

50/100

4

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH  
GUWAHATI-05

✓ (DESTRUCTION OF RECORD RULES, 1990)

INDEX

✓  
O.A/T.A No. 173/01.....

R.A/C.P No.....

E.P/M.A No.....

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- 13. Written Arguments.....
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- 16. Counter Reply.....

SECTION OFFICER (Judl.)

balis  
6.12.17

FORM NO. 4  
(See Rule 42)

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

ORDER SHEET  
APPLICATION NO ... 173 ... OF 2001.

Applicant (s) Krishna Chandra Roy

Respondent (s) UOI & Ors.

Advocate for Applicants (s) Mr. D.P. Chaliha & Dr. M.C. Sarma

Advocate for Respondent (s) Case.

Notes of the Registry	Date	Order of the Tribunal
-----------------------	------	-----------------------

23.5.01

Admit. Issue Notice. Returnable  
by four weeks. Call for the records.

List on 20.6.2001 for  
~~consideration of admission~~ further orders.

Vice-Chairman

This application is in form  
but not in the form of a  
Petition as provided vide  
M.P. No. ... C.F.  
for Rs. 50/- deposited vide  
IPO/BD No. 66 792429  
Dated 11/5/2001

Dy. Registrar. 20.6.01

NS  
15/5/2001

NS  
24/5/01

Requisites filed.

On the prayer of Mr. B.C. Pathak,  
learned Addl. C.G.S.C. four weeks  
time is allowed for filing of written  
statement. List on 25.7.01 for orders

K. Ushar  
Member

lm  
25.07.01

List again on 24-08-2001 to enable the  
respondents to file written statement.

Vice-Chairman

Notice prepared and sent to  
D/S for issuing the bench order  
No 1 to 3 by Regd Adl vide  
DINo 2054 & 56 dtd 14/6/07

pg

No written statement has  
been filed.

NS  
24/7/01

No. w/s has been filed.  
23  
23.8.01

24.8.01

List on 21/9/01 to enable the respondents to file written statement.

*[Signature]*  
Vice-Chairman

No. written statement has been filed.  
21  
20.9.01

mb  
21/9/01

List on 16/11/01 to enable the respondents to file written statement.

*[Signature]*  
Vice-Chairman

No. written statement has been filed.  
23  
15.11.01

mb  
16.11.01

Two weeks time is granted to the respondents to file written statement. List on 5.12.2001 for order.

*[Signature]*  
Member

20.11.2001

w/s submitted by the Report. 1, 2 and 3.

bb  
5.12.01

Written statement has been filed by the respondents. None is present for the applicant. List on 9.1.02 for hearing.

*[Signature]*  
mb

*[Signature]*  
Member (J)

*[Signature]*  
Member (A)

9.1.2002

None is present for the applicant, Mr. B.C. Patnaik, Adl. C.A. etc. prays for adjournment. Prayer is allowed. List again on 13/2/2002.

*[Signature]*  
9.1.02

*[Signature]*

8.4.2002  
Respondents submitted by the applicant

13.2.02

Prayer has made by learned counsel for the applicant for adjournment on the ground that he has received the written statement recently to-day. Prayer is allowed. List on 20.3.02 for orders.

*[Signature]*  
Member

lm

3

07

Notes of the Registry	Date	Order of the Tribunal
<p>Order dtd 20/3/02 Communicated to the parties counsel. <i>22/3/02</i></p>	<p>20.3.02</p>	<p>Dr.M.C.Sarma learned counsel appearing for the applicant prays for adjournment on the ground that he has not received instructions from his clients. The case is <sup>now</sup> listed for hearing earlier, there was no representation from the side of the applicant. List on 10.4.02 for hearing as a last chance.</p> <p><i>K. Usha</i> Member</p>
<p><u>8. 4. 2002</u>                      Respondent submitted by the applicant.</p>	<p>lm 10.4.02</p>	<p>List on 3.5.02 to enable the respondents to obtain necessary instructions.</p> <p><i>[Signature]</i> Vice-Chairman</p>
	<p>lm 3.5.2002</p>	<p>Heard counsel for the parties. Hearing concluded. Judgment delivered in open Court, kept in separate sheets.</p> <p>The application is disposed of in terms of the order. No order as to costs.</p> <p><i>[Signature]</i> Member</p>

bb

CENTRAL ADMINISTRATIVE TRIBUNAL ::  
GUWAHATI BENCH.

O.A./R.A. NO. . . . . 173 . OF 2001.

DATE OF DECISION . . . . . 3.5.2002.

Krishna Chandra Roy

APPLICANT(S)

Mr.D.P.Chaliha & Dr.M.C.Sarma. ADVOCATE FOR THE APPLICANT(S)

- VERSUS -

Union of India & 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 ?

Judgment delivered by Hon'ble Administrative Member.

*K. K. Sharma*

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No.173 of 2001.

Date of Order : This the 3rd Day of May, 2002.

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

Shri Krishna Chandra Roy  
S/o Shri Kanta Roy  
P.O:- Golakganj  
District:- Dhubri. . . . Applicant.

By Advocates Mr.D.P.Chaliha, R.C.Roy & M.C.Sarma.

- Versus -

1. Union of India  
Represented by the Chairman and  
Managing Director  
Bharat Sanchar Nigam Ltd.  
New Delhi.
2. The Chief General Manager  
Assam Telecom Circle  
BSNL, Guwahati.
3. The District Telecom Manager  
BSNL, Bongaigaon. . . . Respondents.

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

O R D E R

K.K.SHARMA (ADMN.MEMBER):

The applicant has claimed the benefit of Temporary Status under the Casual Labourers (Grant of Temporary Status and Regularisation Scheme dated 7.11.1989.

1. The applicant was enrolled as a Casual Mazdoor under S.D.O. Telegraph Dhubri under Bongaigaon Telecom District for the various periods during 1988 to 1995. He also claimed that during the period he has ~~got~~ <sup>worked by</sup> more than 240 days in a year in a number of occassions.

The applicant claimed that as he satisfied all the

criteria of the aforesaid Scheme, he should be considered for grant of Temporary Status in view of the series of orders passed by the Tribunal in O.A.107/98 series dated 31.8.99.

2. The respondents have filed written statement wherein it is stated that the applicant is not entitled to the benefit of the Scheme as he never worked as a Casual Labourer. It is also stated that the applicant's case was considered by a duly constituted high power Verification Committee and the applicant was given opportunity to produce whatever documents he had to support his claim. It is however, admitted that the applicant appeared before the respondents a few <sup>15 days</sup> ~~date~~ after the dated, fixed for his interview.

3. Heard Mr.D.P.Chaliha, learned counsel for the applicant and also Mr.B.C.Pathak, learned Addl. C.G.S.C. for the respondents. Mr.B.C.Pathak submitted that the the applicant's case will be re-examined if he is given an opportunity to appear before the Verification Committee. Accordingly, a direction is given to the applicant to make a fresh representation before the respondents within a period of 15 days from the date of receipt of the order and the respondents are directed to consider the documents available with the applicant preferably by giving the him a personal hearing. The applicant is also directed to produce all his documents before the Verification Committee and the respondents

are ordered to complete the process within a period of six months from the date of receipt of the representation.

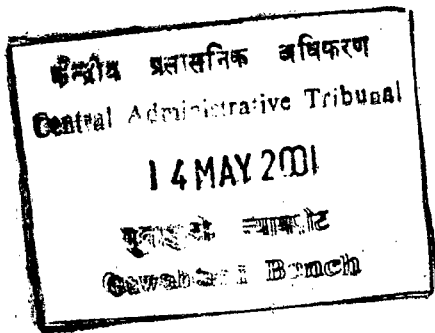
Subject to the observations made above, the application stands disposed of.

There shall, however, be no order as to costs.

*K.K. Sharma*  
( K.K.SHARMA )

ADMINISTRATIVE MEMBER

BB



BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH AT GUWAHATI

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

NB  
15/5/2001 -  
O.A. NO. 173 OF 2001

Shri Krishna Chandra Roy . . . . Applicant

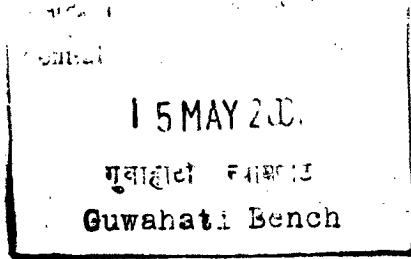
-Vs-

The Union of India & ors. . . . Respondents

I N D E X

<u>Sl. No.</u>	<u>Particulars</u>	<u>Pages.</u>
1.	Original Application	1 to 12
2.	Annexure-A	13
3.	Annexure-B	14
4.	Annexure-C	15
5.	Annexure-D	16 to 17
6.	Annexure-E	18 to 20
7.	Annexure-F	21 to 25

Filed by  
DR. M. C. SARMA.  
Advocate



BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH :: GUWAHATI

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

O.A. NO. 173 /2001

BETWEEN

Shri Krishna Chandra Roy  
Son of Shri Kanta Roy  
P.O. Golakganj  
District-Dhubri.

... Applicant.

-AND-

1. Union of India  
represented by the Chairman and  
Managing Director,  
Bharat Sanchar Nigam Ltd.  
New Delhi.

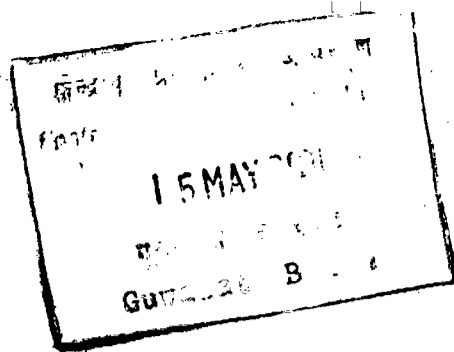
2. The Chief General Manager,  
Assam Telecom Circle  
BSNL, Guwahati.

3. The District Telecom Manager,  
BSNL, Bongaigaon.

... Respondents

contd....2

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-2-

DETAILS OF THE APPLICATION :

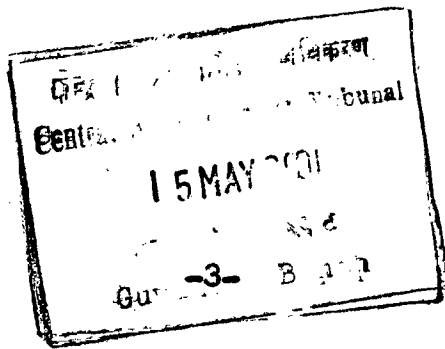
1. PARTICULARS OF THE ORDERS AGAINST WHICH THIS APPLICATION IS MADE :

The humble petitioner challenges the impugned letter No.E-75/PT & CM/CAT Case/2000-01/39 dated 13-11-2000 issued by the Telecom District Manager, Bongaigaon. This letter was issued to the petitioner in response to his representation dated 10-5-2000 submitted to the Chief General Manager, Assam Telecom Circle as per observation and orders issued by the Hon'ble Central Administrative Tribunal, Guwahati Bench in O.A. No. 65 of 1999 dated 14-3-2000. The Hon'ble Tribunal desired that the representation of the applicant should be considered by the respondents in accordance with the <sup>rules</sup> ~~rules~~ instructions and records in the backdrop of the Scheme called "Casual Labourers (Grant of Temporary Status and Regularisation Scheme dated 7-11-1989)". The respondents have disposed of the representation submitted by the applicant without calling for records available in his possession which proves beyond doubt that the applicant possessed the relevant service for the minimum period ~~pres~~ prescribed to entitle him for regularisation as a Temporary Mazdoor. The respondents have also not issued a reasoned ~~a~~ and speaking order as desired by the Hon'ble Tribunal.

A copy of the impugned letter dated 13-11-2000 is enclosed herewith as Annexure-'A'.

*me*

contd...3



2. LIMITATION :

The applicant declares that the present application has been filed within the period of limitation prescribed under Section 21 of the Administrative Tribunal Act, 1985.

3. JURISDICTION :

The applicant further declares that the subject matters of the present case is within the jurisdiction of the Hon'ble Tribunal.

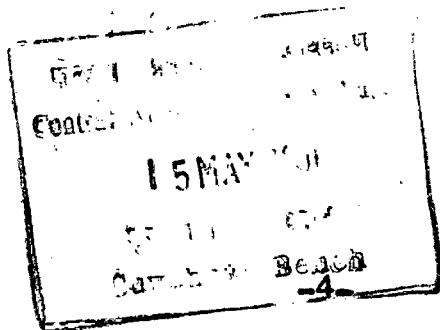
4. FACTS OF THE CASE :

(a) That the applicant is a citizen of India and is a permanent resident of Assam and as such he is entitled to all the rights and privileges guaranteed under the Constitution of India and laws framed thereunder.

(b) That the applicant was enrolled as a casual Mazdoor under S.D.O. Telegraphs Dhubri under Bongaigaon Telecom District in March, 1988 and was working as such for various periods during the years 1988 to 1995. During these years the applicant served as casual Mazdoor continuously for more than 240 days in a year on a number of occasions as can be seen from the certificates issued by the officials concerned in the connection. According to the scheme of the Govt. of India framed for regularisation of Casual labourers as desired by the Hon'ble Supreme Court in Writ Petition

*me*

contd...4



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No. 1280 of 1989 called "Casual labourers (Grant of Temporary Status and Regularisation) Scheme dated 7-11-89 the continues period of employment as Casual labourer should be 240 days in a year. The petitioner states that he had this prescribed period of continuous service as per certificates available with him. Yet the authorities has rejected his claim for Temporary Status and regularisation without carefully going through the records available with him.

A copy of the certificate dated 1-4-89 affirming continues service as casual mazdoor for one year from March, 1988 to March 1989 is enclosed herewith as Annexure-'B' .

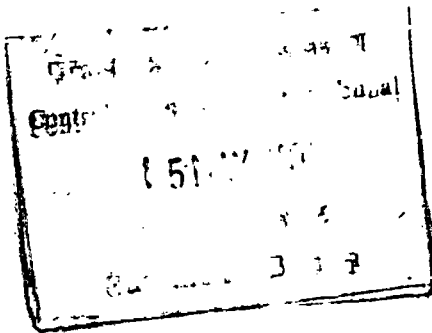
Another certificate affirming continuous service for over three years from 3-1-92 to 1-2-1995 is also enclosed as Annexure-'C'

(c) That the humble petitioner filed Original Application No. 65 of 1999 before the Hon'ble Central Administrative Tribunal, Guwahati Bench and the Hon'ble Tribunal was pleased to pass an order on 14-3-2000 as follows :-

"The applicant may file a representation within a period of one month from the date of receipt of a copy of this order with necessary details about his work experience along with the supporting documents, if any upon receipt of

*mi*

contd...3.



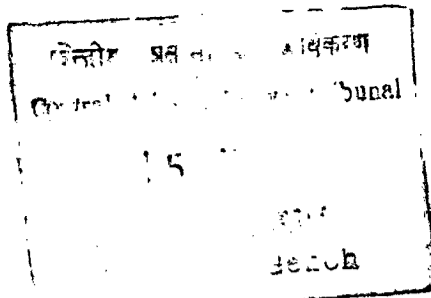
-5-

such representation, the respondents shall consider the same in accordance with the relevant rules, instructions and records, and in case the applicant fulfils the terms and conditions of the P&T Scheme called "Casual labourers. (Grant of Temporary Status and Regularisation) Scheme dated 7-11-89, he shall be granted the benefits flowing therefrom. In case the respondents reject the applicant's representation, they shall do so by a reasoned and speaking order. The decision of the respondents shall be communicated to the applicant within six months from the date of receipt of the representation".

A copy of the certificate copy of the said judgment of the Hon'ble Tribunal is enclosed herewith as Annexure-D for convenience of ready reference.

(d) That the impugned order rejecting the petitioner's claim for regularisation as Casual Mazdoor is violative of the orders of the Tribunal as the authorities have not issued a reasoned speaking order specifying the reasons for rejections. The authorities have not asked the petitioner to furnish his records before taking a decision in the matters. In view of this, the petitioner humbly submits that the orders of the authorities are arbitrary and factually incorrect and therefore the orders is liable to be quashed as defective.

contd...6



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-6-

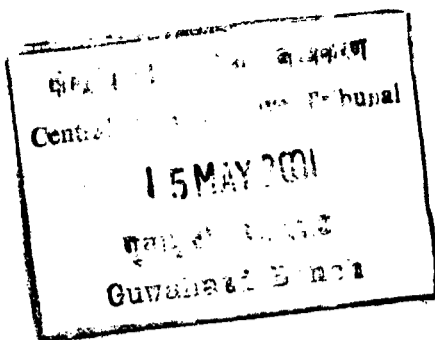
(e) That the Scheme mentioned in paragraphs (e) above was in response to the observations made by the Hon'ble Supreme Court in Writ Petition No. 1280 of 1989, 1246 and 1248 of 1986 and 176, 177 and 1248 of 1989. The petitioners humbly submits that the Scheme envisaged by the Hon'ble Apex Court applies mutatis mutandis to the case of the applicant.

A copy of the said judgment of the Hon'ble Supreme Court is enclosed herewith as Annexure-E.

(f) That a matter of a similar nature came up for adjudication before the Hon'ble Central Administrative Tribunal, Guwahati in Original Application No. 299 of 1996 and the Hon'ble Tribunal was pleased to direct the Telecoms Department authorities to regularise the services of similarly placed casual labourers by granting them temporary status and regularisation. Since the case of the petitioners is exactly similar to the one considered by the Hon'ble Tribunal in the aforesaid case, the petitioner humbly submits that the Tribunal be pleased to pass orders asking the authorities to regularise his services as "Temporary Mazdoor with all the rights of such labourers as per prescribed rules of the Telecom Department.

*me*

contd...7

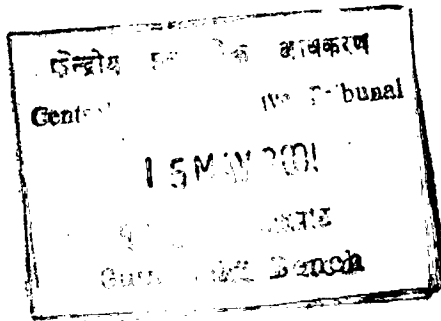


-7-

A copy of the said orders of the Hon'ble Tribunal is enclosed herewith as Annexure-F.

(g) That in view of the decisions of the Apex Court and of the Hon'ble Central Administrative Tribunal, Guwahati aforementioned, the applicant begs to claim that the Telecom Authorities should grant Temporary Status and regularisation to the applicant as he satisfied all the criteria of the Scheme. Thus the applicant was employees continuously for more than one year as a casual Mazdoor and was engages to work as sub casual labourers for more than 240 days in the years 1988 to 1995 and had therefore qualified for grant of temporary status and regularisation under the Scheme drawn by the Ministry of Telecom, Govt. of India. The applicant submits that his case for regularisation was rejected on the mistake notion that he did not render continuous service of at least one year. The applicant not only rendered continuous service of more than one year, he was also engaged on work for a period of 240 days. The applicant <sup>regrets</sup> ~~regrets~~ to state that the authorities concerned did not carefully ~~scrutinise~~ scrutinise the records and committed a mistake of fact in overlooking the claims of the applicant for temporary status and regularisation. Had the authorities applied their mind and scrutinised all the records, including that which is available with the applicant, they would have been convinced that the claim made by the applicant was just and fair.

contd...3



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5) GROUND WITH LEGAL PROVISIONS :

(a) That the applicant is a casual labours of the Telecommunications Department of the Govt. of India (Now Bharat Sanchar Nigam Ltd.) and has worked continuously for more than one year and was engaged as casual labourer for a period of 240 days during the year 1988 to 1997.

(b) That during the years 1988 to 1997 the applicant rendered continuous service as casual labourer for more than three years from January, 1992 to February, 1995. During this period the applicant also was engaged as casual labourer for more than 240 days.

(c) That on under a Scheme known as "Casual labourers (grant of temporary status and Regularisation) Scheme" temporary status was granted to all usual labourers satisfying the conditions mentioned therein. Such casual labourers were designated as Temporary Mazdoor and were entitled to certain privildges as stated in the scheme.

(d) That the humble petitioner is filed before this Hon'ble Tribunal Original Application No. 65 of 1999 and the Hon'ble Tribunal was pleased to dispose of the application with a direction to the BSNL authorities to consider the applicant's case for regularisation as temporary Mazdoor on the basis of the records of the case and the relevant rules. The humble petitioner submits that the authorities concerned wrongfully rejected the applicant's case without carefully

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contd...9

18

15 MAY 2001  
GAWAN... -9...  
... Tribunal

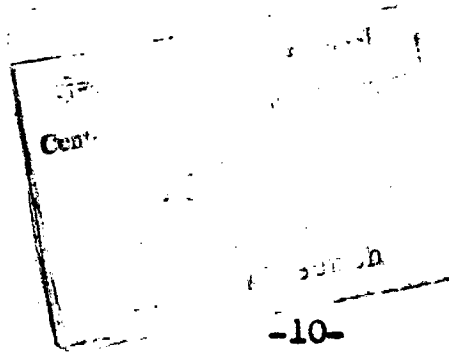
considering the facts and records of the case although the applicant fulfills all terms and conditions of the rules framed by the authorities. The authorities neither called the applicant nor called the records available with him and arbitrarily and wrongfully took a decision based on inadequate records with the result that the applicant has been forced to again approach the Hon'ble Tribunal to interfere in the matter in the interest of justice.

(e) That the humble petitioner begs to state that the Hon'ble Tribunal was pleased to direct the Telecom Authorities in their judgment dated 13-8-97 on O.A. No. 299 of 1996 to regularise the services of casual labourers similarly placed by granting them temporary status. It is the prayer of the applicant that the Hon'ble Tribunal be pleased to issue a similar direction in the case of the applicant as he satisfies the condition required by the Telecom Department for the same.

(f) That the applicant claim that he is fully qualified to be designated as Temporary Mazdoor if the record of service of the applicant is properly scrutinised by the authorities. That if he is designated as Temporary Mazdoor, he will be entitled to the rights and privileges of such a Mazdoor as detailed in the Scheme. The applicant seeks the permission of the Hon'ble Tribunal to produce the details of the scheme at the time of hearing.

(g) That the applicant has come to know that one Shri Nirot Chandra Roy, who was working as a casual labour in a position similar to the applicant but who entered service as a casual labour much after the applicant was regularised as Temporary Mazdoor under the Scheme vide BSNL's letter No. ESTI-9/12(Pt-1)/101 dated 07-07-2000 under DET BONGAIGAON.

*My* The claim of the applicant for regularisation is more justified as he worked as casual labourer for earlier and for a longer period.



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6) DETAILS OF REMEDIES EXHAUSTED:

That the applicant personally represented hi to his superiors with request to consider and treat him as a temporary Mazdoor as per scheme of the Govt. The applicant also submitted his representation to the respondents as per directive of the Hon'ble Central Administrative Tribunal in O.A. No. 65 of 1999. However as the authorities arbitrarily rejected the representation of the applicant without considering the facts and records available with him, the applicant has been left with no alternative but to again approach the Hon'ble Tribunal with this prayer.

7) MATTERS NOT PREVIOUSLY FILED OR PENDING IN ANY OTHER COURT.

The applicant declares that no similar application on this matters is pending in any forum or that no Suit or proceeding is pending.

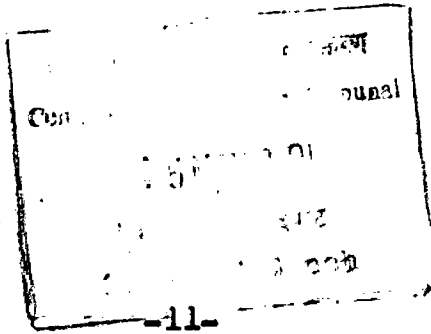
8) RELIEF SOUGHT FOR :

That the impugned order dated 13-11-2000 is liable to be set aside and quashed. The Hon'ble Tribunal may kindly direct the BSNL authorities to treat the applicant as a temporary Mazdoor with the following benefits :-

(a) Wages at daily rates with reference to the minimum of the pay scale of regular group D officials including D.A., HRA and CCA.

ku

contd...11



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(b) 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 in a year (206 days in administrative offices observing 5 days a week)

(c) Leave entitlement will be on a pro rata basis one day for every 10 days of work ~~under xi~~ with right to carry forward the leave at their credit on regularisation.

(d) 50% of the service rendered in temporary status will be committed for retirement benefit after regularisation.

(e) Productivity linked bonus at rates applicable to casual labourers.

(f) Other benefits as per scheme of the Government.

9) INTERIM ORDER SOUGHT FOR :

The applicant has not prayed for any interim order.

10) PARTICULARS OF I.P.O.

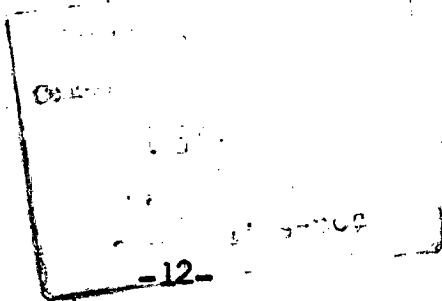
1. I.P.O. No. 6G 792429
2. DATE 11/5/2001
3. Payable at Guwahati.

11. LIST OF DOCUMENTS

AS STATED IN THE INDEX.

me

Verification ....



21

VERIFICATION

I, Krishna Chandra Roy, Son of Shri Kanta Roy,  
P.O. Golakganj, District-Dhubri, Assam at present residing  
at *Bongaijam*

do hereby verify that the statements made in paragraphs  
*1, 2, 3, 4, 5, 6, 7 and 8* are true to my knowledge  
and belief and that I have not suppressed any material  
facts.

And I sign this verification on this *15<sup>th</sup>* day of  
*May,*  
~~April~~, 2001 at Guwahati.

Place :- Guwahati.

Date :- *15.5.2001*

Signature

*me*

ANNEXURE-A

BHARAT SANCHAR NIGAM LIMITED  
(A Govt. of India Enterprise)  
OFFICE OF THE TELECOM DISTRICT MANAGER  
BONGAIGAON

NO. E-75/PT & CM/CAT Case/2000-01/34 dated at Bongaigaon the  
13-11-2000

To

Sri Krishna Ch. Roy  
S/O Shri Kanta Roy  
P.O. Golakganj  
Dist. Dhubri (Assam)

Sub :- CAT, Guwahati O.A. No. 65/99 filed by Shri K.C. Roy  
Implementation of CAT order dtd. 14-03-2000.

Ref :- CGMT GH's No. STES-21/213/11, dtd. 14-09-2000.

You representation in accordance with the relevant rules and orders governing the cases of casual labourers of the department has been examined thoroughly and it is observed that under any circumstances you can not be granted Temporary Status Mazdoor. Accordingly I am directed to intimate you that your representation is disposed off in this level.

Sd/- P.C. Sarkar  
Sub-Divisional Engineer(HRD)  
O/O the Telecom District Manager  
Bongaigaon.

Copy forwarded for information and necessary action to :-

1. The Asstt. General Manager (Admn.), O/O the C.G.M.T., Assam Telecom Circle, Guwahati-7.
2. The D.E. Telecom, Dhubri.

Sd/-  
For Telecom District Manager,  
Bongaigaon.

ANNEXURE - B

TO WHOM IT MAY CONCERN

This is to certify that Shri Krishna Chandra Roy, S/O Sri Kanta Roy of Golamganj, P.O. Golakganj, P.S. Golakganj, District-Dhubri, Assam, worked as casual Mazdoor under the S.D.O. (Telegraphs, Dhubri from March '88 to March '89.

His conduct was found satisfactory during his  
... (illegible).

I wish him every success in life.

Sd/- Moni Ch. Das ?  
1-4-89.

15

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ANNEXURE-C

TO WHOM IT MAY CONCERN

This is to certify that Shri Krishna Ch. Roy  
S/O Sri Kanta Roy of P.O. Gelukganj P.S. Golakganj,  
Dist. Dhubri, Assam worked at casual mazdur under the  
S.D.O. Telegraphs, Dhubri from 3-1-92 to 1-2-95.

His conduct was found satisfactory during his  
job period.

I wish him every success in life.

Sd/-

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ANNEXURE-D

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No. 65 of 1999.

Date of order : This the 14th day of March, 2000.

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

The Hon'ble Smt. Lakshmi Swaminathan, Judicial Member.

Shri Krishna Ch. Roy  
Son of Shri Kanta Roy  
P.O. Golakganj  
Dist. Dhubri (Assam)

By Advocate S/Sri D.P. Chaliha, A.K. Choudhury  
and S. Sarma

-Versus-

1. Union of India  
represented by Secretary to the  
Government of India,  
Ministry of Communication,  
New Delhi.
2. The Director General  
Department of Telecommunication,  
New Delhi.
3. The Chief General Manager  
Assam Circle  
Telecom, Guwahati.

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

ORDER (ORAL)

SMT. LAKSHMI SWAMINATHAN (J.M.)

We have perused the record and heard Sri D.P.  
Chaliha, learned Senior counsel for the applicant and Sri

contd...

Cont. Annexure-D

B.C. Pathak, learned Addl. C.G.S.C. for the respondents. Both the learned counsel submit that the facts and issues raised in this case are similar to the issues which have been raised in Subal Nath and others vs. Union of India and others (O.A. 107/98 with connected cases) which was disposed of on 31-8-1999 and in All India Telecom Employees Union. Line Staff and Group 'D' Mizoram Division, Aizawl Branch and others vs. Union of India and others (O.A. 129/99) which has been disposed of on 9-3-2000, copy of both the orders placed on record.

2) In view of the above facts and orders, this O.A. is disposed of with a similar direction as has been given in the aforesaid orders of the Tribunal (Guwahati Bench as follows:-

The applicant may file a representation within a period of one month from the date of receipt of a copy of this order with necessary details about his work experience, alongwith the supporting documents, if any. Upon receipt of such representation, the respondents shall consider the same in accordance with the relevant rules. Instructions and records, and in case the applicant fulfils the terms and conditions of the P&T Scheme called "Casual Labourers (Grant of temporary Status and Regularisation) Scheme dated 7-11-1989, he shall be granted the benefits flowing therefrom. In case the respondents reject the applicant's representation, they shall do so by a reasoned and speaking order. The decision of the respondents shall be communicated to the applicant within six months from the date of receipt of the representation.

Parties to bear their own costs.

Sd/- MEMBER(A)  
Sd/- MEMBER(J)

ANNEXURE-E

## Absorption of Casual Labours

Supreme Court directive Department of Telecom take back all Casual Mazdoors who have been disengaged after 30-3-85.

In the Supreme Court of India  
Civ-il Original Jurisdiction.

Writ Petition (C) No. 1280 of 1989.

Ram Gopal & ors. .... Petitioners

-Versus-

Union of India & ors. .... Respondents

With

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

Jant Singh & ors etc. etc. .... Petitioners

-Versus-

Union of India & ors. .... Respondents

ORDER

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

The principal allegation in these petitions under Art. 32 of the Constitution on behalf of the petitioners is that they are working under the Telecom Department of the Union of India as Casual Labourers and one of them was in employment for more than four years while the others have served for two or three

contd....

years. Instead of regularising them in employment their services have been terminated on 30th September 1988. It is contended that the principle of the decision of this court in Daily Rated Casual Labour Vs. Union of India & ors. 1989 (1) Section (122) squarely applies to the petition although that was rendered in case of Casual Employees of Posts and Telegraphs Department. It is also contended by the counsel that the decision rendered in that case also related to the Telecom Department as earlier Posts and Telegraphs Department was covering both sections and now Telecom has become a separate department. We find from paragraph 4 of the reported decision that communication issued to General Managers Telecom have been referred to which support the stand of the petitioners.

By the said Judgment this Court said :

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

We find the though in paragraph 3 of the writ petition, it has been asserted by the petitioners that they have been working more than one year, the counter affidavit does not dispute that petition. No distinction can be drawn between the petitioners as a class of employees and those who were before this court in the reported decision. On principles, therefore the benefits of the decision must be taken to apply to the

contd....

petitioners. We accordingly direct that the respondents shall prepare a scheme on a rational basis absorbing as far as practical who have continuously worked for more than one year in the Telecom Deptt. and this should be done within six months from now. After the scheme is formulated on a rational basis, the claim of the petitioners in terms of the scheme should be worked out. The writ Petitions are also disposed of accordingly. There will be no order as to costs on account of the facts that the respondents counsel has not chosen to appear and contact at the time of hearing though they have filed a counter affidavit .

Sd/-

( Ranganath Mishra) J.

New Delhi

April 17, 1990.

Sd/-

( Kuldeep Singh )J.

ANNEXURE- F

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

Original Application No. 299 of 1996  
and  
302 of 1996

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

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

O.A. No. 299 of 1996

All India Telecom Employees Union,  
Line Staff and Group-D,  
Assam Circle, Guwahati & others. ... Applicants

-Versus-

Union of India & ors. ... Respondents.

O.A. No. 302 of 1996

All India Telecom Employees Union  
Line Staff and Group-D.  
Assam Circle, Guwahati & others. ... Applicants.

-Versus-

Union of India & ors. ... Respondents

Advocate for the applicants : Shri B.K. Sharma  
Shri S. Sharma

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

contd...

O R D E R

BARUAH J. (.C.)

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

1. O.A. No. 302/96 has been filed by All India Telecom Employee Union. Line Staff and Group-D, Assam Circle, Guwahati, represented by the Secretary Shri J.N. Mishra and also by Shri Upen Pradhan, a casual labourer in the office of the Divisional Engineer, Guwahati. In O.A. 299/96, the case has been filed by the same Union and the applicant No.2 is also a casual labourer. The applicant No. 1 in O.A. No. 299/96 represents the interest of the casual labourers referred to Annexure -A to the Original Application and the applicant No.2 is one of the labourers in Annexure-A. Their grievances are :

2. They are working as casual labourers in the Department of Telecom under Ministry of Communication. They are similarly situated with the situated with the casual labourers working in the Department of Postal Department under the same Ministry. Similarly the members of the applicant No.1 are also casual labourers working in the telecom Department. They are also similarly situated with their counter parts in the Postal Department. They are working as casual labourers. However the

contd...

benefits which had been extended to the casual labourers working in the Postal Department under the Ministry of Communications have not been given to the casual labourers of the applicants Unions. The applicants state that pursuant to the judgment of the Apex Court in daily rated casual labourers employed under Postal Department vs. Union of India & ors. reported in (1988) in sec. 122 the Apex Court directed the department to prepare a scheme for absorption of the casual labourers who were continuously working in the department for more than one year for giving certain benefits. Accordingly a scheme was prepared by the Department of Posts granting benefit to the casual labourers who had rendered 240 days of service in a year. Thereafter many writ petitions had been filed by the Casual labourers, working under the Department of Telecommunication before the Apex Court praying for directing to give similar benefits to them as was extended to the casual labourers of Department of Posts. Those cases were disposed of in similar terms as in the judgment of Daily Rated Casual Labourers (Supra). The Apex Court, after considering the entire matter directed the Department to give the similar benefit to the casual labourers working under the Telecom Department in similar manner. Pursuant to the said judgment the Ministry of Communication prepared a scheme known as "Casual Labourers (Grant of Temporary Status and regularisation) Scheme" on 7-11-89. Under the said scheme certain benefit had been granted to the casual labourers such as conferment of temporary Status, Wages and Daily Rates with reference to the minimum of the pay scale etc. Thereafter, by a letter dated 17-3-93 certain clarification

contd...

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was issued in respect of the scheme in which it had been stipulated that the benefits of the scheme should be confined to the casual labourers engaged during the period from 31-3-1985 to 22-6-1988. On the other hand the casual labourers worked in the Department of Posts as on 21-11-1989 were eligible for temporary Status. The time fixed as 21-11-1989 had been further extended pursuant to a judgment of the Ernakulam Bench of the Tribunal dated 13-3-1995 passed in O.A. No. 750/94. Pursuant to that judgment, the Govt. of India issued a letter dated 1-11-95 conferring the benefit of Temporary Status to the casual labourers. The present applicants being employees under the Telecom Department under the Ministry of Communication also urged before the concerned authorities that they should also be given same benefit. In this connection the casual employees submitted a representation dated 29-12-1995 before the Chairman, Telecom Commission, New Delhi but to the knowledge of the applicant the said representation has not been disposed of. Hence the present application.

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

3. Heard both sides, Mr. B.K. Sharma, learned counsel, appearing on behalf of the applicants in both the cases submits that the Apex Court having been granted the benefit of temporary status and regularisation to the casual labourers, should also be made available to the casual labourers working

contd....

Cont. Annexure-F

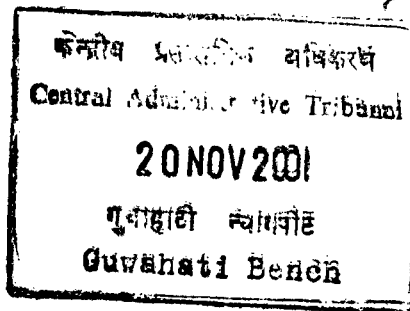
-5-

**UNDER**

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

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

Sd/- Vice Chairman.



Filed by

B. C. Pathak  
19/11/01

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

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH ::: GUWAHATI

O.A. NO. 173 OF 2001

Shri Krishna Chandra Roy

..... Applicant  
- Vs -

Union of India & Ors.

..... Respondents

( Written Statements for and on behalf of the  
respondent no. 1, 2 and 3 )

The Written Statements of the abovenoted  
respondents are as follows :

1. That a copy of the O.A. No. 173/2001 (referred to as the "application") has been served on the respondents. The respondents have gone through the same and understood the contents thereof. The interest of all the respondents being similar, common written statements are filed for all of them.

2. That the statements made in the application, which are not specifically admitted, are hereby denied by the respondents.

3. That with regard to the statements made in para 1, the respondents state that the Annexure 'A' order was issued by the authorised officer of the Bongaigaon Telecom District. The impugned order was issued after examining the case of the applicant in totality and in consultation with the records

available with the Department and the representation of the applicant.

4. That ~~wixxxx~~ the answering respondents have no comments with regard to the statements made in para 2, 3 and 4(a) of the application.

5. That with regard to the statements made in para 4(b), the respondents state that the applicant was never enrolled as casual Mazdoor in Dhubri Telegraph Sub-Division. He was not engaged at any point of time for performance of any job of the Department. Hence his claims are false and based on false and manufactured documents. The copies of certificates purportedly issued by 'officials concerned' are not records/documents which can be relied upon. Even the identity of the signatory of the so called certificates and the date of issue is not noted therein.

According to the Departmental Scheme, the casual labourer who have rendered casual service continuously for at least 1 year would be eligible for grant of Temporary Status. The benefit of the scheme have been extended to thousand of Casual Mazdoors who fulfils the eligibility conditions. The applicant is not entitled for the benefit of the scheme as he never worked as casual labourer. The applicant has merely submitted 2 pieces of papers what he described as 'certificates issued by officials concerned' to support his claim. The so called certificates are not authentic records and cannot be relied upon. The applicant

did not present himself before the committee on the appointed date despite being instructed to do so to present his case.

6. That with regard to the statements made in para 4(c), the respondents state that the Respondent Department complied with the Judgement and order dated 14.3.2000 passed by the Hon'ble Tribunal in O.A. No. 65/99.

The case was examined in totality on the basis of the records available and in consultation with the Departmental Scheme and executive orders on the subject . Special care was taken to cross-check the correctness of the contents of the so-called certificates, produced by the applicants. For that purpose, the ACE-2 Account of the concerned field officer for the corresponding period were scrutinised to find out if the applicant was actually engaged during the period. On examination of all records it emerged that the applicant did not put on duty during the period. It is conclusively established that the contents of the certificates false. In this regard it is further submitted that this Hon'ble Tribunal is already aware of the facts that disciplinary/punitive actions are being taken on such erring officials for issuing such false certificates.

7. That with regard to the statements made in para 4(d), the respondents state that the case of the applicant was examined by a duly constituted high power Verification Committee. The said committee scrutinized all paid vouchers, M/R, ACE accounts to work out the actual engagement particulars of the applicant for determining his entitlement for the benefit of the Ty. Status Scheme. Though instructed to do so, the applicant did not

~~put on duty during the period xxx it is conclusively established that the contents of the certificates~~

present himself before the committee on the appointed date. In spite of this, the committee also examined the photocopies of the certificates furnished by the applicant along with his representation dated 10.5.2000.

On the basis of the above examination it was concluded that the applicant was not entitled for grant of Ty. Status. The same was conveyed to the applicant vide letter dated 13.11.2000 under the signature of SDE (HRD) .

The copies of such findings and steps taken thereafter would be produced before this Hon'ble Tribunal at the time of hearing of the case.

8. That with regard to the statements made in para 4(e), the respondents state that pursuant to the Judgement delivered by the Hon'ble Supreme Court of India, the Department of Telecom prepared a scheme in 1989 for absorption of all casual labourers who have put in at least 240 days casual service in a year. The scheme is known as casual labourers ( Grant of Temporary Status and Regularization ) Scheme, 1989 and came into effect on 01.10.89.

The scheme is intended to cover all casual labourers who were on engagement on the day of introduction of the scheme and have completed at least 240 days in one calendar year. Under the provision of the scheme, the Department has regularized thousands of casual labourers who were engaged before 01.10.89 and have worked for more than 240 days in a year.

The Department has imposed a complete ban on engagement of casual labourer with effect from 22.6.88 and restraining orders was issued to all concerned. The Telecom Officers are devoid of any power/competence to engage any casual labour for any type of work.

There is irregularity of an enormous scale in the engagement of casual labourers after 22.6.88. Some field units have resorted to irregular engagement of casual labourers in defiance of ban order. No selection procedure of any kind was followed in any case. Such engagement, in most of the cases, was unjustified and without jurisdiction and on choose and pick basis. The accumulated result of such mind less engagement by field units that too without maintaining proper records has aggravated the situation to the detriment of the Department.

The Department of Telecom has addressed the situation on humanitarian ground and as an one time relaxation it has been decided that all casual mazdoor on engagement as on 01.03.98 and have continuously worked for at least 1(one) year would be granted temporary status followed by regularization. In the process, the Department has liberalized the scheme and advance the cut off date to 01.03.98.

The essence of the direction issued by the Hon'ble Supreme Court as well as the departmental scheme is to provide security to the casual labourer who have put on duty continuously for at least 1( one ) year. The present applicant have not worked continuously to complete 240 days in a year. They are therefore, not entitled for the benefit of the scheme.

9. That with regard to the statements made in para 4(f), the respondents state that in the O.A. No. 299/96 and 302/96 it was sought to remove the disparity in the cut off date as the postal scheme accommodated all casual labourers recruited up to 10.9.93 while the Telecom Scheme covered the casual labourers recruited up to 22.6.88. Now that the provision of the Telecom Scheme has been relaxed to cover all casual labourers working as on 01.08.98 and have put at least 240 days in a year. The telecom scheme thus has turned to be more beneficial. In the changed situation reference to postal scheme is not in the interest of the casual labourers of Telecom Department.

10. That with regard to the statements made in para 4(g), the respondents state that after the introduction of the afore-said scheme in 1989, the Department has reviewed the position from time to time and granted Ty. Status to all the casual labourers who completed the required length of casual service. In the process thousands of casual labourers have been granted Ty. Status. Some of whom also have been subsequently absorbed in regular group 'D' posts.

The applicants case was also examined on the same line and it transpired that he was not entitled for the benefit of the scheme as he was not engaged as casual Mazdoor.

11. That with regard to the statements made in para 4 5(a) to 5(g), the respondents state that under the facts of the case, the grounds shown are no grounds at all as the same cannot sustain in law. Hence the application is liable to be dismissed with cost.

12. That with regard to the statements made in para 6 and 7, the ~~re~~ answering respondents have no comments to offer.

13. That with regard to the statements made in para 8(a) to 8(f) of the application, the respondents state that under the facts and circumstances of the case and the question law involved, the applicant is not entitled to any relief whatsoever as prayed for and hence the application is liable to be dismissed with cost as devoid of any merit.

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

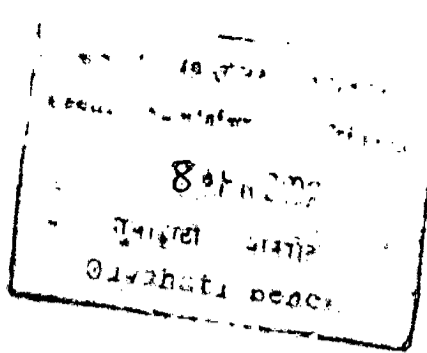
Verification.....

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

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 4 to 13. are true to my knowledge and belief, those made in para — being matter of records are true to my information derived therefrom and the rest are my humble submission before this Hon'ble Tribunal. I have not suppressed any material facts.

And I sign this verification on this 19 th day of November, 2001 at Guwahati.

Ganesh Ch. Sarma  
Deponent.



Filed by  
Munir  
D.A.M.C. SARMA  
Advocate

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BRANCH :: GUWAHATI

O.A. NO. 173 OF 2001

Krishna Chandra Roy ..... Applicant

-Vs-

Union of India & ors. .... Respondents

(Rejoinder to the Written Statement of Respondents No. 1, 2 and 3).

The Applicant begs to submit the rejoinder to the Written Statement as follows :-

- 1) That a copy of the Written Statement of the Respondent was received by the Applicant on 20-3-2002. The applicant has gone through the contents thereof and begs to submit the following parawise remarks.
- 2) That the Applicant has no remarks to offer to paragraph 1 and 2 of the Written Statement.
- 3) That with regard to paragraph 3 the Applicant begs to submit that the authorised officer did not consult complete records of the case before passing the impugned order. Neither was the applicant <sup>ever</sup> ~~were~~ called to appear in office or before a committee and produce his records nor were the senior subordinate such as Inspectors

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8/4/02

*ms*

শ্রী কৃষ্ণচন্দ্র রায়

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and Junior Engineers under whom the Applicant was working at various stages of his service as ~~XXXXXX~~ casual labour or Muster Roll workers or on ACE account summoned for proper verification of the available records. The applicant begs to submit that the least that the Administration could do was to call the following officials in his presence and verifying their records of Muster Roll/ACE and Casual labour during periods mentioned against each :-

1. Shri Moni Chandra Das, S.I. Telecom at Agamani in April, 1989.
2. Sri S. Roy, S.I. Telecom, Golakganj in November 1989.
3. Sri Gopal Chandra Roy, S.I. Telecom, Golakganj in December, 1991.
4. Sri Ramdhani Chauhan, S.I. Golakganj in August 1992.
5. Sri Sitaram Paswan, S.I. Telecom, Bilasipara in March, 1993.
6. Sri Pradip Rai, S.I. Telecom, Golakganj in February, 1995.
7. Sri Amiruddin, S.I. Telecom, Golakganj in December 1998.

contd...3

mb  
শ্রী অমিরুদ্দিন চৌধুরী

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The applicant begs to humbly submit that instead of properly and conclusively verifying the records and examining the responsible subordinate officials in presence of the Applicant, the official concerned perfunctorily went through the motions of the process in a casual manner before passing and communicating the order. The Applicant is sure ~~that~~ <sup>if</sup> the subordinate officials and Junior Engineer under whom the Applicant worked as a casual labours at various stages of his service <sup>were called, they</sup> would have surely vouched before the official concerned that his claim of continuous service for more than ~~are~~ one year would have been proved beyond any doubt whatsoever and thus he would have been entitled to regularisation under the scheme as was directed by the Hon'ble Tribunal. As this was not done, the Applicant regret to say that a gross injustice has been done by the Telecom Administration in his case.

In view of the above failure and of gross injustice done to the Applicant, the Tribunal is urged to consider the matter and pass an appropriate order for regularisation of the service of the Applicant under the Scheme.

4) That the Applicant has no remarks to offer in regard to para 4 of the Written Statement.

*ms*  
5) That in regard to para 5 of the Written Statement the Applicant begs to ~~refute~~ <sup>refute</sup> the assertion that he was

never enrolled as Casual labour in Dhubri Telegraph/  
Telecom Sub-Division. The statement that the Applicant  
was not engaged at any point of time for performance  
of any job of the Department is incorrect and false, to  
say the <sup>least,</sup> thereof. The applicant unphatically denies that  
his claims is based on false and manufactured documents.  
This assertion of the Applicant will be proceed without  
any doubt whatsoever of the Department produces before  
the Tribunal original records of the service of the  
Applicant in various locations as mentioned in remarks  
at para 3 above. The Applicant therefore urges the  
Hon'ble Tribunal to direct the Respondents to produce all  
the records of the period mentioned in paragraph 3 above  
so that a just and fair decision ~~case~~ be arrived at.

The Applicant also denies that he did not  
present himself before the Committee ~~at~~ the appointed  
date despite being instructed to do so to present his case.  
The Applicant never received any intimation for appearing  
before the so called committee. Had he received any intima-  
tion he would have been a only ~~to~~ anxious to prove his  
case before the Committee. The Applicant begs to put the  
Respondents to strict proof of the Applicant having been  
given intimation for appearance before the Committee.

6) That in regard to para 6 of the Written Statement  
the Applicant begs to deny the statement that the Respon-  
dents complied with the judgment and order of the Tribunal  
dated 14-3-2000.

contd...5

श्री राजेश कुमार शर्मा

The Respondent~~s~~ appear to have examined the matter in a most casual , hasty and superficial manner. The motion of examination appear to have been gone through merely for the sake of form and without any ~~wiklik~~ willingness or inclination whatsoever to do the minimum justice to the case of the applicant.

This contention of the Applicant will be clear from the fact that the decision to disqualify the Applicant from the benefit of regularisation was taken by the Respondents without ever calling the Applicant to prove his case. The so called examination was done without apparently ~~verifying~~ the original records of the field offices of the period April, 1998 to December, 1998. The Applicant therefore begs to urge the Hon'ble Tribunal to direct the Respondents to produce full records of the field offices of the period concerned and to verify the ~~sa~~ <sup>same</sup> ~~serve~~ by calling the officials concerned when the Applicant was present. The Applicant is confident that the records thus produced will prove his claim ~~bx~~ beyond any doubt whatsoever. Alternatively the Applicant could <sup>be called</sup> to the office of the CGM/Telecom, Guwahati for ~~unxxx~~ verification of the records in presence of his representative.

In this connection, the Applicant begs to mention <sup>my</sup> that the Respondents have admitted in the last sentence to

contd...6

শ্রী প্রমোদ কান্ত

para 6 of the Written Statement that apparently false certificate were issued by ~~same~~ officials in <sup>the</sup> ~~past~~. The applicant begs to state that he denies that in his case false certificate could ever issued and that his service record will be proved genuine if the records are property scrutinised. The statement that ~~same~~ officials might have issued false certificates in the in the past appears to be entirely ~~xxx~~ irrelevant in his case.

7) That <sup>in</sup> regard to the statement made in para graph 7 of the Written Statement, the Applicant begs to state that the Applicant was not aware of the examination of his case by the <sup>High</sup> ~~power~~ verification committee as he was not intimated of the same. The Applicant denies that he was ever instructed to appear before the high power committee. Therefore, if there was any examination of the records as is claimed by the Respondents, it would clearly have been a one sided affair without presentation of the case of the Applicant, Admittedly the senior subordinate officials including the Junior Engineers under whom the Applicant worked in the material period were never called when the applicant was present for careful examination of the case. In view of this the conclusion to be drawn is that gross injustice was done to the case of the Applicant as he was not given reasonable opportunity to present his case.

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শ্রী অক্ষয় কুমার

The Respondents have stated that copies of the findings and steps taken would be produced before the Tribunal at the time of hearing. The Applicant begs to request the Tribunal to examine the same at the time of hearing and quash the impugned order as it was issued without proper verification of the records and without giving reasonable opportunity to the Applicant to present his case and without examination of the officials concerned in the case in his presence.

8) That with regard to the statement made in paragraph 8 of the Written Statement, the Applicant begs to state that he is glad to ~~renew~~<sup>know</sup> that the scheme for regularisation has been extended from time to time And in the telecom department to include workers engaged as casual Mazdoor on engagement as on 1-08-98. In this connection the Applicant begs to state that his initial engagement as casual Mazdoor began in April, 1989 under S.I., Telecom, Agamoni under S.D.O. Dhubri and he continued to serve as Casual Mazdoor under various subordinate officials as mentioned in para 3 above upto December 1998. His case is therefore a fit case for regularisation of the case is carefully and sympathetically examined by the authorities concerned. The Applicant further states that he completed 240 days of service as

contd...8

ms  
श्री सुभाष चंद्र झा

casual Mazdoor in the calendar year 1988 itself and in 1990 and 1991 and was eminently eligible to be regularised as a temporary Mazdoor under the scheme in question. This case be done ~~now~~ now of the Respondents examine and consider the case with case and fairness ~~that~~ it deserves. The Applicant reiterates that he put on duty as casual Mazdoor for more than one year and worked for more than 240 days continuously in a number of calendar years, thus satisfying the criteria for grant of temporary status as per the scheme implemented as per direction of the Hon'ble Supreme Court.

9) That with regard to the statement made in para-10 of the Written Statement the Applicant begs to deny that he is not entitled to the benefit of the scheme. He reiterates that his case is eminently suitable for grant of temporary status and regularisation as casual labour under the scheme if the Respondents take proper steps to examine the case by giving the applicant reasonable opportunity to present his case as indicated in paras 3 and 6 in this rejoinder.

10) That with regard to statement made in para 11 of the Written Statement, the Applicant begs to state that, as would be amply clear from the submissions made in the foregoing paragraphs of this rejoinder, the Applicant has hereby reason to believe that his is a fit case for

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regularisation under the scheme under discussion. There is therefore a clear justification for rejection of the denial of regularisation of the Applicant under the scheme "Casual labours (grant of Temporary status and Regularisation) Scheme 1989.

12) That the Applicant has no comments to offer in regard to the statement made in para 12 of the Written Statement.

13) That in regard to the statement made by the Respondents in para 13 of the Written Statement the Applicant begs to reiterate that under the fact and circumstances of the case as submitted in the foregoing paragraphs of this rejoinder the Applicant is eminently eligible for granting temporary status and regularisation as Casual Mazdoor as per the scheme Casual Labours (Grant of temporary status and Regularisation), 1989.

#### VERIFICATION

I, Shri Krishna Chandra Roy, son of Shri Kanta Roy, P.O. Golakganj, District-Dhubri, at present residing at Bongai aon do hereby verify that the statements made in paragraphs 1 to 13 of this rejoinder are true to my knowledge and belief and that I have not suppressed any material facts.

And I sign this verification on this the 8<sup>th</sup> day of April, 2002 .

Place :- Guwahati.

Date :- 8/04/02

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Signature