are casual Mazdoors and Temporary status was granted to them on a provisional basis pending verification of their eligibility. This was done to safe guard

39
Filed by
Rejoined
Addl. CGS C/201
Guwahati
16/5/2001

the interest of the applicants in the event of their being found fit. The result of the test in respect of the applicants has been withheld till a decision is arrived at about their eligibility for grant of Temporary Status on the basis of investigation being conducted by C.B.I.

4. That with regard to the statements made in para 2,3, 4 and 4.1 of the application, the respondents have no comments to offer.

5. That with regard to the statements made in para 4.2, the respondents state that the applicants' status is still under dispute and a formal investigation by the CBI into the circumstances leading to their engagement as Casual Mazdoor and subsequent grant of Temporary Status on a provisional basis is still under way and is subject to outcome of CBI enquiry. ~~THE~~

The applicants were initially not allowed to appear in the Screening Test as their present status as TSM is provisional. However, on a second examination of the whole matter they were allowed to sit in the Test on a Provisional basis subject to their eligibility for grant of Temporary Status being confirmed on the basis of ongoing investigation.

6. That with regard to the statements made in para 4.3, the respondents state that the Scheme referred to in Para 4.3 is aimed at granting the specified benefit to those casual mazdoors of the Department who have put in at least 1(one) year of service as on the date of introduction of the scheme.

7. That with regard to the statements made in para 4.4, the respondents state that after the introduction of the scheme in 1989, the respondent Department reviewed the cases of all casual labourers and granted the benefit to those who fulfill the eligibility conditions. The applicants were no where in the picture, when the review was done in 1989-1990. These applicants were not in the scene at the time of subsequent review up to 1995 .

TDE Tezpur issued the order dated 27.05.96 for provisional grant of Temporary Status to the applicants which is an indication that the order is not final and subject to further scrutiny. Such a provisional order can not be taken as absolute until it is replaced by a final order. Till that time the applicants will perform the duty of TSM and draw wage on a provisional basis, without any cumulative or consequential benefit.

8. That with regard to the statements made in para 4.5, the respondents state that the Annexure-3 letter dated 26.06.98 is an order issued by the CGMT GHY nominating DE (P & A), o/o the TDM. Tezpur to function as supervising officer for Tezpur Centre for Screening Test which was initially Scheduled to be held on 26.07.98.

9. That with regard to the statements made in para 4.6, the respondents state that according to the Recruitment rules, the Temporary Status Mazdoors are also eligible to sit in the screening test for promotion to Telecom Mechanics. The qualified candidates of the screening test are waitlisted

according to their inter-se-seniority for training and promotion against future vacancies of Telecom Mechanics as and when arises. Mere passing the test does not guarantee the promotion to Telecom Mechanics.

10. That with regard to the statements made in para 4.7, the respondents state that as already explained in foregoing paras the applicant casual labourers were granted the Temporary Status on a provisional basis and the same is yet to be confirmed due to CBI case going on. At the present state, they cannot be treated as TSM for the purpose of promotion to Telecom Mechanics.

Depending on the outcome of the ongoing investigation by CBI, the order conferring the Temporary Status to the applicants will be reviewed and modified and final order will be passed after conferring the Temporary Status or withdrawing the provisional status.

11. That with regard to the statements made in para 4.8, the respondents state that the applicants are provisional TSMs. These casual labourers were abruptly granted the Temporary Status on a provisional basis pending verification of their eligibility for grant of such Temporary Status. The matter is still under cloud and the CBI is investigation into the circumstances leading to the engagement of huge Casual Mazdoors without any selection procedure and their abrupt grant of provisional Temporary Status. The CBI is also looking into the correctness of the certificates issued by various filed officers on the basis of which Temporary Status was granted to

to the applicant.

During the pendency of the investigation and till the provisional order is confirmed on review, the applicants cannot be extended the benefit of further promotion.

12. That with regard to the statements made in para 4.9 and 4.10, the respondents state that the provisional temporary status was conferred on the applicants under TDE/ Tezpur Memo No. X-1/CPMT/96-97/Con.7 dated 27.05.96. The records accompanying the memo show that all the applicants/ casual majdoors were in or around January 1988 and have been working continuously. The existence of such a huge number of casual majdoors from as early as 1988 was not known to this office till 4/97. On the contrary, the periodical reports received from Tezpur SSA till 1997 clearly indicates that no Casual Majdoors had been engaged in Tezpur SSA after 31.03.1995. Apart from that, the TDE Tezpur in his special report dated 30.08.96 had categorically stated that no casual mazdoor has been engaged in Tezpur Division after the imposition of ban on engagement of Casual Mazdoor.

The information available in this office as above is a clear indication that the persons/applicants were not working in the Department from 1988. On further enquiry it is found that the TDE, Tezpur relied solely on the post fact Certificates issued on the line staff and countersigned by SDEs. He did not insist on the corroborative records like M.Rs, paid vouchers, Employment Exchange Sponsorship etc. for verifying the claims before conferring the Temporary Status.

Because of the above apparent anomaly the TDE, Tezpur was instructed under this office letter No. Rectt. 3/10/Loose/PT.V dated 18.09.97 to cancel the order of conferment followed by a detailed verification on the basis of authenticated record to identify the Casual Mazdoors eligible for the grant of Temporary Status.

A copy of the letter is annexed herewith and marked as Annexure - R₁.

Thereafter the TDE, Tezpur terminated the provisional Temporary Status under his letter No. X-1/CMPT/96-97/ Con.7 dated 20.10.97 as initiated the verification process.

A copy of the letter is annexed herewith and marked as Annexure - R_{II}.

While the above verification was going on, the applicants on 19.11.97 stormed into the chamber of TDM, Tezpur and created unruly scenes and compelled the TDM, Tezpur under threat of dire consequence to cancel the order dated 20.10.97. The TDM, Tezpur became a victim of the circumstances and was forced to put his signature on the letter No. X-I/CMPT/96-97/ Con. 7 dated 19.11.97. Thus the cancellation order dated 20.10.97 was got cancelled illegally to restore the provisional Temporary Status conferred under letter dated 27. 05.96.

A copy of TDM, Tezpur No. TDM/Tez/1001/confidential dated 19.11.97 and a copy of memorandum dated 19.11.97 are annexed as Annexure- R_{III} and Annexure R-IV respectively.

The applicants have restored to violence and unlawful activities to disturb the process of verification. They have compelled the TDM, Tezpur under threat to issue the

letter dated 19.11.97 thereby regaining the provisional Temporary Status. No right can accrue to the applicants from the position acquired unlawfully and under threat.

It is a conspiracy against the Department by the applicants in connivance with a handful of Departmental Govt. Servant to gain employment in illegal manner.

There were several complaints in this regard from various forms and thus the C.B.I. has begun investigation in the case and has taken the records to their custody. The investigation is still inconclusive. In view of ongoing investigation the Department is refrained from any further action till such time as the final reports of findings is received.

The CBI is investigating into all aspects of the case and expected to dig out the truth. As and when the finding report is received from the CBI the Department will take action against the offenders and regulate the status of casual mazdoors/applicants on the basis of correct and authenticated records. The casual mazdoors/applicants who may be found to be entitled for Temporary Status, the Department will take care of them and will try to extend all permissible benefits to them. That the present application is ill conceived of law and mis-conceived of facts and hence liable to be dismissed. That the applicants tried to get undue advantage, Their conspiracy should be condemned and discouraged, there being no provision at all of such muscle power theory. They should also be directed to wait for outcome of CBI investigation.

~~The copy of correspondence with CBI is/are annexed as Annexure - VII.~~

12. That with regard to the statements made in para 5.1 to 5.4, the respondents state that these are no grounds under the above facts and circumstances of the case and these can not sustain in the eye of law. Hence the application is liable to be dismissed with cost.

13. That the respondents have no comments regarding the statements made in para 6 and 7 of the application.

14. That with regard to the statements made in para 8.1 to 8.3, the respondents state that the applicants not entitled to any relief whatsoever as prayed for and the application being devoid of any merit is liable to be dismissed with cost.

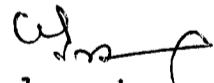
It is, therefore, prayed that Your Lordships would be pleased to hear the parties, peruse the records and after hearing the parties and perusing the records, shall further be pleased to dismiss the application with cost.

Verification

VERIFICATION

I, Shri Ganesh Chandra Sarma, presently working as Asst. Director Telecom. (Legal) being competent and duly authorised to sign this verification do hereby solemnly affirm and state that the statements made in para 1 to 11, 13 to 15 are true to my knowledge and belief, those made in para 12 being matter of records, are true to my information derived therefrom and the rest are my humble submission before this Hon'ble Court I have not suppressed any material fact.

And I ~~do~~ sign this verification on this 16th day of May, 2001, at Guwahati.


Declarant.

Asst. Director Telecom (Legal)
O/O the C. G. M. Telecom
Circle, Guwahati-781002

Government of India
Department of Telecommunications
Office of The Chief General Manager Telecom: Assam Circle
Ulubari Guwahati-7

NO. Recd:-3/10/Loos/Pt-V Dated at Guwahati the 18-9-97

To

Sri B.K.Goswami
Telecom Dist. Manager,
Tezpur

Sub:- Conferment of Temporary status

Ref:- TDE, TZ Memo No. X-1/CMPT/TA/Conf. 7-98/38 dated
7-4-97

The case is examined in the context of the reports submitted by Tezpur during the preceding years wherein he consistently mentioned that no Casual Mazdoor has been engaged in the Tezpur SSA after 31-3-85. It follows from these reports that there is no Casual Mazdoor in the SSA. Obviously there showed not in the normal course, arise a situation necessitating the conferment of Temporary status.

The Temporary status has been conferred solely on the basis of post facto certificate issued by line staff and countersigned by SDEs. Authenticity of these certificates has not been verified from Master Roll paid voucher. There is also no supporting record indicating the sponsorship of Employment Exchange. The absence of these vital records has further complicated the issue and gives room for foulplay.

In view of the above anomaly it has been decided to cancel the order conferring the Temporary status. This should be followed by a renewed exercise to identify the Casual Mazdoors entitled for Temporary status on the basis of authenticated records as shown above. The exercise has to be completed within a period of one month. Simultaneously, the office who engaged the Casual Mazdoors in defiance of the ban order should be identified. I have been directed to request you to take action on the above line and to send detailed report in confidence.

W
(A.K.Cheleng)
Asstt. General Manager(Admn)
O/O The Chief General Manager,
Assam Telecom Circle Guwahati

Dated: 20.10.97

Tzrpwr

No: X-1/CMPT/96-97/CON-7

With reference to the CGMT, Assam Telecom. Circle Gauhati office order no. Recd-3/10/Loos/Pl-V dated at Gauhati the 18-9-97, the provisional conformation of temporary status to the casual manpower at Tezpur vide the TDE/TzP order no X-1/CMPT/96-97/Con-7 dated 27.8.96 has been withdrawn with immediate effect. The entire exercise has to be completed within a period of one month from the date of issue of this letter. A xerox copy of the above order is enclosed for reference and guidance.

M. K. Gogoi
(M. K. Gogoi)

TDE (P.R.A) Tezpur

Copy to -

1. The CGMT, Assam Telecom Circle, Gauhati for information and necessary action
2. The TDM/Tezpur for information & necessary action
3. The AGM (Admn.) Gauhati for information & necessary action
4. All Group B officers
5. The AU (cash)
6. File no: E-38/CMPT/Vol-III

DTE (P.R.A) Tezpur

DEPARTMENT OF TELECOMMUNICATIONS

B. K. Goswami

TDM/TE2PUR

Tezpur-784001

TDM/TE2/1001/Confidential Dated at T2P, the 19th Nov, 97

Subject

To the CGMT, Assam Circle
Guwahati-781007

90

At about 16-hrs of 19.11.97 the union leaders entered my chamber and submitted a memorandum for withdrawing letter no X-1/CMPT/96-97/Con-7 dt 20.10.97 terminating the temporary status of casual majdoos.

The side-door of my chamber was opened and unruly scene was enacted with shouting of high-pitched slogans and thumping of furnitures and fixtures by majdoos and others near the gate and adjoining area of my chamber. I assured the leaders that the matter will be looked into and requested them to leave my room. They did not pay heed to my request and refused to leave the room till the memo dt 20.10.97 was cancelled.

In view of above, I was compelled to issue memo no X-1/CMPT/96-97/Con-7 dt 19.11.97 cancelling the earlier memo of even no dt 20.10.97.

A copy of union memorandum dt 19.11.97 is enclosed for your kind perusal pl.

(B) B Signature
(B. K. Goswami) 19/11/97

AD (E.S.)
1/1

NETTE/ENRIO
Tezpur-784001

To
The Telecom District Manager, Tezpur

Dated at Tezpur, the 19th Nov, 1997.

Subs: Memorandum.

Gds:

We are surprised to know that you have withdrawn, vide letter No. X-1/CMPT/96-97/Com-7 the confirmation of Temporary Status to 200+ mazdoor who have been in the rolls from 27-5-96, in utter violation of the constitution of India and the verdict of the apex court of India.

Our single point demand is please withdraw the maligned order immediately and thereby not to sanctify the legitimate grievance of the exploited lot.

Thanking you sir,

Yours faithfully,

SP

19/11/97

Handwritten

(Parmanand Deka)

(S. M. Deka)

Tezpur

(S. M. Deka)
19/11/97

(S. M. Deka)

SP