

30/100

**CENTRAL ADMINISTRATIVE TRIBUNAL**  
**GUWAHATI BENCH**  
**GUWAHATI-05**

(DESTRUCTION OF RECORD RULES, 1990)

**INDEX**

✓ O.A/T.A No. 220/2002  
✓ R.A/C.P No. 43/03  
E.P/M.A No.

1. Orders Sheet.....OA.....Pg. 1.....to 4  
CD 43/03 under Page 1 to 4
2. Judgment/Order dtd 3.04.2003.....Pg. 1.....to 3.....All allowed
3. Judgment & Order dtd.....Received from H.C/Supreme Court
4. O.A.....220/02.....Pg. 1.....to 49
5. E.P/M.P.....\.....Pg.....to
6. R.A/C.P. 43/03.....Pg. 1.....to 20
- ✓ 7. W.S.....Pg. 1.....to 8  
2nd W/S Page 1 to 8
8. Rejoinder.....Pg.....to
9. Reply from Govt. 20.3.....Pg. 1.....to 13  
Govt. Reply 20.3 Page 1 to 6
10. Any other Papers.....Pg.....to
11. Memo of Appearance.....
12. Additional Affidavit.....
13. Written Arguments.....
14. Amendment Reply by Respondents.....
15. Amendment Reply filed by the Applicant.....
16. Counter Reply.....

SECTION OFFICER (Judl.)

28/11/17

FORM No. 4  
(SEE RULE 42)

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH:

ORDER SHEET

Original Application No. 220/02

Misc Petition No. \_\_\_\_\_

Contempt Petition No. \_\_\_\_\_

Review Application No. \_\_\_\_\_

Applicants. Binay Das & Ors

-Vs-

Respondant(s) H. O. I. Toms

Advocate for the Applicant(s) S. Sarma, Min U. Das

Advocate for the Respondant(s) CGSC

Notes of the Registry	Date	Order of the Tribunal
765774.00 11.6.02 MB 12/7/02	15.7.02	Heard Mr. S. Sarma, learned counsel for the applicant.  The application is admitted. Call for the records.  List on 16.8.2002 for orders.
Steps along with taken.	mb 16.8.02	IC Ushay Member  List again on 13.9.2002 to enable the Respondents to file written statement.
Notice prepared and sent to D. Section for issuing of the Respondents through Regd. Post with A/D. vide - D. No - 1981 to 1986 dt - 19.7.02.	mb	IC Ushay Member  Vice-Chairman
18.7.02		

✓  
No. wks has been biled.

By

12.9.02

No. written statement has  
been biled.

By

10.10.02

13.9.02

Prayer has been made by Mr.  
A. Deb Roy, learned Sr. C.G.S.C. for  
the Respondents for granting some more  
time to file written statement. Prayer  
is accepted.

List again on 11.10.2002  
for orders.

  
Vice-Chairman

mb

11.10.2002

Pleadings are complete. The case  
may now be listed for hearing. The  
applicant may file rejoinder, within  
two weeks from today.

List on 27.11.2002. for hearing.

  
Member

  
Vice-Chairman

bb

17.10.02

W/s submitted  
by the respondents.

27/10. Adjourned to 12/12/2002.

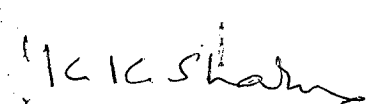
12.12. There is a reverence.

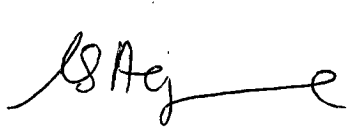
The case is adjourned to 7/1/2003.

7.1.2003 Present: Hon'ble Mr Justice V.S. Aggarwal,  
Chairman

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

At the request of Mr A.K.  
Chaudhury, learned Addl. C.G.S.C. on  
behalf of Mr A. Deb Roy, learned Sr.  
C.G.S.C., the case is adjourned. List it  
for hearing on 31.1.2003.

  
Member

  
Chairman

31.1.2003

The matter was heard for a considerable period. In course of the proceeding it appears that conflicting and contradictory statements are made in course of the proceeding in the written statement by the respondents. Mr S. Sarma, learned counsel for the applicant, submitted that this is a fit case for initiating contempt proceedings. At this stage, for resolving the issue, we order the respondent No.6 to appear before this Tribunal alongwith the connected records after three weeks and thereafter further orders shall be passed.

List it on 24.2.2003.

Order dtd. 31/1/03  
Communicated to the  
Respondent No.6. vide  
BINo 196. dtd. 5/2/03.  
for  
3/2/03

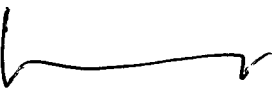
24.2.03

MS Submitted  
by the Respondent No.6.



  
Member

nkm

  
Vice-Chairman

24.2.2003

Mr. S.Sarma, learned counsel for the applicant stated that he has received written statement filed by the respondent No.6 in court today and he requires some more time to go through the same. Also, heard Mr. A.Deb Roy, learned Sr. C.G.S.C. for the respondents. Prayer is allowed. List the matter on 7.4.2003 for hearing.

  
Vice-Chairman

mb

7.4.2003

Pass over on the prayer of Mr. A. Deb Roy, learned Sr. C.G.S.C. for the respondents. List on 8.4.2003 for hearing.

  
Vice-Chairman

mb

8.4.2003

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

17. 4. 2003  
Copy of the Judgment  
has been sent to the  
Office for issuing  
the same to the applicant  
as well as to the D.  
C.G.S.C. for the Respondent.

KL

bb

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

6

O.A. / ~~XXXX~~ No.220/2002 . ~~xxx~~

DATE OF DECISION 8.4.2003

... Binay Das & Another ... APPLICANT(S).

... Mr.S.Sarma & Ms.U.Das. ... ADVOCATE FOR THE  
APPLICANT(S).

- VERSUS -

... Union of India & Others. ... RESPONDENT(S).

... Mr.A.Deb Roy, Sr.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 ? *yes*
2. To be referred to the Reporter or not ? *h*
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 ? *No.*

Judgment delivered by Ho'ble Vice-Chairman.

RECORDED AND  
INDEXED

7

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No.220/2002

Date of Order : This the 8th Day of April, 2003.

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

1. Binay Das  
S/o Late Gobinda Das  
Resident of Hengrabari  
C.P.H.E. Office  
Guwahati - 6.
2. Madhu Singh Hira  
S/o Late Motiram Hira  
Resident of Vill. & P.O:- Kaki No.1  
District:- Nagaon, Assam. . . . . Applicant.

By Advocates Mr.S.Sarma & Ms.U.Das.

- Versus -

1. Union of India  
Represented by the Secretary to the  
Government of India, Ministry of Communication  
Sanchar Bhawan, New Delhi -1.
2. The Chairman cum Managing Director  
BSNL, New Delhi.
3. The Chief General Manager  
Assam Telecom Circle  
Guwahati - 7.
4. The Chief General Manager, Task Force  
Guwahati - 1.
5. The Sub-Divisional Officer ( Telecom)  
Hojai Telephone Exchange  
Nagaon.
6. Sri G.C.Sarma  
Assistant Director Telecom (Legal)  
Office of CGMT, Assam Circle  
Guwahati. . . . . Respondents.

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

**ORDER**

**CHOWDHURY J.(V.C.):**

The issue relates to conferment of temporary status. The two applicants earlier moved this Bench for appropriate directions for conferring them temporary status. By judgment and order in O.A.170/2000 dated 2.1.2001 the two applicants were directed to file representation individually with a

similar direction to the respondents to scrutinize and examine each case in consultation with the records and to pass appropriate order thereafter. The respondents passed orders declining to confer temporary status. Hence this application.

2. The respondents submitted two sets of written statements one on behalf of the respondents dated 10.10.2002 and subsequently in view of the order of the Tribunal dated 31.1.2003, another <sup>written</sup> statement was submitted by the Assistant Director on 24.2.2003. In the written statement, the respondents admitted that the Committee found that the applicant No.1 worked in Task Force in the year 1994 and he worked for 250 days, but according to them, he was not eligible for conferring temporary status on the ground that he was not present on 1.8.1998. The respondents also in the written statement stated that the applicant No.2 never worked in the organisation. In view of the discrepancies in the written statement which went contrary to the written statement filed earlier by the respondents in O.A.170/2000 an opportunity was given to the respondents to explain vide order dated 31.1.2003 and pursuant to the said order the Assistant Director submitted his written statement and asserted that the written statement was filed on the basis of the instruction that he received. On perusal of the written statement and records it appears that in Annexure-R1 (page-6) of the written statement filed by the Assistant Director, it was indicated that the applicant No.2 completed 139 days in the year 1994 and 194 days in 1995 whereas in the communication dated 13.8.2001 sent by Divisional Engineer (P&A) which is annexed as Annexure-R3, the Committee found that the applicant No.2 worked for 196 days in 1994 and 219 days in the year 1995. The obvious discrepancies of the records makes it difficult to put complete credence on the records of the respondents. The reasons shown by the respondents in not granting temporary status to the applicant <sup>No.1</sup> though he completed 240 days of work



is difficult to accept. Similarly, the plea of the respondents that applicant No.2 did not at all work in their organisation or that he did not work 240 days under them and therefore the disentitlement to temporary status to applicant No.2 is also not acceptable.

For the reasons stated above, the action of the respondents refusing to grant temporary status to these applicants cannot be said to be sustainable and accordingly the same are set aside and the respondents are directed to consider the case of the applicants for conferment of temporary status on the basis of materials on record in the light of the observations made above and pass appropriate order as expeditiously as possible within<sup>a</sup> period of two months from the date of receipt of the order.

The application is allowed to the extent indicated above. There shall, however, be no order as to costs.

  
( D.N.CHOWDHURY )  
VICE CHAIRMAN

12<sup>th</sup> Jan

THE CENTRAL ADMINISTRATIVE TRIBUNAL::GUWAHATI BENCH  
GUWAHATI

O.A. No. 220 of 2002

Shri Binay Das & Anr.

... Applicants

- Versus -

Union of India & Ors.

... Respondents

I N D E X

<u>Sl. No.</u>	<u>Particulars of the documents</u>	<u>Page No.</u>
1.	Writ Application ...	1 to 12
2.	Verification ...	13
3.	Annexure- 1 ...	14, 15
4.	Annexure- 2 ...	16 - 20
5.	Annexure- 3 ...	21
6.	Annexure- 4 ...	22 - 24
7.	Annexure- 5 ...	25 - 32
8.	Annexure- 6 ...	33 - 36
9.	Annexure- 7 ...	37 - 40
10.	Annexure- 8 ...	41 - 42
11.	Annexure- 9 ...	43 - 43-A
12.	Annexure- 10 colly ...	44 - 49

Filed by :

Advocate

*Alsha Da*

THE CENTRAL ADMINISTRATIVE TRIBUNAL::GUWAHATI BENCH  
GUWAHATI II

O.A. No. 220 of 2002

BETWEEN

1. Binay Das, son of Late Gobinda Das,  
resident of Hengerabari, C.P.H.E. Office, Guwahati-6.
2. Madhu Singh Hira  
son of Late Motiram Hira, resident of Vill. & P.O. Kaki  
No. 1 District-Nagaon, Assam.

...Applicants

- AND -

1. Union of India, represented by the Secretary to the  
Government of India, Ministry of Communication, Sansar  
Bhawan, New Delhi-1
2. The Chariman cum Managing Director, BSNL, New  
Delhi.
3. The Chief General Manager, Assam, Telecom Circle,  
Guwahati-7.
4. The Chief General Manager, Task Force, Guwahati-1.
5. The Sub-Divisional officer, (Telecom), Hojai  
Telephone Exchange, Nagaon.
6. Sri B.C. Sarma, Assistant Director Telecom (Legal)  
Office of CGMT, Assam Circle, Guwahati.

...Respondents

DETAILS OF APPLICATION

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

This application is directed against the  
action of the Respondents in rejecting the claim of the  
Applicants for grant of temporary status by issuing

*Sri Binay Das.*

Filed by  
the applicant  
Binay Das.  
Advocate  
9/7/02

various orders which have been discussed in detail under the head facts of the case.

2. LIMITATION:

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

3. JURISDICTION:

The applicants further declare that the subject matter of the case is within the jurisdiction of the Administrative Tribunal.

4. FACTS OF THE CASE:

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

4.2. That both the applicants claiming temporary status under the scheme of 1989 approached this Hon'ble Tribunal by way of filing OA No.170/88 which was disposed of vide judgement and order dated 2.1.2001 directives the respondents to scrutinise the matter in consultation with relevant records and to pass a speaking order. The aforesaid judgement was duly communicated by the applicants, but nothing came out positive even after repeated persuasion of the matter. Situated thus, the applicants have approached this Hon'ble Tribunal once again seeking appropriate relief. The grievances raised by the applicants in this application are similar and hence pray before

Sri Binay Das.

13

this Hon'ble Tribunal to allow them to join together in a single application invoking Rule 4(5) (a) of the Central Administrative Tribunal (Procedure) Rules, 1987.

4.3 That the Applicant No. 1 initially got his appointment as a casual worker in the month of Jan'1993, in the office of the Sub-Divisional Officer, Microwave Project Demoruguri, District-Nagaon and he was placed under the directed control of one Shri Suresh Bora, JTO. Thereafter he was transferred to Micro Wave Station, at Lanka and he continued there upto December 1994. The Applicant was again transferred to Assam Circle and was posted in the Office of the ADOT, Hojai, telephone Exchange, under the direct control of one Sri Kamakhya Ranjan Dey, JTO. During his service tenure as casual worker he used to draw his salary under departmental Pay Bill, like ACG-17 etc.

Similarly Applicant No. 2 got his initial appointment as casual worker in the year 1981 under the SDOT, Nagaland, in the Construction Wing. In the year, 1991 he was transferred to Hojai Sub-division under Respondent No. 3. The Applicant No. 2 also used to receive his pay under the departmental Pay Bills like ACG - 17 etc.

4.4 That the Applicants state that pursuant to a judgment passed the Hon'ble Apex Court, Respondents prepared a scheme and by letter dated 7.11.89, the said scheme was circulated. The scheme indicates benefits like grant of temporary status, subsequent,

Sri Binay Das.

regularisation, minimum wages increments, counting of service benefits, bonus etc. payable to casual worker who fulfill the eligibility criteria of the said scheme.

Copies of the judgment of the Apex Court as well as the scheme are annexed herewith and marked as Annexure-1 and 2 respectively.

4.5 That after issuance of the Annexure-2 scheme Respondents issued clarifications from time to time of which mention may be made of order dated 1.9.99 by which the benefits of the scheme have been extended to the recruitees upto 1.8.98.

A copy of the said order dated 1.9.99 is annexed as Annexure-3.

4.6 That the Applicants state that they fulfill all the required qualification mentioned in the said scheme of 1989 and subsequent clarifications issued time to time, and as such Respondents are duty bound to extend the said benefits to them. It is stated that after the issuance of the scheme in the year 1989, the Respondents however, never implemented the same and due to such inaction, casual workers started filing original applications in various Benches of this Hon'ble Tribunal. Similarly, some of the similarly situated employees preferred OA No. 299 and 302 of 1996 before this Hon'ble Tribunal and by a judgment and order dated 13.8.97 said OAs were allowed directing the Respondents extend the benefit of the said scheme to the Applicants

Sri Binay Das.

thereto.

A copy of the judgment and order dated 13.8.97 is annexed as Annexure-4.

4.7 That evenafter the Annexure-4 judgment he Respondents ignored many more cases and same led to filing of number of OAs before this Hon'ble Tribunal seeking appropriate relief. The Hon'ble Tribunal after hearing the parties to the proceeding was pleased to dispose of the OAs by a common judgment dated 31.8.99 directing the Respondents to scrutinise the case of the casual workers and to pass orders granting them temporary status.

A copy of the said judgment and order dated 31.8.99 is annexed as Annexure-5.

4.8 That the Applicant claiming a similar benefit preferred representation before the concerned authorities, but same has not been entertained on the count that he was not a party to those proceedings. Situated thus, Applicants having no other alternative came before this Hon'ble Tribunal by wa of filing OA No. 170/2000. On the said OA, Respondents submitted their reply stating that they have not completed the required length of service as per the scheme of 1989. The Applicants controverted the statement filing rejoined and highlighted the fact that both of them have completed required length of service as per the scheme.

A copy of the show cause reply filed by the

Sri Binay Das.

Respondents are annexed as Annexure-6.

4.9 That the Hon'ble Tribunal after hearing the parties to the proceeding was pleased to dispose of the said OA directing the respondents to consider the matter.

A copy of the judgment and order dated 2.1.2001 is annexed as Annexure-7.

4.10 That after the judgment and order dated 2.1.2001, the Applicants preferred individual representations to the Chief General manager, Assam Telecom Circle praying for grant of temporary status under the scheme. In the said representations they incorporated all the relevant records pertaining to their service with a prayer to grant temporary status under the scheme.

A copy of one such representations is annexed as Annexure-8.

4.11 That the Applicants state that each of them have completed 240 days of continuous service and as such they are entitled to get the benefits of the scheme as have been granted with other similarly situated employees. The Respondents started verification of records of both the Applicants and from the internal communications made between the Respondents it is seen that Applicant No, 1 has completed 270 days of continuous work in the year 1994. In respect of Applicant No. 2 the Respondents have issued a communication dated 13.8.2001 rejecting his claim. However, in respect of Applicant No. 1 no such order

Sri Binay Das.



has been issued till date.

A copy of the said order dated 13.8.2001 is annexed as Annexure-9.

4.12 That the aforementioned order dated 13.8.2001 issued in respect of Applicant No. 2 indicates the fact that the verification has been made not by the committee as required and it reveals that the Respondents have deliberately rejected his case not showing 240 days in a particular year. In case of other similarly situated employees verification has been made by a committee consists of 3 members including SDO. However, case of the Applicant No. 2 only the Divisional Engineer verified the records which is not sustainable. That apart from used by the Department has not been filled up properly to show the service break out.

4.13 That the Applicants beg to state that in respect of Applicant No. 1 No. 1 order has been issued which reveals from the order dated 24.12.2001 issued by the Assistant General manager, Administration. The aforementioned communications are followed by other orders are followed by other orders which are indicative of the fact that the Applicant No. 1 has completed 240 days of continuous service in a particular year.

Some of the communications as mentioned above are annexed as Annexure-10 colly

4.14 That the Applicants beg to state that the

Sri Binay Das.

18

Respondents have acted with some ulterior motive and fact can be revealed from the show cause reply submitted by the Respondents with the verification by the Respondent No. 4. In the said show cause reply the service break out shown by the Respondent No. 4 does not tally with the Annexure-10 copy. The casual approach of the Respondent No. 4 in replying the court matters indicates total non-application of mind, and he is liable under Contempt of Court Act for furnishing false and fabricated evidence and for which said Respondent No. 4 is liable to be punished severely invoking the inherent power of this Hon'ble Tribunal.

4.15 That the Applicants beg to state that the action/inaction on the part of the Respondents as indicated above clearly show the fact that the matter in respect of grant of temporary status and regularisation has not been taken due care and the Respondents to save their skin deployed all the possible means in rejecting the prayers of the Applicants. The Annexure-10 copy communications clearly indicate the fact that the Applicant No. 1 has completed 240 days of continuous service in a particular year and as such there can not be any justification in not granting him the benefit of the said scheme. Apart from that the callousness shown by the Respondents more particularly by the Respondent No. 4, left no room for doubt that the rejection/deemed rejection has got certain ulterior motive and malafide intentions of the Respondents. It is therefore, the Applicants pray before this Hon'ble Tribunal for

Sri Binay Datta.

drawing up of Contempt of Court proceeding against the Respondent No. 4 for swearing false verification, and appropriate punishment need be imposed on him considering the facts and circumstances of the case. In fact a number of cases, Respondent No. 4 have made false statement before this Hon'ble Tribunal and virtually have misled the court. Had the Respondents disclosed the fact in their written statement of OA No. 170/2000, the Hon'ble Tribunal ought not to have disposed of the matter in the manner by passing the judgment dated 2.1.2001. On this score alone the aforementioned action and the impugned orders are liable to be set aside and quashed.

4.16 That the Applicants beg to state that in the name of verification the Respondents are doing great injustice to the Applicants and in the name of non-availability of records their legitimate claim for grant of temporary status has been rejected arbitrarily. The persons similarly situated like that of the Applicants have been granted with the benefits of the scheme, whereas the present Applicants who are in employment since long continuously are being denied of same no other alternative the Applicants have come before this Hon'ble Tribunal seeking an appropriate relief.

5. GROUND FOR RELIEF WITH LEGAL PROVISIONS :

5.1 For that the respondents have acted illegally and arbitrarily in not granting temporary status to the

*Sri Binay Das,*

present Applicants under the scheme of 1989 and as such appropriate direction need be issued to the Respondents for granting temporary status to the present Applicants.

5.2 For that the Applicants having fulfilled all the required qualification for grant of temporary status under the scheme of 1989, the Respondents are duty bound to extend the benefit of the scheme to the present Applicants without requiring them to approach this Hon'ble Tribunal again and again.

5.3 For that the similarly situated employees working under the Respondents have been enjoying the benefits of the scheme and thus there is no earthly reason as to why similar benefits have not been extended to the present Applicants. Therefore, appropriate direction need be issued to the present Respondents directing them to extend all the benefits of the scheme to the present Applicants.

5.4 For that the Respondents have acted illegally in issuing the impugned order rejecting the claim of the Applicants without taking into consideration the documents and payment particulars and as such the impugned order are not sustainable in the eye of law and liable to be set aside and quashed.

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

Sri Binay Das,

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

6. DETAILS OF REMEDIES EXHAUSTED :

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

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

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

8. RELIEFS SOUGHT FOR :

Under the facts and circumstances stated above, the Applicant prays that this application be admitted, records be called for and notice be issued to the Respondents to show cause as to why the reliefs sought for in this application should not be granted and upon hearing the parties and on perusal of the records, be pleased to grant the following reliefs :

8.1 To direct the Respondents to extend the benefits of the scheme as has been granted to the similarly situated employees like that of the present Applicants with all consequential service benefits.

Sri Binay Das.

8.2 To pass appropriate order punishing the Respondents including the Respondent No. 4 holding them liable for committing contempt for misleading the court and/or pass any such order/orders as may be deemed fit and proper considering the facts and circumstances of the case.

8.3 Cost of the application.

8.4 Any other relief/reliefs to which the Applicant is entitled to.

9. INTERIM ORDER PRAYED FOR :

During pendency of this application the Applicants pray before the Hon'ble Tribunal for a direction to the Respondents to allow them to continue in their earlier engagement as Casual Mazdoor.

10. ....:

The application is filed through Advocate.

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

- i) I.P.O. No. : 7 G 577400
- ii) Date : 11/6/02
- iii) Payable at : Guwahati.

12. LIST OF ENCLOSURES :

As stated in the Index.

Verification...

Sri Binay Das.

VERIFICATION

I, Shri Binay Das, aged about 31 years, son of Late Gobinda Das, resident of Hengerabari, C.P.H.E. Office, Guwahati-6, do hereby solemnly affirm and verify that the statements made in paragraphs 1, 2, 3, 4, 11, 4, 12, 4, 14 - 4, 16 & 5 to 12 are true to my knowledge ; those made in paragraphs 4, 8 - 4, 11, 4, 13 are true to my information derived from records and the rests are my humble submissions before the Hon'ble Tribunal.

And I sign this verification on this the 9th th day of June, 2002.

*Shri Binay Das.*

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 1280 of 1989.

Ram Gopal & ors. .... Petitioners.

-versus-

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

With

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

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

-versus-

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

ORDER

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

Sd/-

( Ranganath Mishra ) J.

( Kuldeep Singh ) J.

New Delhi

April 17, 1990.

Attested  
D. S. S.  
Adm.

ANNEXURE-2

CIRCULAR NO. 1  
GOVERNMENT OF INDIA  
DEPARTMENT OF TELECOMMUNICATIONS

STN SECTION

No. 269-10/89-STN

New Delhi 7.11.89

To

The Chief General Managers, Telecom Circles  
M.T.H.I New Delhi/Bombay, Metro Dist. Madras/  
Calcutta.  
Heads of all other Administrative Units.

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

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

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

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

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

Attended  
Adv.

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

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

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

sd/=

ASSISTANT DIRECTOR GENERAL (STN).

Copy to.

P.S. to MDS (C).

P.S. to Chairman Commission.

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

All recognised Unions/Associations/Federations.

sd/=

ASSISTANT DIRECTOR GENERAL (STN).

*Attended  
Adm.  
Adv.*

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. Outside recruitment for filling up the vacancies in Gr. D will be permitted only under the condition when eligible casual labourers are NOT available.

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

Temporary Status:

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

Attested  
upon  
Adv.

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.

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

Attested  
as per  
delv.

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.

@ @ @

Attested  
H.S. An.  
Adv.

ANNEXURE.3.

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 District,  
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 effect 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/Federations/Associations.

(HARDAS SINGH)  
ASSISTANT DIRECTOR GENERAL (STN)

Attested  
used  
H.S.

ANNEXURE-4.

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

Original Application No.299 of 1996.

and

382 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.382 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.D.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 prayed for a direction to the respondents to give them certain

*Attested  
u/s  
Adm.*



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 labourers working in the telecom Department. They are also similarly situated with their counter parts in the Postal Department. They are working as casual labourers. However the benefits which had been extended to the casual labourers working in the Postal Department under the Ministry of Communications have not been given to the casual labourers of the applicants Unions. The applicants state that pursuant to the judgment of the Apex Court in daily rated casual labourers employed under Postal Department vs. Union of India & Ors. reported in (1988) in sec.122 the Apex Court directed the department to prepare a scheme for absorption of the casual labourers who were continuously working in the department for more than one year for giving certain benefits. Accordingly a scheme was prepared by the Department of Posts granting benefit to the casual labourers who had rendered 240 days of service in a year. Thereafter many writ petitions had been filed by the casual labourers, working under the department of Telecommunication before the Apex Court praying for directing to give similar benefits to them as was extended to the casual labourers of Department of Posts. Those cases were disposed of in similar terms as in the judgment of Daily Rated Casual Labourers(Supra). The Apex Court, after considering the entire matter directed the Department to give the similar benefit to the casual labourers working under the Telecom Department in similar manner. Pursuant to the said judgment the Ministry of Communication prepared a scheme known as "Casual Labourers (Grant of Temporary Status and regularisation)Scheme" on 7.11.89. Under the said scheme certain benefit had been granted to the casual labourers such as conferment of temporary Status, Wages and Daily Rates with reference to the minimum of the pay scale etc. Thereafter, by a letter dated 17.3.93 certain clarification 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

Accepted  
upon  
Adv.

they should also be given same benefit. In this connection the casual employees submitted a representation dated 29.12.1995 before the Chairman, Telecom Commission, New Delhi but to the knowledge of the applicant the said representation has not been disposed of. Hence the present application.

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

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

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

Sd/- Vice Chairman.

Attested  
Wom  
Ach

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

Original Application No.107 of 1998 and others.  
Date of decision : This the 31 st day of August 1999.

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

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

1. D.A. No.107/1998

Shri Subal Nath and 27 others. .... Applicants.  
By Advocate Mr. J.L. Sarkar and Mr. M.Chanda

- versus -

The Union of India and others. .... Respondents.  
By Advocate Mr. B.C. Pathak, Addl. C.G.S.C.

.....

2. D.A. No.112/1998

All India Telecom Employees Union,  
Line Staff and Group- D and another..... Applicants.  
By Advocates Mr.B.K. Sharma and Mr.S.Sarma.

- versus -

Union of India and others. .... Respondents.  
By Advocate Mr.Mr.A.Deb Roy, Sr. C.G.S.C.

.....

3. D.A.No. 114/1998

All India Telecom Employees Union  
Line Staff and Group-D and another. .... Applicants.  
By Advocates Mr. B.K. Sharma and Mr. S.Sarma.

- versus -

The Union of India and others. .... Respondents.  
By Advocate Mr. A.Deb Roy, Sr. C.G.S.C.

.....

4. D.A.No.118/1998

Shri Bhuban Kalita and 4 others. .... Applicants.  
By Advocates Mr. J.L. Sarkar, Mr.M.Chanda  
and Ms.N.D. Goswami.

- versus -

The Union of India and others. .... Respondents.  
By Advocate Mr.A.Deb Roy, Sr. C.G.S.C.

.....

5. D.A.No.120/1998

Shri Kamala Kanta Das and 6 others. .... Applicant.  
By Advocates Mr. J.L. Sarkar, Mr.M.Chanda

Attested  
by  
Adv.

and Ms. N.D. Goswami.

- versus -

The Union of India and Others . . . . Respondents.

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

\*\*\*\*\*

6. O.A.No.131/1998

All India Telecom Employees Union and  
another.....Applicants.

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

- versus -

The Union of India and others. . . . Respondents.

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

\*\*\*\*\*

7. O.A.No.135/98

All India Telecom Employees Union  
Line Staff and Group-D and 6 others. . . . . Applicants.

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

- versus -

The Union of India and others . . . Respondents.,

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

\*\*\*\*\*

8. O.A.No.136/1998

All India Telecom Employees Union,  
Line Staff and Group-D and 6 others. . . . . Applicants.

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

- versus -

The Union of India and others. . . . . Respondents.

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

\*\*\*\*\*

9. O.A.No.141/1998

All India Telecom Employees Union,  
Line Staff and Group-D and another . . . . . Applicants.

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

- versus -

The Union of India and others . . . . . Respondents.

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

\*\*\*\*\*

10. O.A. No.142/1998

All India Telecom Employees Union,  
Civil Wing Branch. . . . . Applicants.

By Advocate Mr.B.Malakkar

- versus -

The Union of India and others. . . . . Respondents.

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

\*\*\*\*\*

11. O.A. No.145/1998

Shri Dhani Ram Deka and 10 others. . . . . Applicants

By Advocate Mr.I.Hussain.

- versus -

The Union of India and others. . . . . Respondents.

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

\*\*\*\*\*

Attested  
H.S. Mr.  
Adv.

12. O.A.No. 172/1998  
All India Telecom Employees Union,  
Line Staff and Group-D and another ..... Applicants  
By Advocates Mr.B.K. Sharma, Mr.S.Sarma  
and Mr.U.K.Nair.  
-versus-  
The Union of India and others..... Respondents  
By Advocate Mr.A.Deb Roy, Sr.C.G.S.C.  
.....
13. O.A.No.223/1998  
All India Telecom Employees Union,  
Line Staff and Group-D and another ..... Applicants  
By advocates Mr. B.K.Sharma and Mr.S.Sarma.  
- versus -  
The Union of India and others .. Respondents.  
By Advocate Mr.A.Deb Roy, Sr.C.G.S.C.  
.....
14. O.A.No.269/1998  
All India Telecom Employees Union,  
Line Staff and Group-D and another ..... Applicants  
By advocates Mr. B.K.Sharma and Mr.S.Sarma,  
Mr.U.K.nair and Mr.D.K.Sharma  
- versus -  
The Union of India and others .. Respondents.  
By Advocate Mr.B.C.Pathak, Addl. Sr.C.G.S.C.
15. O.A.No.293/1998  
All India Telecom Employees Union,  
Line Staff and Group-D and another ..... Applicants  
By advocates Mr. B.K.Sharma and Mr.S.Sarma,  
and Mr.D.K.Sharma.  
- versus -  
The Union of India and others .. Respondents.  
By Advocate Mr.B.C.Pathak, Addl. Sr.C.G.S.C.

ORDER

BARUAH, J. (V.C.)

All the above applicants involve common question of law and similar facts. Therefore, we propose to dispose of all the above applications by a common order.

2. The All India Telecom Employees Union is a recognised union of the Telecommunication Department. This union takes up the cause of the members of the said union. Some of the applicants were submitted by the said union, namely the Line Staff and Group-D employees and some other application were filed by the

Attested  
u/s  
Adv.

casual employees individually. Those applications were filed as the casual employees engaged in the Telecommunication Department came to know that the services of the casual Mazdoors under the respondents were likely to be terminated with effect from 1.6.1998. The applicants in these applications, pray that the respondents be directed not to implement the decision of terminating the services of the casual Mazdoors, but to grant them similar benefits as had been granted to the employees under the Department of Posts and to extend the benefits of the scheme, namely casual Labourers (Grant of Temporary Status and Regularisation) Scheme of 7.11.1998, to the casual Mazdoors concerned O.A.s. however, in O.A. No.269/1998 there is no prayer against the order of termination. In O.A. No.141/1998, the prayer is against the cancellation of the temporary status earlier granted to the applicants having considered their length of services and they being fully covered by the scheme. According to the applicants of this O.A., the cancellation was made without giving any notice to them in complete violation of the principles of natural justice and the rules holding the field.

3. The applicants state that the casual Mazdoors have been continuing their service in different office in the Department of Telecommunication under Assam Circle and N.E. Circle. The Govt. of India, Ministry of Communication made a scheme known as Casual Labourers (Grant of Temporary Status and Regularisation) Scheme. This scheme was communicated by letter No.269-10/89-STN dated 7/11/89 and it came in to operation with effect from 1989. Certain casual employees had been given the benefits under the said scheme, such as conferment of temporary status, wages and daily wages with reference to the minimum pay scale of regular Group-D employees including D.A. and HRA. Later on, by letter dated 17.12.1993 the Government of India clarified

Attested  
Wason  
Ash

that the benefits of the scheme should be confined to the casual employees who were engaged during the period from 31.3.1985 to 22.6.1988. However, in the Department of Posts, those casual labourers who were engaged as on 29.11.89 were granted the benefits of temporary status on satisfying the eligibility criteria. The benefits were further extended to the casual labourers of the Department of Posts as on 10.9.93 pursuant to the judgement of the Ernakulam Bench of the Tribunal passed on 13.3.1995 in O.A. No.750/1994. The present applicants claim that the benefits extended to the casual employees working under the Department of Posts are liable to be extended to the casual employees working in the Telecom Department in view of the fact that they are similarly situated. As nothing was done in their favour by the authority they approached this Tribunal by filing O.A. No.s 302 and 229 of 1996. This Tribunal by order dated 13.8.1997 directed the respondents to give similar benefits to the applicants in those two applications as was given to the casual labourers working in the Department of Posts. It may be mentioned here that some of the casual employees in the present O.A.s were applicants in O.A.Nos.302 and 229 of 1996. The applicants state that instead of complying with the direction given by this Tribunal, their services were terminated with effect from 1.6.1998 by oral order. According to the applicants such order was illegal and contrary to the rules. Situated thus the applicants have approached this Tribunal by filing the present O.As.

4. At the time of admission of the applications, this Tribunal passed interim orders. On the strength of the interim orders passed by this Tribunal some of the applicants are still working. However, there has been complaint from the applicants of some of the O.A.s that in spite of the interim orders those were

Attested  
as per  
Adm.

not given effect to and the authority remained silent.

5. The contention of the respondents in all the above O.As is that the Association had no authority to represent the so called casual employees as the casual employees are not members of the union Line Staff and Group-D. The casual employees not being regular Government servant are not eligible to become members or office bearers to the staff union. Further, the respondents have stated that the names of the casual employees furnished in the applications are not verifiable, because of the lack of particulars. The records, according to the respondents, reveal that some of the casual employees were never engaged by the Department. In fact, enquiries in to their engagement as casual employees are in progress. The respondents justify the action to dispense with the services of the casual employees on the ground that they were engaged purely on temporary basis for special requirement of specific work. The respondents further state that the casual employees were to be disengaged when there was no further need for continuation of their services. Besides, the respondents also state that the present applicants in the O.As were engaged by persons having no authority and without following the formal procedure for appointment/engagement. According to the respondents such casual employees are not entitled to re-engagement or regularisation and they can not get the benefit of the scheme of 1989 as this scheme was retrospective and not prospective. The scheme is applicable only to the casual employees who were engaged before the scheme came in to effect. The respondents further state that the casual employees of the Telecommunication Department are not similarly placed as those of the Department of Posts. The respondents also state that they have approached the Hon'ble Gauhati High Court

Attested  
as per  
Adv.



against the order of the Tribunal dated 13.8.1997 passed in O.A. No.302 and 229 of 1996. The applicants does not dispute the fact that against the order of the Tribunal dated 13.8.1997 passed in O.A. Nos.302 and 229 of 1996 the respondents have filed writ application, before the Hon'ble Gauhati High Court. However according to the applicants no interim order has been passed against the order of the Tribunal.

6. We have heard Mr.B.K.Sharma, Mr J.L.Sarkar, Mr.I. Hussain and Mr.B.Malakar, learned counsel appearing on behalf of the applicants and also Mr.A.Deb Roy, learned Sr.C.G.S.C. and Mr.B.C. Pathak, learned Sr.C.G.S.C. appearing on behalf of the respondents. The learned counsel for the applicants dispute the claim of the respondents that the scheme was retrospective and not prospective and they also submit that it was up to 1989 and then extended up to 1993 and thereafter by subsequent circulars. According to the learned counsel for the applicants the scheme is also applicable to the present applicants. The learned counsel for the applicants further submit that they have documents to show in that connection. The learned counser for the applicants also submits that the respondents can not put any cut off date for implementation of the scheme, inasmuch as the Apex Court has not given any such cut off date and had issued directin for conferment of temporary status and subsequent regularisation to those casual workers who have completed 240 days of service in a year.

7. On hearing the learned counsel for the parties we feel that the applications require further examination regarding the factual position. Due to the paucity of material it is not possible for this Tribunal to come to a definite conclusion. We,

Attested  
L.S.D.,  
Advocate

therefore , feel that theb matter should be re-examined by the respondents themselves taking in to consideration of the submissions of the learned counsel for the applicants.

8. In view of the above we dispose of these applications with direction to the respondents 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 scritinise 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.

9. No order as to costs.

SD/- VICE CHAIRMAN

SD/- MEMBER (A)

Attended:  
Reason.  
Adv.

7 set

- 33 -

ANNEXURE - 6

36  
43  
Filed by  
7/11/2000  
(S. DESAI)  
Sr. C. C. Sec.  
C. A. T., Guwahati

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
Central Admin.  
7 NOV 2000  
GUWAHATI BENCH  
GAWAHATI Bench. A. No. 17C OF 2000

Shri Binoy Das & others

- VS -

Union of India & others

IN THE MATTER OF

Show cause reply submitted by the Respondents.

The respondents beg to submit show cause reply as follows :

(a) That there is no scheme introduced in the department in 1999 for grant of temporary status to the casual labourers. However, as an one time exception, the TCHQ agreed to in principle, to confer Ty. Status to all casual labourers eligible and working in the department as on 1.8.98.

They were not in engagement as on 1.8.98 and hence they are not covered by the special relaxation.

(b) [That Shri Binoy Das (Application No. 1) and Shri Madhu Singh Hira (Applicant No. 2) were occasionally engaged by the field Units for performance of work which was purely casual and intermittent in nature for which creation of regular post is not justified.

The applicants were not appointed by any authority nor their services were utilised against any sanctioned vacancy. No selection procedure was also followed before engaging the applicants by oral order.

The applicants were engaged for the following duration : -

Shri Binoy Das

Shri Madhu Singh Hira.

Year 1993

111

Aug. 1993 - 30 days

Contd..... 2/P

Attested  
WDM  
Advocate.

1994

Shri Binoy Das

Shri Madhu Singh Hira

Year 1994 Nil

Jan. 30 days  
July 31 "  
Aug -26 "  
Nov.-21 "  
Dec- 31 "  
139 days.

Year 1995 Jan.-31 days  
Feb- 28 days  
March 25 days  
84 days

Jan.-31 days  
Feb- 28 "  
March 31 "  
July-23 "  
Aug.-31 "  
Sept-15 "  
Oct.-05 "  
Dec.-30 "  
194 days

Year 1996

Feb.-28 days  
March-07 days  
35 days

Jan.-25 days  
Feb.-20 days  
June-25 days  
July-08 days  
78 days

Year 1997 Nil  
Year 1998 Nil  
Year 1999 Nil  
Year 2000 Nil

Nil  
Nil  
Nil  
Nil.

From the above particulars, it is vividly clear that the <sup>applicants</sup> ~~applications~~ were not engaged for any departmental work on a continuous basis in any calender year. The applicants have not been engaged for any work after July, 1996.

Contd..... 3/P

**Attested**  
*[Signature]*  
**Advocate.**

(c) That the applicants have wrongly claimed that they are still in service with the respondent department. In fact they were never in departmental service. They were picked up from the market in random whenever additional labourers was needed for any local, project/ Mtce work on a day to day basis. In any case, they were not engaged after July, 1996.

The applicants have not been engaged for any departmental work in the last 4 years. During this long period the applicants did not make any appearance or pressed for their reengagement. Their claim for re-engagement and/or grant of Ty. status is barred by limitation. The relaxation granted by TCHQ in 1999 ~~does not cover the onetime relaxation~~ also does not help the applicants in any way.

Verification

Amended  
u/s  
Advocate.

Contd to P/A

# VERIFICATION

I, G.C. Sarma, Asstt. Director Telecom (Legal )  
of Guwahati being authorised do hereby solemnly declare  
that the statements made in this show cause reply is true  
to my knowledge , information and believe.

And I sign this verification on this 3rd day  
of November, 2000.

Ganesh Ch. Sarma.  
Declarant.

checked  
MSM

## CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No. 170 of 2000..

Date of Order : This the 2nd Day of January, 2001.

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

1. Shri Binay Das and
2. Sri Madhu Singh Hira

Both the applicants are casual worker  
under SDOT, Hojai Sub-Division.

. . . Applicants.

By Advocate Sri S.Sarma.

- Versus -

1. Union of India  
represented by the Secretary  
to the Government of India,  
Ministry of Communication, Sansar Bhawan,  
New Delhi-1.
2. The Chief General Manager,  
Assam Telecom Circle,  
Guwahati-7.
3. The Sub Divisional Officer,  
(Telecom), Hojai Telephone Exchange,  
Nagaon.

. . . Respondents.

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

O R D E RCHOWDHURY J.(V.C)

Conferment of temporary status and regularisation of their services are the key question involved in this application. The applicants are two in number. The applicant No.1 stated in this application that he was initially appointed as casual worker in the month of January 1993 in the office of the Sub Divisional Officer, Micro Wave Project, Dimoruguri, Nagaon and thereafter he was placed under the direct control of one Junior Telecom Officer.

**Attested**W. S. Sarma  
Advocate.

contd!..2

48

The applicant was thereafter sent on transfer to Lanka Micro Wave Station, where he worked till December 1994 and shifted to SDOT Hojai Telephone Exchange on transfer. The applicant stated that he intermittently worked under the respondents without any break since 1993 and for that purpose he was paid in ACG-17 pay bills upto December 1994. After December 1994 that was on his transfer to Assam Circle he was drawing his pay under the Muster Roll Register maintained by the respondent No.3 till the filing of this application. The applicant No.2 was appointed as casual worker in the year 1981 under SDO(T) Nagaland. Thereafter, in 1991 he was transferred to Hojai Sub Division under SDO(T) and till the filing of this application he was working under the respondents. Since the cause of action and the reliefs sought for by the applicants are of similar nature leave was granted under Rule 4(5)(a) of the Central Administrative Tribunal(Procedure) Rules 1987 to put their grievance by the single application.



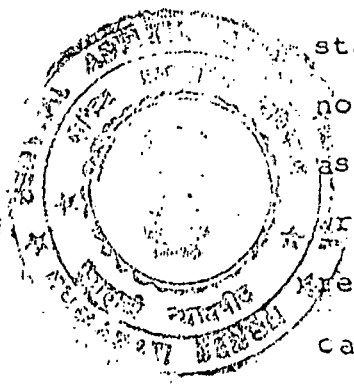
2. The respondents filed their written statement denying the claim of the applicants. The respondents however stated that these two applicants were occasionally engaged by the field units for carry out the works which were purely of casual nature and that these applicants were not appointed by the authority nor their services utilised for any sanctioned vacancies. The applicants countering the averments contained in the written statement submitted rejoinder alongwith the documentary evidence by Annexure RJ-1 to RJ-4 showing that both the applicants were appointed legitimately from the licit source and they were rendering continuous service on the respondents from their date of initial recruitment in

Attested  
*[Signature]*  
 Advocate.



1981 and 1993 till filing of this application and their services were terminated only after filing of the written statement.

3. Heard Mr S.Sarma, learned counsel appearing for the applicants and Mr B.C.Pathak, learned Addl.C.G.S.C for the respondents. Mr Sarma submitted that persons even junior to the applicants engaged as casual worker were given the temporary status on the strength of numerous orders from this Tribunal including the orders passed in O.A. 107/1998 and series of like applications those were disposed of on 31.8.1999. Mr Sarma further submitted that the respondents did not portray the true and correct position in its written statement. Mr Sarma also submitted that written statement was not to be given any credence since it was not properly verified as per law. Mr Pathak on the other hand referring to the written statement submitted that these applicants were not in regular roll. The averments made in the written statement cannot as such be accepted in view of the documentary evidence furnished in Annexure RJ-1 to RJ-4. The averments contained in the written statement also did not clearly verify the informations indicating the source of its informations. That apart the materials on record indicated that these applicants rendered their services to the authority for longer duration requiring consideration of their cases in the light of the decision rendered by the Supreme Court in series of Writ Petitions and considered in writ petition (C) No. 1280 of 1989 disposed of on 17.4.1990. Since the applicants also rendering their services the case of these applicants are required to be considered by the respondents in the light of the order rendered by the Supreme Court and other like applications disposed of by this Tribunal; more particularly,

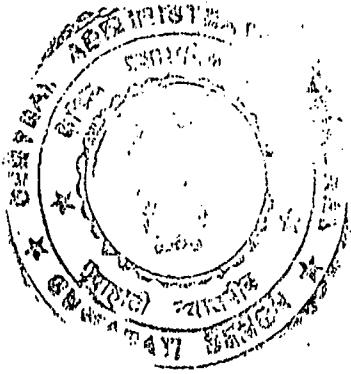


**Attested**  
*W.Das.*  
**Advocate.**

50

O.A.107/1998 and host of other applications. The respondents are accordingly directed to examine the case of both applicants in the light of the order passed by this Tribunal. The applicants are also directed to file representation individually within a period of one month from the date of receipt of this order narrating full details of their cases. On receipt of such representation the respondents are directed to 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 3 months from the date of receipt of the representation.

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



58/ VICE-CHAIRMAN

Certified to be true Copy

प्रमाणित प्रतिलिपि

*[Signature]*  
11/07/01

Section Officer (J)  
जनसमाम सचिव (अधीनस्थ शाखा)  
Central Administrative Tribunal  
केन्द्रीय प्रशासनिक न्यायालय  
Guwahati Bench, Guwahati-8  
गुवाहाटी - 781008, असम

*[Signature]*  
9/11/2001

*Amended*  
*WAM*  
*Amended*

To,

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

Sub : Judgement and Order dated 02.01.2001 passed in O.A.  
No. 170.2000, by the Hon'ble Tribunal Guwahati  
Bench.

Sir,

That with due respect, I beg to state the few following lines before your honour for kind consideration and necessary action thereof.

That I being aggrieved by the action of non granting temporary status to me in the light of the scheme of 1989 and its subsequent clarifications issued from time to time of which mention may be made of order dated 1.9.99, was constrained to move the Hon'ble Tribunal by way of filing O.A. No. 170 of 2000. The Hon'ble Tribunal after hearing the parties to the proceeding and after perusal of records was pleased to allow the said O.A. (A copy of the said order dated 02.01.2000) is annexed herewith for ready reference).

That the Hon'ble Tribunal while allowing my said O.A. was pleased to direct me also to file a representation in this regard. Hence this representation.

That I was initially appointed as a Casual Worker in the Office of the SDO Microwave Project Dimaruguri. In the said Dimaruguri Project, I was placed under the direct control of one Sri Suresh Bora JTO. Thereafter, I was transferred to Lanka Micra Wave Station. I worked till December, 1994. Thereafter, I was again transferred to Assam Circle i.e. in the Office of the SDOT Hojai Telephone Exchange and was pleased under the direct control of one Sri Kamakhya Ranjan Dey, JTO, and I continued till January 2000. I was getting pay under ACG-17 as well as muster roll pay bills. In support of my aforesaid contentions I beg to submit the relevant documents along with this representation. I also undertake

Attested  
W.Dan  
Advocate.

Contd..... 2

// 2 //

to attend the office for personal hearing if required.

I hope your honour would graciously be pleased to consider my case for grant of temporary status in the light of the scheme of 1989 as well as its subsequent clarifications issued from time to time.

Thanking you.

Sincerely Yours,

Sri Binay Das

( SRI BINAY DAS )

12/1/2001

Encld :-

1. Judgement and Order dated 02.01.2001 passed by CAT/GHY.
2. Documents showing my service 11 in Nos.

Copy to :-

1. The Chief General Manager,  
Assam Telecom Circle,  
Guwahati- 781007.
2. The Sub-Divisional Officer,  
Telephone Exchange, Hojai,  
Nagaon.
3. The Sub-Divisional Officer,  
Telephone Exchange, Lumding,  
Nagaon.
4. THE TELECOM DISTRICT MANAGER  
NAGAON DIST, (ASSAM).

\* \* \* \*

Attested  
W.D.  
Advocate.

- 43 -

ANNEXURE-9

BHARAT SANCHAR NIGAM LIMITED  
OFFICE OF THE TELECOM DISTRICT MANAGER  
NAGAON ASSAM

182/CAT/2001-02/64

Dated at Nagaon on 06-08-2001

13-08-2001

To,  
Sri Madhu Singh Hira  
Vill Kuki No. 1 P.O. Kuki No. 1  
Dist-Nagaon (Assam.)

Dear Sir,

As you are aware that as per direction given by Hon'ble CAT Guwahati Bench, Guwahati in OA Nos 112/98, 192/98/170/2000, the department constituted verification committees for different SSAs/Units under the circle for conducting detailed verification/Scrutiny about the No. of days of engagement yearwise in different units/offices and also to collect proof/evidence for such casual labourer including yourself. The committee verified all the documentary as well other proof from the various units/offices and also personally interviewed such casual labourer including you on 22-06-2001 in our office, the committee comprised of three members namely. 1. Sri K.K. Das, DE(P&A) O/O the TDM Nagaon, 2. Sri M. Baishya, ADT(MIS) O/O the CGMT/Guwahati, 3. Sri M.R. Choudhury, Sr. A.O. (Cash) O/O the TDM Nagaon.

The aforesaid committee submitted its report to the Department detailing all about the finding/proof against each casual labourer including you. The detailed report is enclosed and furnished herewith on in annexure for your information.

Under the above circumstances as you could not satisfy the eligibility criteria as laid down in the scheme for conferment of TSM/regularisation, your case could not be considered favourably. Please take notice that, you have not been in engagement under the department since 1998 and the department is bound to consider only the cases of such eligible casual labourers for conferment of TSM against such vacancies/works. This is done in accordance with the Hon'ble Tribunal's order/and also to stay/status quo that was directed to be maintained.

Yours faithfully,

Divisional Engineer (P&A)  
O/O the TDM Nagaon.

Attested  
Advocate.

Attested

Attested

ANNEXURE.

For the verification committee of NAGAON SSA in case of  
in the unit/office.....

No. of days engaged. (A) Upto 18.08.88 for normal cases	days (B) year/ days for the cases because stay/ status quo/not to dis-engage-ment; order by the able Tribunal	Proof of payment document ary.	Name & designation of members of committee	design. of verification	Reasons in brief of Ineligibility.	Remark
3		4	5		6	7

1992-93 (1st year)  
1991-92 (2nd year)  
1990-91 (3rd year)  
1989-90 (4th year)  
1988-89 (5th year)  
1987-88 (6th year)  
1986-87 (7th year)  
1985-86 (8th year)  
1984-85 (9th year)  
1983-84 (10th year)  
1982-83 (11th year)  
1981-82 (12th year)  
1980-81 (13th year)  
1979-80 (14th year)  
1978-79 (15th year)  
1977-78 (16th year)  
1976-77 (17th year)  
1975-76 (18th year)  
1974-75 (19th year)  
1973-74 (20th year)  
1972-73 (21st year)  
1971-72 (22nd year)  
1970-71 (23rd year)  
1969-70 (24th year)  
1968-69 (25th year)  
1967-68 (26th year)  
1966-67 (27th year)  
1965-66 (28th year)  
1964-65 (29th year)  
1963-64 (30th year)  
1962-63 (31st year)  
1961-62 (32nd year)  
1960-61 (33rd year)  
1959-60 (34th year)  
1958-59 (35th year)  
1957-58 (36th year)  
1956-57 (37th year)  
1955-56 (38th year)  
1954-55 (39th year)  
1953-54 (40th year)  
1952-53 (41st year)  
1951-52 (42nd year)  
1950-51 (43rd year)  
1949-50 (44th year)  
1948-49 (45th year)  
1947-48 (46th year)  
1946-47 (47th year)  
1945-46 (48th year)  
1944-45 (49th year)  
1943-44 (50th year)  
1942-43 (51st year)  
1941-42 (52nd year)  
1940-41 (53rd year)  
1939-40 (54th year)  
1938-39 (55th year)  
1937-38 (56th year)  
1936-37 (57th year)  
1935-36 (58th year)  
1934-35 (59th year)  
1933-34 (60th year)  
1932-33 (61st year)  
1931-32 (62nd year)  
1930-31 (63rd year)  
1929-30 (64th year)  
1928-29 (65th year)  
1927-28 (66th year)  
1926-27 (67th year)  
1925-26 (68th year)  
1924-25 (69th year)  
1923-24 (70th year)  
1922-23 (71st year)  
1921-22 (72nd year)  
1920-21 (73rd year)  
1919-20 (74th year)  
1918-19 (75th year)  
1917-18 (76th year)  
1916-17 (77th year)  
1915-16 (78th year)  
1914-15 (79th year)  
1913-14 (80th year)  
1912-13 (81st year)  
1911-12 (82nd year)  
1910-11 (83rd year)  
1909-10 (84th year)  
1908-09 (85th year)  
1907-08 (86th year)  
1906-07 (87th year)  
1905-06 (88th year)  
1904-05 (89th year)  
1903-04 (90th year)  
1902-03 (91st year)  
1901-02 (92nd year)  
1900-01 (93rd year)  
1899-00 (94th year)  
1898-99 (95th year)  
1897-98 (96th year)  
1896-97 (97th year)  
1895-96 (98th year)  
1894-95 (99th year)  
1893-94 (100th year)

✓ 1. S. K. Das  
✓ 2. D. R. Das  
✓ 3. D. R. Das  
✓ 4. D. R. Das  
✓ 5. D. R. Das  
✓ 6. D. R. Das  
✓ 7. D. R. Das  
✓ 8. D. R. Das  
✓ 9. D. R. Das  
✓ 10. D. R. Das  
✓ 11. D. R. Das  
✓ 12. D. R. Das  
✓ 13. D. R. Das  
✓ 14. D. R. Das  
✓ 15. D. R. Das  
✓ 16. D. R. Das  
✓ 17. D. R. Das  
✓ 18. D. R. Das  
✓ 19. D. R. Das  
✓ 20. D. R. Das  
✓ 21. D. R. Das  
✓ 22. D. R. Das  
✓ 23. D. R. Das  
✓ 24. D. R. Das  
✓ 25. D. R. Das  
✓ 26. D. R. Das  
✓ 27. D. R. Das  
✓ 28. D. R. Das  
✓ 29. D. R. Das  
✓ 30. D. R. Das  
✓ 31. D. R. Das  
✓ 32. D. R. Das  
✓ 33. D. R. Das  
✓ 34. D. R. Das  
✓ 35. D. R. Das  
✓ 36. D. R. Das  
✓ 37. D. R. Das  
✓ 38. D. R. Das  
✓ 39. D. R. Das  
✓ 40. D. R. Das  
✓ 41. D. R. Das  
✓ 42. D. R. Das  
✓ 43. D. R. Das  
✓ 44. D. R. Das  
✓ 45. D. R. Das  
✓ 46. D. R. Das  
✓ 47. D. R. Das  
✓ 48. D. R. Das  
✓ 49. D. R. Das  
✓ 50. D. R. Das  
✓ 51. D. R. Das  
✓ 52. D. R. Das  
✓ 53. D. R. Das  
✓ 54. D. R. Das  
✓ 55. D. R. Das  
✓ 56. D. R. Das  
✓ 57. D. R. Das  
✓ 58. D. R. Das  
✓ 59. D. R. Das  
✓ 60. D. R. Das  
✓ 61. D. R. Das  
✓ 62. D. R. Das  
✓ 63. D. R. Das  
✓ 64. D. R. Das  
✓ 65. D. R. Das  
✓ 66. D. R. Das  
✓ 67. D. R. Das  
✓ 68. D. R. Das  
✓ 69. D. R. Das  
✓ 70. D. R. Das  
✓ 71. D. R. Das  
✓ 72. D. R. Das  
✓ 73. D. R. Das  
✓ 74. D. R. Das  
✓ 75. D. R. Das  
✓ 76. D. R. Das  
✓ 77. D. R. Das  
✓ 78. D. R. Das  
✓ 79. D. R. Das  
✓ 80. D. R. Das  
✓ 81. D. R. Das  
✓ 82. D. R. Das  
✓ 83. D. R. Das  
✓ 84. D. R. Das  
✓ 85. D. R. Das  
✓ 86. D. R. Das  
✓ 87. D. R. Das  
✓ 88. D. R. Das  
✓ 89. D. R. Das  
✓ 90. D. R. Das  
✓ 91. D. R. Das  
✓ 92. D. R. Das  
✓ 93. D. R. Das  
✓ 94. D. R. Das  
✓ 95. D. R. Das  
✓ 96. D. R. Das  
✓ 97. D. R. Das  
✓ 98. D. R. Das  
✓ 99. D. R. Das  
✓ 100. D. R. Das

Not completed  
in any  
working year

Principal Engineer (PDA)  
O/O the T.D.M. Nagaon  
Nagaon-7820

Amrita  
Wan  
Advocate.

- 44 -

BHARAT SANCHAR NIGAM LTD.  
(A Govt. of India Enterprise)  
Office of the Chief General Manager Telecom.  
Assam Telecom. Circle, Ulubari, Guwahati-781 007.

No: STES- 21/ 363 / 22

Dated at GH 24.12.2001.

To  
The Divisional Engineer ( Estt. )  
O/O the Chief General Manager  
NE. T/F Circle  
Guwahati.

Sub: CAT / Guwahati OA No. 170/2000 - Implementation of the Judgement and orders dated 2/1/01.

Ref: your letter No. TF/ NE/ Genl / 32 / Vol.V/18 dated 12/12/01

From the report endorsed under your above cited letter it is evident that Sri Binoy Das was engaged in the Microwave Project Division Guwahati in the year 1994 and he worked for more than 240 days in that year.

As the above named casual mazdoor belongs to NE. TF Circle it is requested to please examine the case at your end and pass a final order in accordance with the Judgement and order dated 2/1/01 passed by the Hon'ble Tribunal.

It is mentionable that the final order in respect of the other applicant to the OA viz Sri Madhu Singh Hira has already been passed by the Telecom Circle on 13/08/01.

A copy of the order passed in respect of Sri Binoy Das may be forwarded to this office for record.

Encl: A/A.

( A. K. Chelleng )  
Assitt. General. Manager. ( Admn. )

de

136

Attested  
W.D.M.  
Advocate.

- 45 -

ANNEXURE - 10 Colly 56

BHARAT SANCHAR NIGAM LIMITED  
(A Govt of India Enterprise)

OFFICE OF THE CHIEF GENERAL MANAGER TASK FORCE  
NE TELECOM REGION, UZANBAZAR, GUWAHATI-1.

No. TF/NE/Genl-32/Vol-V/18

Dated, at, Guwahati, the 12<sup>th</sup> Dec, 2001

To

The ADT (Legal),  
O/o CGMT, Assam Circle,  
Ulubari, Guwahati-781 007.

Sub:-

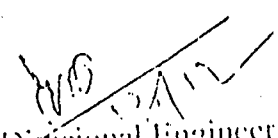
Verification report of payment particulars.  
Case of Shri Binoy Das, Casual Labourer.

Ref:-

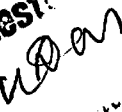
Your Letter No. STES-21/263/19, dtd 19-10-2001.

With reference to the letter cited above on the subject, forwarded please find here with the verification report of payment particulars i/r/o Shri Binoy Das, Casual Labourer for your kind disposal please.

Encl:- As Above.

  
Divisional Engineer (Estt).  
O/o CGM. NETF, BSNI.,  
Uzanbazar, Guwahati-781 001.

**Attest:**

  
Advocate



The following members of the screening committee sat on 23-11-2001 at 16.00 hrs. in the office of DGM (TF), Guwahati to verify the records of payment particulars of Shri Binoy Das, Casual Labourer.

1. Shri Dharmeswar Das, DE (Admn) O/o CGM (TF), Guwahati.
2. Shri Pradip Kumar Ghosh, SDE (Estt.) O/o CGM (TF), Guwahati.
3. Shri Dipak Gupta, AO (Cash) O/o CGM (TF), Guwahati.

The members of the committee verified the records of payment particulars. From the records, it is found that Shri Binoy Das worked in the Department 250 days in 1994.

The details of the finding are enclosed herewith.

The finding of the committee has been forwarded to the competent authority for necessary action.

(Dharmeswar Das)  
 DE (Admn)

(Pradip Kumar Ghosh)  
 SDE (Estt.)

(Dipak Gupta)  
 AO (Cash)

Attested  
 W. Sen.  
 Advocate.

ANNEXURE - 10 (Page 1)  
 PART I PARTICULARS FROM THE DATE OF INITIAL ENGAGEMENT  
 Of Shri Birendra Prasad Choudhury

No. of Days	Mode of Payment i.e. MASTER ROLL/ ACG-17 PARTICULARS i.e. VOUCHER NOS.	AMOUNT	ENGAGED BY WHOM	BILLING/ PASSING AUTHORITY	NAME OF A.O. WHO HAS PAID
30	A.C.G.-17 Vr.No.372 Sub.Vr.No.9 of 27-08-94	Rs.1,630/-	Shri S.C. Bora, JTO	Shri T.N. Ganapati, DE M/W(P), Guwahati.	Shri Abdul Hamid
31	A.C.G.-17 Vr.No.460 Sub.Vr.No.6 of 24-01-95	Rs.1,630/-	-do-	Shri Ram Prasad, DE M/W(P), Guwahati.	-do-
30	A.C.G.-17 Vr.No.149 Sub.Vr.No.7 of 14-12-94	Rs.1,630/-	-do-	-do-	Shri F.S. Munshian
31	A.C.G.-17 Vr.No.383 Sub.Vr.No.2 of 24-01-95	Rs.1,630/-	-do-	-do-	-do-
31	A.C.G.-17 Vr.No.377 Sub.Vr.No.2 of 24-01-95	Rs.1,630/-	Shri A.N. Choudhury	-do-	-do-



Adm.



Shri Birendra Prasad Choudhury

Advocate

Shri Birendra Prasad Choudhury

Advocate

Adm.  
 Adv.  
 Advocate.

PARTICULARS FROM THE DATE OF INITIAL ENGAGEMENT  
OF Shri Binoy Das, Casual Mazdoor.

59

	Mode of Payment i.e. MASTER ROLL/ ACG-17 i.e. VOUCHER NOS.	AMOUNT	ENGAGED BY WHOM	BILLING/ PASSING AUTHORITY	NAME OF A.O. WHO HAS PAID
30	A.C.G.-17 Vr.No.378 Sub.Vr.No.4 of 24-01-95	Rs.1,630/-	Shri A.N. Choudhary, JTO	Shri Ran Prasad, DE M/W(P), Guwahati.	Shri K.S. Monoharan
31	ACG-17 Vr.No.390 Sub.Vr.No.6 of 24-01-95	Rs.1,705/-	Shri S.C. Bora, JTO	-do-	-do-
30	A.C.G.-17 Vr.No.442 Sub.Vr.No.34 of 24-01-95	Rs.1,605/-	Shri S.K. Chakraborty, SIDE	-do-	Shri Abdul Hamid.
6	A.C.G.-17 Vr.No.191 Sub.Vr.No.16 of 24-01-95	Rs.318/-	Shri S.C. Bora, JTO	-do-	Shri K.S. Monoharan.

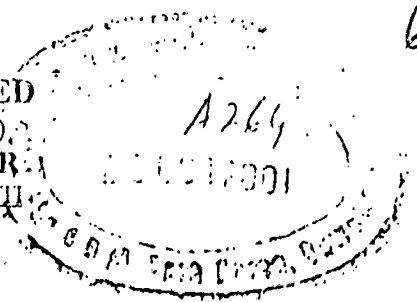
(Adm)  
M Task Force,  
Guwahati-1

23/11/01  
SDE (Estt)  
O/o CGM Task Force,  
Guwahati-1.

23/11/2001  
AO (Cnsh)  
O/o CGM Task Force,  
Guwahati-1.

Attested  
Advocate.

49 -  
BHARAT SANCHAR NIGAM LIMITED  
(A GOVERNMENT OF INDIA ENTERPRISE)  
O/O THE CHIEF GENERAL MANAGER  
ASSAM TELECOM CIRCLE, ULUBARI, GUWAHATI



No. STES-21/263/19

Dated at Guwahati the 19/10/2001

To

W/B  
The Chief General Manager,  
Task Force, BSNL,  
N. E. Region, Hem Ch. Road,  
Uzan Bazar, Guwahati-781001

Sub:- Implementation of order dated 02.01.2001 passed in OA No. 170/2001 by Hon'ble CAT.  
Ref:- This office letter No, STES-21/263/17 dated 01.08.2001.

With reference to the subject and letter cited above, it is intimated that the verification committee for Nagaon SSA could not recommend the case of Shri Binoy Das, an applicant, casual labourer, of the said OA for grant of TSM as per records available in that SSA.

But the documents submitted by Shri Binoy Das reveal that during 1994 he had worked under your organisation and in this connection a certificate was issued by DE Telecom Project-I, Guwahati-5 to the applicant.

In this connection, this office has requested you to cause an effective verification about the engagement particulars of the applicant in consultation with the payment records, also to give him reasonable opportunity to present his side in support of his claim. But nothing is heard from your end till today though much time has elapsed.

In view of the above stated facts, it is further requested you to do the needful to complete the process as directed by the Hon'ble Tribunal at the earliest.

This is very Urgent.

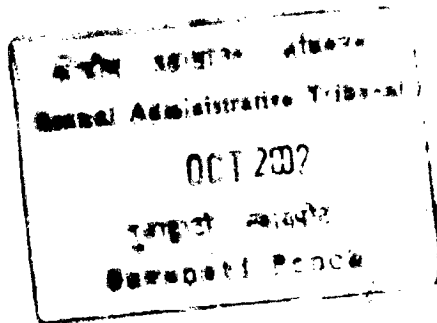
Copy to—Shri Binoy Das  
S/o Late Gobinda Das,  
Hengrabari, Dispur,  
Guwahati-781006.

W/S  
(G. C. Sarma) W/S  
Asstt. Director Telecom (Legal)

21/—  
For CGMT, Assam Circle, Guwahati-7

Amended  
N.Das  
Advocate.

-50-



Filed by  
20/10/02  
(A. DEBROY)  
St. C. P. D. C.  
G. A. T. Guwahati Bench

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH :: GUWAHATI.

O.A.NO - 220 OF 2002

Shri Binoy Das & Ors.

-vs-

Union of India & Ors.

- And -

In the Matter Of ::

written statement submitted by  
the respondents.

The respondents beg to submit written statements  
as follows :-

1. That with regard to para - 1, the respondents beg to state that the payment particulars of Shri Binoy Das was verified and found that he worked in this organisation in the year of 1994- total 250 days (Annexure - I). But he did not have continuity in service and was absent on 01-08-98, therefore, he was found not eligible for conferment of temporary status.

contd....1/2

2. That with regard to para - 2,3,4 & 4.1 of O.A., The

Respondents beg to offer no comments.

3. That with regard to para - 4.2, the respondents

beg to state that as per directive of the Hon'ble CAT

Guwahati Bench, the payment particulars of Shri Binoy

Das was verified by constituting a committee. The committee

found that Shri Binoy Das was working in the Task Force

Organisation in the year of 1994. He worked for 250 days.

Though he worked for 250 days, as per DOT/BSNL norms, he

did not have other eligibility criteria as for example-he

was absent on 01.08.98, therefore he was not eligible

for conferment of temporary status.

Regarding O.A. No- 170/2000, this office was not the

respondent. Findings of the verification particulars

was intimated to the Assam Telecom Circle, Guwahati.

4. That with regard to para - 4.3, the respondents

beg to state that Sri Binoy Das was working in this Task

Force Organisation from 1-4-94 to 31-8-94, but applicant

No. 2 Shri Madhu Singh Hira never worked in this

Organisation.

contd....P/3

52  
63

5. That with regard to para - 4.4, the respondents beg to state that the benefit of the scheme is applicable to the eligible Casual Labourers only.

6. That with regard to para - 4.5, the respondents beg to state that the benefit of the scheme is extended to the casual labourers which are eligible for conferment of temporary Status as on 01.08.98 only, not the recruits upto 01.08.98.

7. That with regard to para - 4.6, the respondents beg to state that the applicant did not fulfil the eligibility criteria, therefore, benefit was not given to the applicants.

8. That with regard to para - 4.7, the respondents beg to state that as per order of Hon'ble CAT, DOT/BSNL verified the payment particulars of the casual labourers and those who have qualified as per norms have been granted temporary status.

9. That with regard to para - 4.8, the respondents beg to state that he worked only in the year 1994 for the entire period of 23.06.88 to 01.08.98 in the Task Force Organisation. He did not have continuity in the service.

Moreover, he was absent on 01-08-98. Therefore, he was not eligible for conferment of temporary Status.

10. That with regard to para - 4.9, the respondents beg to state that this office was not respondents.

11. That with regard to para - 4.10, the respondents beg to state that Letter was written to the CGM Assam Telecom Circle, not to this office. Hence the respondents beg to offer no comments.

12. That with regard to para - 4.11, the respondents beg to state that Applicant no - 1 worked 250 days but did not qualify the other norms, hence not eligible.

13. That with regard to para - 4.12, the respondents beg to state that Applicant no- 2 never worked in this Organisation. Hence, the respondents beg to offer no comments.

14. That with regard to para - 4.13, the respondents beg to state that the facts were already stated above in para - 4.11.

15. That with regard to para 4.14, the respondents beg to state that it was the case of Assam Telecom, Circle. Whatever report was available was sent to the Assam Telecom Circle. It is not agreed that facts were suppressed.



- 54 -

63

- 5 -

16. That with regard to para - 4.15 & 4.16, the respondents beg to state that this office follows the guidelines of the Corporate office, New Delhi.

17. That with regard to para- 5.1, the respondents beg to state that ~~xxxxxxx~~ the applicant did not fulfill other criteria laid down by DOT/BSNL corporate office New Delhi, so, temporary status was not granted to the applicant.

18. That with regard to para - 5.2, 5.3, 5.4, 5.5, 6, 7, & 8 to 9, the respondents beg to offer no comments.

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

4 -

- 6 -

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

I, Shri Pradip Kumar Chohosh presently  
(Establishment)  
working as Sub divisional Engineer, be duly authorised  
and competent to sign this verification, do hereby solemnly  
affirm and declare that the statements made in para  
are true to my knowledge, these made  
in para are true to  
my information derived therefrom and rest are my humble  
submission, I have not suppressed any material facts.

And I sign this verification on this the 24<sup>th</sup>  
day of Sept 2002.

P. K. Chohosh  
DECLARANT  
Sub-Divisional Engineer (Estt.)  
मा. सं. नि. लिमिटेड / SSNL  
कार्गाल, मु. न. प्र. कावेराहिनी  
O/o the C. G. M. T/F.  
गुवाहाटी / Guwahati-1.

ANNEXURE-C" (Page-1)  
 ENGAGEMENT PARTICULARS FROM THE DATE OF INITIAL ENGAGEMENT  
 Of Shri Binoy Das, Casual Mazdoor.

Year	Month	No. of Days	Mode of Payment i.e. MASTER ROLL/ ACG-17 PARTICULARS i.e. VOUCHER NOS.	AMOUNT	ENGAGED BY WHOM	BILLING/ PASSING AUTHORITY	NAME OF A.O. WHO HAS PAID
1994	April	30	A.C.G.-17 Vr.No.372 Sub.Vr.No.9 of 27-08-94	Rs.1,630/-	Shri S.C. Bora, JTO	Shri T.N. Ganapati, DE M/W(P), Guwahati.	Shri Abdul Hamid
1994	May	31	A.C.G.-17 Vr.No.460 Sub.Vr.No.6 of 24-01-95	Rs.1,630/-	-do-	Shri Ram Prasad, DE M/W(P), Guwahati.	-do-
1994	June	30	A.C.G.-17 Vr.No.149 Sub.Vr.No.7 of 14-12-94	Rs.1,630/-	-do-	-do-	Shri K.S. Manoharan
1994	July	31	A.C.G.-17 Vr.No.383 Sub.Vr.No.2 of 24-01-95	Rs.1,630/-	-do-	-do-	-do-
1994	Aug	31	A.C.G.-17 Vr.No.377 Sub.Vr.No.2 of 24-01-95	Rs.1,630/-	Shri A.N. Choudhury	-do-	-do-

DE (Admin)  
 O/o CGM Task Force,  
 Guwahati-1

SDE (Estt)  
 O/o CGM Task Force,  
 Guwahati-1.

AO (Cash)  
 O/o CGM Task Force,  
 Guwahati-1.

133  
 97  
 230

0.A 220/02

57-9

60

ANNEXURE-"C" (Page-2)  
ENGAGEMENT PARTICULARS FROM THE DATE OF INITIAL ENGAGEMENT  
Of Shri Binoy Das, Casual Mazdoor.

Year	Month	No. of Days	Mode of Payment i.e. MASTER ROLL/ ACG-17 PARTICULARS i.e. VOUCHER NOS.	AMOUNT	ENGAGED BY WHOM	BILLING/ PASSING AUTHORITY	NAME OF A.O. WHO HAS PAID
1994	Sep	30	A.C.G.-17 Vr.No.378 Sub.Vr.No.4 of 24-01-95	Rs.1,630/-	Shri A.N. Choudhury, JTO	Shri Ram Prasad, DE M/W(P), Guwahati.	Shri K.S. Monoharan
1994	Oct	31	ACG-17 Vr.No.390 Sub.Vr.No.6 of 24-01-95	Rs.1,705/-	Shri S.C. Bora, JTO	-do-	-do-
1994	Nov	30	A.C.G.-17 Vr.No.442 Sub.Vr.No.34 of 24-01-95	Rs.1,605/-	Shri S.K. Chakraborty, SDE	-do-	Shri Abdul Hamid.
1994	Dec	6	A.C.G.-17 Vr.No.191 Sub.Vr.No.16 of 24-01-95	Rs.318/-	Shri S.C. Bora, JTO	-do-	Shri K.S. Monoharan.

2500/-  
In this connection, this office SDE (Estt) etc.  
O/o CGM Task Force, Guwahati-1, in view of the above stated facts, it is further  
the process as directed by the Hon'ble Tribunal at the end.  
This is very urgent.

23/11/01  
23/11/2001  
AO (Cash)  
O/o CGM Task Force,  
Guwahati-1

Copy to - Shri Binoy Das  
S/o Late Gobinda Das,  
Monoharan, Daspur,  
Guwahati-781002.

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH**

OA No. 220 of 2002

**Shri Binay Das & Ors.  
Vs  
Union of India & ors.**

**IN THE MATTER OF**

Order dated 31.1.2003 served to me by the Hon'ble Tribunal.

I, Shri G. C. SARMA beg to state that, I am working as Asstt. Director Telecom (Staff), o/o the Chief General Manager Telecommunications, Assam Circle, Guwahati, and hereby submit the following statements as Respondent No. 6 in OA No. 220/2002.

1. That, I was posted and working as Asstt. Director Telecom (Legal), O/o Chief General Manager Telecommunications, Assam Circle, Guwahati at the relevant point of time i.e. at the time when OA No. 170/2000 was filed by the applicants. I was dealing with the Court cases involving DOT/BSNL and it formed a part of my duty to present the Departmental version of the cases through CGSC.

For presenting the cases on behalf of the Department, I had to rely on the report of the filed unit where the subject matter of the case took place. This is the established practice of the Department and there is no other source of information.

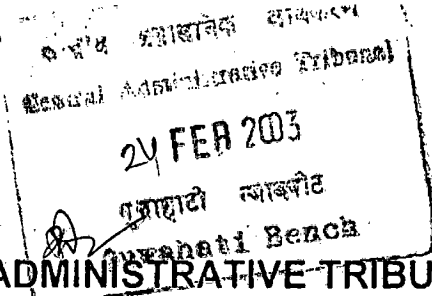
2. That, the Written Statement in OA No. 170/2000 submitted by me was based on the reports received from Telecom District Manager, Nagaon, as the applicants in the OA reported to have worked as casual labourers in the Nagaon Division.

According to the engagement particulars furnishing by TDM, Nagaon the applicants worked as casual labourers for the following duration under Nagaon Telecom Division.

Contd...

Filed by

24/2/03  
(A. DEB NOY)  
Sr. C. G. C.  
C. A. T. Guwahati Bench



(2)

<u>Binay Das</u>	<u>Madhu Singh Hira</u>
Year 1993----Nil	30 days
1994----Nil	139 days
1995----84	194 days
1996----35	78 days

The report furnished by TDM, Nagaon is Annexed as R1

3. The OA No. 170/00 was decided by an order-dated 02.01.01. According to the direction contained in the order, the applicants' payment record were verified by a three members committee.

The committee after verification of records, recommends that that Shri Madhu Singh Hira is not eligible for grant of TSM as he has not completed 240 days in a year during the period of 1993 to 1998. However, the committee was of the opinion to refer the case of the applicants Shri Bonoy Das to CGMT, NE Task Force, Guwahati for verification of payment records as the applicants was engaged in Task Force prior to 1995.

The copies of verification committee's report, is Annexed as R2.

4. According to the recommendation of the committee's report CGMT NETF was requested to verify the engagement details of Shri Binay Das. Also TDM/Nagaon was instructed to pass a speaking order in respect of Shri Madhu Singh Hira.

5. The speaking order is passed to Shri Madhu Sing Hira by TDM/Nagaon. ( Speaking/Reasoned order is Annexed as R3).

5. The engagement details of Shri Binay das was verified by a committee and it was found that Shri Binay Das had completed more than 240 days in a year in Task Force organisation. The CGMT Task Force Guwahati was requested to pass a final order in accordance with the judgement passed in OA No. 170/2000.

6. That Assam Telecom Circle and NE Task Force Circle are two different establishment and headed by separate CGMs .The Task Force Circle sometimes engaged casual labourers on their actual requirements basis without reference to Assam Telecom Circle. The Task Force circle is authorized to deal with their casual labourers as per Departmental scheme without reference to Telecom Circle.

7. That, I have prepared and submitted the counter reply in OA No., 170/2000 on the basis of information received from TDM/Nagaon.

Contd...

(3)

8. That, I have the highest regards for this Tribunal and ever ready to comply with the order and directions issued by the Hon'ble Tribunal with utmost sincerity.

9. That I feel extremely sorry for any unintended omission, which might have taken place beyond my Knowledge while making submission before the Hon'ble Tribunal.

---

22

—4—

**VERIFICATION**

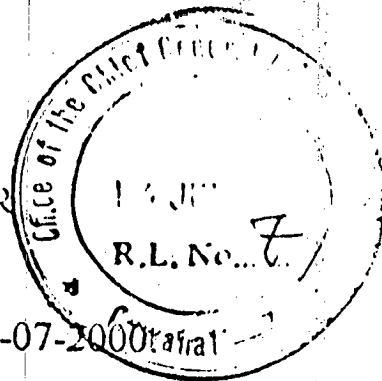
I, **Shri G. C. Sarma**, Asstt. Director Telecom (Staff),  
do hereby solemnly declare that the statements made in this reply is  
true to the best of my knowledge and belief.

And I sign this verification on this... 21<sup>st</sup> ..... day  
of ... February, ..... 2003.

Ganesh C. Sarma,  
**Declarant.**



— R<sub>1</sub> —  
— 5 —  
GOVT OF INDIA  
DEPARTMENT OF TELECOMMUNICATIONS  
OFFICE OF THE TELECOM DISTRICT MANAGER  
NAGAON ASSAM



No.E-336/Court-Case/2000-01/4.

Dated at Nagaon the 07-07-2000

To,

The Asstt. Director Telecom (Legal)  
O/O the CGMT Guwahati-7

Sub-CAT case O.A No.170/2000 filed by  
Sri Binoy Das and others-parawise  
comments thereof.

Kindly find enclosed herewith parawise comments on the writ  
petition in OA No.170/2000 filed by Sri Binoy Das and others Vs U.O.I for  
necessary action please.

The yearwise payment particulars i/r/o the applicants during the  
intervening period they worked in the department from the available records  
with the concerned officers are being appended herewith as Annexure-I to  
facilitate necessary perusal.

The D.E M/W project and SDE M/W project Dimoruguri Nagaon  
were also apprised of the case vide this office letter of even No. dated 26-06-  
2000 requesting them to kindly furnish forthwith their engagement  
particulars of the applicants who initially worked under M/W project but  
evoked no response (copy enclosed as Annexure-II).

You are therefore, requested to kindly take further necessary  
action on the merit of the parawise comments as well as Annexure-I and II to  
dispose of the case.

Encl-As above.

Sfslans  
Telecom District Manager  
Nagaon Telecom District  
Nagaon-782001.

-6-

Annexure I R1 29

ANNEXURE I (Part-2)  
ENGAGEMENT PARTICULARS FROM THE DATE OF INITIAL ENGAGEMENT

Name: Madhu Singh Hira. Ref Cat/64/OA No 170/  
S/o Mohan Hira.

2 con.

YEAR	MONTH	DEPT DAY	ADDRESS OF PAYMENT TO MASTER HOLDING PARTICULARS TO VOUCHER NOS	AMOUNT	FORWARDED BY WHOM	FORWARDED AUTHORITY	NAME OF A.O. WHO HAS PAID
1993	Aug	30	Acc-17		Sri K. R. Dey.		
1994	Jun	30	/ Acc-17		Office of (Genl) Rajal Telephone Exchange Hojal		
	July	31					
	Aug	26					
	Nov	21					
	Dec	31					
		139 day.					
1995	Jan	31	/ Acc-17				
	Feb	28					
	March	31					
	July	23					
	Aug	31					
	Sept	15					
	Oct	25					
	Dec	30					

SIGNATURE OF THE COMMITTEE MEMBERS

Junior Telecom Officer (Genl)  
Rajal Telephone Exchange  
Hojal

ADT (Chief office Member) A.O.  
O/o the G.M./TDM

D.E (P&A)  
O/o the G.M./TDM

1996: Jan. 25  
Feb. 20  
June. 25  
July. 8.  
78 day.

1997: Nil  
1998: Nil  
1999: Nil.

Notified that in response  
of your letter No E-336/Contd/2  
2020-2021/2 dttd 14/6/2000  
please find herewith the  
particulars of working days  
of Sri Madhu Singh Hira, S/o Sri  
Mohan Hira after verification  
of AEE-2 accounts. There were  
no working days in the dept.  
since 1997 till date.

Junior Telecom Officer (Genl)  
Rajal Telephone Exchange  
Hojal

194

240 day.

- 7 -

R1 25  
~~Annexure 2~~

ANNEXURE 'C' (PFC-2)  
ENGAGEMENT PARTICULARS FROM THE DATE OF INITIAL ENGAGEMENT

Name : Sri Binoy Das, Ret. Col / Grahak / OA / No. 1701,  
S/O Lt. Sec. Gobinda Das. Jan - 2000.

YEAR	MONTH	NO. OF DAYS	MODE OF PAYMENT TO MASTER-BOI / ACH-17 PARTICULARS & VOUCHER NOS	AMOUNT	FORWARDED BY WHOM	DEFINING P.A.S. HRI AUTHORITY	NAME OF A.O. WHO HAS PAID
1995	Jan	31	HCG-17		J.T.O (G) Hg. K.R. Day.	Joint Telecom Office (G) Hg. Telephone Exchange	
1995	Feb	28					
1995	March	25					
1995	—	84					
1996	Feb	28	ACH-17		J.T.O (G) Hg. K.R. Day.		
1996	March	7					
		35					
1997	Nil						
1998	Nil						
1999	Nil						

SIGNATURE OF THE COMMITTEE MEMBERS

*[Signature]*  
J.T.O (G) / Hg.

ADT (Circle office Member)

A.O.  
O/o the G M / TDM

D E (P&A)  
O/o the G M / TDM

Certified that in response of your letter no E-336/  
Court case / 2000-2001/2 dtd 11/6/2000 please find  
herewith the particulars & working days of  
Sri Binoy Das, S/O Lt. Gobinda Das after  
verification of Acc-2 Account. The same  
has been not only in the copy since 1997 till  
date.

*[Signature]*  
11/11/00

*[Signature]*  
Joint Telecom Office (G) Hg.  
Hq. Telephone Exchange  
Hq. J

FAX - 0361-241-200

R1. ~~Amman II~~  
gb

— 8 —

GOVT OF INDIA  
DEPARTMENT OF TELECOMMUNICATIONS  
OFFICE OF THE TELECOM DISTRICT MANAGER  
NAGAON ASSAM

No.E-336/Court- c/2000-2001/3.

Dated at Nagaon the 26-06-2000.

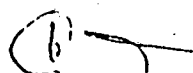
To,  
The D.E. Microwave Project  
Guwahati.

Sub-CAT case No.170/2000 filed by S/Sri Binoy  
Das S/O Late Gobinda Das and Madhu Singh  
Hira S/O Late Motiram Hira.

This is to intimate you that the above mentioned persons have  
approached the Honble CAT Guwahati praying for their regular absorption/  
appointment as casual labourers in this Department. Their statement revealed that  
they were initially engaged as casua workers by the O/O the SDO M/W Project  
Dimoruguri Nagaon since January 1993 and they continued to serve there till  
Dec/94.

As such you are requested to kindly furnish their engagement  
particulars to the U/S at the earliest.

This may kindly be treated as most urgent.

  
S.D.E. (URD)  
O/O the TDM Nagaon.

Cop. to :-1)The S.D.E. M/W Project Dimoruguri Nagaon for his kind information  
and necessary action.

  
S.D.E. (URD)  
O/O the TDM Nagaon.

R<sub>2</sub> (13/C) (+5) 22

- 9 -

BHARAT SANCHAR NIGAM LIMITED  
OFFICE OF THE TELECOM DISTRICT MANAGER  
NAGAON ASSAM

No.E-182/CAT/2001-02/60.

Dated at Nagaon the 29-06-2001.

To,

The CGMT BSNL.  
Assam Telecom Circle  
Ulubari Guwahati-7.

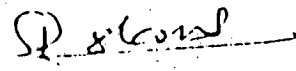
Sub-Verification of records in respect of Casual Mazdoors.

Inviting a reference to the AGM(Admn) O/O the CGMT, BSNL, Guwahati letter No. ESTQ-2/26/01-02/40, Dated 31-05-2001, it is to intimate that the records of casual mazdoors appeared in Annexure-A & B (photocopy) including those applicants (total-28) in CAT case No.s OA-316/2000, OA-170/2000, OA-277/2000, OA-161/2000, OA-99/2001 and OA-41/2001 pertaining to this SSA have been examined by the committee duly constituted are hereby forwarded for favour of your kind disposal.

Report of the committee is enclosed herewith.

Encl-1) Committee report.

2) Annexure-A & B (28 copies each).

  
Telecom District Manager  
Nagaon Telecom District.

## REPORTS

The Committee constituted by CGMI, Guwahati letter No. ESTT-9/12/PL/1/21 dated 28-07-2001 and the TDM, Nagaon letter No. F-182/CA1/2001-2002/51 dated 17-05-2001 met in the office of the TDM, Nagaon from 28-05-2001 to 29-06-2001 to scrutinized/rescrutinized and examine the engagement particulars/payment records of Casual Mazdoors related to different Court cases.

The details of applicant Court Casewise are as follows :-

Sl.No.	Court Case No.	No. of applicant.
1.	OA-316/2000	20
2.	OA-170/2000	2
3.	OA-277/2000	1
4.	OA-161/2000	1
5.	OA-99/2001	2
6.	OA-41/2001	2

The Committee has undertaken verification of available records of TDM office Nagaon and engagement/payment records of the Mazdoors have been scrutinized by the Committee. The finding of the Committee are as follows :-

Sl.No.	Category	Period of engagement	No.
1.	A	Upto 30-03-85	Nil.
2.	B	Between 31-03-85 to 22-06-88	Nil.
3.	C	Between 23-06-88 to 01-08-98	28.

Category - A : In this category no Labour.

Category - B : In this category no Labour.

Category - C : In this category, out of 28 Casual Mazdoors one Part Time Mazdoor at Sl/No. 12 (Mrs. Devi Rani Paul OA-316/2001) is approved for full time Casual Labour (Not for TSM as per eligibility criteria) in pursuance of CGMI, Guwahati letter No. ESTT-9/12/PL-11/48 dated 20-09-2000. The others have not completed eligibility criteria for granting of TSM as per the verification report of the Committee. However, one case of Sri Binay Das applicant at Sl/No. 23 (case OA-170/2000) may be referred to CGMI, T/F Guwahati for examining record & taking further action at their end, as the Mazdoor was engaged in T.F. Circle before 1995.

Sl/No	Name of Casual Mazdoor and OA No.	Eligibility.
1.	Sri Babul Saikia - 41/2001	Not eligible.
2.	Sri Mohan Ch. Kalita - 316/2000	Not eligible
3.	Sri Chandrammal Senapati - 316/2000	Not eligible
4.	Sri Prahlad Ch. Bora - 316/2000	Not eligible
5.	Md. Nur Zaman - 316/2000	Not eligible
6.	Sri Dillip Mazumdar - 316/2000	Not eligible
7.	Sri Gajen Dewraja - 316/2000	Not eligible
8.	Sri Ananda Ch. Das - 316/2000	Not eligible
9.	Sri Gokul Ch. Bora - 316/2000	Not eligible
10.	Sri Radha Kanta Bordoloi - 316/2000	Not eligible
11.	Sri Dillip Kr. Bora - 316/2000	Not eligible
12.	Mrs. Devi Rani Paul - 316/2000	Not eligible for TSM but eligible for full time Casual Labour vide TDM, Nagaon letter No. E-5/CM/01-02/52 dated 18-5-2001.
13.	Sri Sanjeet Kr. Banik - 316/2000	Not eligible
14.	Sri Ashok Ch. Dey - 316/2000	Not eligible
15.	Md. Abdul Salam - 316/2000	Not eligible
16.	Sri Luit Kr. Gayan - 316/2000	Not eligible
17.	Sri Binod Kr. Saikia - 316/2000	Not eligible

R<sub>2</sub>

29

Sl/No	Name of Casual Mazdoor and OA No.
18.	Sri Sukleswar Kumar - 316/2000
19.	Sri Tarun Ch. Kalita - 316/2000
20.	Sri Jayanta Hazarika - 316/2000
21.	Sri Ganesh Ch. Bora - 316/2000
22.	Sri Dhruvnyoti Das - 277/2000
23.	Sri Binoy Das - 170/2000
24.	Sri Krishna Das - 99/2000
25.	Sri Madhu Singh Ilia - 170/2000
26.	Sri Anil Das - 161/2000
27.	Sri Naren Ch. Bora - 99/2001
28.	Sri Pradip Pator - 41/2001

Eligibility.  
 Not eligible.  
 Not eligible  
 Not eligible  
 Not eligible  
 Not eligible  
 Not eligible in Nagaon - SSA.  
 Not eligible.  
 Not eligible  
 Not eligible  
 Not eligible  
 Not eligible

Signature of the Committee Members

*[Signature]*  
 ADT (MIS)  
 O/O the CGMT  
 Guwahati at Nagaon

*[Signature]*  
 Sr. Accounts Officer (Cash)  
 O/O the TDM, Nagaon

*[Signature]*  
 Divisional Engineer (P&A)  
 O/O the TDM, Nagaon



17/11/93

Verification of records of casual Labourers in Assam Telecom Circle.

Ref: Hon'ble CAT Guwahati bench decision dtd 31.03.99.

1. NAME OF THE APPLICANT CASUAL MAZDOOR: **SRI MADHU SINGH HIRA.**
2. O/A NO. IF THE LABOURER HAS GONE TO COURT: **1701/2000.**
3. FATHER'S NAME AND ADDRESS: **Lata Madinam Hira vill/PO Koki No. 1 Dist. Nagaon (Assam).**
4. DATE OF BIRTH: **22/11/1965**
5. AGE AT THE TIME: **32 yrs 8 months 3 days**
6. DATE OF INITIAL EMPLOYMENT (BY WHICH EMPLOYMENT ACT OR OTHER METHOD): **10-11-93 (1st pay payment record of 1st pay band)**
7. NATURE OF DUTY PERFORMED: **Casual in case of duty**
8. PRESENT STATUS OF THE MAZDOOR: **At present not working in the Dept**
9. SPECIMEN SIGNATURE OF THE MAZDOOR: **→ Madhusingh Hira**
10. EMPLOYMENT PARTICULARS FROM THE DATE OF INITIAL EMPLOYMENT (as per attached sheet) TILL 01.01.98: **Sheet attached (Rtd)**
11. RECOMMENDATION OF THE COMMITTEE WHETHER CASUAL LABOURER IS TO BE REEMPLOYED IN VIEW OF: **not recommended**
12. RECOMMENDATION OF THE SSA HEADQUARTERS:

**SR. Asst. Telecom District Manager, Nagaon Telecom Dist. Nagaon, Assam.**

Signature of the committee members.

**ADT (MPS)**

**A. C. (CASH)**

**DR (P.A.)**



MONTH	NO. OF DAYS	DATE OF PAYMENT	OF THE MONTH	AMOUNT	RECEIVED BY WHOM	DATE OF RECEIPT	NAME OF A.O. WHO HAS PAID
Working particulars for the period from 30/04/81 to 30/11/82 under SGT Nagabandh Binmaphu has been recorded from the (Nagabandh), Binmaphu Nagabandh vide TOM Nagam letter no B-182 CAT 2001-2002/54 dated 29/05/2001 and followed by memorandum to the (Admin) O/O GM NAB Circle II, Shimla but report not yet received from Binmaphu.							
During interview with the candidate on 22/06/2001 Shri Mahesh Singh Hukra informed that he was not in the job from May 1982 to 1991 due to his family health.							
Working period under SGT Nagam							
Nov/83	17 days	11-17	Rs 816/-	A.S. Chowdhury	AS (Cash) Nagam		
1993 Dec/83	30 "	30	Rs 1440/-	Do	Do		
Total = 47 days							
May/84	15 days	11-15	Rs 765/-	A.S. Chowdhury	Do		
June/84	30 "	30	Rs 1530/-	A.S. Chowdhury	SGT/Hij		
July/84	31 "	31	Rs 1581/-	Do	Do		
1994 Aug/84	26 "	26	Rs 1326/-	Do	Do		
Sept/84	23 "	23	Rs 1161/-	Do	Do		
Oct/84	19 "	19	Rs 967/-	Do	Do		
Nov/84	30 "	30	Rs 1590/-	Do	Do		
Dec/84	22 "	22	Rs 1166/-	Do	Do		
Total = 196 days							

Signature of the Committee Member

ADP (M)

ADP (M)

ADP (M)

P.T.O

R2

-14-

Shri Madhu Singh H.A. 19

02.170/2000

ENGAGEMENT PARTICULARS

ANNEXURE (CL-2)

FROM THE DATE OF INITIAL ENGAGEMENT

Page 2

YEAR	MONTH	NO. OF DAYS	NO. OF PAID MONTHS	OF MONTHS	AMOUNT	ENGAGED BY WHOM	TRAINING AUTHORITY	NAME OF A.O. WHO HAS PAID
1995	Jan/95	31 days	10	17	Rs 1605/-	AS chowdhury	AS chowdhury	AO (Cash) 1995
	Feb/95	28 "	10	17	Rs 1166/-	DO	DO	DO
	March/95	31 "	10	17	Rs 1605/-	DO	DO	DO
	June/95	25 "	10	17	Rs 1400/-	DO	DO	DO
	July/95	23 "	10	17	Rs 1161/-	DO	DO	DO
	Aug/95	31 "	10	17	Rs 1605/-	DO	DO	DO
	Sept/95	15 "	10	17	Rs 715/-	DO	DO	DO
	Oct/95	05 "	10	17	Rs 255/-	DO	DO	DO
	Dec/95	30 "	10	17	Rs 1515/-	DO	DO	DO
	Total	219 days						
1996	Jan/96	25 days	10	17	Rs 1405/-	H.C. Kachru	DO	DO
	Feb/96	20 "	10	17	Rs 1120/-	DO	DO	DO
	June/96	25 "	10	17	Rs 1400/-	DO	DO	DO
	July/96	08 "	10	17	Rs 1148/-	DO	DO	DO
	Total	78 days						
1997	July/97	19 days	10	17	Rs 767/-	AS chowdhury	AS chowdhury	DO
	Aug/97	19 "	10	17	Rs 767/-	DO	DO	DO
	Sept/97	19 "	10	17	Rs 767/-	DO	DO	DO
	Oct/97	19 "	10	17	Rs 767/-	DO	DO	DO
	Nov/97	19 "	10	17	Rs 767/-	DO	DO	DO
	Dec/97	18 "	10	17	Rs 767/-	DO	DO	DO
	Total	113 days						
1998		211						

Signature of the Committee Member

ADP (MIS)

AO (Cash)

DE (P&amp;A)

The labour has not completed 240 days in the working year from 1993 to 1998

-15- R2-

ANNEXURE "A" (Page 1)



Attention of receipt of ... and Labour ...

Ref: Hon'ble CAT Guwahati bench decision dtd 11.08.99.

1.	NAME OF THE APPLICANT	SRI BINAY DAS
2.	CASUAL MAZDOOR	
3.	O/A NO. IF THE LABOURER HAS GONE TO COURT	170/2.500
4.	FATHER'S NAME AND ADDRESS	Late GOBINTA DAS DISPUR, HANGRA BARI GUWAHATI - 6
5.	DATE OF BIRTH	19/5/70
6.	AGE AS ON 01.08.1998	28 years 2 months & 12 days
7.	DATE OF INITIAL ENGAGEMENT	01/95 (as per first available payment record)
8.	MODE OF SELECTION THROUGH EMPLOYMENT EXQ OR ANY OTHER METHOD	
9.	NATURE OF DUTY PERFORMED	Casual nature of work
10.	PRESENT STATUS OF THE MAZDOOR	→ At present not working in the Department
11.	SPECIMEN SIGNATURE OF THE MAZDOOR	→ Sri Binay Das
12.	ENGAGEMENT PARTIAL CLAPS FROM THE DATE OF INITIAL ENGAGEMENT (as per attached sheet) TILL 01.08.98	Sheet attached (One sheet)
13.	RECOMMENDATION OF THE COMMITTEE WHETHER CASUAL LABOUR SHOULD BE GRANTED TEMPORARY STATUS OR NOT KEEPING IN VIEW GO LINE.	Not recommended for Granting T.S.M. under Nagari SSA.
14.	RECOMMENDATION OF THE SSA HEADQUARTER	SR [Signature]

Deputy Director, Nagari, Assam

Signature of the committee members

AO (C.A.)

AO (C.A.)

DE (P.H.)

R2

-16-

## ANNEXURE 'C' (Page-2)

## STATEMENT PARTICULARS FROM THE DATE OF INITIAL ENGAGEMENT

170/2000

MONTH	NO. OF DAYS	NO. OF PAY ENITL. MONTHLY ACC. PAR. PARTICULARS & VOUCHER NOS.	AMOUNT	ENGAGED BY WHOM	FINANCE PASSING AUTHORITY.	NAME OF A.O. WHO HAS PAID.
Jan/95	31 days	ACG-17 (A No 18)	Rs 1561/-	A.S. Choudhury	800T Hiji	A.O. (Cm)
Feb/95	28 "	ACG-17	Rs 1428/-	- Do -		Do
March/95	25 "	ACG-17 (A No 1)	Rs 1218/-	S.C. Kachari	800T Hiji	Do
Apr/95	16 "	ACG-17	Rs 811/-	- Do -		Do
May/95	10 days	-	-	- Do -		Do
Jan/96	30 days	ACG-17 (A No 14)	Rs 1680/-	- Do -		Do
Feb/96	28 "	ACG-17	Rs 1568/-	- Do -		Do
March/96	7 "	ACG-17 (A No 15)	Rs 392/-	- Do -		Do
April/96	65 "	-	-	- Do -		Do
May/96	22 days	ACG-17 (A No 1)	Rs 1218/-	V.K. Bha...	800T Hiji	Do
June/96	12 "	ACG-17 (A No 3)	Rs 612/-	- Do -		Do
July/96	19 "	ACG-17 (A No 3)	Rs 967/-	A.K. Das	800T Hiji	Do
Aug/96	19 "	ACG-17 (A No 1)	Rs 967/-	M.K. Das	- Do	Do
Sept/96	19 "	ACG-17	Rs 967/-	A.K. Das	- Do	Do
Oct/96	11 "	ACG-17	Rs 561/-	- Do -	- Do	Do
Nov/96	19 "	- Do -	Rs 767/-	- Do -	Do	Do
Dec/96	18 "	- Do -	Rs 718/-	- Do -	- Do	Do
Jan/97	124 days	-	-	-	-	-
198	211	-	-	-	-	-

The Labourer has not completed 210 days in above working period

Signature of the Committee

DT(MIS)

dhru

DE(P&amp;A)

— R3 —  
— 17 —  
(18) 83

BHARAT SANCHAR NIGAM LIMITED  
OFFICE OF THE TELECOM DISTRICT MANAGER  
NAGAON ASSAM

No.E-182/CAT/2001-02/

Dated at Nagaon the 13-08-2001.

To  
Sri Madhu Singh Hira  
VIII- Kaki No.1 P.O.Kaki No.1.  
Dist-Nagaon (Asam.)

Dear Sir,

As you are aware that as per direction given by Hon'ble CAT Guwahati Bench, Guwahati in OA No.s192/98 & 170/2000, the department constituted verification committees for different SSAs/Units under the circle for conducting detailed verification/Scrutiny about the No.of days of engagement yearwise in different units/offices and also to collect proof/evidence for such casual labourer including yourself. The committee verified all the documentary as well as other proof from the various units/offices and also personally interviewed such casual labourer including you on 22-06-2001. In our office, the committee comprised of three members namely. 1.Sri K.K.Das, DE(P&A) O/O the TDM Nagaon, 2.Sri D.N.Baishya, ADT(MIS) O/O the CGMT/Guwahati, 3.Sri M.R.Choudhury, Sr. A.O.(Cash) O/O the TDM Nagaon.

The aforesaid committee submitted its report to the Department detailing all about their finding/proof against each casual labourer including you. The detail report is enclosed and furnished herewith on in annexure for your information.

Under the above circumstances as you could not satisfy the eligibility criteria as laid down in the scheme for conferment of TSM/regularisation, your case could not be considered favourably. Please take notice that, you have not been in engagement under the department since June.1998 and the department is bound to consider only the cases of such eligible casual labourers for conferment of TSM against such vacancies/work. This is done in accordance with the Hon'ble Tribunal's order/and also to stay/statusquo that was directed to be maintained.

End: As above.

Copy to the ADT (Legal)  
Go to the CGMT Guwahati.

B.V.  
Division Engineer (P&A)  
O/O the TDM Nagaon.

R3

-18-

86

ANNEXURE.

As of findings by the verification committee of NAGAON SSA in case of  
Shri. K. K. Das In the unit/office.....

Date of engagement ent.	Authority of engagement ent.	No. of days engaged. (A) (B) Upto year/ 1.8.98 days for for normal the cases cases because stay/ status quo/not to dis- engage- ment order by Honble Tribunal	Proof of payment document ary.	Name & design of members of committee verification	Reasons in brief of ineligibility.	Remark
1	2	3	4	5	6	7

10.9.92, Shri. S. Choudhury - 1973-21 (Days)  
 2004/10/20, 2011-21/6 m

1995-21/9 m  
 1996-21/8 m  
 1997-21/3 m  
 1998-21/1 m

1) Shri. K. K. Das  
 2) Shri. D. K. Das  
 3) Shri. D. K. Das  
 4) Shri. D. K. Das  
 5) Shri. D. K. Das  
 6) Shri. D. K. Das  
 7) Shri. D. K. Das

Not completed  
 210 days in any  
 working year.

Official Engineer (PBA)  
 O/o the T.D.M., Nagaon  
 Nagaon-782001