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8

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES,1990)

MP-165/02 order sheet pg-1 allowed date-2/12/02

INDEX

O.A/T.A No. 189/02
R.A/C.P No.
E.P/M.A No. 165/02

1. Orders Sheet OA-189/02 Pg. 1 to 8
2. Judgment/Order dtd. 12/9/02 Pg. 1 to 4 allowed
3. Judgment & Order dtd. 24/7/07 Received from H.C/Supreme Court N.P(L) Pg-1 to 4
4. O.A. 189/02 Pg. 1 to 67
5. E.P/M.P. 165/02 Pg. 1 to 6
6. R.A/C.P. NIL Pg. to
7. W.S. filed by the Respondents-1,2,3 Pg. 1 to 13
8. Rejoinder Pg. to
9. Reply Pg. to
10. Any other Papers Pg. to
11. Memo of Appearance
12. Additional Affidavit
13. Written Arguments
14. Amendement Reply by Respondents
15. Amendment Reply filed by the Applicant
16. Counter Reply

SECTION OFFICER (Judl.)

FORM No. 4
(SEE RULE 42)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:

ORDER SHEET

Original Application No. 189/2002
Misc Petition No. /
Contempt Petition No. /
Review Application No. /

Applicants. B.K. Roy Tore

-Vs-

Respondant(S) U.O.I. Tors

Advocate for the Applicant(S) B.K. Sharma, S. Sarma, Miss U. Das

Advocate for the Respondat(S) Mr CGSC A.K. Chaudhury

Notes of the Registry	Date	Order of the Tribunal
C. 79 572404 11.6.2002 Dy. Steps taken alongwith envelops 19/6/02 17/6/02	20.6.02	Heard learned counsel for the parties. Application is admitted. Issue notice on the respondents. Call for records. Returnable by four weeks. List on 22.7.02 for orders. Member Vice-Chairman
1-7-2002 Notice prepared and Sent to D.Section for issuing of the Same to the respondants Throught Regd. post with A/D. vide D.No 1888 to 1890 Date 2/7/02. 1.7.02	lm 22.7.2002	List the case on 20.8.2002 to enable the respondents to file written statement. Vice-Chairman
	bb	

(2) O.A. 189/2002

Written Statement has been filed.

19.8.02.

20.8.02 Written statement has been filed. The case may now be listed for hearing on 11.9.2002. The applicant may file rejoinder, if any, within two weeks from today.

Member Vice-Chairman

No rejoinder has been filed.

10.9.02.

mb

11.9.02 Pass over for the day. List on 12.9.2002 for hearing.

Vice-Chairman

mb

12.9.2002 Heard counsel for the parties. Judgment delivered in Open Court, kept in separate sheets.

The application is allowed in terms of the order. No order as to costs.

Vice-Chairman

Judgment dtd 12/9/02 Communicated to the applicant & the parties Counsel

12-11-07

This OA is remanded on order dt. 24.7.07 to hear the case afresh. Submitted for order.

bb

13.11.2007. This matter has came from the Hon'ble High Court of Gauhati, Shillong Bench (Writ Petition (C) 32(SH) of 03, asking this Tribunal to re-examine the rival contentions and to give a clear findings as to whether the Applicants' claim is covered by 1989 Scheme and if so, as to whether, they are entitled to relief claimed by them.

Issue Notice to the Applicants and the Respondents to come ready for hearing of this case on 13th December, 2007. Also send a copy of this order to the Applicants and the Respondents alongwith the notices.

Call this mater on 13.12.2007.

(M.R.Mohanty)
Vice-Chairman

Lm

222/07
13.11.2007. This matter has came from the Hon'ble High Court of Gauhati, Shillong Bench (Writ Petition (C) 32(SH) of 03, asking this Tribunal to re-examine the rival contentions and to give a clear findings as to whether the Applicants' claim is covered by 1989 Scheme and if so, as to whether, they are entitled to relief claimed by them.

Issue Notice to the Applicants and the Respondents to come ready for hearing of this case on 13th December, 2007. Also send a copy of this order to the Applicants and the Respondents alongwith the notices.

Call this mater on 13.12.2007.

(M.R.Mohanty)
Vice-Chairman

Lm
191/07

13.11.2007 No Written Statement has been filed by the Respondents in this case.

Call this matter on 14.12.2007 awaiting reply from the Respondents.

O.A. 189/2002

-4-

13.11.2007. This matter has came on remand from the Hon'ble High Court of Gauhati, Shillong Bench (Writ Petition (C) 32(SH) of 03, asking this Tribunal to re-examine the rival contentions and to give a clear findings as to whether the Applicants' claim is covered by 1989 Scheme and if so, as to whether, they are entitled to relief claimed by them.

Issue Notice to the Applicants and the Respondents to come ready for hearing of this case on 13th December, 2007. Also send a copy of this order to the Applicants and the Respondents alongwith the notices.

Call this mater on 13.12.2007.

(M.R.Mohanty)
Vice-Chairman

Lm

13.11.07.
Pl. send order copies to the Applicants & the Respondents also inform them to come ready for hearing on 13.12.07.

order dt. 13/11/07 sent to D/Section for issuing to respondents, Applicants and learned advocate for both the parties.
23/11/07. S.O. (J) 23/11/07

D/No-1525 to 1531
dt = 26/11/07.

① Service report awaited.
12.12.07.

13.12.2007 This matter has come on remand from the High Court for re-consideration.

None appears for the Applicants nor the Applicants are present. Ms.U.Das, learned Addl. Standing counsel for the Union of India with instruction from the Respondents seeking adjournment of the matter.

Call this matter on 25.01.2008 for hearing.

Send copies of this order to the Applicants and to all the Respondents to come ready for hearing.

Contd...

O.A. No.189/2002

Contd.
13.12.2007

Free copies of this order may be handed over to Mrs.B.Devi (associate of Mr.S.Sarma, Advocate) and Ms. U.Das, learned Addl. Standing counsel for the Union of India.

(Gautam Ray)
Member (A)

(M.R.Mohanty)
Vice-Chairman

/bb/

Dt. 13.12.07-

Pl. send order copies to Applicants and Respondents
Free copies of this order be handed over to Mrs. B. Devi and Ms. U. Das, Addl. CGSC.

order dt. 13/12/07 sent to D/Section for issuing to applicants and to the respondents.
other 2 (Two) copies issuing to learned advocate's for both the parties.
D/No-1803 to 1809
Dt= 17/12/07.
14/12/07.

O.A.222/1997 All India Telecom Employees Union & Ors. Vs. U.O.I & Ors.

O.A.326/2000 Binod Kr. Roy & Ors. Vs. U.O.I. & Ors.

O.A.189/2002 Sri B.K.Roy & Ors. Vs. U.O.I & Ors.

O.A.252/1997 All India Telecom Employees Union & Ors. Vs. U.O.I & Ors.

25.01.2008 These cases have come back on remand from the High Court. Despite notices none has entered appearance for the Applicants. However, Miss U. Das, learned Addl. Standing counsel for Union of India, has entered appearance for the Respondents in this case, by filing Vakalatnama.

In the aforesaid premises, call this matter on 13.02.2008.

Send copies of this order to the Applicants in the address given in the respective Original Applications, requiring them to come ready for final hearing on the date fixed/13.02.2008.

(Khushiram)
Member(A)

(M.R.Mohanty)
Vice-Chairman

Dt. 25.1.08.
Pl. send copies of this order to the Applicants.
29/1/08.

Order dt. 25/1/08 sent to D/Section for issuing to applicants by post.
31/1/08.

Pg

O.A.189 of 02

13.02.2008 This matter has came back on remand from the Hon'ble High Court. None appears for the Applicant nor the Applicant are present.

Issue notice to the Applicant (in the address given in the O.A.) requiring them to appear and prosecute the present case.

Call this matter on 28.03.2008.

(Khushiram)
Member (A)

(M.R.Mohanty)
Vice-Chairman

Dt. 13.2.08.
Pl. issue Notice to the applicant in add. given in OA.
13.2.08

Order dt. 13/02/08
Send to D/Section for issuing to applicants by post.
Lm
14/2/08. D/No - 1103, 1104
Dt = 15/2/08.

28.03.2008 None appears for the Applicant nor the Applicant is present. On the request of Mr. G. Baishya, learned Sr. Standing Counsel appearing for the Respondents, call this matter on 29.04.2008.

Send copies of this order to the Applicants to come ready with their advocates to prosecute the matter.

Call this matter on 29.04.2008.

(M.R.Mohanty)
Vice-Chairman

Dt. 28.3.08.
Pl. send copies of this order to the applicants
31.3.08

Order dt. 28/3/08
Send to D/Section for issuing to applicants by post.
Lm
3/4/08.

10.4.08 This case which was posted to 29.4.08, is now postpond/re-scheduled to be listed on 3.6.08.

Send copies of this order to both parties.

Member(A)

Vice-Chairman

order dt. 10/4/08
issuing to both the parties.
23/4/08

OA 189/2002 -8-

03.06.08 **On the prayer of Miss U. Das, learned Addl. Standing counsel for the Respondents the case is adjourned to 13.06.2008 for hearing.**

The case is ready for hearing.
12.6.08.

(Khushiram)
Member(A)

(M.R.Mohanty)
Vice-Chairman

pg

13.06.2008 None appears for the Applicant. On the request of Ms U. Das, learned Counsel appearing for the Respondents, call this matter on 17.06.2008.

(Khushiram)
Member(A)

(M.R. Mohanty)
Vice-Chairman

nkm

17.06.2008 Heard. Hearing concluded. Orders reserved.

(Khushiram)
Member(A)

(M.R. Mohanty)
Vice-Chairman

nkm

20.06.2008 Judgment pronounced in open court, kept in separate sheets. The Application is allowed in part. No costs.

(Khushiram)
Member(A)

(M.R. Mohanty)
Vice-Chairman

nkm

IN THE GAUHATI HIGH COURT
(THE HIGH COURT OF ASSAM, NAGALAND, MEGHALAYA, MANIPUR AND TRIPURA)
SHILLONG BENCH
CIVIL APPELLATE SIDE

~~Appeal from~~ W.P.(C) No 32(SD)2003 of 20

~~Civil Rule~~

Union of India & ors — Appellant / Petitioner

Versus

Shri Benoid Kumar Roy & ors — Respondent / Opposite-Party

For Appellant / Petitioner: Mr. S.C. Shyam, Addl C.G.S.C.

For Respondent / Opposite-Party: Mr. S.P. Malakar, Mr A.K. Agarwal, Mr H. Abraham

Noting by Office or Advocate	Serial No.	Date	Office notes, reports, orders or proceedings with signatures
1	2	3	4

THE GAUHATI HIGH COURT SHILLONG BENCH

10

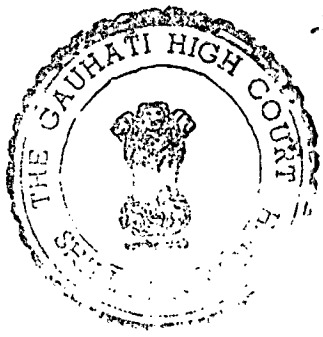
WP(C) NO. 32 (SH) 2003

BEFORE

THE HON'BLE MR JUSTICE A.P. SUBBA
THE HON'BLE MR JUSTICE B.D. AGARWAL

24.07.2007

This writ petition has been filed by the Union of India assailing the order dated 12.09.2002 passed by the learned Central Administrative Tribunal (in short CAT), Guwahati Bench, Guwahati in Original Application No. 189 of 2002. By the said order, the CAT has directed the Central Govt./BSNL to consider the re-instatement and granting of temporary status to the respondents.



The respondents on his own and on behalf of twenty five other Casual Labourers had filed Original Writ Petition before the learned CAT for a direction to the BSNL to re-instate them and also for a direction of regularization of their services giving temporary status. The said applications were registered as OA No. 222/1997 and OA No. 252/1997. Both the applications were disposed of by a common order dated 20.09.1999 directing the respondents/UOI to examine the claim of the applicants for the purpose of regularization and giving them temporary status. This direction was given on the basis of certain concessions given by the learned CGC appearing for the concerned department.

After the aforesaid order, the department examined the claims of the applicants and found that the services of the Casual Labourers were terminated/dis-continued w.e.f. 1.9.1987 and as such there was no scope for re-engaging them or regularizing their services. This order was also challenged before the learned CAT on two occasions in OA 326/2000 and OA 189/2002 in both the cases, the learned Vice Chairman of the CAT reiterated the earlier order/direction given in OA 222/1997.

We have heard Mr. SC Shyam, learned CGC for the petitioners and Sri SP Mahanta, learned counsel for the respondents.

Mr. SC Shyam, learned CGC submitted that the applications before CAT were filed for regularization of their services on the basis of a Scheme framed by the Telecommunication Department known as Casual Labourers (Grant of Temporary Status and Regularizations) Scheme, 1989. According to the learned CGC, the Scheme was floated vide letter No. 269-10/89-STN dated 7.11.1989 and the Scheme came into operation w.e.f. 1.10.1989. It is the submission of the learned CGC that since the services of the respondents were terminated long before the Scheme came into force, there was no scope of giving direction of re-instatement and giving temporary status to the respondents.

Per contra, Mr. SP Mahanta, learned counsel for the respondents submitted that subsequent to the introduction of the Scheme in the year 1989, the department of Telecommunication again issued certain clarification vide Office Memorandum dated 17.12.1993 and by virtue of this circular, the benefit under the Scheme was also extended to the Casual Employees who were recruited and worked during the period of 31.3.1985 to 22.6.88. In other words, it was the submission of the learned counsel for the respondents that even though the respondents were retrenched in the year 1987, they were still entitled to be regularized on the basis of the aforesaid Office Memorandum dated 17.12.1993.

After going through the impugned order of the learned Tribunal and its previous orders, we find that the learned Tribunal did not consider the question whether the applicants claim is covered by the 1989 Scheme. The impugned order is solely based on the first order passed in OA 222/1997. It has already been noted earlier that the first order was passed on the basis of certain concessions made by the learned CGC without referring to the 1989 Scheme. As such, we are of the opinion that it would be just and appropriate to remand the matter with direction to the learned Members of the CAT to re-examine the rival contentions and give a clear finding as to whether the applicants claim is

19

Notes by Office or Advocate	Date	Office notes, reports, orders or proceedings with signature

covered by 1989 Scheme and if so whether they are entitled to the relief claimed by them.

In view of the above observations, the impugned order is set aside and the matter is remanded back to the learned CAT to hear the matter afresh and dispose of the same upon hearing the learned counsel for both the sides.

Writ petition stands disposed of accordingly.

Send the LC Records with a copy of the order.

Sd/- B.D. Agarwal
Judge

Sd/- A.P. Subba
Judge

THE GAUHATI HIGH COURT SHILLONG BENCH

True Copy
10/12/07
Superintendent (Judicial)
Gauhati High Court
Shillong Bench.

14

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

O.A./XXXX No. 189 of 2002 ..

DATE OF DECISION 12.9.2002

Sri Binod Kumar Roy & Others. APPLICANT(S)

Mr.B.K.Sharma,S.Sarma & Ms.U.Das. ADVOCATE FOR THE APPLICANT(S

-VERSUS-

Union of India & Others. RESPONDENT(S)

Mr.A.K.Chaudhuri, Addl.C.G.S.C. ADVOCATE FOR THE RESPONDENT(S)

THE HON'BLE MR JUSTICE D.N.CHOWDHURY, VICE CHAIRMAN .

THE HON'BLE

1. Whether Reporters of local papers may be allowed to see the judgment ?

2. To be referred to the Reporter or not ?

3. Whether their Lordships wish to see the fair copy of the judgment ?

4. Whether the judgment is to be circulated to the other Benches ?

Judgment delivered by Hon'ble Vice-Chairman.

15

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No.189 of 2002.

Date of Order : This the 12th Day of September, 2002.

THE HON'BLE MR JUSTICE D.N.CHOWDHURY, VICE CHAIRMAN.

1. Sri Binod Kumar Roy
   C/o Prabir Dutta
   Career Station, VFT
   Telephone Exchange Shillong.

2. All India Telecom Employees Union
   Line Staff and Group-D
   N.E.Circle, Shillong
   Represented by the Circle Secretary
   Shri Prabir Dutta. . . . Applicants.

By Sr.Advocate Mr.B.K.Sharma, S.Sarma & Ms.U.Das.

- Versus -

1. The Union of India
   Represented by the Secretary to the
   Ministry of Communication
   New Delhi.

2. The Director General
   Department of Telecommunication
   New Delhi.

3. The Chief General Manager
   N.E.Telecom Circle
   Shillong-793001. . . . . Respondents.

By Mr.A.K.Chaudhuri, Addl.C.G.S.C.

O R D E R

CHOWDHURY J.(V.C.) :

This is the third round of litigation relating to conferment of temporary status. This application is made on behalf of the twenty five casual labourers who earlier moved this Bench in O.A. Nos.222 & 252 of 1997 seeking for re-instatement against their retrenchment and also for their regularisation. By

Contd./2

order dated 26.9.1997 the respondents were directed to fill up the 26 posts of Daily Rated Mazdoors pursuant to Annexure-A of the application. Finally by judgment and order dated 28.9.1999 this Bench directed the authority to examine the case of each of the applicant for regularisation as per the Scheme. The applicant also submitted their representations individually. By order dated 29.5.2000 the respondents disposed the same. The full text of the aforementioned order is reproduced below :-

> " In pursuance of the Judgment and order dated 20.9.99 in OA No.222/97 and 252/97 passed by the Hon'ble Central Administrative Tribunal, Guwahati Bench, your representation dated 10.11.99 was considered in the light of the judgement on the basis of the available records. As per records you were engaged by AE (Cable) Shillong with effect from 8.7.1986 to 31.8.1987. Since your services were no longer required, your services were discontinued from 1.9.1987 as per DOT order No.270/6/84-STN dated 22.4.1987. There is no provision in the rules regarding re-engagement/ or regularisation after such a prolonged discontinuity and to condone such a long discontinuity. It is regretted that your prayer for appointment could not be entertained and hence the claim is rejeted.
>
> This is for kind information in response to your representation dated 10.11.99."

The applicant thus moved O.A.326 of 2000 against the action of the respondents in not giving the benefit of the Scheme known as Casual Labourer (Grant of Temporary Status) and Regularisation) Scheme, 1989. After hearing the parties the Tribunal held that the aforementioned order dated 29.5.2000

Conted./3

is unsustainable. The Tribunal also held that the applicants rendered their services as Casual Labourers and therefore were entitled for consideration for conferment of temporary status and thereafter for their regularisation as Group-"D" under the Scheme. The respondents were directed accordingly to complete the exercise within the time prescribed. By the impugned order dated 12.11.2001 the respondents turned down their prayer, legality of which is assailed as arbitrary and discriminatory in this application.

1. I have heard Mr.S.Sarma, learned counsel for the applicants and also Mr.A.K.Chaudhuri, learned Addl.C.G.S.C. Mr.Chaudhuri referring to his written statement and the documents submitted that the cases of the applicants were considered, but since they were not entitled for grant of temporary status, their cases were rejected. Mr. Chaudhuri also assailed the application on the ground of maintainability as the grievance of the applicants was espoused by an association, which is not a registered party. The ground of maintainability is liable to be rejected on the ground that the application was made by the association with Circle Secretary on behalf of twenty five employees in the application, a concerned Casual Labourer is also a party. Therefore, the application is squarely covered by the procedure prescribed in the CAT Procedure Rules. The reasons assigned in the impugned order dated 12.11.2001 is similar to the reasons already mentioned in the earlier order dated 29.5.2000, which was

Contd./4

set aside by the Tribunal and directed the respondents to consider the cases of the applicants for grant of temporary status within the specified time. The reasonings assigned in rejecting the application of the applicants is wholly unsustainable. The applicants are retrenched persons. The applicants were engaged through the Employment Exchange as Casual Labourer. At any rate, those issues cannot be raised again after disposal of the O.A. The judgment and order in O.A.326/2000 attained finality. The respondents, therefore, could not have disregarded the judgment by making an attempt to rewrite the judgment.

For all the reasons stated above, the impugned order dated 12.11.2001 is set aside and the respondents are directed to consider the cases of the applicants for grant of temporary status in conformity with the direction issued in earlier judgment rendered by this Tribunal in O.A.326/2000 with utmost expedition preferably within a period of two months from the receipt of the order.

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

(D.N.CHOWDHURY)
VICE CHAIRMAN

BB

19

14/6/02

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH

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

Title of the case : O.A.No. 189 of 2002.

BETWEEN

Shri Binod Kumar Roy & Ors.

VERSUS

Union of India & Ors.

INDEX

SL.No.	Particulars	Page No.
1.	Application	1 to 25
2.	Verification	25
3.	Annexure-A.....	26-26-D
4.	Annexure-1.....	27, 28
5.	Annexure-2.....	29-32
6.	Annexure-3.....	33, 34
7.	Annexure-4.....	35
8.	Annexure-5.....	36, 37
9.	Annexure-6.....	38
10.	Annexure-7.....	39, 40
11.	Annexure-8.....	41-44
12.	Annexure-9.....	45
13.	Annexure-10.....	46, 47
14.	Annexure-11.....	48
15.	Annexure-12.....	49, 50
16.	Annexure-13.....	51
17.	Annexure-14.....	52
18.	Annexure-15.....	53, 54
19.	Annexure-16.....	55
20.	Annexure-17.....	56-58
21.	Annexure-18.....	59, 60
22.	Annexure-19.....	61
23.	Annexure-20.....	62-67

Filed by : Usha Das

File No.:C:\WS7\BINOD-1

Filed by the applicant through Advocate Alpha Ans. 11/6/02

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

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

O.A.No. ..189..... 2002

BETWEEN

1. Sri Binod Kumar Roy,
   C/O Prabir Dutta,
   Career Station, VFT.
   Telephone Exchange Shillong.

2. All India Telecom Employees Union
   Line Staff and Group-"D"
   N.E.Circle, Shillong.
   represented by, Circle Secretary,
   Shri Prabir Dutta. ..... Applicants.

- A N D -

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

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

3. The Chief General Manager,
   N.E.Telecom Circle,
   Shillong-793001.

..... Respondents.

PARTICULARS OF THE APPLICATION

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

This application is directed against the order vide No E-38/Court Case /20 dated 12.11.2001 issued by the respondents, illegally disposing of the individual representations filed by the applicants pursuant to the judgment and order dated 28.5.01 passed in O.A No 326 of 2000.

21

2. LIMITATION:

The applicants declare that the instant application has been filed within the limitation period prescribed under section 21 of the Administrative Tribunal Act.1985.

3. JURISDICTION:

The applicants further declare that the subject matter of the instant case is within the jurisdiction of the Hon'ble Tribunal.

4. FACTS OF THE CASE

4.1. That the applicants are citizen of India and as such they are entitled to all the rights, protections and privileges as guaranteed by the Constitution of India and laws framed thereunder.

4.2. That in the instant application, the Applicant No.2 is the Divisional Secretary of All India Telecom Employees Union, Line Staff and group-D, Meghalaya, Divisional Branch and he represents the interests of casual workers more particularly reflected in the Annexure-A to this Original Application. Applicant No.1 is one of the casual labourers as listed in the Annexure-A is also similarly situated like that of the other applicants on whose behalf the instant application has been filed by the applicant No.2. Accordingly the cause of action and relief sought for by the applicants are same. Thus the instant

applicants pray that they may be allowed to join together in a single application invoking rule 4(5)(b) of CAT (Procedure) Rules 1987 to minimise the number of litigation as well as the cost of the application.

A list containing the names and particulars of the applicants is annexed as ANNEXURE-A.

4.3. That the casual labourers whose interests are being represented in the instant application were all appointed in various dates ranging from 1984 to 1991 onwards on casual basis and to that effect the respondents have placed their indents to the local Employment Exchange. The names of the applicants have been sponsored by the local Employment Exchange for such casual employment and during their service tenure had been drawing their wages under ACG-17 and pay slip under Muster Roll Register, which will show that they were casual workers of the Dept. of Telecommunication and hence the applicants pray for a direction to the respondents to produce all the relevant documents at the time of hearing of the case.

For better appreciation of the factual position the services particulars reflected in the Annexure-A may be referred to. The service of the applicants have been discontinued after about three years of their continuous service without resorting to the departmental rules.

Since their aforesaid casual employments as reflected in Annexure-A is not in dispute hence the applicants crave leave of the Hon'ble Tribunal to produce all the relevant documents pertaining to their appointment at the time of hearing of the case.

23

A list sponsoring the names of the applicants by the local Employment Exchange is annexed herewith and marked as Annexure-1.

4.4. That some of the similarly situated employees belonging to the postal Department had approached the Hon'ble Supreme Court for direction for regularisation, as has been prayed in the instant application and the Hon'ble Supreme Court acting on their Writ Petition had issued certain directions in regard to regularisation as well as grant of temporary status to those casual labourers of the Department of Posts. It is pertinent to mention here that claiming similar benefit a group of similarly situated employees under the respondents i.e. of department of Telecommunication had also approached the Hon'ble Supreme Court for a similar direction by way of filing writ petition (C) No.1280/89 (Ram Gopal & Ors.Vs. Union of India & Ors) along with several writ petition i.e. 1246/86, 1248/86 etc. In the aforesaid writ petitions the Hon'ble Supreme Court was pleased to pass a similar direction to the respondents authority to prepare a scheme on a rational basis for absorption the casual labourers as far as possible, who have been working more than one year in their respective posts. Pursuant to judgment the Govt.of India, Ministry of Communication, prepared a scheme in the name and style "Casual Labourers (Grant of Temporary Status and Regularisation)Scheme 1989" and the same was communicated vide letter No.269-10/89-STN dated 7.11.89. In the scheme Certain benefits granted to the casual labourers such as conferment of temporary status, wages and daily Rates with reference to minimum pay scale of regular Group-D officials including DA/HRA etc.

Copies of the Apex Court Judgment and the above mentioned scheme is annexed herewith and marked as ANNEXURE-1 and 2..

4.5. That as per the Annexure-2 scheme as well as the directions issued by the Hon'ble Supreme Court (Annexure-1) in the cases mentioned above, the applicants are entitled to the benefits described in the scheme in view of the fact that they have completed more than 240 days of continuous service. The applicants are in possession of all the qualifications mentioned in the said scheme as well as in the aforesaid verdict of the Hon'ble Supreme Court, and more specifically in the data described in the Annexure-A may be refereed to for the better appreciation of the factual position.

4.6. That as stated above the respondents after 2-3 years of continuous service rendered by the applicants have discontinued their services . However, for such discontinuation the respondents have not followed the due procedure. The services of the applicants have been discontinued with verbal orders without any reason and also without prior notice . It is further stated that the respondents have discontinued their services during the pendency of the case before the Hon'ble Apex Court . The respondents should have been engaged them as and when the vacancy arose , but the respondents kept on engaging the outsiders illegally. As per the guidelines issued by the Govt of India Ministry of Personnel, dated 27.3.76 and 29.6.78 the retrenched employees like that of the applicants should get the priority at the time of new recruitment. In

fact the respondents have recruited many casual workers after the disengagement of the applicant without considering their case.

A copy of the said O.M. Dated 27.3.76 with O.M. dated 29.6.78 is annexed herewith and marked as ANNEXURE-3.

The applicants crave leave of the Hon'ble Tribunal to produce various letters showing such engagement at the time of hearing of the case.

4.7. That the respondents after issuance of the aforesaid scheme, (Annexure-2), issued further clarification from time to time of which mention may be made of letter No.269-4/93-STN-II dated 17.12.93 by which it was stipulated that the benefits of the scheme should be conferred to the casual labourers who were engaged during the period from 13.3.85 to 22.6.88.

The applicants crave leaves of the Hon'ble Tribunal to produce the said order at the time of hearing of the case.

4.8. That the applicant No 2 in view of the aforesaid discrimination made several representations to the authority concerned but no action has been taken in the matter. In fact the respondents have not even chosen to reply the said representation. As per the Verdict of the Hon'ble Apex Court the cases of the applicants are required to be considered for grant of temporary status as all the applicants have completed more them 240 days of service in a particular year. On the other hand since they are retrenched employee

of the department, they get preference over the others as per the OMs mentioned above.

4.9. That the applicants beg to state that the stipulated time for grant of temporary status as per the scheme has now further been extended up to 10.9.93 pursuant to a judgment of the Ernakulam Bench of the Hon'ble Tribunal delivered on 13.3.95 in OA No.750/94. Pursuant to the said judgment delivered by the Ernakulam Bench, Govt of India, Ministry of Communication issued letter No.66-52/92-SPD-I dated 1.11.95 by which the benefits of conferring temporary status to the casual labourers have been extended up to the recruitees up to the 10.9.93.

A copy of the aforesaid letter dated 1.11.95 as annexed herewith and marked as ANNEXURE-4.

The applicants have not been able to get hold of an authentic copy of the said letter and accordingly they pray for a direction to produce an authenticated copy of the same at the time of hearing of the instant application.

4.10. That the benefits of the aforesaid judgment and circular of Govt.of India is required to be extended to the applicants in the instant application more so when they are similarly circumstance with that of the casual workers to whom benefits have been granted and presently working in the Deptt.of Posts. As stated above both the Deptts. are under the same Ministry i.e. the Ministry of Communication, and the scheme were pursuant to the Supreme Court's Judgment as mentioned above. There can not be any earthly reason as

to why the applicants shall not be extended the same benefits as have been granted to the casual labourers working in the Dept.of Posts.

4.11. That the applicants state that the matter relating to filing up of Group-D posts came before the Regional Joint Consultancy Meeting held in Shillong on 28.11.95 under the Chairmanship of Shri V.P.Singh, Chief General Manager, N.E. Circle. In the aforesaid meeting including Chairman there were 6 competent officers and 11 union members from the staff side present to discuss the welfare of the Casual/Contractual Employees including regularisation of Group-D Employees. After a detailed discussion was taken for one time relaxation of Group-D recruitment and to that effect both the sides office side as well as staff side decided to approach Directorate for the appropriate steps. It is pertinent to mention here that at the time of discussion the working particulars of the applicants were taken into consideration and assurances have been given by the authority concerned to reinstate/regularise the services of the applicants by providing additional posts.

A copy of Minutes of the aforesaid Regional Joint Consultancy Meeting dated 28.11.95 is annexed as ANNEXURE-5.

4.12. That pursuant to aforesaid agreement of the meeting both the side approached the Directorate and as per instruction issued to the Chief General Manager, Telecom, a letter was issued on 25.7.96 whereby 400 posts of Daily Rated Mazdoors under the Chief General Manager, Telecom,

N.E.Circle have been distributed in six sub stations including Meghalaya , SSA. As per the aforesaid distribution 45 posts have been allotted to the Meghalaya Division to accommodate the applicants.

A copy of the aforesaid letter dated 25.7.96 is annexed herewith and marked as ANNEXURE-6.

4.13. That the applicants beg to state that in view of aforesaid scheme as well as the verdict of the Hon'ble Supreme Court, they entitled to be regularised more so when there is at present 45 vacancies as per Annexure-6 letter.

4.14. That the Applicant No.1 in view of the above discrimination in respect of the applicants reflected in Annexure-A working under the Respondent No.4 made several representations to the authority concerned. In one of the said representations the grievances of the applicants on whose behalf this application is made along with some others have been reflected. In the said representations apart from the other grievances it was pointed out that there are at least 45 vacancies and at present the Deptt.concerned in the need of Group-D employees.

A copy of one of the representation dated 25.8.97 is annexed as ANNEXURE-7.

4.15. That the applicants beg to state that making a similar prayer a group of casual workers working under Assam Circle had approached this Hon'ble Tribunal by way of filing OA No.299/96 and 302/96 and this Hon'ble Tribunal pleased to allow the aforesaid application on 13.8.97 by a common judgment and order.

A copy of the said order dated 13.8.97 is annexed herewith and marked as ANNEXURE-8.

4.16. That the applicants beg to state that on receipt of the representation the Telecom District Manger Shillong issued a letter dated 30.6.97 intimating that it was not possible to re-engaged the applicants as per existing Rules. The aforesaid letter dated 30.6.97 has further been clarified another letter dated 3.9.97 by the same authority.

The applicants crave leave of this Hon'ble Tribunal for a direction to the respondents to produce the aforesaid two letters at the time of hearing of this case.

4.17. That the applicants beg to state that finally the Chief General Manager N.E. Telecom Circle issued a letter intimating the applicants i.e. applicant No. 2 that the matter is under consideration.

A copy of the said letter dated 29.8.97 is annexed herewith as Annexure-9.

4.18. That the applicants beg to state that the respondent on 28.8.97 issued a letter to the employment officer of all district of Meghalaya asking for candidates for filling up 45 posts of Daily Rated Mazdoors (DRM) which are lying vacant. In fact the respondents should have engaged the applicants in the said vacant posts in view of the fact that they are retrenched casual employees. The respondents however, did not reply to the representations filed by the applicant and without taking consideration of the matter issued the aforesaid order dated 28.08.97. As per the policy mentioned above, in case of existence of any retrenched

employee in the Department, the authority concerned is duty bound to fill any vacancy by those retrenched employees, who rendered their service in the Dept. In fact the above 45 posts were sanctioned to Meghalaya SSA only for the applicants . On the other hand of the time of their initial employment indent was called for from the Local Employment Exchange so now question of placing another indent does not exists.

A copy of the said letter dated 28.8.97 is annexed herewith as Annexure-10.

4.19. That the applicants beg to states that inspite of repeated requests made by the applicants the respondents have not taken any steps for their re-engagement and having no other alternative the applicants were constrained to move the Hon'ble Tribunal by way of filing Original Application No. 222/97 and 252/97. The Hon'ble Tribunal while admitting the said OA was pleased to grant the interim prayer by issuing directions to the respondents not to fill up at least 26 posts of Daily Rated Mazdoors.

A copy of the interim order dated 26.9.97 is annexed herewith as Annexure-11.

4.20. That the applicants beg to state that after admission of the aforesaid OAs, the respondents have filed a written statement controverting the statements made by the applicants. The Hon'ble Tribunal after hearing the parties and after careful consideration of records was pleased to pass a judgment and order dated 20.9.99 directing the

respondents to examine the matter and to consider their cases.

A copy of the said judgment and order dated 20.9.99 is annexed herewith as Annexure-12.

4.21. That the applicants beg to state that pursuant to the said order each applicants submitted a representations to the authority concerned for consideration of their cases in the light of the judgment and order passed by the Hon'ble Tribunal. All the applicants submitted similar representations enclosing the available records with a prayer to consider their cases for re-employment.

A copy of one of such representations dated 10.11.99 is annexed herewith as Annexure-13.

4.22. That the applicants beg to state that the respondents there after issued orders vide No. NE/LA/disposal of OA 222/97, 252/97/2000/23 dated 29.5.2000 to each applicants rejecting their representations. In the said order the ground of rejection has been mentioned. The only ground of rejection of the representation is that there is no such Rule for re-engagement/regularisation after such a prolonged discontinuity of their services and there is no Rule for condonation of such long discontinuity. As per the policy of redeployment of retrenched employee no such time limit is fixed but same has been made subject to availability of vacancy. In the instant case there are 45 vacancies which are still lying vacant and there would be no difficulty to fill up those vacancies by the applicants whom are experienced person.

A copy of one of such orders dated 29.5.2000 is annexed herewith as Annexure-14.

4.23. That the applicants beg to state that the applicants after receipt of the aforesaid order dated 29.5.00 made a representation to the Chief General Manager N.E. Circle for consideration of the case and for modification of the aforesaid order dated 29.5.00 but till date nothing has been done by the respondents.

A copy of the said representation dated 3.8.00 is annexed herewith and marked as ANNEXURE-15.

4.24. That the applicants beg to state that after discontinuation of their services they made several requests to the authority concerned for consideration of their cases and acting on such requests the respondents have also intimated the applicants that the matter is under examination. In view of the aforesaid factual position the applicants had to prefer another O.A bearing No 326/00 before the Hon'ble Tribunal seeking redrassal of their grievances. The Hon'ble Tribunal after hearing the parties to the proceeding was pleased to dispose of the said O.A directing the respondents to consider their cases.

4.25. That the applicants beg to state that as per the judgment of the Hon'ble Apex Court their cases are required to be considered for grant of temporary status, taking into consideration their continuous 240 days of service in a year. It is needless to say here that each applicants has completed more than 240 days of continuous service. In view

of the aforesaid fact the issuance of impugned order dated 29.5.2000 is baseless and same depicts total non-application of mind by the respondents. Even the cases of the applicants are required to be consider pursuant to the scheme as well as its subsequent clarifications issued from time to time making the scheme more and more flexible.

The applicants crave of this Hon'ble Tribunal to produce the aforesaid orders clarifying the scheme at the time of hearing of this application.

4.26. That the applicants beg to stat that as per the Government of India Office Memorandums dated 27.3.76 and 29.6.78 their cases are required to be considered for re-engagement as and when the vacancy arises. In the present case as soon as the vacancy arose, the applicant No. 2 espousing the cause of all the applicants made a representation for such consideration but instead of considering their cases, the respondents have resorted to engage outsiders from the open market ignoring the case of the applicants. Hence the respondents now cannot take the plea as has been taken in the impugned order dated 29.5.2000, more so in view of the fact that the applicants fulfilled the required qualification mentioned in the Apex Court judgment as well as the scheme. Again the Government of India's Office Memorandum mentioned above have not specified any such date for such consideration of reemployment. The only consideration is the vacancy when arose and as soon as the vacancy arises the case of retrenched employees should be considered. Hence the ground of rejection mentioned in the impugned order dated 29.5.2000 is baseless and contradictory.

4.27. That the applicants beg to state that the respondents have not maintained any combined seniority list of the retrenched casual employees for which the entire controversy has arisen had there been combined seniority list of all the retrenched casual employees including the applicants the controversy would not have been arisen. In any case the grounds stated by the respondents in the impugned order is not sustainable and same are liable to be set aside and quashed. As per the DOT's Order No.269-69/88-STN dated 17.10.87 the respondents are duty bound to prepare a combined seniority list of casual workers/retrenched workers but the respondents did not follow the said Rule and same has been debarred the applicants their due claims of reinstatement and regularisation.

A copy of the DOT's letter dated 17.10.87 is annexed herewith and marked as Annexure-16.

4.28. That the applicants beg to state that all of them were initially sponsored by the local employment exchange for their initial appointment and hence the respondents ought not to have issued the letter dated 28.8.97 calling again names of casual mazdoors for the post of Daily Rated Mazdoors. The action on the part of the respondents and their attitude in issuing the aforesaid orders dated 29.5.2000 and 28.8.97 is illegal and arbitrary in nature.

4.29. That the applicants challenging the aforesaid orders dated 29.5.2000 and 28.8.97 preferred OA No.326/00 before the Central Administrative Tribunal, Guwahati. The respondents contested the case of the applicants stating that the scheme of 1989 is not applicable in their cases,

since their services were discontinues much early. The Hon'ble Tribunal after hearing the parties to the proceeding was pleased to dispose of the said OA directing the respondents to consider their cases vide its judgement and order dated 28.5.2001.

A copy of the said judgement and order dated 28.5.2001 is annexed herewith and marked as Annexure-17.

The applicants crave leave of the Hon'ble Tribunal to produce the copy of the written statement filed by the respondents in OA No.326/00 at the time of hearing of the case.

4.30. That after the pronouncement of the aforesaid judgement and order dated 28.5.01, the respondents have issued the impugned order dated 12.11.01 stating the grounds for rejection which are quoted below:

(a) As per the policy guidelines set out in the scheme of casual labourer (Grant of Temporary Status and Regularisation) Scheme of the Department 1989 as mentioned by the Hon'ble Tribunal in the judgement, the scheme was extended from time to time but it is mandatory that the casual labourer who continue to be currently employees and have rendered continuous service at least for a period of 240 days in a year are only eligible for the scheme.

But as per record your service were discontinued from 1.8.87 as per DOT Order number 270/6/84-STN dated 22.4.97 and currently you are not employed in the Department.

(b) As you are not employed in the Department currently and the discontinuance of the employment is

prolong the Departmental law/rule does not permit condonation for such a long period.

(c) The word "retrench" is only applicable to the workmen where the contract of employment between the employer and workman concerned expires or of such contract being terminated under of stipulation in that behalf contained therein. But you have never worked as workman but worked as a casual labour for work which is of casual and seasonal or intermittent nature.

(d) As per Departmental law/rule, absorption against vacancies of DRM it is mandatory to be done through Employment Exchange only.

A copy of one of the identical impugned orders dated 12.11.01 is annexed herewith and marked as Annexure-18.

4.31. That the applicants beg to state that the aforesaid impugned order dated 12.11.2001 has been passed by the respondents without any application of mind. The 4 grounds stated in the impugned order are baseless and same are not sustainable since the matter has already adjusted upon the Hon'ble Tribunal.

In the impugned order in ground No.(a) & (b) the respondents have stated that the services of the applicants were discontinued from 1.9.87 and they are not currently employed in the Department. It is an admitted fact that all the applicants were disengaged long ago without following the due process of law and inspite of there being vacancies sanctioned by the concerned Ministry. In the scheme of 1989 in fact there is no cut off date and there is no clause

regarding current employment. In number of litigation before this Hon'ble Tribunal it has been settled that there could not have been any cut off date in view of unambiguous wordings of the scheme of 1989. It is pertinent to mention here that the respondents themselves have issued an order dated 1.9.99 wherein it as been mentioned that casual workers eligible as on 1.8.98 are eligible for conferment of Temporary Status under the said scheme without there been any reference of current employment.

A copy of the said order dated 1.9.98 is annexed herewith and marked as Annexure-19.

As per the Annexure-3 OM dated 22.1.93 and 27.3.76 there has been a clear cut definition regarding the retrenched employee and there re-deployment under the regular establishment. Emphasis has been made in a clear cut term regarding there redeployment and absorption. In the present case all the applicants fulfill the eligibility criteria described in the aforesaid OMs. It is pertinent to mention here that the Hon'ble Apex Court has also laid down the law regarding absorption of retrenched employee in case of Govt.of Tamilnadu & anr -vs- G.Md.Aminuddin & Ors. reported in 99(7)Sec 499. Similarly Hon'ble Gauhati High Court also delivered a judgement dated 7.6.2001 in W.P.(C) Nos 2531/2001 emphasing the need for re-deployment of retrenched employee in any Govt.Department.

A copy of the said Judgement dated 7.6.2001 is annexed herewith and marked as Annexure-20.

In respect of para (d) of the impugned order it is stated that all the applicants got their sponsorship from

Employment Exchange at the time of their initial appointment and hence the question of sponsoring their name through Exchange does not exist. That apart the respondents at the time of their initial appointment placed indent/requisition to the local Employment Exchange and acting on that the Employment Officer of Divisional Employment Exchange, Shillong sponsored the names of the applicants for their such appointment.

In that view of the matter the ground stated in the impugned order are not sustainable and same are liable to be set aside and quashed.

4.32. That the applicants beg to state that till date the respondents have not yet filled up the aforesaid 45 posts of DRM in view of the interference of the Hon'ble Tribunal. However, now the respondents are taking active steps for filling up of these posts by outsiders without considering that cases of the applicants. In view of the aforesaid factual position the applicants pray for an interim order directing the respondents not to fill up at least 25 posts till disposal of this application. In case the posts are filled up the entire application will be in fractious and applicants will suffer irreparable loss and injury.

4.33. That in a nutshell the applicants through this application pray before this Hon'ble Tribunal for a direction to the respondents to re-deploy/re-engage them in their earlier service taking into consideration the OMs dated 27.3.76 and 22.1.93 as well as the settled law laid

down by the Hon'ble Apex Court and there after taking into consideration their length of service to grant them Temporary Status under the scheme of 1989 by setting aside and quashing the identical impugned order dated 12.11.2001 served to each of the applicants.

5. GROUNDS FOR RELIEF WITH LEGAL PROVISION:

5.1. For that the action/inaction on the part of the respondents in not extending the benefit of OMs dated 27.3.76 and 22.1.93 is illegal, arbitrary and same requires to be set aside and quashed.

5.2. For that the discrimination meted out to the members of the applicant's union in not extending the benefit of the scheme of 1989 is illegal, arbitrary and same depicts total non-application of mind by the respondents .

5.3. For that the respondents have acted illegally in not extending the benefit of the scheme of 1989 which has been extended to other similarly situated employees. The said benefits are also required to be extended to the present applicants in view of the fact that those employees got the said benefits pursuant to the decision rendered by competent court of law. The law is well settled that when some principles has been laid down by competent court of law same is required to be extended to the similarly situated persons without requiring them to approach the doors of the Courts again and again. Respondents being a model employer should set an example extending the benefits of the

aforesaid OMs as well as the scheme to the present applicants.

5.4. For that the respondents could not have issued the impugned orders depriving them from the benefits flows from the scheme as well as the aforesaid OMs and the Respondents by issuing the aforesaid impugned orders have violated the settled principles of law and hence same are liable to be set aside and quashed.

5.5 For that the grounds stated in the impugned orders are baseless and same depicts the total non application of mind. In the present OA all the applicants fulfill the eligibility criteria mentioned both in the scheme of 1989 as well as the Oms mentioned above regarding re-deployment of retrenched employee and such they are entitled to get the re-deployment as well as Temporary Status.

5.6. For that the respondents have acted illegally in not preparing the combined seniority list and on the sole ground itself the entire action on the part of the respondents are liable to be set aside and quashed.

5.7. For that the respondents have acted illegally in issuing the impugned orders inspite of there being a clear cut direction from this Hon'ble Tribunal in it's judgement and order dated 28.5.2001 in OA No.326/2000 and conflict with the said judgement and for that the respondent are liable to be punished for contempt of court's proceeding.

5.8. For that the respondents have acted illegally in issuing the order dated 28.8.97, 1.9.97 by which the aforementioned 45 posts which has been sanctioned by the concerned Ministry for re-deployment of the applicants are sought to be filled up through Employment Exchange once again by some outsiders. The applicants state that those 45 posts were sanctioned to the Meghalaya SSA for the re-deployment of the applicants but now by issuing the said orders the respondents have sought to fill up those posts by outsiders without taking into consideration the cases of the applicants.

5.9. For that the respondents have acted illegally in not filling up the aforesaid 45 posts which are still lying vacant by the applicants who are retrenched employee and hence an appropriate direction need be issued for their redeployment/re-engagement taking into consideration the aforesaid factual position.

5.10. For that in any view of the matter the action/inaction of the respondents are not sustainable in the eye of law and liable to be set aside and quashed.

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

6. DETAILS OF REMEDIES EXHAUSTED:

That the applicants declare that they have exhausted all the remedies available to them and there is no alternative remedies available to them.

42

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

The applicants further declare that he has not filed previously any application, writ petition or suit regarding the grievances in respect of which this application is made before any other court or any other Bench of the Tribunal or any other authority nor any such application , writ petition or suit is pending before any of them.

8. RELIEF SOUGHT FOR:

Under the facts and circumstances stated above the applicants most respectfully prayed that the instant application be admitted records be called for and after hearing the parties on the cause or causes that may be shown and on perusal of the records be grant the following reliefs to the applicants:

8.1. To set aside the Impugned orders dated 28.8.97 (1.9.97), 29.5.2000 (identical orders) and 12.11.2000 (identical orders).

8.2. To direct the respondents to re-engage the applicants in their respective posts by extending the benefit of the O.Ms dated 27.3.76 and 22.1.93 with retrospective effect against the vacancies mentioned in the orders dated 25.6.96 and 28.8.97 (1.9.97) or any other vacancy.

8.3. To direct the respondents to extend the benefit of the scheme of 1989 and to grant them Temporary status after their such re-engagement with retrospective effect with all consequential service benefits.

8.4. Cost of the applicants.

8.5. Any other relief/reliefs to which the applicants are entitled to under the facts and circumstances of the case and deemed fit and proper.

9. INTERIM ORDER PRAYED FOR:

During the pendency of the OA the applicants pray for an interim order directing the respondents not to fill up any vacant post of Daily rated Mazdoor without first considering the case of the applicants and to keep at least 25 posts vacant as mentioned in the orders dated 25.6.96 and 28.8.97 (1.9.97).

10. .....

11. PARTICULARS OF I.P.O.:

1. I.P.O. No. : 7G 577404
2. Date : 11/6/02
3. Payable at : Guwahati.

12. LIST OF ENCLOSURES:

As stated in the INDEX.

43

VERIFICATION

I, Shri Prabir Dutta , son of late M.M.Dutta , aged about 53 years, Circle Secretary, All India Telecom Employees Union Line Staff and Group-"D" N.E.Circle, Shillong, do hereby verify and state that the statements made in paragraphs 1,2,3,4.1,4.5,4.8,4.10,4.24,4.26,4.28,4.32,4.33,5 to 12 are true to my knowledge and those made in paragraphs 4.2,4.4,4.6,4.7,4.9,4.11-4.23,4.25,4.27,4.29-4.31 are true to my legal advice and I have not suppressed any material facts. I am also duly authorised by the applicant No.1 and other applicants listed in the Annexure-A to the O.A , to sign this verification on their behalf.

And I sign this verification on this the 10th day of June ,2002.

Signature.

Prabir Dutta

ANNEXURE—A

LIST OF RETRENCHED CASUAL LABOUR.

Sl.No.	Name of the Casual Labour	Father's Name	Date of Entry	Worked in the office	Mode of Payment	Signature
(1)	Sri Monoj Sen	Late Mahesh Sen	1-1-1983	A.E.P (Mily), SH.	M/R	
(2)	Sri Binode Kumar Roy	Sri Madan Roy	15-11-1985	G.M.T, Shillong and A.E.Cable Const, SH.	A.C.G-17 & M/R, & ACG-17	
(3)	Sri Narayan Dey	" Gurucharan Dey	1-9-1986	A.E.Cable Const, SH.	M/R.	
(4)	Sri Ganesh Roy	" Newalal Roy	1-1-1987	A.E.Cable Const, SH.	M/R.	
(5)	" Jeetendar Singh	" Mahendra Singh	1-4-1986	A.E.Cable Const. SH.	M/R.	
(6)	" Shiblal Joshi	" Mahadeu Prasad Joshi	8-2-1990	D.E, E-10-B Exge, SH.	A.C.G-17.	
(7)	" Dinesh Paswan	" Balchan Paswan	1-9-1986	A.E.Cable. Const, SH.	M/R.	
(8)	" RamJanam Roy	" Tapeswar Roy	1-9-1986	-DO-	M/R.	
(9)	" Ganesh Paswan	" Balchan Paswan	1-9-1986	-DO-	M/R.	
(10)	" Pritam Chetri	" Juray Chetri	1-12-1984	D.E, E-10-B Exge & A.E.P(M)	M/R	
(11)	" Ajeet Kumar Patar	" Hahiram Patar	1-1-1991	D.E, E-10-B Exge, SH. Shillong	A.C.G-17.	
(12)	" Yogindar Yadav	" Brij Bihari Yadav	1-9-1986.	A.E.Cable. Const, SH.	M/R,	
(13)	" Pronotosh Roy	" Makhan Lal Roy	24-7-1987.	A.E.P (Mily). SH.	M/R.	
(14)	" Lakhindar Roy	" Bulaki Roy	1-9-19986.	A.E.Cable. Const, SH	M/R, A.C.G-17	
(15)	" Rajendra Roy	" Chattu Roy	1-9-1986.	A.E.Cable. Const, SH	M/R.	
(16)	" Ganesh Singh	" Faujdar Singh	1-12-1986.	A.E, TRKS. Exge, SH	A.C.G-17.	
(17)	" Mahesh Ray	" Bilat Ray	1-9-1986.	A.E.Cable, Const. SH	M/R.	
(18)	" Arun Roy	" Munilal Roy	1-9-1986.	AECable, Const, SH	M/R,	
(19)	" Kanchan Chakraborty	" Lt. Koushik Chakraborty.	1-1-1991.	D.E, E-10-B Exge, SH	A.C.G-17.	
(20)	" Satyanarayan Roy	" Mushafir Roy	1-9-1986.	A.E.Cable Const, SH	M/R,	
(21)	" Suk Bahadur Gurung	" L.K.Gurung	1-9-1986.	A.E.Cable Const, SH	M/R,	
(22)	" Damber Bahadur Gurung	" D.B.Gurung	1-9-1986.	A.E.P (Mily), SH.	M/R,	
(23)	" A.R.Talukdar	" A.Gaffur	1-6-1986.	A.E.Cable. Const, SH	M/R,	
(24)	" Raju Sharma	" Harilal Sharma	1-11-1986.	A.E.Cable. Const, SH	M/R,	
(25)	" Mahadeb Thapa	" Man Bahadur Thapa	1-7-1985.	A.E.P.(Mily), SH.	M/R,	

Attested
Advocate

Bhakti Dutta

47

ANNEXURE

No.ORD-277/86, Dt.12.9.05

Particulars of candidates for the post of Casual Labour.

Sl.No.	[illegible]	[illegible]	Date of Registration	Name and address of applicant	Date/Year of Birth	Educational Qualifications	[illegible]	Remarks
1	2	3	4	5	6	7	8	9
1.	2585/85	XDD.00	10-3-85	Sri.Wendelin Khonghor. [illegible]	1956 (Dy)	-	-	[illegible]
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
3.	2704/85	-do-	3-10-85	C/o. [illegible] Office,Shillong-1. Sri.Arbor Lyngdoh Jakre.	[illegible]	[illegible]	[illegible]	-do-
4.	2034/85	-do-	4-11-85	Umsuih-Khwan,[illegible]-Jaraipani. East Khasi Hills. Sri.Nurson Khyriem.	1962 (Dy)	Literate.	-	-do-
5.	2035/85	-do-	4-11-85	C/o. M.Marbaniang. [illegible],Shillong-11. Sri. [illegible] Khyriem.	1965 (Dy)	-	-	-do-
6.	3214/85	-do-	23-12-85	C/o. [illegible] [illegible],Shillong-11. Sri.Stephen [illegible]	1959 (Dy)	Literate	-	[illegible]
7.	1387/86	-do-	12-3-86	[illegible] Valley,Shillong-[illegible]. Sri.[illegible]	1960 (Dy)	Literate	-	-do-
8.	1436/86	-do-	2-3-86	Villa [illegible] East Khasi Hills. Sri.Nathaniel [illegible]	1958 (Dy)	-	-	-do-
9.	3249/86	-do-	17-11-86	[illegible] Meghalaya. Sri.[illegible]	1959 (Dy)	-	-	-do-
10.	3273/86	-do-	10-11-87	C/o. [illegible] [illegible] and General Insurance Office,[illegible]. Sri.[illegible]	1956 (Dy)	Literate	-	[illegible]
11.	33/83	-do-	3-1-83	C/o. Nikhil Rai. Pure Custom and General Excise ,Shillong-1. Sri.Nikhilendra Sahu.	1957 (Dy)	Literate	-	-do-
12.	801/83	-do-	11-3-83	Diamond Hotel,Shillong-793001. Sri.Mulchandra [illegible]	1960 (Dy)	-	-	-do-
13.	361/83	-do-	11-3-83	[illegible] Pan Bazar ,[illegible],Main Road, Shillong-1. Sri.Suresh Rai.	1963 (Dy)	-	-	-do-
14.	351/83	-do-	6-4-83	C/o. Mahesh Rai. No.9 Party,Survey of India,Tripura Hotel,Shillong-3. Sri.Rama Tulale	1964 (Dy)	-	-	-do-
15.	1387/83	-do-	17-5-83	Laitumkhrah,[illegible],Cotton Shop,Shillong-3. Sri.Dinesh Kumar Rai.	1965 (Dy)	-	-	-do-
16.	2583/83	-do-	16-8-83	C/o. D.K.Bhuyan Upper-Lachumiere,Shillong-1. Sri.Som Bhadur Thapa.	1962 (Dy)	Literate	-	-do-
17.	2615/83	-do-	13-3-83	[illegible] Hotel,Laitumkhrah,Shillong-3. Sri.Jivnath [illegible]	1955 (Dy)	Literate	-	-do-
18.	3204/83	-do-	3-10-83	C/o. Sobashini Deori. [illegible] Sri.Sukhiram Pokhrel.	1961 (Dy)	-	-	-do-
19.	3752/83	-do-	18-11-83	C/o. T.B.Thapa. Amrit Bhavan,Laban,Shillong-4. Sri.Deepilal Rai.	6-3-63	[illegible]-VI	-	-do-
20.	[illegible]	[illegible]	[illegible]	C/o. Mongal Rai. [illegible]	1966 (Dy)	-	-	-do-

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45

26-B

19.	3752/83	-do-	16-11-83	C/o. [illegible] Pokhrel. C/o. R.B.Thapa. Rerit Bhavan,Laban,Shillong-4.	6-3-62	Matric-VI	-	-do-	
20.	3861/83	-do-	25-11-83	Sri.Deeplal Rai. C/o. Mongal Rai, [illegible].Maulai-Shillong-8.	1966 (NV)	-	-	-do-	
21.	3970/83	-do-	25.11.83	Sri.Khush Mohamed. Khalipara,House.No.63,Shillong-2.	1963 (NV)	Literate	-	-do-	
22.	4023/83	-do-	6.12.83	Sri.Ibum Ch.Singh. C/o. B.Singh. Addl-Scott-Compound,Shillong-1.	1962 (NV)	Literate	-	-do-	
23.	4166/83	-do-	17-12-83	Sri.Bharat Choudhoury. Dest-Laundry, Umpling-Bazar,Shillong-6.	1964 (NV)	Literate	-	-do-	
24.	112/84	-do-	9-1-84	Sri.Arjun Rai. [illegible]-Mawkhten-Comp Hnd,Ranches's Trace,Shillong-13.	1964 (NV)	-	-	-do-	
25.	119/84	-do-	10-1-84	Sri.Sankar Jha. Khen Pan Dukahr,New-Delhi-Mistu Mander,Police-Bazar,Shillong-1.	25-5-65	-	-	-do-	
26.	122/84	-do-	10-1-84	Sri.Dinesh Rai. Nynjah-Basti,Shillong-6.	1965 (NV)	-	-	-do-	
27.	239/84	-do-	20-1-84	Sri.Purna Bir Gurung. Khalipara-House.No.-65,Shillong-2.	1965 (NV)	-	-	-do-	
28.	299/84	-do-	25-1-84	X Sri.Raju Chetri. Khalipara-House.No.17,Shillong-2.	1965 (NV)	-	-	-do-	
29.	244/84	-do-	20-1-84	Sri.Motilal Pradhan. Wilford Co. Stoneyland,Dhankheti,Shillong-3.	1962 (NV)	-	-	-do-	
30.	356/84	-do-	31-1-84	Sri.Khasailal Singh. Nynjah-Basti,C/o. Sroffit Rai, P.O.Umling,Shillong-6.	11-11-62	-	-	-do-	
31.	453/84	-do-	13-2-84	X Sri.Dinesh Paswan. C/o. Jogendar Singh. Oakland,Shillong-1.	1964 (NV)	-	-	-do-	
32.	502/84	-do-	17-2-84	Sri.Rash Behari Rai. C/o. Nynjah-Basti,P.O.Umpling,Shillong-6.	1966 (NV)	-	-	-do-	
33.	620/84	-do-	22-2-84	Sri.Rabindra Ghosh. C/o. Dr.M.Nynjah. Near-Matinger,Shillong-14.	1965 (NV)	-	-	-do-	
34.	548/84	-do-	18-2-84	Sri.Krishna Rai. P.O.Office,Barapani. East Khasi Hills.	1965 (NV)	-	-	-do-	
35.	680/84	-do-	27-2-84	Sri.Shibji Rai. C/o. Ramjee Rai. Divisional Employment Exchange,Shillong-1.	1965 (NV)	-	-	-do-	
36.	814/84	-do-	31-1-84	Sri.Mon Bir Pradhan. [illegible]-Dom and House.Contt.19 A,Shillong-1.	1961 (NV)	-	-	-do-	
37.	1093/84	-do-	19-4-84	X Sri.Shanilal Roy. Pynthorumkhrah,Near-Water Tank,Shillong-1.	1965 (NV)	-	-	-do-	
38.	1363/84	-do-	10-5-84	Sri.Ramkhen Roy. C/o. Jagdish Rai. Pynthorumkhrah,Shillong-1.	1963 (NV)	-	-	-do-	
39.	2553/84	-do-	20-2-86	Sri.Ramsewer Ram. C/o. L.N.Tarah Mawprim-Hills,Shillong-3.	1966 (NV)	-	-	-do-	
40.	1276/85	-do-	20-4-85	Sri.Ram Prabash. C/o. Bish Deo Ram. Survey of India-Compound,Malki,Shillong-1.	1965 (NV)	Literate	-	-do-	
[illegible]	2115/85	-do-	2-8-85	Sri.Shri Kumar Singh. C/o. Shymal L.Singh. Mawlai-Civil-Mental-Hospital,Shillong-8.	1965 (NV)	Literate	-	-do-	
42.	2999/85	-do-	16-11-85	X Sri.Din Dayal Rai. Cantonment C/o. Jagdish Rai, Milkman,Shillong-1.	2-8-85	Literate	-	-do-	
43.	3001/85	-do-	16-11-85	X Sri.Shanti Rai. C/o. Mahes Rai. Survey of India,O Party, Malki,Shillong-1.	1962 (NV)	Literate	-	-do-	
44.	3125/85	-do-	11-12-85	Sri.Ma Das. C.P.W.D.Khanthati,Shillong-3.	1967 (NV)	Literate	-	-do-	
45.	1130/86	-do-	21-7-86	Sri.Nirmal Das. Survey of India,No9 Party,Malki,Shillong-1.	1967 (NV)	Literate	-	-do-	
46.	1319/86	-do-	12-6-86	Sri.[illegible] Lapparing,Laban Shillong-4.	1968 (NV)	Literate	-	-do-	
47.	1203/84	[illegible]	28-6-84	X Sri.Arun Kr Rai. Garage Hou-Mills,C/o. C/o.Nagdeo Roy. Ranche's Trace, P.O.Laban,Shillong-4.	1962 (NV)	-	-	-do-	
				X Sri.Narayan Ch.Dey.					

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46

26-C

34.	333/84	-do-	13-2-84	Sri.Shibji Rai. S/o. Ramjee Rai. [illegible]	1965 (NV)	-	-	-do-
35.	321/84	-do-	17-2-84	Sri.Ram Kr Pradhan. [illegible]	1961 (NV)	-	-	-do-
36.	364/84	-do-	31-1-84	× Sri.Chandil Roy. [illegible]	1965 (TV)	-	-	-do-
37.	1303/84	-do-	17-1-84	Sri.Harihan Roy. S/o. Jagdish Rai. [illegible]	1963 (NV)	-	-	-do-
38.	1334/84	-do-	17-4-84	Sri.Ramroop Ram. S/o. L.P.Singh Mohrein-Hills,Shillong	1966 (NV)	-	-	-do-
39.	2553/84	-do-	22-2-84	Sri.Ram Prakash. S/o. Bach Rao Ram. Survey of India-Compound,Malki,Shillong-1.	1965 (NV)	Literate	-	-do-
40.	1276/85	-do-	20-4-85	Sri.Shiv Kumar Singh. S/o. Shymal .L.Singh. Malki-Jail -Mental-Hospital,Shillong	1965 (NV)	Literate	-	-do-
41.	2115/85	-do-	2-8-85	× Sri.Sin Dayal Rai. Chilmil C/o. Jagdish Rai, Milkman,Shillong-1.	2-8-85	Literate	-	-do-
42.	2903/85	-do-	16-11-85	× Sri.Chandil Rai. S/o. Mahes Rai. Survey of India,3 Party, Malki,Shillong-1.	1962 (NV)	Literate	-	-do-
43.	3001/85	-do-	16-11-85	Sri.Ma Das. S.P.W.D.Shillong-3.	1967 (NV)	Literate	-	-do-
44.	3125/85	-do-	11-12-85	Sri.Nirdal Rai. Survey of India,No3 Party,Malki,Shillong-1.	1967 (NV)	Literate	-	-do-
45.	1130/86	-do-	22-7-85	Sri.Nirmal M.Das. Lumparing,Laban Shillong-4.	1965 (NV)	Literate	-	-do-
46.	1319/86	-do-	12-6-86	× Sri.Arun Kr Rai. Garagi Raw-Mills,C/o. C/o.Margec Dev. Bishop's Trace. P.O.Laban,Shillong-4.	1962 (NV)	-	-	-do-
47.	1303/84	X08.80	22-6-84	× Sri.Narayan Ch.Dey. C/o. Kanailal Dey. Upr-Lumparing,Shillong-4.	2-6-67	PG-Class-III	-	-do-
48.	3336/83	X02.10	25-11-83	Sri.Brij Bihar Thakur. Shri-Bhawan's Shop,Pynthorumkhrah,Shillong-1.	7-6-65	PG-Class-VII	-	-do-
49.	404/84	-do-	2-2-84	Sri.Nicky Lalee. C/o. Mr.M.Tynsiah. Madan-Laban,Shillong	1-3-65	PG-Class-X	-	Scheduled tribe
50.	2865/85	-do-	13-11-85	Sri.Basu Dev Acharr. PWD Colony,Mongrio-Hills,Shillong-3.	1-1-68	PG-Class-VIII	-	General
51.	2872/85	-do-	18-10-85	× Sri.Binod Kr Ray. C/o. Mahinder Kar. Electric-Supply,Keatinge Road,Shillong-1.	31-10-64	PG-Class-VII	-	-do-
52.	355/86	-do-	14-3-86	× Sri.Satnarayan Roy. Garland,Shillong-1.	20-1-68	PG-Class-VIII	-	-do-
53.	557/86	-do-	22-4-86	Sri.Shiresvas Deka. Morie-a-Farm,Laban,Shillong-4.	1-2-68	PG-Class-VIII	-	-do-
54.	704/86	-do-	15-5-86	× Sri.Jogendra Yadav. C/o. Chief Secretary-Bunglow,Shillong-793001.	4-12-67	Class-VIII	-	-do-
55.	1018/86	-do-	2.7.86	× Sri.Md.Abdul Raop Talukdar. C/o; S.D.O.Phones-No.1. Keatinge Road,Shillong-1.	17-3-68	PG-Class-VIII	-	-do-
56.	1332/86	-do-	13-8-86	Sri.Pramod Rai.	4-1-66	PG-Class-IX	-	-do-
57	1444/85	-do-	3-5-85	Sri Sephesin Kyrbah. C/o Oslend Kharpi Mawlai-Syllai Karnal, Shillong-8	15-5-69	Pd Class-VIII	-	ST
58.	1530/86	-do-	8-9-87	× Sri.Lakhandir Roy. Madan-Laban, Shillong-4	5-3-88	Pd Class-IV	-	General
59.	521/88	X01.10	23-4-88.	Sri Sudip Kumar Roy Oakland, PWD Colony, Shillong-1	20-10-67	HSLC-IV		-do-
60.	501/84	X09.90	14-2-84	× Sri. Kanjendra Roy Shillong Lodge, Malki, Shillong	1964 (NV)	Literate		-do-

Attested

Employment Officer

ANNEXURE - D

TRIPLICATE

.ORD.....

2/-

Particulars of candidates for the post of .....

Sl. No.	Regn.No.	N.C.O. no.	Date of Registration	Name and Address of applicant.	Date/Year of Birth	Educational Qualifications	Experience if any	Remarks.
1	2	3	4	5	6	7	8	9
61.	654/86	X09.90	8-5-86	Sri.Tower Nongrum. C/o. I.C.A.R.Complex-Barapani.East Khasi-Hills.	1961 (NV)	Literate	-	Sch/tribes
62.	3763/83	-do-	17-11-83	Sri.Chandrika Shah. 7th-Mile,Upper-Gate,Nonglyer,Shg-9.	26.11.60	-do-	-	General
63.	563/84	-do-	18.2.84	Sri.Joginder Singh. Madan-Ration-Dukan,Upp-Gate,7th-Mile, P.O.Nonglyer,Shillong-1.	1964 (NV)	-do-	-	-o-
64.	2612/83	-do-	18.8.83	Sri.Shiv Sankar Rai. Munshi-(Soap)7th-Mile,Upp-Shillong.	1961 (NV)	-	-	-do-
65.	716/84	-do-	2-3-84	Sri.Mahesh Sahoo. C/o. Madan-Ration-Dukan,Upper-Gate, 7th-Miles,Shillong-9.	1963 (NV)	-	-	-do-
66.	3488/83	-do-	24.10.83	Sri.Birendar Sarma. Upper-Gate,7th-Miles,Nonglyer,Shg-9.	1963 (NV)	Literate	-	-do-
67.	2763/83	-do-	29-8-83	Sri.Rajbangshu Rai. 7th-Miles,Upper-Shillong, Madan-Ration-Store,Shillong-9.	1965 (NV)	-	-	-do-
68.	3406/83	-do-	12-10-83	Sri.Santlal Rai. C/o. Basant Rai. G.E.(Air-Force)M.E.S.Nonglyer,Shillong-9.	1965 (NV)	-	-	-o-
69.	1877/85	X02.90	2.7.85	Sri.Erwinstar Kynta. Pohkseh,Near-Kerosence Depot, Umpling,Shillong-6.	31.7.64	Rd-Class-VI	-	sch/tribe

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Advocate

Employment Officer,
Divisional Employment Exchange, Shillong.

42

ANNEXURE-1..

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

In the Supreme Court of India
Civil Original Jurisdiction.

Writ Petition (C) No 1200 of 1989.

Ram Gopal & ors. ..... Petitioners.

-versus-

Union of India & ors ..... Respondents.

With

Writ Petition Nos 1246, 1240 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 then 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 then four years while the others have served foe two or three years.Instead of regularising them in employment their services have been terminated on 30 th September 1988. It is contended that the principle of the decision of this Court in Daily Rated Casual Labour Vs. Union of India & ors. 1988 (1) Section (122) squarely applies to the petitioner though that was rendered in case of Casual Employees of Posts and Telegraphs Department. It is also contended by the counsel that the decision rendered in that case also relates to the Telecom Department as earlier Posts and Telegraphs Department was covering both sections and now Telecom has become a separate department. We find from paragraph 4 of the reported decision that communication issued to General Managers Telecom have been referred to which support the stand of the petitioners.

By the said Judgment this Court said :

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

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posts and Telegraphs Department".

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

Sd/-

(Ranganath Mishra) J.

Sd/-

(Kuldeep Singh) J.

New Delhi

April 17, 1990.

Attested
Advocate.

ANNEXURE-2.

CIRCULAR NO. 1
GOVERNMENT OF INDIA
DEPARTMENT OF TELECOMMUNICATIONS

STAB SECTION

No. 269-10/89-STN New Delhi 7.11.89

To

The Chief General Managers, Telecom Circles
M.T.N.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 10.11.88 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 30.3.85 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

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Advocate.

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).

ANNEXURE

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

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

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

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

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

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

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

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

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

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

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

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

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

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

@ @ @

Advocate.

(A) - 33 - ANNEXURE-3

PART II

Particulars of the vacancy proposed to be utilised

1. Name of the post/service in which a vacancy is located ... ...
2. Pay scale of the post/specific grade of service
3. Classification of the post/grade of service ...
4. Whether recruitment rules have been framed for appointment to the post/service in question
5. Whether recruitment rules for the post/service have the approval of the UPSC; if so, particulars of the Commission's letter conveying their approval ... ...
6. Whether as per the recruitment rules the vacancy is to be filled by direct recruitment or transfer
7. If primary mode of recruitment is not direct recruitment or transfer, what are the circumstances in which the direct recruitment or transfer is being resorted to? ... ...
8. Duties attached to the post held by the Surplus Staff ... ...
9. Qualifications prescribed for the appointment to the post/service:

	Essential	Desirable
(*a*) Educational qualifications		
(*b*) Technical qualifications		
(*c*) Experience, if any		

10. If the proposal for adjustment of surplus staff is being made in relaxation of the mode of recruitment prescribed in the recruitment rules
    (*a*) indicate the particulars of the order of relaxation made by the competent authority ... ...
    (*b*) whether the approval of UPSC to such relaxation of rules (if required) has been obtained: if so, particulars thereof ...
11. Whether the vacancy falls on a point reserved for Scheduled Castes or Scheduled Tribes ...

12. Location of the vacancy ... ...
13. (*a*) Whether any employee is already appointed against this vacancy on *ad hoc* basis, if so, the particulars of the *ad hoc* appointee, indicating the date of his appointment, educational/technical qualifications... ...
    (*b*) Whether he belongs to a Scheduled Caste or Scheduled Tribe, and whether his services will be terminated/adjusted elsewhere consequent on the absorption of surplus employee, as proposed ... ...
14. Particulars of the Confidential Rolls forwarded

Place:
Date :

Signature of the Controlling Officer or any other officer authorised to send the requisition

V

Redeployment facilities to retrenched regular temporary employees

The temporary Groups 'C' and 'D' Central Government employees who are retrenched after having put in at least six months services are entitled to Priority III for the purposes of redeployment through the Employment Exchanges. It has been brought to the notice of the Department of Personnel and Administrative Reforms that the registration of names of the retrenched temporary Government employees under Priority III, has not been of much avail to them in securing alternative Government jobs. Keeping in view the fact that some of the temporary employees have been or are being retrenched from the various Government offices after serving for a long period, it has been felt that some further concession should be given to them in providing redeployment/absorption facilities in order to mitigate their hardship.

2. The matter has been examined in consultation with the Ministry of Labour (Director-General of Employment and Training) and the following decisions have been taken:—

(*i*) All retrenched temporary Central Government employees who were recruited through the Employment Exchange and have put in at least three years regular continuous service before retrenchment should be eligible for redeployment through a Special Cell.

NOTE.—For this purpose, the retrenched temporary employees who were recruited in relaxation of the Employment Exchange procedure under the existing instructions, e.g., appointments of dependants of deceased employees on compassionate grounds, will be deemed to have been appointed initially through the Employment Exchange.

(*ii*) Until all such retrenched employees are so redeployed no direct recruitment will be resorted to by the non-participating attached and subordinate offices of the Ministries/Departments to Group 'C' and Group 'D' posts filled through the Employment Exchange. Suitable instructions may accordingly be issued by the Ministries/Departments to their attached and subordinate offices.

(*iii*) Ministries/Departments should first explore the possibility of redeploying the employees retrenched by them in suitable Group 'C' and Group 'D' posts in subordinate and non-participating offices under them. For this purpose they should first obtain clearance in accordance with the existing instructions from the Department of Personnel and Administrative Reforms regarding the non-availability of suitable persons in the 'Surplus Cell', before action is taken by them to sponsor the retrenched employees for posts in the Subordinate and non-participating attached offices.

(*iv*) For appointment to Group 'C' and Group 'D' posts the retrenched employees would be eligible for age concession by being allowed to deduct the length of continuous service rendered by them before retrenchment *plus* a relaxation in age up to the maximum of three years.

(*v*) The names of employees retrenched from Group 'C' posts who cannot be redeployed in the manner indicated above should be referred to the Special Department of Personnel and Administrative Reforms. Similarly the names of the surplus employees retrenched from Group 'D' posts should be sent to the Cell already functioning under the DG, P & T. The Special Cell in the Department of Personnel and Administrative Reforms or the Cell under the DG, P & T, as the case may be, will thereafter take action for redeployment of these people in other subordinate and non-participating attached offices.

3. The retrenched temporary employees will not be eligible for any pay and allowances during their waiting period nor will they be entitled to the concession/benefits admissible to surplus persons taken over by the Central (Surplus Staff) Cell in the Department of Personnel and Administrative Reforms.

4. The appointment of retrenched temporary employees in Group 'C' and Group 'D' posts in subordinate/non-participating attached offices

Attested
Advocate

will be considered as fresh appointment and their pay on such appointment will also be fixed under the normal rules.

[G.I., D.P. & A.R., O.M. No. 42914/1/75-Estt. (D), dated the 27th March, 1976 and 29th June, 1978.]

The question of extending this facility to similar retrenched temporary Central Government employees who have put in less than 3 years of regular continuous service was examined after consultation with the Staff Side. It has been decided that the existing scheme contained in DP & AR, OM, dated 27-3-1976 and 29-6-1978, would be extended to cover all temporary employees recruited regularly through the prescribed channels of recruitment such as Staff Selection Commission, Employment Exchange, etc., including those who have not completed 3 years of regular continuous service at the time of retrenchment. The modified scheme would have retrospective effect from 1st January, 1992.

All the Ministries/Departments are requested to bring the above scheme to the notice of all concerned including those in the attached and subordinate offices for guidance and necessary action.

[G.I., Dept. of Per. & Trg., O.M. No. 28017/7/92-Estt. (D), dated the 22nd January, 1993.]

56

~~ANNEXURE - A1.~~
EXTRACT.

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

NO.66-52/92-SPB/I dated 1.11.95.

I am directed to refer to the scheme on the above subject issued by this office vide letter No 45-95/87 SPB-I dated 12.4.91 and 66-9/91-SPB-I dated 30.11.92 as per which full time casual labourers who were in employment as on 29.11.89 were eligible to be conferred "temporary status" on satisfying other eligibility conditions.

The question of extending the benefit of the scheme to those full time casual labourers who were engaged /recruited after 29.11.89 has been considered in the office in the light of the judgment of the CAT Earnakulam Bench delivered on 13.3.95 in O.A. No 750/94 .

It has been decided the full time casual labourers recruited after 29.11.89 and up to 10.9.93 may also be considered for the grant of benefit under the scheme.

This issue with the approval of I.S and F.A. vide Dy. No 2423/95 dated 9.10.95.

Attested
Advocate.

ANNEXURE - 5

DEPARTMENT OF TELECOMMUNICATION
OFFICE OF THE CHIEF GENERAL MANAGER TELECOM. N.E.CIRCLE,
SHILLONG - 793 001.

Minutes of
XVII R.J.C.M. Meeting dtd: 28.11.95.

The following are the Minutes of the XVII Regional J.C.M. Meeting held in Shillon on the 28.11.95, under the Chairmanship of Shri V.P.Sinha, Chief General Manager Telecom. N.E.C. Shillong.

Members present in the Meeting:

Official Side

1. Shri H.C.Singh, D.G.M.(A)
2. Shri G.K.Chin, D.F.A
3. Shri C.S.Kataria, T.D.M/SH.
4. Shri G.N.Chyne, A.G.M(A)
5. Shri M.Pal, A.D.T.(ESTT.)

Staff side

1. Shri E.N.Dutta, Leader Staff Side
2. Shri H.Chakraborty, Secy. Staff Side.
3. Shri Gopal Das
4. Shri S.S.T Gashnga.
5. Shri M.Kulla Singh.
6. Shri S.K. Ghosh.
7. Shri T.L.Roy.
8. Shri M.K.Bhattacharjee.
9. Shri S.Lyngdoh.
10. Shri H.R.Lyngdoh.
11. Shri M. Buddhi Singh.

Others

1. Shri B.K.Chakraborty, SE(C)
2. Shri Sanjay Kumar, E.E.(C)/SH
3. Shri R.P.Sharma, A.D.T(Bldg.)

Observers.

1. Shri Surajit Chakraborty/SH.
2. Shri N.L. Sha, Itanagar.
3. Shri S.K.Sharma, Imphal.
4. Shri Tridip Das, Shillong.

Before the agenda was placed into for discussion, the staff side pointed that (i) the word 'SORKAR' was mispelt at the entry of the Administrative building (ii) The brief was illegible (iii) Brief on old item may be sent alongwith meeting notice and (iv) Memo regarding approval of nom. of members be circulated to all R.J.C.M. Members.

REVIEW OF OLD ITEMS:

Item No. 1

15-10/93 AD(Bldg.)/SE(C)/SH. — T.D. AT GUWAHATI: The first offer was rejected since it was not in a suitable area. However, new offer has been received and the same is being examined.

14-2/94 A.O.(TA)/D.F.A — DEDUCTION OF G.P.F. OF TSM: A.O.(TA) has issued instruction to all Units to furnish G.P.F. Schedules of TSMs. Prov. Balance slip will be issued for amount deducted so far.

14-4/94 SE/SC/[illegible] — CONSTRUCTION OF OFFICE ACCOMDN. & QUARTERS [illegible]: T.D.M. office building at Imphal, Site plan & struc[illegible] plan have been submitted to C.E. Office where [illegible] is being taken up.

Attested
Advocate.

XVIIRJCM-MM
(Key Points contd)

RECTT. OF SPORTS MAN IN GROUP 'C' AND 'D' POSTS IN N.E. CIRCLE:

This may be discussed in LJCM, Manipur.

Closed.

30-11/95 AGM(P)/ AD(Bldg.)

IRREGULAR OCCUPATION OF TY.III TWO STORY QUARTERS IN RYMBAI BY TASK FORCE (PROJECT):

This may be discussed in the Standing Committee. Moreover, it is confirmed that the quarters was alloted to projec officials doing project works in the Circle and necessary deduction as per rules will be made soon. Matter may be referred to standing Committee.

Closed.

31-11/95 AD(Bldg.)/ DGM(A)

ALLOTMENT EARMARKING OF BY-POST QUARTERS FOR E-10B EXCHANGE/SHILLONG:

D.G.M(A) will look into it.

32-11/95 AD.(E)

ONE TIME RELAXATION OF RECTT. FOR GROUP'D' CADRE:

The Directorate will be approached in respect of suggestion given by the staff-side to request for One-Time relaxation of Gr-D recruitment citing the actual shortage of the cadre in the circle with justification of the requirement.

33-11/95. Prepl-CTTC

RECREATION AMENITIES TO CTTC HOSTELIERS: Principal will justify the requirement for providing the amenities to the hosteliers.

Next date of Meeting?

(G.N.CHYNE)
- AGM(A),
Secretary,
Regional JCM, N.E.Telecom,
Shillong-1.

TWF/RJCM/MEETING/95. Dt. 7.02.96.

Copy to:

1. All Telecom District Managers/STTs In N.E.Telecom Circle.
2. The Regional JCM Members;
3. The Sr.PAs to CGMT and DGM (Dev), Circle Office, Shillong.
4. The DE,CTTC N.E.Circle) Guwhahati/All Gr.Officers in C.O/SH.
5. Circle Secretaries of Unions.

For: Chief Genl.Manager Telecom,
N.E.Circle, Shillong.

Attested
Advocate.

ANNEXURE-6

60

DEPARTMENT OF TELECOMMUNICATIONS
O/O THE CHIEF GENERAL MANAGER TELECOMMUNICATIONS
N.E. CIRCLE: SHILLONG-793001

No. [illegible] Dated at Shillong, the 25 June/96

In pursuance of DOT/New Delhi's letter No.269-5/96-[illegible] dated 10/4/96 regarding One time relaxation to N.E. Telecom. Circle to recruit 400 DRMs, C.G.M.T./ N.E. Circle, Shillong is pleased to distribute the same as indicated below:

Name of the SSA	No. of DRMs.
1. Meghalaya SSA	45
2. Tripura SSA	45
3. Nagaland SSA	50
4. Manipur SSA	60
5. Arunachal Pradesh SSA	80
6. Mizoram SSA	120

Recruitment of DRMs should be done as per existing rules. The distribution as indicated above is inclusive of reservation placed by non recruiting units. However, the recruitment will be subject to the ceiling limit of the total strength of staff as on 1/4/1991.

(G.H. Chyne) 25/6/96
Asstt. General Manager (A)
for Chief General Manager Telecom.
N.E. Circle, Shillong.

Copy for information and necessary action to :-

1-5. The Telecom. District Manager, Shillong/Dimapur/Imphal/Agartala/Itanagar/Aizawl. They are requested to ensure that the over all representation of persons belong to weaker section of the society, who are recruited as DRM, does not go below the prescribed percentage in accordance with the Govt. of India instruction issued from time to time.

6. The D.E., C.T.S.D., Guwahati.
7. The D.E., C.T.T.C., Shillong.
8-10. The A.D.T.(BRD)/A.D.T.(T), C.O., Shillong.
11. The S.E.E.(CFA), Shillong.
12. The A.G.M.(Task Force), Guwahati.
13. The A.E.(Pdill), Shillong.
14. The A.E.(Meet), Shillong.
15. [illegible]
16. [illegible]
17. [illegible]

for Chief General Manager Telecom.
Shillong - 793001.

Attested

ANNEXURE- 7

NFTE
All India Telecom Employees' Union
LINE STAFF & GROUP D
N. E. CIRCLE : SHILLONG

Circular No (20)

No. NEC/LS/Org/Memorandum/97. Dated, Shillong, the 25th August'97

REMINDER

TO,
Sree, N.K.Srivastava
Chief General Manager Telecom,
N.E.Circle , Shillong -1.

Subject:- Re-Employment of Retrenched/Surplus/Contractual Labour in New Sanctioned post of 400 D.R.Ms in N.E.Circle.

References:- (1) Our Letter No. NEC/LS/Org/Memorandum/97 dated, Shillong 6.6.97.

Sir,

This Circle union once again desires to draw your kind attention on the subject mentioned above and with reference to our letter No. NEC/LS/Org/Memorandum/97, dated, Shillong 6.6.97 with a (Copy enclosed) for your ready reference.

(2) In this connection this Circle union like to mention that while in other circle retrenched casual labourer were mostly absorbed as per supreme court judgement, dated , 17/4/90, writ petion (c) No. 1248 of 1989 , while in N.E.Circle 288No. retrenched casual labour were enlisted in the year of 1991, which further increased by this time in 1997 could not be absorbed for want of vaccancy and this issue was throughly discussed in earlier R.J.C.M Meetings, Vide Item No. 14(New), dated6/2/91, Item No. 36(old) dated, 7/5/91, Item No. 14/10/91, dated-8/10/91 Item No. 38-5-91 , dated 94 th /1/92 and Item No. 32-11/95, dated 28/10/95 and again it was tabled in the R.J.C.M Meeting for approaching the D.O.T for providing Special Sanction of post as a " ONE TIME RELAXATION FOR THE ABSORBTION " of these retrenched/ Surplus/Contractual Labourers in N.E.Circle.

(3) Again, this Circle union urge upon You to instruct all T.D.Ms to fill up the 400 total D.R.M vaccant posts, in N.E. Circle which was sanctioned by D.O.T/ND No. 269-5/96-STN-11, dated 10/4/96 and the C.G.M.T , NO.EST/B-583/27, dated , June/96 as special " ONE TIME RELAXATION " by the Retrenched/Surplus/Contractual Labours as per the seniority of Combined Seniority list maintained in accordance with the D.O/ND letter No. 269-59/88-STN ,dated 17/10/87. It may be mentioned here that there will be no difficulty in maintaining the COMMUNAL roaster of recruitment as S.T, S.C, O.B.C & O.C people are available in sufficient number among the retrenched casual labour.

(4) Due to abnormal delay in absorbing the retrenched labour etc against the Vaccant D.R.M post, sanctioned since 10/4/1996, the C.W.C Meeting of this union met on 25th/July/1997 in shillong , as decided that the member of this union to start, " NON-CO-OPERATION AND OTHER MOVEMENT FROM 8/sept/97 ONWARDS CULMINATING WITH PEN & TOOL DOWN STRIKE ON 19th/Sept/97" for getting all these sanction vaccant post by "RETRENCHED LABOUR etc " only.

....P.T.O....Page (2)

Attested.

Attested
Advocate.

ANNEXURE- 11

N F T E

All India Telecom Employees' Union

LINE STAFF & GROUP D

N. E. CIRCLE : SHILLONG

No. NEC/LS/ Dated, Shillong, the

Contd...Page (2)

(5) I, therefore urgently request your intervention to fill up all these vacant posts by RETRENCHED/ Surplus/Contractual labours etc only, so that this circle union can avoid the movement programme as mentioned above.

With regards, Yours faithfully,

Prabir Dutta

(PRABIR DUTTA)
Circle Secretary, A.I.T.E.U,
L/S Grp-D, N.E.Circle, Shillong.

Circle Secretary
Line Staff & Grp-D,
A.I.T.E.U, N. E. Circle,
Shillong-793001.

Copy to:-

(1) The Minister Of Communication, Govt of India, New Delhi -110001 , for information and Necessary action please.

(2) The Chairman, Telecom Commission, Sanchar Bhavan, New Delhi for information and favourable instruction please.

(3) Sree Om.P.Gupta, Secretary General, N.F.T.E, C-4/1 Baird Road, New Delhi -110001 for information and necessary action please.

(4) Sree Chandrasekhar, General Secretary, A.I.T.E.U, L/S & Grp-D, C.H.Q, Dada Ghosh Bhawan, 1, Patel Road, New Delhi -110008, is earnestly requested you to take up the issue with D.O.T, NewDelhi for immediate filling up of the post of D.R.Ms sanctioned vide D.O.T NO. 269-5/96-STN-II, dated 10-4-96 by Retrenched labour etc enlisted in C.G.M.T, Shillong letter No. STB-27/Labour/TB/Corr/L, dated 24/12/91, as the post was sanctioned in " ONE time Relaxation " in N.E.Circle.

(5) All Divisional Secretaries, L/S & Grp-D, A.I.T.E.U, of N.E.Circle for information please.

(6) All Branch Secretaries, L/S & Grp-D, N.E.Circle for information and attention please.

Prabir Dutta

(PRABIR DUTTA)
Circle Secretary.
A.I.T.E.U, L/S & Grp-D, N.E.Circle
Shillong.

Circle Secretary
Line Staff & Grp-D,
A.I.T.E.U, N. E. Circle,
Shillong-793001.

Attested.
Advocate.

ANNEXURE-B.

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No.299 of 1996.

and

302 of 1996.

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

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

O.A.No.299 of 1996

All India Telecom Employees Union,

Line Staff and Group-D,

Assam Circle, Guwahati & Others. ..... Applicants.

- Versus -

Union of India & Ors. ..... Respondents.

O.A. No.302 of 1996.

All India Telecom Employees Union,

Line Staff and Group-D

Assam Circle, Guwahati & Others. ..... Applicants.

- Versus -

Union of India & Ors. ..... Respondents.

Advocate for the applicants :Shri B.K. Sharma

Shri S. Sharma

Advocate for the respondents : Shri A.K. Choudhury

Addl.C.G.S.C.

ORDER

BARUAH J.(V.C.)

Both the applications involve common question of law and similar facts. In both the applications the applicants have

Attested
Advocate.

prayed for a direction to the respondents to give them certain benefits which are being given to their counter parts working in the Postal Department. The facts of the cases are :

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

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

Attested
Advocate

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 7.11.87. Under the said scheme certain benefit had been granted to the casual labourers such as confer-ment of temporary Status, Wages and Daily Rates with reference to the minimum of the pay scale etc. Thereafter, by a letter dated 17.3.93 certain clarification was issued in respect of the scheme in which it had been stipulated that the benefits of the scheme should be confined to the casual labourers engaged during the period from 31.3.1985 to 22.6.1988. On the other hand the casual labourers worked in the Department of Posts as on 21.11.1989 were eligible for temporary Status. The time fixed as 21.11.1989 had been further extended pursuant to a judgment of the Ernakulam Bench of the Tribunal dated 13.3.1995 passed in O.A.No.750/94 . Pursuant to that judgment, the Govt.of India issued a letter dated 1.11.95 conferring the benefit of Temporary Status to the casual labourers. The present applicants being employees under the Telecom Department under the Ministry of Communication also urged before the concerned authorities that they should also be given same benefit. In this connection the casual employees submitted a representation dated 29.12.1995 before the Chairman

Attested
Advocate

,Telecom Commission, New Delhi but to the knowledge of the applicant the said representation has not been disposed of. Hence the present application.

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

4. Heard both sides, Mr.M.K.Sharma, learned Counsel, appearing on behalf of the applicants in both the cases submits that the Apex Court having been granted the benefit of temporary status and regularisation to the casual labourers, should also be made available to the casual labourers working under Telecom Department under the same Ministry. Mr.Sharma further submits that the action in not giving the benefits to the applicants is unfair and unreasonable. Mr.A.K.Choudhary, 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.362/96) 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.

Attested
Advocate

67

ANNEXURE - 9

DEPARTMENT OF TELECOMMUNICATIONS

OFFICE OF THE CHIEF GENERAL MANAGER : N.E. TELECOM CIRCLE

SHILLONG - 793001

NO.STB/STR/96-97
Dated at Shillong, the 29th Aug.'97.

To

Sri Prabir Dutta,
Xxx
Circle Secretary,

All India Telecom Employees' Union

Line Staff & Gr-'D'

N.E. Circle, Shillong.

Sub: Re-employment of Retrenched/Surplus/Contractual Labour in New sanctioned post of 400 DRMs in N.E. Circle.

Ref: Your letter No.NEC/LS/Org/Memorandum/97 dated 25.8.97.

Sir,

With reference to your letter on the captioned subject, I have been directed to intimate you that the matter is under examination and hence you are requested not to resort to any agitational programme.

Yours faithfully

for Chief General Manager,
N.E. Telecom Circle, Shillong.

Copy to:-

The AD(HRD), C.O. Shillong.

Attested
Advocate

For Chief General Manager
N.E. Telecom Circle, Shillong.

- 46 -

ANNEXURE-10

DEPARTMENT OF TELECOMMUNICATIONS

O/o The TDM,SHILLONG

No. E-38/RECTT./CASUAL LABOUR/39 Dt Shillong the 28.08.1997
1.9.97

To

1. The Employment officer, District Employment Exchange, Shillong
2. The Employment officer, District Employment Exchange, Tura
3. The Employment officer, District Employment Exchange, Williamnagar, West Garo Hills
4. The Employment officer, District Employment Exchange, Jowai
5. The Employment officer, District Employment Exchange, Nongstoin, West Khasi Hills
6. The Employment officer, District Employment Exchange, Nongpoh
7. Sainik Welfare Board, Shillong
8. Notice Board % TDM/SH 9. Notice Board % C.GMT/NE.Circ

Sub: Recruitment for the posts of Daily Rated Mazdoors [D.R.M] under Meghalaya Secondary Switching Area, Department of Telecom.

Forty Five [45] posts of Daily Rated Mazdoors vatancy are required to be filled up in the Meghalaya SSA of Telecom. Deptt. The following are the reserved quota. Physically handicaped candidates are not required due to the labourious nature of the work.

While forwarding the names attension to be given to include all communities viz., SC,ST,OBC and OC as per rule.

Existing rate of 62.15 per day, weekly one [1] day off [paid], after six [6] days of continuous work .

The following desirability and eligibility are mentioned ~~hereunder~~.

Alte'

Advocate.

Attested

Advocate

ANNEXURE-

1. Educational Qualification:- Passed Class VIII.

2. Age as on 01.07.1996:- Betwwen 18 years to 25 years. Age relaxation for Sc/ST/OBC and Ex-Serviceman will be as per existing rules.

3. Date and Time and Place of Interview:- Will be intimated later on.

In this connection kindly arrange to sponsor eligible candidates form your Employment Exchange so as to reach this office on or before 30.09.1997.

The Candidates are to be sponsored as per the proforma below and no subsequent list will be entertained after due date.

Sr.SDE(Admn.)
for DRM TDM Shillong

Proforma for sending sponsoring nomination for the post of DRM.

1. Name
2. Father's name
3. Date of Birth
4. Educational Qualification
5. Caste - SC/ST/OBC/OC
6. Local Address
7. Permanent Address
8. Past Experience if any
9. Registration number and Date of Registration

Signature and Designation
of Employment Exchange Officer.

Abbrova
29/8/97

Attested.
Advocate.

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:

ANNEXURE - 11

O.A No. 222/1997

All India telecom Employees Union & Ors Applicant(s)

Union of India & Ors Respondant(s)

Mr. B.K. Sharma, S. Sarma Advocate for the Applicant(s)

Mr. S. Ali, Sr, C.G.S.C Advocate for the Respondant(s)

Office Note	Date	Court Orders
	26/9.97	Heard Mr B.K. Sharma, learned counsel for the applicant. The application is admitted. Mr A.K. Choudhury, learned Addl. C.G.S.C. receives notice on behalf of the respondents. Mr Sharma prays for an interim order directing the respondents not to fill up the posts of daily rated Mazdoor till the disposal of the application. Issue notice on the respondents to show cause why interim order as prayed for shall not be granted. Meanwhile the authorities shall not fill up at least 26 posts of daily rated Mazdoors pursuant to Annexure-A until further orders. List it on 7.11.97. Sd/-Vice-Chairman

Memo No:- 3158 Dt. 30/9/97
Copy to:-

1) Mr. S. Sarma, Advocate, C.A.T.
2) Mr. A.K. Choudhary, Addl. C.G.S.C. C.A.T.

30/9/97

DY. REGISTRAR

Advocate

ANNEXURE - 12

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Date of Order : This the 20th Day of September, 1999.

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

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

Original Application No. 222 of 1997

1. Shri Prabir Dutta &
2. Shri Binod Kumar Roy

Original Application No.252 of 1997.

1. Shri Prabir Dutta &
2. Shri Bahadur Gurung . . . Applicants.

By Advocate S/Shri B.K.Sharma, S.Sarma & U.K.Nair.

- Versus -

1. Union of India
represented by Secretary,
Govt. of India,
Ministry of Telecommunication,
New Delhi.
2. Director General,
Department of Telceommuhication,
New Delhi.
3. Chairman, Telecom Commission,
Sansar Bhawan,
New Delhi.
4. Chief General Manager, Telecom.
N.E.Circle,
Shillong. . . . Respondents.

By Advocate Shri A.Deb Roy, Sr.C.G.S.C.

O R D E R

BARUAH J.(V.C)

The above two Original Applications involve common questions of law and similar facts. Therefore, we propose to dispose of these two applications by a common order.

2. The contentions of the applicants in these two applications is to reinstate them in service and also regularise their services as per the scheme. As this was not done the applicants have approached this Tribunal.

3. We have heard both sides. Mr A.Deb Roy, learned Sr.C.G.S.C submits that these cases are covered by a judgment

contd.. 2

Attested
Advocate.

72

- 50 -

of this Tribunal passed in O.A.No.107 of 1998 and also in a series of O.As on 31.8.1999. We have perused the same. We agree to the submissions of the learned counsel for the parties. In view of the above we dispose of these two applications with a similar directions as given in O.A.No.107/98 and others. Accordingly the respondents are directed to examine the case of each applicant. The applicants may file representations individually within a period of one month from the date of receipt of the order and, if such representations are filed individually, the respondents shall scrutinize and examine each case in consultation with the records and thereafter pass a reasoned order on merits of each case within a period of six months thereafter. The interim order passed in any of the cases shall remain in force till the disposal of the representations.

4. No order as to costs.

SD/-VICE-CHAIRMAN
SD/-MEMBER(A)

Certified to be true Copy
प्रमाणित प्रतिलिपि

pg

12/10/99

Deputy Registrar (J)
Central Administrative Tribunal,
Guwahati Bench

12/10/99

Attested
Advocate

ANNEXURE — 13

The Chief General Manager Telecom,
N. E. Circle,
Shillong - 793001.

Dated, Shillong, 10th, Nov 1999.

- 51 -

Subject :- ORDER DATED 20TH/ SEPT / passed in O.A. No. 222 & 252 by the Hon'ble Tribunal. CAT/GHTY.

Sir,

With due reference and profound submission, I beg to state few following lines before your honour.

That, in the year of 1983/Jun I was entered the service of telecom as Casual Worker and was performing my duties and responsibilities with due respect, in the year of 1987/May (BK) my service has been terminated with Notice / without any notice. Thereafter some posts have been sanctioned for Casual Mazdoor (D.R.M), to that effect names have been called for from the local employment exchange without giving me any opportunity for such posts, I was also visiting the offices, but till date my name has not been considered for the said Post, by the G.M/ T.D., Shillong.

That, being aggrieved by the said action, I was constrained to move the honarable Tribunal by way of aforesaid O.A and the Honarable Tribunal was pleased to dispose of the said O.A. with a direction to consider my case against the said vaccant posts or other posts (copy of the order of CAT/ Ghty enclosed).

In view of the said facts and circumstance, I pray your Honour to consider my case in the light of Circulars for retrenched Casual employees like that of me and pass necessary order considering and appointing me against the said vaccant posts or any other future vaccancy.

With Kind regards,

Manoj Sen
Sincerely Yours,

MANOJ SEN
Retrenched Casual Labour
(Mazdoor)
Under, Meghalaya Telecom
District, Shillong.
S/o. Mohit Sen

Copy to :
(1) The Director General,
Department of Telecommunication
Sanchar Bhawan,
New Delhi - 110001 for
information please.

Enclosed :-
1) Working Days Certificate Xerox Copy.
2) School Certificate /Birth Certificate Xerox Copy.
3) Employment Card Xerox Copy.
4) CAT Judgement Copy Xerox copy.
5)

Received
11/11/99

11 NOV 1999

Attested
Advocate.

ANNEXURE - 14

DEPARTMENT OF TELECOMMUNICATIONS
OFFICE OF THE CHIEF GENERAL MANAGER, N.E.TELECOM CIRCLE
SHILLONG.

No:NE/LA/Disposal of OA 222/97,252/97/2000/23 Dated at Shillong, the 29th May 2000

To,

Sri Binod Kumar Roy
C/o Madan Roy
Pynthorumkhrah, Shillong

Subject: Your representation dated 10-11-99 in accordance with the judgement and order dated 20-9-99 in OA. No: 222/97 and 252/97 passed by the Hon'ble Central Administrative Tribunal Bench, Guwahati.

In pursuance of the Judgement and order dated 20-9-99 in OA. No. 222/97 and 252/97 passed by the Hon'ble Central Administrative Tribunal, Guwahati Bench, your representation dated 10-11-99 was considered in the light of the judgement on the basis of the available records. As per records you were engaged by AE (Cable) Shillong with effect from 8-7-1986 to 31-8-1987. Since your services were no longer required, your services were discontinued from 1-9-1987 as per DOT order No: 270/6/84-STN dated 22-4-1987. There is no provision in the rules regarding re-engagement/ or regularisation after such a prolonged discontinuity and to condone such a long discontinuity. It is regretted that your prayer for appointment could not be entertained and hence the claim is rejected.

This is for your kind information in response to your representation dated 10-11-99.

(G.N.CHYNE)
Asstt. General Manager (Admn),
O/o the Chief General Manager,
N.E.Telecom Circle, Shillong

Copy to:

1. The Registrar, Central Administrative Tribunal, Guwahati Bench, Bhangagarh, Guwahati-7 with reference to the Judgement and order dated 20-9-99 in OA No: 222/97 and 252/99 for information.
2. The General Manager Telecom District, Meghalaya SSA, Shillong for information.
3. File.No E-38/Court-case/20

(G.N.CHYNE)
Asstt. General Manager (Admn),
O/o the Chief General Manager,
N.E.Telecom Circle, Shillong

Attested
Advocate.

ANNEXURE - 15

To

The Chief General Manager Telecom
N.E.Circle, Shillong Meghalaya

— 53 —

Dated at SH, the 3rd August, 2K

Sub:- Prayer for re-consideration of reinstatement of Re-trenched casual labour of Meghalaya SSA in N.E. Circle against the vacant 45 nos. DRM posts.

Respected Sir,

We are the re-trenched casual labours of Meghalaya SSA were struggling since 1990 for re-employment as casual labour in Meghalaya SSA. We appealed time ~~to~~ and again to the TDM/Shillong and C.G.M.T./N.E.Circle, Shillong for our re-engagement in the (a) T.D.M/Shillong's field offices, (b) Telecom M/W project offices, (c) Telecom Satellite project offices (d) Telecom M/W ~~Project~~ Mtce. Organisations and (e) in C.G.M.T. offices, Shillong. But, we were not brought back in any offices while fresh casual staff engaged in every offices mentioned above. It is not only heartening to us but justice was denied. It was done only in the area of Meghalaya SSA.

During the last 10/12 years a fresh sanction of 45 (forty five) nos. of DRM posts had received by the Meghalaya SSA from the C.G.M.T./N.E.CIRCLE/Shillong and DOT/ND in theyear of 1996. But TDM/Shillong could not re-engage us. On the other hand, Meghalaya SSA went to Employment Exchange to recruit fresh casual labours from the open market.

We appealed not to recruit any fresh candidate for the vacant DRM post. But TDM/Shillong not granted our appeal. We went to the CAT/Guwahati for "Interim Order to stop fresh recruitment" Interim order was granted. Final order for considering the re-instatement/Regularisation of re-trenched casual labour from the CAT Guwahati had passed recently on November, 1999. Our individual application to the C.G.M.T. N.E.Circle, Shillong have not been considered and rejected showing the reason of "Long Break Period" in the service.

We hope till today that your active and sympathetic consideration on humanitarian ground, can "Re-engage"/"Re-instate" us in the 45 nos. DRM vacant posts in Meghalaya SSA under N.E.Circle. We may be re-instate as "Fresh candidate" on priority basis referring our previous employment in the Department. Your personal decision , only can decide our fate and future mode of survival. After loss of 12/13 years, our age has cross for any departmental fresh entry through employment exchange and denial of further persuation.

We, therefore appeal once again to consider our case as "Re-instate" us in the same type of job under same Telecom Division/District Meghalaya SSA against vacant DRM posts. We shall remain ever grateful to you for your sympathetic action and justice.

With best regards,

Yours faithfully,

Signature of all re-trenched casual labours under Meghalaya SSA(in enclosed seperate sheet).

Encl:- Signature sheet.

Attested
Advocate.

Signature sheet

Sl.No.	Name of the re-trenched casual labour	Signature
1.	Monoj Sen	Mon
2)	Binod Kumar Ray	Binod Kumar Ray
3)	Narayan Ray	
4)	Ganesh Ray	Ganesh Ray
5)	Jitendra Singh	
6)	SHIVLAL JOSHI	Joshi
7)	[illegible]	[illegible]
8)	RAM JANAM RAY	[illegible]
9)	GANESH PASHMAN	[illegible]
10)	Prittam Chettri	
11)	AJIT KUMAR PATAR	AK. Patar
12)	Yogindra Yadav	Yogindra Yadav
13)	Banarasi Ray	B. Ray
14)	LAKHINDRA RAY	L. Ray
15)	[illegible]	[illegible]
16)	[illegible]	[illegible]
17)	[illegible]	[illegible]
18)	Arun Kumar Ray	Arun Kumar Ray
19)	Kanchan Chakraborty	Kanchan
20)	Satyanarayan Ray	
21)	Suk Bahadur Gurung	
22)	[illegible]	[illegible]
23)	A. R. Talukdar	A. R. Talukdar
24)	Raju Sharma	Raju Sharma
25)	Mahadeo Thapa	Mahadeo Thapa

C/o Sri Mahindra Singh,
S.I.
Telecom Store Godown
Lower Lachumiere
Shillong-1.

Attested
Advocate.

ANNEXURE- 16

Combined Seniority

LIST

DOT No. 269-69/83-STN dt. 17/10/87

The undersigned is directed to refer to this office letter No. 269-64/83-STN dt. 23.4.87 on the above mentioned subject and to state that the following instructions are issued in supersession of the earlier orders on the subject to streamline the regular absorption or retrenchment of casual labourers.

1. A combinned seniority list of all casual labourers in respect of a recruitment unit will be maintained. This list will include all casual labourers working within the territorial jurisdiction of the recruitment unit, for various functional units such as Telecom/Projects/Maintenance regions/Electrification/Quality Assurance etc. to which they are attached.

2. Absorption of casual labourers against regular group 'D' post or retrenchment due to exigencies such as non-availability of work will be done strictly according to the combined seniority list.

3. Non-recruiting circles/units should ensure that any of their requirement of casual labourers is invariably met through the respective recruitment unit of the concerned territorial circle only.

4. These instructions will have immediate effect.

5. This letter also disposes of d. o. letter No. E-13/CM/88-89/56 dated 24.9.18 from G. M.M., Southern Telecom. Region, Madras on the subject.

Attested

Advocate.

ANNEXURE 17

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No.326 of 2000

Date of Order: This the 28th Day of May 2001

HON'BLE MR.JUSTICE D.N.CHOWDHURY, VICE-CHAIRMAN

Sri Binod Kumar Roy
C/O.Prabir Dutta
Carrear Station, VST.
Telephone Exchange Shillong.

2. All India Telecom Employees Union
Line Staff and Group 'D'
N.E.Circle, Shillong.
Represented by Circle Secretary,
Shri Prabir Dutta.

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

-Vs-

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

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

3. The Chief General Manager,
N.E.Telecom Circle,
Shillong-793001. ... Respondents.

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

O R D E R.

D.N.CHOWDHURY, V.C.:

This is another round of litigation by the applicants assailing the action of the respondents for not giving them the benefit of the Casual Labourer (Grant of Temporary Status and Regularisation) Scheme. This application is espoused by the Applicant No.1 and the causes of 25 retrenched Casual Labourers, mentioned in Annexure- A of the application, ~~retrenched casual labourers~~ who worked under the respondent. Earlier the applicants came before this Tribunal for providing them the benefit of the Temporary Status. This Tribunal by order dated 13.8.97 in O.A.Nos. 299 of 96 and 302 of 96 disposed these O.A. directing

contd/-

Attested

the respondents to provide the applicants the ~~same~~ similar benefits that was extended to the Casual Labourers worked in Postal Department. This Tribunal mentioned to the decisions rendered by the Apex Court in daily rated casual labourers employed under Postal Department Vs.Union of India & Ors. ~~reported in(1988) in Suppl. 122.~~ The Apex Court directed the department to prepare a scheme for absorption of the Casual Labourers. The two applicant approached this Tribunal in O.A.No.222 of 97 and 252 of 97 seeking for direction from this Tribunal to reinstate them in service and also regularise their services as per the scheme. The Tribunal by judgment and order dated 20.9.99 directed the applicants to file a representations individually before the authority and the respondents shall scrutinize and examine each case on consultation with the records and thereafter pass a reasoned order. The applicant submitted the representation and the respondents disposed the same, which is reproduced below:-

> "In pursuance of the Judgment and order dated 20.9.99 in O.A.No.222/97 and 252/97 passed by the Hon'ble Central Administrative Tribunal Guwahati Bench, your representation dated 10-11-99 was considered in the light of the judgment on the basis of the available records. As per records you were engaged by AE(Cable) Shillong with effect from 8.7.1986 to 31-8-1987. Since your services were no longer required, your services were discontinued from 1-9-1987 as per DOT order No.270/6/84-STN dated 22.4.1987. There is no provision in the rules regarding re-engagement or regularisation after such a prolonged discontinuity and to condone such a long discontinuity. It is regretted that your prayer for appointment could not be entertained and hence the claim is rejected."

The applicant stated that the aforesaid order is arbitrary and discrimination.

Attested
Advocate.

contd/-

We have heard by the learned counsel for the parties. at length. The impugned order dated 29th May 2000 is unsustainable on the face of the scheme and the instructions issued from time to time that the applicants served under the respondents as Casual Labourers for more than 240 days in year with artificial break. There is no dispute that those who rendered their services more than 240 days of continuous service as Casual Labourers is to be designated as Temporary Status. As per the Policy Guideline set out in the scheme of Casual Labourers(Grant of Temporary Status and Regularisation) Scheme of Department of Telecommunication 1989 is still in vogue and applicable to the Casual Labourers recruited. The scheme was extended from time to time. Admittedly the Telecom Circle released for the N.E.Telecom Circle 400 DRMs including 45 DRMs against regular post was sanctioned for recruitment. Admittedly the applicants are retrenched and they are entitled for consideration granting of temporary status and thereafter for their regularisation as Group D under the Scheme.

In the coaspectus, the respondents are directed to consider their cases. They are thus ordered to examine and scrutinize each case individually and to consider their case on merit for granting them temporary status as per law and thereafter consider their cases for absorption against the available vacancies or against the future vacancies as per unit seniority. The respondents are directed to complete the exercise as early as possible preferably within 3 months from the date of receipt of the order. The application is thus allowed. There shall however, be no order as to costs.

Sd/ VICE CHAIRMAN

Attested

Advocate.

Section Officer

BHARAT SANCHAR NIGAM LIMITED

(A Government of India Enterprise)
OFFICE OF THE GENERAL MANAGER TELECOM DISTRICT
MEGHALAYA SHILLONG – 793001

No:E-38/Court Case/20 Dated at Shillong, the 12th November 2001

To

Shri Binod Kumar Roy
C/o Madan Roy
Pynthorumkhrah
Shillong

Subject: Disposal of O.A. No. 326 of 2000 passed by the Hon'ble Central Administrative Tribunal, Guwahati Bench in the judgement and Order dated 28th May 2001

In pursuance of the Judgement and order dated 28th May 2001 in O.A. No: 326 of 2000 passed by the Hon'ble Central Administrative Tribunal, Guwahati Bench. Your case was considered in the light of the judgement on the basis of the available records and following law/rules/guidelines of the Department.

(a) As per the policy guideline set out in the scheme of casual labourer (Grant of Temporary Status and Regularisation) Scheme of the Department 1989 as mentioned by the Hon'ble Tribunal in the judgement, the Scheme was extended from time to time but it is mandatory that the casual labourer who continue to be currently employed and have rendered continuous service at least for a period of 240 days in a year are only eligible for the scheme.

But as per record your services were discontinued from 1-9-87 as per DOT Order number 270/6/84-STN dated 22-04-97 and currently you are not employed in the Department.

(b) As you are not employed in the Department currently and the discontinuance of the employment is prolong the Departmental law/rule does not permit condonation for such a long period.

currently not in service

(c) The word 'retrench' is only applicable to the workmen where the contract of employment between the employer and workmen concerned expires or of such contract being terminated under of stipulation in that behalf contained therein. But you have never worked as workman but worked as a casual labour for work, which is of casual and seasonal or intermittent nature.

Not Relevant

(d) As per Departmental law/rule, absorption against vacancies of DRM it is mandatory to be done through Employment Exchange only.

Emp Ex.

Under the above circumstances it is regretted to inform you that your case could not be entertained for granting of Temporary Status as per Departmental law/rule as mentioned above and hence your claim is rejected.

(S.H. Mahjaw)
O/o GMTD, Meghalaya SSA
Shillong – 793001

Attested

Copy to:

1. The Registrar, Central Administrative Tribunal, Guwahati Bench, Bhangargarh, Guwahati – 7 w.r.t. Judgement and order dated 28th May 2001 in O.A. 325/2000 for information.
2. The Chief General Manager Telecom, NE I Circle, Shillong for information.

Sd/-
(S.H. Majaw)
O/o GMTD, Meghalaya SSA
Shillong – 793001

Attested
Advocate.

ANNEXURE.19.

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

Dated 1.9.99.

To

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

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

Sir,

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

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

Yours faithfully

(HARDAS SINGH)
ASSISTANT DIRECTOR GENERAL(STN)

All recognised Unions/Fedarations/Associations.

(HARDAS SINGH)
ASSISTANT DIRECTOR GENERAL (STN)

Attested
Advocate

ANNEXURE-120

84

IN THE GAUHATI HIGH COURT

(HIGH COURT OF ASSAM, NAGALAND, MEGHALAYA, MANIPUR, TRIPURA, MIZORAM AND ARUNACHAL PRADESH)

WRIT PETITION (CIVIL) NOS. 2531/2001, 2532/2001, 2533/2001, 2534/2001, 2535/2001, 2536/2001 and 2537 of 2001.

(1) In WP(C) No.2531/2001 :-

1. Union of India.
2. The Registrar General of India, New Delhi.
3. The Director of Census Operations, Manipur.

.... Petitioners.

-Versus-

Oinam Indramani Singh,
Imphal, Manipur.

.... Respondent.

(2) In WP(C) No. 2532/2001 :-

Union of India and 2 others.
(as in WP(C) No. 2531/2001)

.... Petitioners

-Versus-

Md. Hatim Ali,
Vill. Yairipok Bamon Leikai,
Manipur.

.... Respondent.

(3) In WP(C) No. 2533/2001 :-

Union of India and 2 others.
(as in WP(C) No. 2531/2001).

... Petitioners.

-Versus-

Shri K.S. Theimi,
of vill. Hundung, Ukhrul,
Manipur.

.... Respondent.

(4) In WP(C) No. 2534/2001 :-

Union of India and 2 others.
(as in WP(C) No. 2531/2001)

... Petitioners

-Versus-

Md. Hasim Khan,
of vill. Top,
Manipur.

.... Respondent

(5) In WP(C) No. 2535/2001 :-

Union of India and 2 others
(as in WP(C) No. 2531/2001).

.... Petitioners.

-Versus.-

Attested
Advocate.

Shri A. Gopal Singh,
of vill. Top,
Dist. Imphal, Manipur.

.... Respondent.

(6) In WP(C) No. 2536/2001 :-
Union of India and 2 others
(as in WP(C) No. 2531/2001).

.... Petitioners.

-Versus-

Th. Basanta Singh,
of Bishnupur, Imphal.

.... Respondent.

(7) In WP(C) No. 2537/2001 :-
Union of India and 2 others.
(as in WP(C) No. 2531/2001).

.... Petitioners

-Versus-

Md. Abdul Kalam Shah,
of vill. Yairipok,
Dist. Thoubal, Manipur.

.... Respondent.

PRESENT :

THE HON'BLE THE CHIEF JUSTICE (ACTING) MR. R.S. MONGIA

THE HON'BLE MR. JUSTICE D. BISWAS

For the petitioners : Mr. K.K. Mahanta, CGSC.

For the respondents : Mr. B.K. Sharma, Mr. U.K. Goswami, Mr. R.K. Bothra, Mr. B.P. Sahu, Advocates.

Date of Hearing and Judgment : 7th June, 2001.

JUDGMENT AND ORDER (ORAL)

. MONGIA, C.J.(ACTING) :-

This order will dispose of WP(C) Nos.2531/2001, 2532/2001, 2533/2001, 2534/2001, 2535/2001, 2536/2001 and 2537/2001. The impugned orders, passed in the Original Applications by the Central Administrative Tribunal, Assam(for short, the CAT)though identical, are of different dates in these cases. However, the order passed in the Review Applications is the same in all the cases. The facts are being taken from WP(C) No. 2531 of 2001.

Attested
Advocate

We have heard Mr. K.K. Mahanta, learned Central Govt. Standing Counsel appearing for the petitioners and Mr. B.K. Sharma, learned counsel for the respondents.

The writ petition in WP(C) No. 2531 of 2001 is against the order of the Central Administrative Tribunal, Guwahati Bench (for short, the CAT), dated 20th January, 2000, passed in Original Application No. 415/99 (Annexure-B/7), as also the order passed on review filed by the respondents (petitioners before us), dated 11th January, 2001 (Annexure-B/11), by which the Review Application was dismissed.

Instead of giving the facts giving rise to the present petition, it will be apposite to reproduce the order passed by the CAT, dated 20th January, 2000, as also the order dated 11th January, 2001, passed on the Review Application.

"20.1.2000.

This is a consent order as agreed by the learned counsel for the parties. The brief facts are as follows :

The applicant was appointed Lower Division Clerk on 28.2.1991 in the Census Department for the purpose of Census Operation of 1991. After the operation was over, the applicant was retrenched. According to the applicant the census operation for the year 2000 will be taken up from January, 2000 and, therefore, some vacancies will arise. The applicant having worked for almost two years submitted Annexure-5 representation dated 28.8.1996 for appointment in a suitable post. However, the representation has not yet been disposed of. Hence the present application.

Heard Mr. S. Sarma, learned counsel for the applicant and Mr. B.S. Basumatary, learned Addl. C.G.S.C. It is agreed by the learned counsel for the parties that as per the decision of the Apex Court in Government of Tamil Nadu and another v. G. Md. Ammendden and others, reported in (1999) 7 SCC 499, the applicant is entitled to get the appointment when the new vacancy will arise. As per the said decision, the learned

counsel ....

Attested
Advocate.

counsel for the parties submit that the applicant may be absorbed in the vacancy that will occur for Census Operation of 2000 in a suitable post which he is entitled to following the judgment of the Apex Court.

The application is accordingly disposed of."

Order dated 11.1.2001 on Review Applications :-

"All the Review Applications were taken up together for consideration since it involved similar questions of facts and law.

2. Number of applications were filed before the Tribunal by the retrenched census employees for regularisation of their services in the light of the judgment rendered by the Supreme Court in Government of Tamilnadu and another v. G. Md. Ammendden reported in (1999) 7 SCC 499. This tribunal in the light of the directions rendered by the Supreme Court allowed the applications. Now these Review applications have been filed by the Union of India referring to the communications those were sent to the learned Standing Counsel for the Union of India by the concerned authority indicating the policy decisions which were taken by the respondents. The aforementioned communications were sent by the Ministry of Home Affairs and Ministry of Finance. By the communication dated 5.8.1999 the Ministry of Finance issued certain guidelines on expenditure management and to make fiscal prudence and austerity which also mentioned about the ban on filling of vacant posts and 10% cut in posts. By the communication dated 14.2.2000 sent from the Ministry of Home Affairs were also pertaining to filling up of Group C and D posts in the Census department either by promotion or on deputation stopping ad hoc appointment from open market.

3. We have heard learned counsel for the Union of India and also the counsel appearing for the opposite party/applicants in the O.A. On perusal of the documents those referred to earlier we do not find that those materials provide any scope for review of the earlier judgment passed by this Tribunal. The materials now produced by the review petitioners does not call for review of the earlier order. The power of review is not absolute and unfettered. The power is hedged with limitations prescribed in section 114/Order XLVII Rule 1 of C.P.C. read with section 22(3)(f) of the Administrative Tribunals Act, 1985. No such ground for review is discernible in the case in hand.

4. Under the facts and circumstances these Review Applications are liable to be dismissed and thus dismissed.

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

..... 5

Attested
Advocate.

Apart from the fact that the order dated 20th January, 2000 is a consent order, we also find nothing wrong or illegal in the same. The order is in consonance with the dicta of the Apex Court laid down in Govt. of T.N. and another v. G. Mohamed Ammenudeen and others, reported in (1999) 7 SCC 499. The objection raised by the learned counsel for the petitioners is that in the aforesaid judgment directions were given by the Apex Court that as per the scheme approved by the Apex Court the retrenchees may be absorbed in any vacancy that may be available in any Government Department, whereas in the present case, the directions of the CAT were being confined only to the Census Department. We are of the view that if the directions were being only confined to Census Department, the respondents herein (the applicants before the CAT) should have some grievance as the right of consideration was being only confined to Census Department and not to the other Departments of the State Government. Learned counsel for the respondents (applicants before the CAT) has stated that he is satisfied with the directions given by the CAT.

We have also gone through the order passed on the Review Applications. We find no infirmity in the same. We concur with the reasoning adopted by the CAT.

While dismissing the writ petitions, we hereby direct the petitioners to carry out the directions given by the CAT within two weeks. However, we, as a matter of abundant caution, make it clear that the petitioners would offer the vacancies to the retrenchees according to their length of service. A person with longer length of service in a particular category would

Attested
Advocate.

be ....

be offered the job first and then the other retrenchees in that order. After exhausting the retrenchees, if there are still more vacancies available, those may be filled by any other method provided under the Rules. These directions would be applicable to all the retrenchees irrespective of whether or not they were applicants before the CAT.

Copy of this order, attested by the Bench Assistant ~~Court Secretary~~, be given to the counsel for the parties.

Attested
Advocate.

In the Hon'ble Central Administrative Tribunal

Guwahati Bench: Guwahati

O.A. No.189/2002

Filed by
A. K. Chaudhuri
Sr. Central Govt. Standing Counsel

Shri Binod Kumar Roy & Others..... Applicants

Vs

Union of India & Others .....Respondents.

(Written statement filed by the respondents No.1,2,& 3).

The written statements of the respondents No.1,2 and 3 are as follows :

1. That the copies of the O.A.No.189/2002 herein after referred to as application has been served on the respondents and the respondents after going through the said application have understood the contents thereof.

2. That the statement made in the application save and except those which are specifically admitted and denied by the respondents.

3. That with regard to the statement made in paragraph 1, the respondents beg to state that the disposing of the individual representation of the applicants pursuant to the judgement and order dated 28-05-2001 in O.A.No.326 of 2000 vide No.E-38/Court Case/22 dtd. 12.11.2001 was legal and as per direction of CAT Guwahati. The applicants case could not be considered for granting of Temporary Status, as per Department rules, which was elaborately narrated in the above said letter dtd. 12.11.2001.

4. That with regard to the statement made in paragraph 2, the respondents have nothing to comment.

5. That with regard to the statement made in paragraph 3, the respondents have nothing to comment.

6. That with regard to the statement made in paragraph 4.1, the respondents have nothing to comment.

7. That with regard to the statement made in paragraph 4.2, the respondents beg to state that the statement is not correct. Shri Prabir Dutta is the Circle Secretary, Line Staff and Group D, N.E.Circle. Moreover as per ruling on membership, the right of the Union to represent casual labour has not been conceded. The Union can represent the case of regular staff only. The list of the casual labour given in Annexure-'A' of the application is made by the applicants. Shri Prabir Dutta cannot represent the interest of casual labourer (O.M. Annexed here as R1 & R2). Now the BSNL is the corporate body under Govt. of India, hence said union has no existence.

8. That with regard to the statement made in paragraph 4.3, the respondents beg to state that the applicants worked as casual labourer only for work which is of casual nature. Their post cannot be created and does not fall under regular establishment. Nature of work and the term expired after the prescribed period. The applicants are no longer working as casual labourer. In pursuance of the Judgement and order dated 28.5.2001 in O.A.No.326 of 2000 passed by this Hon'ble Tribunal their representation were considered in the light of the Judgement on the basis of the available records. Their service were no longer required and services were discontinued since long back. As there is no provision in the rules regarding re-engagement/or regularisation after such a prolonged discontinuity and to condone such a long discontinuity their prayer for regularisation could not be entertained and was rejected vide letter dated 12.11.2001.

A list of the 69 candidates sponsored by the Local Employment Exchange, Shillong given in Annexure B in the application, it cannot be read out and is not clear. There is no forwarding letter to whom the said list has been sent and the respondents pray for a direction to the applicants to produce the original sponsored list alongwith the forwarding letter at the time of hearing of the case.

9. That with regard to the statement made in paragraph 4.4, the respondents beg to state that as per directive of the Hon'ble Supreme Court of India, Ministry of Communication prepared a scheme in the name and style of Casual Labour (Grant of Temporary Status and Regularisation) Scheme, 1989 which was implemented. But the applicants do not fall under this scheme.

10. That with regard to the statement made in paragraph 4.5, the respondents beg to state that casual labourer was engaged only for work which is of casual/seasonal/intermittent in nature. The scheme for temporary status on regularisation of casual labourer is applicable only to those labour who are continuously working in the Department and engaged prior to 30.3.85. Moreover as the work is of casual nature the labourers are engaged for the prescribed period. The claim of the applicants that they possess all the qualification mentioned in the said scheme is not correct. The applicants have no right to claim any benefit under the said scheme.

11. That with regard to the statement made in paragraph 4.6, the respondents beg to state that as OM dated 27.3.76 and 29.6.78 it is clearly mentioned that facility of re-deployment would be extended to cover all the temporary employees recruited regularly through the prescribed channels of recruitment through recruiting agencies and have put in at least 3 years regular continuous service before retrenchment. But in the instant application the applicants were not at all granted temporary employees status. The order as in Annexure 3 of this application, does not reflect anything in favour of the applicants relating to their re-deployment (O.M. dated 22.1.93 is enclosed here as R3).

12. That with regard to the statement made in paragraph 4.7, the respondents beg to state that as per letter No.269-4/93-STN-II dated 17.12.93 it is clearly mentioned that all those casual mazdoors who were engaged

by Circle during the period from 31.3.85 to 22.6.88 and who are still continuing for such works in the Circle where they were initially engaged and who are not absent for the last more than 365 days. This order mentioned by the applicants in this paragraph does not reflect anything in favour of the application (DoT letter No.269-4/93-STN-II dated 17.12.93 is enclosed as R4).

13. That with regard to the statement made in paragraph 4.8, the respondents beg to state that the applicant No.2 Shri Prabir Dutta as Circle Secretary, AITEU who can represent only Line Staff and Group D of the N.E.Circle and not Casual labourers as per Government norms. Moreover, since the Telecom Department is now a Corporate body, hence there is no existence of the said Union. The right of the Union to represent casual labourer has not been conceded by the Government.(Annexure R2).

14. That with regard to the statement made in paragraph 4.9 and 4.10, the respondents beg to state that the Judgement of the Ernakulam Bench of the Hon'ble Tribunal delivered on 13.3.95 in O.A.No.750/94 does not reflect anything in favour of the applicants as the Judgement is for Postal Department only. Though the Postal and Telecommunication are under the same ministry in Ministry of Communication, rules and regulations are not same. The benefit which are befitted by the Telecommunication, the Postal Department is not getting the same benefit. Hence the claim is not justified and is liable to be dismissed.

15. That with regard to the statement made in paragraph 4.11, the respondents beg to state that this does not reflect anything in favour of the applicants relating to their regularisation.

16. That with regard to the statement made in paragraph 4.12, the respondents beg to state that this does not reflect anything in favour of the applicants.

17. That with regard to the statement made in paragraph 4.13, the respondents beg to state that the applicants do not fulfil the qualification mentioned in the scheme. Hence the claim is liable to be dismissed.

18. That with regard to the statement made in Paragraph 4.14, the respondents beg to state that the Annexure-7 of the application, the representation letter was issued by Shri Prabir Dutta, Secy. AITEU who can represent only the cases of regular staff but in the instant application he has represented the cause of the casual labour which he cannot represent.

19. That with regard to the statement made in paragraph 4.15, the respondents beg to state that the applicants themselves made prayer in Hon'ble Tribunal in O.A.No.222/97 and 252/97 and Judgement and order dated 20.9.99 which was disposed of by the respondents. Another application was filed in Hon'ble Tribunal in O.A.No. 326/2000 and Judgement and order dated 28.5.2001 which was also disposed of by the respondents as per the directive of Hon'ble Tribunal.

20. That with regard to the statement made in paragraph 4.16, the respondents beg to state that the Hon'ble Tribunal may kindly direct the applicants to produce the representation mentioned in this paragraph at the time of hearing the case.

21. That with regard to the statement made in paragraph 4.17, the respondents beg to state that in the said letter it was intimated that the matter is under examination as a general case. It does not reflect anything in favour of the applicants for regularisation.

22. That with regard to the statement made in paragraph 4.18, the respondents beg to state that as per rule the retrenched Temporary Central Government Employees cannot be re-engaged through the Employment Exchange but the instant applicants were not at all granted temporary status and hence their claim is not justified. The word 'retrench' is only applicable to the workmen, but the applicants have never worked as workmen but worked as a casual labour for casual and seasonal nature of work. The claim of the applicants is liable to be dismissed.

23. That with regard to the statement made in paragraph 4.19 and 4.20, the respondents beg to state that the Directive of the Hon'ble Tribunal in his Judgement and order dated 20.9.99 was disposed of as per Departmental rules and was implemented as per the order of the Hon'ble Tribunal.

24. That with regard to the statement made in paragraph 4.21, the respondents beg to state that the representation of the applicants was disposed of as per the directive of the Hon'ble Tribunal.

25. That with regard to the statement made in paragraph 4.22 & 4.23, the respondents beg to state that there is no provision in the rules regarding re-engagement/regularisation after such a prolonged discontinuity and to condone such a long discontinuity. They do not fall under category of retrenched employees as already mentioned in paragraph 22. Hence the applicants have no right to claim any benefit under any provision of law. The action taken by the respondents is legal as per rule.

26. That with regard to the statement made in paragraph 4.24, the respondents beg to state that representation of the applicants have been examined but could not be considered as per Departmental rules. The Judgement and order dated 28.5.2001 in O.A.No.326/2000 was disposed of as per Directive of the Hon'ble Tribunal vide letter No.E-38/Court Case/20 dated 12.11.2001.

27. That with regard to the statement made in paragraph 4.25, the respondents beg to state that the applicants are not having the requisite eligibility conditions for the said scheme and therefore their case for grant of Temporary status could not be considered. This does not reflect anything in favour of the applicant.

94

28. That with regard to the statement made in paragraph 4.26, the respondents beg to state that consideration of re-engagement is only for those who worked as Temporary Central Government employees only. The applicants have never worked as Temporary Central Government Employees. So it does not reflect anything in favour of the applicants relating to the re-engagement as and when the vacancy arises.

29. That with regard to the statement made in paragraph 4.27, the respondents beg to state that as the applicants were not Temporary Central Government Employees so question of seniority list does not arise. The claim of the applicants is illegal and it has no value in the eyes of law.

30. That with regard to the statement made in paragraph 4.28, the respondents beg to state that the casual labour were engaged for work which is of casual nature. Nature of work and their term expired after the prescribed period. Hence the action on the part of the respondents is legal as per the Departmental rule. The applicants has no right for calling the action illegal and arbitrary in nature.

31. That with regard to the statement made in paragraph 4.29, the respondents beg to state that the Judgement and order dated 28.5.2001 in O.A.No.326/00 has been implemented as per Departmental rules. And the case was disposed of vide letter dated 12.11.2001.

32. That with regard to the statement made in paragraph 4.30 (a)&(b)(c),(d), the respondents have nothing to comment.

33. That with regard to the statement made in paragraph 4.31, the respondents beg to state that the letter dated 12.11.2001 has been issued as per directive of the Hon'ble Tribunal on the basis of the Departmental rules. The letter annexure-19 in the application does not reflect anything in favour of the applicants as they have not granted temporary status.

Regarding OM dated 27.3.76 and 22.1.93 the same has already been stated in paragraph 11 of the written statement. The Hon'ble High Judgement dated 7.6.2001 in W.P.(C)No.2531/2001 is related to the census Department and both cases are not the same categories. Hence it does not reflect anything in favour of the applicants.

The applicants worked as casual labour only for the work which was of casual nature. Their post cannot be created. Nature of work and the term expired after the prescribed period. The applicants were no longer working as casual labourer as they were discontinues from 1.9.87. Now to absorb against the vacancies of DRM it is mandatory to be done through Employment exchange only as per Departmental rules. Hence the claim of the applicants for setting aside of the letter dated 12.11.2001 is not justified.

34. That with regard to the statement made in paragraph 4.32, the respondents beg to state that the statement in this paragraph is false and tried to mislead the Hon'ble Tribunal. The Judgement and order dated 30.9.99 was implemented by the respondents as per rule. Evidently the applicants' claim has no value in the eye of law.

35. That with regard to the statement made in paragraph 4.33, the respondents beg to state that the policy guidelines set out in the scheme of casual labour (Grant of Temporary Status and Regularisation) scheme of Department 1989 as mentioned by the Hon'ble Tribunal in the Judgement in O.A.No.326/2000, the applicants does not fulfil the condition of the said scheme. Hence their claim for redeployment/re-engagement is not maintainable. The applicants have no right to claim for setting aside and the question regarding stand taken by the respondents vide letter dated 12.11.2001.

36. That with regard to the statement made in paragraph 5.1 to 5.10, the respondents beg to state that none of the grounds is maintainable and the respondents acted in this regard are as per Departmental rules as well as in fact and as such the application is liable to be dismissed.

37. That with regard to the statement made in paragraph 6, the respondents have nothing to comment.

38. That with regard to the statement made in paragraph 7, the respondents beg to state that the applicants had filed three similar types of application earlier, before this Bench of Hon'ble Tribunal in O.A.No.222/97 ; O.A.No.252/97 and 326/2000 in which the Judgement and order dated 30.9.99 and 28.5.2001 respectively was passed by this Hon'ble Tribunal and the respondents has disposed of the case as per directive of this Hon'ble Tribunal vide letter dated 29.5.2000 and 12.11.2001 on the basis of Departmental rules.

39. That with regard to the statement made in paragraph 8.1 to 8.5 regarding the reliefs sought for, the respondents beg to state that applicants are not at all entitled to any of the reliefs sought for and as such the application is liable to be dismissed.

40. That with regard to the statement made in paragraph 9, the respondents beg to state that in view of the circumstances no interim order is warranted as prayed for.

41. That with regard to the statement made in paragraph 10,11 and 12, the respondents have nothing to comment.

42. That the respondents beg to state that the applicants are not entitled to any of the reliefs sought for in this scheme as they are not having requisite qualification for those scheme claimed by the applicants. Moreover there is no provision in the Departmental rules regarding re-engagement or regularisation after such a prolonged discontinuity and to condone such a long discontinuity and as such the application is liable to be dismissed with cost.

43. That the respondents submit that in fact there is no merit in this case as such the application is liable to be dismissed with cost.

96

VERIFICATION

I, C. MURMU, vigilance officer, o/o the CGMT Shillong.

as authorized do hereby solemnly declare that the statements made above in the Petition are true to my knowledge, belief and information and I sign the verification on this ....29th.... day of ....July.... 2002.

29/7/02

DECLARANT

सतर्कता अधिकारी
VIGILANCE OFFICER
का. मु. महाप्रबन्धक दूरसंचार
O/O CGM TELECOM
उ. पू. परिमण्डल, शिलांग
N. E. CIRCLE, SHILLONG,

Ministry of Communications
Department of Telecommunications
Sanchar Bhavan
New Delhi-110001

13-1/95-SRT(Vol-IV)

Dated 15-2-95

ANNEXURE R2

93

ANNEXURE-A
R1

OFFICE MEMORANDUM

Subject :- Categorisation of Group 'C'/Group 'D' employees for the purpose of forming service union/associations under CCS (RSA) Rules, 1993.

A few staff federations and the service unions had desired that the issue of categorisation of employees vide this office O.M. No. even dated 19-4-94 may be reconsidered.

2. Taking note of the demand of the service unions, to mention a few, All India Telecom Stenographers Assn., National Union of Telecom Engineering Employees, Line Staff & Group 'D' Bhartiya Telecom Technicians Union, Telecom Accounts Association, NFTE the above issue has been reconsidered by this office. It has been observed that the categorisation as decided vide O.M. dated 19-4-94 and the clarificatory orders issued by this office subsequent thereto is in order and does not require any further modification. The proposal of forming an exclusive union by the Stenographers/PAs and Telecom Technicians has not been agreed to. As already clarified vide this office letter No. 36-4/94-SRT dated 14-9-94 the stenographers working in Telecom Circles including senior PAs would form the union along with the Administrative Office employees referred to as item 4 of para 6 of the O.M. dated 19-4-94. The Telecom Technicians would form the service union along with the other Group 'C' employees referred to under item 2 of para 6 of the O.M. dated 19-4-94.

3. Taking the above aspects into account, the list of categories and the details of employees covered by each category is enclosed for information of all concerned. The recognition of applicant service unions whose application have been received within the stipulated date viz. 21-1-95 would be considered as per this categorisation.

(D.D. Verma)
Director(SR)

Copy to :

All Heads of Telecom Circles/Metro Districts.
All Heads of other Administrative Units.

Attested
Advocate

Contd...

Contd...

4. No action is to be taken on direct reference from branches except when specifically ordered by Minister/Deputy Minister/Chairman, Telecom. Board/Member of the Telecom. Board.

16-2/65-SR dated 3-8-86

5. On behalf of Unions/Associations, their General Secretaries or the holders of corresponding office or the President only should normally address the Administration. The Assistant Secretaries/Deputy General Secretaries wherever specifically authorised by their General Secretaries, may also address communications to the Administration but the references made by them should contain a clear indication that the same are being made under the authority of the General Secretary concerned.

31-1/64-SR dated 5-4-1969

6. The Administration will send replies to communications from Unions/Associations addressed to the General Secretaries of the Unions/Associations and to the Headquarters' address of the Branch Unions concerned with the only exception of D.O. letters from President. Replies to such D.Os. may be sent to the President but these will also be invariably addressed to the Headquarters' address of the Union Branch Unions concerned unless the sender of the reply is of the opinion that there are special reasons or circumstances for sending a reply direct to the address of the President. *31-3/66-SR dt. 24-11-66*

7. The Unions/Associations shall not espouse or support the cause of individual government servants relating to service matters. When such references are received, the Unions/Associations may be informed that they are precluded from taking up individual cases with the Administration and as such their references are being filed.

16-2/72-SR dated 7-7-72

8. As per the existing system, the entire working of an office is appropriately distributed among its different sections for quick and proper disposal. When a communication is received which deals with more than one subject, it creates administrative inconvenience and difficulty, necessitates preparation of extracts for action in appropriate files in the concerned sections and delays the disposal of items referred to in the communication. With a view to facilitate quick and straight disposal, each union's communication addressed to the administrative authorities concerned at different levels, should deal with only one subject.

9. Creation and abolition of posts is purely an administrative matter and it is not a subject which the Union can discuss with the Administration. It is for the Department to decide whether a particular post is justified or not and it is not the function of the Union to determine the justification or otherwise of the post. Views of the Union may, however, be considered when the question is examined on merits. No correspondence will be entertained with the Union regarding creation of individual posts. The question of fixation of standards for creation of posts is a different matter and does not fall in the above category.

16-6/65-SR dated 31-3-1965

III. Office Bearers

1. Honourably retired Telecom. officials of any arm of service are eligible to hold office in Associations/Unions.

17-9/59-SR dated 23-2-60 and 33-7/77-SR dated 26-12-77

2. Telecom. employees are permitted to hold office in Unions/Associations of their own arm of service and their own Circle/Division and All India Union concerned only. A class III employee can become an office bearer of a Union/Association of Class IV employees subject to the conditions that (a) the official belongs to the same arm of service and the same circle in the case of Circle Union and same Division in the case of Branch Union below Circle level and (b) the constitution of the Union of Class IV employees provides for membership of Class III employees. There is no objection to an employee holding office simultaneously in two or more branch Unions at Division/Circle and All India level provided the branches belong to his own arm of service, Circle and Division. The above restrictions shall not however apply in case of employees holding office of President/Vice President.

17-23/73-SR dated 8-1-75

3. Prescribed facilities should not be extended to branches of Unions/Associations where any of the office bearers are non-employees (outsiders.)

17-7/74-SR dated 17.1.75 and 17-28/84-SR dated 9-10-84

IV. Rulings on Membership

1. The right of the Unions to represent casual labour has not been conceded. But if any grievances of casual labour covered by the recommendations of the Pay Commission are brought to notice by the Federation or Unions affiliated to it, this will be examined. However, no reply in respect of such grievances would be sent to the Federation or Unions affiliated to it.

32-1/64-SR dated 11-8-64

2. The trainees who have been recruited directly and yet to be absorbed in the Department will not join/form/organise any Unions/

ANNEXURE ~~A~~-R3 9

~~Annexure-C.~~

No. 28017/2/92. Estt(D)
Government of India, Ministry
of Personnel, P.G. & Pensions
(Department of Personnel & Training).

New Delhi, the 22nd January'93.

OFFICE MEMORANDUM

Subject :- Retrenched Staff-Extension of the facility of alternative appointment to regular employees who have not completed 3 years of service ....

The undersigned is directed to refer to ~~Expenses~~ Department of personnel (Administration OM No.42014/1/75-Estt(D) Dt.XIX dated the 27th March, 1976 and 29th June, 1978 according to which all retrenched temporary Central Government employees who were recruited through the employment exchange or through other recruiting agencies and have put in at ~~nk~~ least 3 years regular continuous service before retrenchment are eligible for redeployment, in the same organisation or elsewhere.

The question of extending this facility to similar retrenched temporary Central Govt. employees who have put in less than 3 years of regular continuous service was examined after consultation with the staff side. It has been decided that the existing schemes contained in MPEAR OM dated 27.3.76 and 29.6.78 ibid would be extended to cover all temporary employees recruited

Contd..../-

regularly through the prescribed channels of recruitment such as Staff Selection Commission, Employment Exchange etc., including those who have not completed 3 years of regular continuous service at the time of retrenchment. The modified scheme would have retrospective effect from 1st January, 1992.

3. All the Ministries/Departments are requested to bring the above scheme to the notice of all concerned including those in the attached andsubordinate offices for guidance and necessary action.

Sd/-
(Y.G.PARANDE)
DIRECTOR.

To

All Ministries/Departments of the Govt. of India.

Attested
AK Chandra
Addl. Central Govt. Standing Counsel

O.A. No. 299/96 Telecom Employees Union Lingh & Ors. Com

No. 269-4/93 STN- II
GOVERNMENT OF INDIA
DEPARTMENT OF TELECOMMUNICATIONS
STN Section

ANNEXURE - 8.

ANNEXURE- R4

Dated New Delhi, 17Dec. 1998

To,

All Heads of Telecom. Circles/Metro Telecom.Distt.
All Heads of other Administrative Offices,
All Heads of Mtce. Regions/Project Circles.

Subject :- Casual Labourers (Grant of Temporary Status and Regularisation) Scheme,-1989 engaged in Circles after 30.3.85 and upto 22.06.88.

Sir,

I am directed to refer to this office order No. 269-4/93-STN dated 25th June, 1993, where in orders were issued to extend the temporary status to all these Casual Mazdoors who were engaged by the Project Circles/Electrification Circles, during the person 31.3.85 to 22.5.88 and who were still continuing for much works where they were initially engaged and who were not absent for the last more than 365 days counting from the date of issue of the above said orders.

2. The matter has further been examined in this office and it is decided that all those Casual mazdoors who were engaged by the Circles during the period from 31.3.85 to 22.6.88 and who are still continuing for such works in the Circles where they were initially engaged and who are not absent for the last more than 365 days counting from the date of issue of this order, be brought under the above said Scheme.

3. The engagement of Casual Mazdoors after 30.3.85, in violation of the instructions of the Head Quarter, has been viewd very seriously & it is decided that all past cases wherein recruitments has been made in violation of intructions of the Head Quarter dtd. 30.3.85 should also be analaysed and disciplinary action be initial defaulting Officers.

4. It has , also been decided that engagement of any ~~xxx~~ Casual Mazdoors after the issue of this order should be viewed very seriously and brought to the notice of the appropriate authority for taking prompt and suitable action. This should be the personal responsibility of the Heads of Circles, concerned Class II Officers and amount paid to such Casual Mazdoors towards wages should be recovered from the person who has recruited/engaged Casual Labour in violation of these instructions.

Attested.
Advocate.
Addl. Central Administrative Tribunal Principal Bench

.....2/

ANNEXURE - 3 (Contd.)

5. It is further stated that the services of all the Casual Mazdoors who have rendered at least 240 days (206 days in the case of Administrative Offices observing 5 days a week) of service in a year on the date of issue of these orders, should be terminated after following the conditions as laid down in I.D. Act. 1947 under Section 25.F. G & H.

6. These orders are issued with the concurrence of Member (Finance) vide U.O. No. 3811/93-FA-I dx dated 1.12.93.

Hindi version follows.

Yours Faithfully,

(S.K. DHAWAN)
ASSISTANT DIRECTOR GENERAL(STN)

Copy to :

1. All the staff members of Department JCM
2. All Recognised Unions/Associations
3. Budget/TE-I/TE-II/sna/CVC/PAT/NCS/SR sections of the Telecom Communication.
4. SPB-I Section, Department of Posts, New Delhi .

No RECTT-3/10/)art-II Dated at Guwahati, 4.1.94.
Copy forwarded for information, guidance and necessary action to :-

1-2. The AMTs Guwahati/Dibrugarh .
3. The TEM, Guwahati.
9. The TDEs BGN/DR/SC/TZ/JRT/NGG
10-14 The STTs BGN/DR/SC/TZ/JRT
15. The C.S.C.T.O. Guwahati .
16. The A.E. I/C CTSD, Guwahati .
17. The Principal CTTC, Guwahati.
18. The REM, Guwahati.
19. The A.D. (Staff) C.O. Guwahati .
20-21. The Concerned Circle Secretaries of service Unions.

(K.S.K. Prasad Sarma)
Asstt. Director Telecom(E&R)
O/O CGMT, Ulubari.
Guwahati - 781 007 .

Attested.
Advocate.
Addl. Central Govt. Standing Counsel