

30/100

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH  
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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SECTION OFFICER (Judl.)

O.A.

FROM No. 4

(SEE RULE 42)

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

ORDER SHEET

Original Application No. 229/02

Misc Petition No.                     

Contempt Petition No.                     

Review Application No.                     

Applicants J. Hogue

-Vs-

Respondant(s) H.O.T. Poms

Advocate for the Applicant(s) S. Ali, Min K. Chetri

Advocate for the Respondant(s) C.G.S.C.

Notes of the Registry	Date	Order of the Tribunal
	24.7.2002	Passed over. List on 26.7.2002 for admission.
70576373 18.7.02 He N/S 23/7/02	26.7.02	None is present for the ap cant. List on 16.8.02 for Admis
lm		Vice-Chairman
16.8.02		Member
Heard Mr. S. Ali learned o for the applicant and also Mr. Roy, Sr.C.G.S.C. for the reap Application is admitted for records. Returnable by fo weeks. List on 20.9.02 for o		
lm		Member

Slips taken  
along with envelopes.

Copy not yet scanned.

as respondent.

23/7/02

20.9.02

On the prayer of Mr. A. Deb Roy, learned Sr. C.G.S.C. for the respondents further four weeks time is allowed to the respondents to file written statement.

List again on 8.11.2002 for orders.

Vice-Chairman

mb

8.11.02

On the prayer of both the counsel for the parties the case is adjourned.

The respondents may file written statement in the meantime. List on 13.12.02 for orders.

Vice-Chairman

mb

Notice prepared and sent to D. Section for issuing of the same to the respondents through Regd. post with A.P.D.

Vide D.No-2252 & 2256 Dtd 20.8.02

20.8.02

No. Wks has been filed.

17.11.02

No. written statement 13.12.2002 has been filed.

12.12.02

Written statement has been filed.

The case may now be listed for hearing on 17.1.2003. The applicant may file rejoinder, if any, within two weeks from today.

Vice-Chairman

nkm

16.12.02

W/S submitted

by the respondents

17.1.2003 case is to be heard today. The case is adjourned to 31.1.2003.

31.1.2003

On the prayer of Mr. M. Chanda, learned counsel for the applicant the case is adjourned on the ground that Mr. S. Ali, learned Sr. counsel for the applicant is out of station. List again on 28.2.2003 for hearing.

Vice-Chairman

mb

28.1.03

Rejoinder submitted by the applicant in reply to the W/S.

Notes of the Registry

Date

Order of the Tribunal

28.2.2003

It has been stated that Mr.S. Ali, learned Sr. counsel for the applicant is on accommodation.

The case is adjourned accordingly and listed on 25.4.2003 for hearing.

  
Vice-Chairman

bb

25.4.2003

On the prayer made by Mr.S.Ali, learned Sr.counsel for the applicant the case is adjourned and is listed again for hearing on 12.5.2003 along with O.A.96/2002 & O.A.105/2002.

  
Vice-Chairman

bb

12/5/03 The case is adjourned to 14/5/03.

  
By order.

14.5.2003

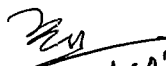
Heard counsel for the parties. Judgment delivered in open Court, kept in separate sheets.

The application is dismissed in terms of the order. No costs.

  
Vice-Chairman

bb

The case is ready for hearing as regard Wfs and rejoinders.

  
24.4.03

27.5.2003

Copy of the Judgment has been sent to the office for issuing the decree to the applicant as well as to the L/Hdr. for the Registry.  
SS

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

O.A. / ~~XXX~~ No. 229 of 2002~~xx~~

DATE OF DECISION 14.5.2003.....  
FILED OF 2003

... Syed Jainul.Hoque. . . . . APPLICANT(S).

... Mr.S.Ali, Sr. Advocate, Ms. K. Chettri & . . . . . ADVOCATE FOR THE  
Mr. Shohrab Ali. . . . . APPLICANT(S).

- VERSUS -

... The Chairman of Telecom Commission & Ors. .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 ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the judgment ?
4. Whether the judgment is to be circulated to the other Benches ?

Judgment delivered by Ho'ble Vice-Chairman.



CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH

Original Application No.229 of 2002.

Date of Order : This the 14th Day of May, 2003.

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

Syed Jainul Hoque

S/o Syed Abed Ali

Resident of Tithuri-I, P.O:- Tithuri-I

Via:- Rangya, P.S:- Rangya

Dist: Kamrup, Assam.

. . . Applicant.

By Mr.S.Ali, Sr.Advoacate , Ms.K.Chetri & Mr.Shohrab Ali.

- Versus -

1. The Chairman of Telecom Commission  
Sanchar Bhawan, New Delhi.

2. The Chairman-Cum-Managing Director  
Bharat Sanchar Nigam Limited  
New Delhi.

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

4. The General Manager  
Bharat Sanchar Nigam Limited  
Kamrup Telecom District  
Ulubari, Guwahati-7.

5. Sub-Divisional Officer  
Noonmati Telephone Exchange  
Guwahati.

. . . Respondents.

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

O R D E R

CHOWDHURY, J.(V.C.):

The issue relates to conferment of temporary status. The applicant in this application pleaded that he was engaged as casual labourer by the Sub-Divisional Telephone Exchange Officer, Noonmati in 1998 and worked as such till 2001. According to the applicant, in the year 1998 he worked for 145 days, in the year 1999 101 days and 243 days in the year 2000 and 27 days in the year 2001. The applicant accordingly submitted representation before the authority narrating all the facts for conferment of temporary status vide representation dated 6.5.2002.

on the failure of the respondents to respond the said representation the applicant moved this Tribunal seeking for direction on the respondents for conferment of

Contd./2

X

temporary status to him.

2. The respondents submitted the written statement and denied engagement of the applicant as casual labourer during the period 1998 to 2001 save and except for a very limited spell of one or two days and for that purpose the record was not maintained.

3. The applicant submitted a rejoinder disputing the assertion made by the respondents in the written statement and contended that if the records were called for, it would amply prove that the applicant completed 240 days in a year and therefore he was entitled for conferment of temporary status.

4. I have heard Mr.S.Ali, learned Sr. counsel for the applicant and also Mr.A.Deb Roy, learned Sr.C.G.S.C. for the respondents at length. There is no dispute that the Govt. of India promulgated a policy for conferment of temporary status in 1989 and the said policy was extended from time to time which was last extended upto 1.8.1998. The communication No.269-94/98-STN-II dated 29.9.2000 issued by the Department of Telecom Services, Sanchar Bhawan, New Delhi, indicated that as per the Department of Telecommunication letter No.269-4/93-STN-II dated 12.2.1999, temporary status was granted to casual labourers eligible on 1.8.1998, no casual labourers were to be engaged after this date and all casual labourers not eligible for temporary status on 1.8.1998 were to be disengaged forthwith and therefore there should be no casual labourers left without temporary status after 1.8.1998. The said communication also indicated that despite the position indicated above, in the event, there was any casual labourer left out due to any reasons, those were to be referred to the Head Quarters separately.

5. Mr.S.Ali, learned Sr.counsel for the applicant, contended that since the applicant completed more than 240 days in the year 2000, there was no justification for

denying the benefits of temporary status to the applicant. Mr.S.Ali referred to the month-wise working data left by him placed by the applicant, which also indicated that the applicant served for 243 days in the year 2000. No such policy was, however, made available extending the notification for conferment of temporary status after 1.8.1998. On the own showing of the applicant he was engaged in the year 1998 and upto March he worked only 36 days and in August only 7 days. In the absence of any extension after 1.8.1998 and the purported engagement of the applicant in the year 2000 it cannot be taken note of. The applicant failed to show and justify that he worked more than 240 days in any given year prior to 1.8.1998. In the circumstances it would not be appropriate to issue a direction upon the respondents to confer temporary status to the applicant.

The application is thus dismissed.

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



( D.N.CHOWDHURY )  
VICE CHAIRMAN

VICE CHAIRMAN



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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL GAUHATI BENCH  
AT GUWAHATI.

O.A. NO. 229/2002.

Syed Jainul Hoque ..... Applicant.

-VRS-

B.S.N.L. & Ors. .... Respondents.

I N D E X

<u>Sl.No.</u>	<u>Particulars</u>	<u>Pages</u>
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2	Annexure-1      =	8
3	Annexure-2      —	9
4	Annexure-3      —	10
5	Annexure-3(1)      —	11
6	Annexure-4      —	12
7	Annexure-4(1)      —	13

Filed by:-

Md. Shohrab Ali  
19.7.02  
Advocate.

Filed by the  
petitioner through  
me. Shohrab Ali  
Advocate  
(01-7-02) 16.7.02  
Syed Jainul Hoque

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL GAUHATI BENCH  
AT GUWAHATI.

(Application under Section 19 of the Central  
Administrative Tribunal Act, 1985).

O.A. No. 229 /2002.

Syed Jainul Hoque ..... Applicant.

-VRS-

The Chairman of Telecom Commission

Sangsar Bhawan Bhawan, New Delhi & Ors.

..... Respondents.

1. PARTICULARS OF THE APPLICANT :-

Syed Jainul Hoque

Son of Syed Abed Ali,

resident of Titkuri-I, P.O. Titkuri-I,

Via - Rangya, P.S. Rangya, Dist. Kamrup, Assam.

2. PARTICULARS OF THE RESPONDENTS :-

1. The Chairman of Telecom Commission, Sangsar Bhawan, New Delhi.
2. The Chairman-Cum-Managing Director, Bharat Sangsar Nigam Limited, New Delhi.
3. The Chief General Manager, Assam Telecom Circle, Ulubari, Guwahati-7.
4. The General Manager, Bharat Sangsar Nigam Ltd., Kamrup Telecom District, Ulubari, Guwahati-7.
5. Sub-Divisional Officer, Noonmati Telephone Ex-Change, Guwahati.

3. PARTICULARS OF THE ORDER AGAINST WHICH THIS APPLICATION HAS BEEN FILED :-

For not giving temporary status and thereafter regularise the service of the applicant with effect from 2000 as he has been working as Casual Labourer under S.D.O. Telephone Exchange, Noonmati, Guwahati.

4. JURISDICTION OF THE TRIBUNAL :-

The applicant declares that the subject matter of the order against which this application is made is within the jurisdiction of the Central Administrative Tribunal, Guwahati.

5. LIMITATION :-

The applicant further declares that this application is within the limitation of provision of Section 21 of the Central Administrative Tribunal Act, 1985.

6. FACTS OF THE CASE :-

6.1. That your application is an Indian citizen and as such he is entitled to all the rights and privileges guaranteed under the Constitution of India. He is a permanent resident of Village Titkuri under Rangya Police Station in the district of Kamrup, Assam.

6.2. That your applicant has passed the H.S.L.C. final Examination in 1999 from Bira Dutta High School, Titkuri, Kamrup in compartmental Examination.

Annexure-1 is the photocopy of HSLC final Examination issued by the Head Master Bira Dutta High School on 26.7.99.

11  
Jaioukhaat  
syed

6.3. That your applicant was engaged as ,  
Casual Labour by the Sub-Divisional Telephone Exchange  
Officer, Noonmati in 1998 and since then the applicant  
worked as Casual Labourer at Noonmati till 2001 as follows:-

1. 1998 - 145 days
2. 1999 - 101 "
3. 2000 - 243 "
4. 2001 - 27 " From this month the applicant

was not allowed to work by the S.D.O.

Annexure-2 is the photocopy of his  
details of working days.

6.4. That as per Annexure-2, it appears that  
your applicant is eligible for temporary status and  
thereafter regularisation in his service as he has completed  
243 days. As per scheme for regularisation of the casual  
labour 240 days working in a year is required and as such,  
the applicant filed a representation on 6.5.2002 to the  
General Manager, B.S.N.L. Kamrup Telecom District, Ulubari,  
Guwahati praying for granting temporary status and  
regularisation of his service with details working parti-  
culars but uptill now no reply has been given to his  
representation.

Annexure-3 is the photocopy of representation  
dated 6.5.2002 submitted by the applicant  
to the General Manager, BSNL Kamrup Telecom  
District, Ulubari, Guwahati-7.

12  
Syed Javed Hameed

Annexure-3(1) is the detail of working particulars of the applicant.

6.5. That the applicant having found no reply to his representation at Annexure-3, he filed another representation on 6.6.2002 to the General Manager alongwith detailed working particulars of the applicant as casual labourer but uptill now no action has been taken and file this application before the Hon'ble Tribunal seeking justice.

Annexure-4 is the representation dated 6.6.2002 submitted by the applicant to the Respondent No.5.

Annexure-4(1) is the detailed working particulars of the applicant.

7. GROUNDS FOR RELIEF WITH LEGAL PROVISIONS:-

7.1. For that the applicant having fulfilled the terms and condition of casual labourers scheme for regularisation of his service and as such he is entitled to be regularised in his service after giving temporary status.

7.2. For that the applicant was engaged as far back in 1998 and worked till 2001 and he has completed 243 days in the year 2000 and as such he is entitled to get temporary status and thereafter regularisation of his service w.e.f. 2000 as he has completed 243 days in this year.

7.3. For that your applicant filed several representations but the respondents have not considers his representation and hence he has approached this Hon'ble

12  
Syed Jamil Haque.

Tribunal seeking justice.

7.4. For that this Hon'ble Tribunal has given temporary status and regularised services of the casual labourers in similar cases and in fact this case is also covered by earlier judgment of a similar cases passed by this Hon'ble Tribunal.

7.5. For that at any rate the applicant is entitled to get temporary status and thereafter regularisation of his service w.e.f. 2000.

7.6. For that if the applicant is not allowed to work from the year 2002 he will suffer irreparable loss and injury.

8. DETAILS OF REMEDIES EXHAUSTED :-

That your applicant filed representations to the respondents particularly to the General Manager, BSNL, Kamrup Telecom District, Ulubari, Guwahati-7 but no action has been taken uptill now by the respondents and hence this application has been filed before this Hon'ble Tribunal.

9. MATTERS NOT PREVIOUSLY FILED OR PENDING IN ANY COURT OF LAW OR IN TRIBUNAL :-

The applicant further declares that no case in respect of the present matter is pending before any Tribunal or in any Court of law.

10. RELIEF SOUGHT FOR :-

Under the facts and circumstances narrated above the applicant prays the following reliefs:-

- 6 -

i) to grant temporary status and thereafter regularisation of service of the applicant as casual labour w.e.f. 2000.

ii) to dispose of this application at the admission stage as the case is covered by earlier similar cases disposed of by this Hon'ble Tribunal.

iii) any other relief/reliefs entitled to the applicant may be granted.

11. INTERIM RELIEF IF ANY :-

In the interim, the respondents may be directed to allow the applicant to work as casual labourer under S.D.O. (Telephone) Exchange Noonmati, Guwahati.

12. PARTICULARS OF THE IPO :-

Date of issue :- 18.7.2002 (18.7.02)

IPO No. 76576393.

Payable at Guwahati

Name of Post Office :-

Value of IPO :- Rs. 50/-

13. ENCLOSURE :-

As per Index.

14  
Jyoti Jaiswal Haque.

VERIFICATION

I, Syed Jainul Hoque Son of Syed Abed Ali, resident of Titkuri-I, P.O. Titkuri-I, Via - Rangya, P.S. Rangya, District - Kamrup, Assam, do hereby solemnly affirm and verify the statements made in paragraphs 1,2,3,4,5,6.1,6.2,8,9, are true to my knowledge and those made in paragraphs 6.3, 6.4,6.5, being matter of records are true to my information derived therefrom which I believe to be true and the rests are my humble submissions and grounds before the Hon'ble Tribunal. And I have not suppressed materials facts in this case.

*Syed Jainul Hoque*  
Signature 11.7.2002  
~~XXXXXXXXXXXX~~



## BIRADUTTA HIGH SCHOOL

PROVINCIALISED

Village P. O. Titkuri, Dist. Kamrup.

Sl No. 89

Admn no. - 23

Certified that Sri / Srimati Gained Haque  
 son / daughter of Sri Abed Ali an inhabitant  
 of village Titkuri P. O. Titkuri Dist. Kamrup  
 appeared in the H. S. L. C. Examination, 1999 from this  
 institution as a Regular / private candidate held under the  
 Board of Secondary Education, Assam under Roll. R5-296  
No. 5010 and had / had ~~not~~ passed the Examination  
 being placed in the compartmental Division.

His / Her date of birth according to the School Admission  
 Register / Admit card is 1-3-80.

His / Her conduct and character have been good.  
 I wish him / her all success in life.

Attested by  
 Sec. Admn. 16-7-02

Received  
 20/7/99  
 HEAD MASTER  
 Biradutta High School  
 Titkuri

Working data of Syed Jainul Hoque, attachment of T/M under Noonmati Telephone Exchange, Month wise since January 1998 to 2001.

Years of 1998

January	-	12 days
February	-	12 days
March	-	12 days
April	-	
May	-	
June	-	
July	-	
August	-	7 days
September	-	26 days
October	-	27 days
November	-	23 days
December	-	26 days
		145 days

Years of 1999

January	-	16 days
February	-	21 days
March	-	15 days
April	-	
May	-	
June	-	
July	-	
August	-	
September	-	9 days
October	-	8 days
November	-	13 days
December	-	19 days
		101 days

Years of 2000

January	-	23 days
February	-	17 days
March	-	22 days
April	-	23 days
May	-	23 days
June	-	20 days
July	-	24 days
August	-	26 days
September	-	24 days
October	-	19 days
November	-	22 days
December	-	
		243 days

Years of 2001

January	-	
February	-	
March	-	
April	-	
May	-	3 days
June	-	15 days
July	-	2 days
August	-	
September	-	
October	-	7 days
November	-	
December	-	
		27 days

Attested by  
Advocate  
16-7-02

Signature.

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To,

Shri S K Bhaduri,  
The General Manager, BSNL,  
Kamrup Telecom District. Ulubari,  
Guwahati - 781007.

Date at Guwahati the 6/5 May 2002.

Sub : Prayer for absorption in Temporary Status Mazdur Cadre (T.S.M).

Sir,

Most respectfully, I like to lay the following few lines before you for favour of your kind consideration and necessary action thereof.

That Sir, since January 1998, I had been working under A.C.G. 17 with attachment of Syed Abed Ali S/I (T/M) under Noonmati Telephone Exchange till March 1998 for 36 days and then, from August '98 to December 98 for 109 days, totaling 145 days throughout the years.

That Sir, during the years 1999 I worked in the same capacity from January till December for Total No. of 101 days, and in the years 2000 too, I worked for total No. of 243 days and for 27 days in the year of 2001.

That Sir, after this, I have not getting any chance to work in the department and have to spend my days, simply sitting idle and as a result I have been facing hard financial situations.

Under the above circumstances I most cordially pray your honour to consider me sympathetically and use your honourable office to absorb me in the cadre of temporary status Mazdur (TSM) in the department under your kind disposal and for this very kind act of yours I shall remain ever grateful to you.

Thanking you Sir,

Yours faithfully,

সৈয়দ জৈনুল হক

(Syed Jainul Hoque)  
Mosque compound,  
Noonmati, Ghy-20.

N.B. : A complete chart of my working data throughout the above mentioned years enclosed herewith for favour of your kind information and necessary action please.

Attested by  
Sd/- Advocate  
17-7-02

স্বাক্ষরিত  
Dispatch / Resubmission  
কামাখ্যা মহাস্থান  
গুৱাহাটী  
৬-৫-০২  
B. Bhattacharyya

Working data of Syed Jainul Hoque, attachment of T/M under Noonmati Telephone Exchange, Month wise since January 1998 to 2001.

Years of 1998

January	-	12 days
February	-	12 days
March	-	12 days
April	-	
May	-	
June	-	
July	-	
August	-	7 days
September	-	26 days
October	-	27 days
November	-	23 days
December	-	26 days
		145 days

Years of 1999

January	-	16 days
February	-	21 days
March	-	15 days
April	-	
May	-	
June	-	
July	-	
August	-	
September	-	9 days
October	-	8 days
November	-	13 days
December	-	19 days
		101 days

Years of 2000

January	-	23 days
February	-	17 days
March	-	22 days
April	-	23 days
May	-	23 days
June	-	20 days
July	-	24 days
August	-	26 days
September	-	24 days
October	-	19 days
November	-	22 days
December	-	
		243 days

Years of 2001

January	-	
February	-	
March	-	
April	-	
May	-	3 days
June	-	15 days
July	-	2 days
August	-	
September	-	
October	-	7 days
November	-	
December	-	
		27 days

Attended by  
Sri  
Rohit  
16-7-02

Signature.

To,

Sri S. K. Bhaduri,  
General Manager, BSNL,  
Kamrup Telecom District, Ulubari,  
Guwahati - 781007.

Date at Guwahati the 6/6 June 2002.

Sub : Prayer for absorption in Temporary Status Mazdur Cadre (T.S.M.)

Ref. : This is an earnest reminder in reference to my previous representation submitted to you dated the 6<sup>th</sup> May, 2002 with the following text.

Sir,

Most respectfully, I like to lay the following few lines before you for favour of your kind consideration and necessary action thereof.

That Sir, since January 1998, I had been working under A.C.G. 17 with attachment of Syed Abed Ali S/I (T/M) under Noonmati Telephone Exchange till March 1998 for 36 days and then, from August 98 to December 98 for 109 days, totalling 145 days throughout the years.

That Sir, during the years 1999 I worked in the same capacity from January till December for Total No. of 101 days, and in the years 2000 too, I worked for total No. of 243 days and for 27 days in the year of 2001.

That Sir, after this, I have not getting any chance to work in the department and have to spend my days, simply sitting idle and as a result I have been facing hard financial situations.

Under the above circumstances I most cordially pray your honour to consider me sympathetically and use your honourable office to absorb me in the cadre of temporary status Mazdur (TMS) in the department under your kind disposal and for this very kind act of yours I shall remain ever grateful to you.

Thanking you Sir,

Yours faithfully,

*(Signature)* 23/6/02

(Syed Jainul Haque)  
Mosque compound  
Noonmati, Ghy - 20

*(Signature)*  
06/06/02  
Deputy Secretary / BSNL  
Kamrup Telecom District, Guwahati.

*(Signature)*  
16/7/02

N.B.: A complete chart of my working data throughout the above mentioned years enclosed herewith for favour of your kind information and necessary action please.

Working data of Syed Jainul Hoque, attachment of T/M under Noonmati Telephone Exchange, Month wise since January 1998 to 2001.

Years of 1998

January	-	12 days
February	-	12 days
March	-	12 days
April	-	
May	-	
June	-	
July	-	
August	-	7 days
September	-	26 days
October	-	27 days
November	-	23 days
December	-	26 days

145 days

Years of 1999

January	-	16 days
February	-	21 days
March	-	15 days
April	-	
May	-	
June	-	
July	-	
August	-	
September	-	9 days
October	-	8 days
November	-	13 days
December	-	19 days

101 days

240

1.8.98

Years of 2000

January	-	23 days
February	-	17 days
March	-	22 days
April	-	23 days
May	-	23 days
June	-	20 days
July	-	24 days
August	-	26 days
September	-	24 days
October	-	19 days
November	-	22 days
December	-	

243 days

Years of 2001

January	-	
February	-	
March	-	
April	-	
May	-	3 days
June	-	15 days
July	-	2 days
August	-	
September	-	
October	-	7 days
November	-	
December	-	

27 days

Plotted by  
Syed Jainul Hoque  
16-7-02

সৈয়দ জাইনুল হক 2401

Signature.

(14)

Filed by

12/12/02  
(A. DEB ROY)  
Sr. C. S. J. C.  
C. A. T. Guwahati Bench

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

O.A. NO. 229 OF 2002

Shri Syed Jainul Haque

- Vs -

Union of India and others

In the matter of :

Written Statement submitted  
by the respondents.

The humble respondents beg to submit the  
written statement as follows :

1. That with regard to para 1 and 2 of the application, the respondents beg to offer no comments.
2. That with regard to the statements made in para 3, of the application the respondents beg to state that the applicant has not been a Casual Labourer of the Department at any period of time and he is not entitled for any benefit what so ever.
3. That with regard to the statements made in para 4, of the application the respondents beg to state that the O.A. is not made against any order of the Department.
4. That with regard to para 5, of the application the respondents beg to offer no comments.

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5. That with regard to the statements made in para 6.1, of the application the respondents beg to offer no comments as the department has no information about the applicant.
6. That with regard to the statements made in para 6.2, of the application the respondents beg to offer same as above. The educational qualification of the applicant or the lack of it has no bearing on the subject matter of the case.
7. That with regard to the statements made in para 6.3, of the application, the respondents beg to state that the applicant was not engaged as Casual Labourer and he did not perform departmental work for the period shown in Annexure - 2 which is nothing more than a self certificate.

It is reiterated that the applicant was not engaged in Casual Labourer. during the period from 1998 to 2001 save and except for a very limited spell of 1 - 2 days for which no record is maintained in the Department.

8. That with regard to the statements made in para 6.4, of the application the respondents beg to state that as submitted in the foregoing paras the applicant was not engaged in the department for the period shown in Annexure - 2 to the O.A. He is not entitled for the benefit of the departmental scheme formulated for the Casual Mazdoors who have continuously worked for atleast one year.

The annexure -2 to the O.A. has no authenticity and cannot be relied upon for the purpose of determining eligibility for grant of temporary status or regularization. It is a self



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certificate prepared by the applicant having no authenticity to be relied upon.

The annexure-3 representation dated 06.05.2002 does not deserve any consideration as the same is ill conceived and distorted. The same has no utility other than preparing a ground for filing the O.A.

9. That with regard to the statements made in para 6.5, of the application the respondents beg to state that the applicant has no right to persue his case departmentally as he is also fully aware that he is not entitled for the relief sought for.

10. That with regard to the statements made in para 7, of the application the respondents beg to state that the applicant has no lawful claim for grant of temporary status or any other benefit of the scheme as he has not worked as Casual Labourer. The claim of the applicant is not supported by any authentic or reliable records to merit consideration.

The OA is devoid of any merit. The same is ill conceived and mischievous. The OA deserve to be dismissed at the first instance.

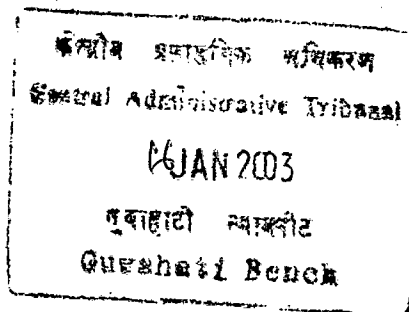
Verification .....

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

I, Shri Shankar chandra Das, presently  
working as Asstt. Director Telecom (Legal) being  
duly authorised and competent to sign this verification  
do hereby solemnly affirm and state that the statements  
made in para 1 to 10 are true to my knowledge  
and belief and those made in para being matter  
of records, are true to my information derived therefrom  
and the rest are my humble submission before this Hon'ble  
Tribunal. I have not suppressed any material facts.

And I sign this verification on this 25th day  
of ~~August~~ November, 2002 at Guwahati.

Shankar Chandra Das  
जहायक निदेशक दूरसंचार (वि. )  
Assistant Director (Legal)  
कार्यालय, मुख्य तथा सहायक दूरसंचार,  
Old The Chief Engineer's Quarters Telecom,  
असम दूरसंचार परिसर, गुवाहाटी-7  
Telecom Circle, Guwahati



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL GUWAHATI BENCH  
AT GUWAHATI.

O.A. No.229/2002.

Syed Jainul Hoque .... Applicant.

-VRS-

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

IN THE MATTER OF :-

Rejoinder submitted by the  
applicant in reply to written  
statements submitted by the  
Respondents.

The humble applicant submits his rejoinder  
in reply to written statements submitted by  
the respondents as follows:-

1. That with regard to the statements made in  
paragraph 1 of the written statements, the applicant  
has no comments.
2. That with regard to the statements made in  
paragraph 2 of the written statements, the applicant  
begs to state that the same is a blatant lie and as such  
the applicant stoutly denies the same. In fact, the  
applicant served under different S.D.O., Phones at  
Noonmati since 1998 to 2001 as shown in Annexure-5  
annexed to this rejoinder.

The applicant has been paid his daily wages  
for all the days he worked under the above S.D.O.s,  
Phones. The S.D.O., Phones, Noonmati vide his letter

Contd.....2

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No.G-17/02-03/5 dated 13.9.2002 clearly stated that the period of different S.D.O.s' A.C.E.-2 Accounts be checked wherein the payment of different casual labours are shown along with the total amount received by them including the applicant. This ACE-2 Account may be called for which is now with S.D.E. Legal under General Manager, B.S.N.L., Guwahati-7. On perusal of the above ACE-2 the payment of daily wages to the applicant will be found. This will prove that the statements made by the respondents in paragraph 2 of their written statements is false and baseless.

Annexure-6 is the typed copy of letter No.G-17/02-03/5 dated 13.09.02 written by the Sub-Divisional Officer, Phones, Noonmati, Guwahati-20.

3. That with regard to the statements made in paragraph 3 of the written statements, the applicant begs to state that it is a fact that there is no written order which has been challenged in this original application

but as per Govt. Order that those who completes 240 days *as*

*By casual labour*

in a year he is entitled to get temporary status and

thereafter regularisation. But as the respondents have not

*given*  
~~get~~ temporary status to the applicant in spite of

representation dated 6.6.02 at Annexure-4 annexed to the Original Application and hence he has been compelled to file this original application as the respondents have deprived the applicant from benefit by giving temporary status to him as casual labour having completed 240 days in the year 2000 as stated in Annexure-5 under Sl.3.

4. That with regard to the statements made in paragraph 4 of the written statements, the applicant

Contd...3

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begs to state that he has no comments.

5. That with regard to the statements made in paragraphs 5 and 6 of the written statements, the applicant has no comments to offer.

6. That with regard to the statements made in paragraph 7 of the written statements, the applicant begs to state that the same is absolutely false and baseless. The Annexure-5 annexed to this rejoinder clearly shows that he definitely worked and he has been paid daily wages for the days he worked under the S.D.O. shown in Annexure-5 and that apart the record of ~~SOEN~~ ACE-2 Accounts will show that the applicant has been paid daily wages for the days he worked under different S.D.O. and hence it is necessary to call for the ACE-2 accounts from the General Manager, Telecom, BSNL, Guwahati.

7. That with regard to the statements made in paragraphs 8 and 9 of the written statements, the applicant begs to state that the same is malicious and false and hence the applicant stoutly denies the same.

8. That with regard to the statements made in paragraph 10 of the written statements, the applicant begs to state that the same is absolutely false and baseless and hence the same is stoutly denied by the applicant. It is further stated that the respondents should produce the records as shown in Annexure-5 annexed to this rejoinder and they should also produce ACE-2 Accounts by which the applicant was paid his daily wages by the different SDOs. Hence it is necessary that the ACE-2

accounts should be produced before this Hon'ble Tribunal to ascertain whether the applicant worked under different SDOs as shown at Annexure-5 and whether the applicant was paid his daily wages.

9. That it is submitted that the applicant is entitled to temporary status and thereafter regularisation in service as per Govt. orders as he has worked under as many as 6(six) SDOs Phases at Noonmati from different dates. He is also entitled to be given temporary status in view of the fact that in the year 1999-2000 he worked for 259 days and this will be proved when ACE-2 Accounts are produced before this Hon'ble Tribunal by the respondents.

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

I, Syed Jainul Hoque Son of Syed Abed Ali, resident of Titkuri-I, P.O. Titkuri-I Via - Rangya Dist. Kamrup, Assam, do hereby solemnly affirm and verify the statements made in paragraphs 1,2,3,4,5,6,7, 8 are true to my knowledge and those made in paragraphs

— being matter of records are true to my information derived therefrom which I believe to be true and the rests are my humble submissions before this Hon'ble Tribunal. And I sign this verification on this the 9<sup>th</sup> day of January, 2003 at Guwahati.

*Syed Jainul Haque.*  
Signature.

The applicant worked under the following S.D.O. Phones as shows below since 1998 to 2001

1.	Sri K.K.Kakati S.D.O. Phone Posting at Noonmati From	=	24/2/95	to	4/3/98	
	= worked From	=	1-1-98	to	4-3-98	= 24 days
2.	Sri D.C. Barman S.D.O. Phone Posting at Noonmati From	=	5/3/98	to	8/8/99	
	= worked From	=	5-3-98	to	8-8-99	= 173 days.
3.	Sri A.C. Baishya S.D.O. Phone Posting at Noonmati From	=	9/8/99	to	17/10/2000	
	= worked From	=	9-8-99	to	17-10-2000	= 259 days
4.	Sri K. Ray. Choudhury S.D.O. Phone Posting at Noonmati From	=	18/10/2000	to	11/3/2001	
	worked From	=	18-10-2000	to	11-3-2001	= 33 days.
5.	Sri S. Baruah S.D.O. Phone Posting at Noonmati From	=	12/3/2001	to	17/5/2001	
	worked From	=	12-3-2001	to	17-5-2001	= 00 days
6.	Sri R.M. Das S.D.O. Phone Posting at Noonmati From	=	18/5/2001	to	12/10/2001.	
	worked From	=	18-5-2001	to	12-10-2001	= 27 days

Total = 516 days

Self - signed Jaimul Haque

ANNEXURE-6

BHARAT SANCHAR NIGAM LIMITED  
(A Government of India Enterprise)

From S.D.O. Phones,  
Noonmati, Gawahati-20.

To,

The SDE (Legal),  
O/O the GMT/GM, Ulubari-7.

No.G-17/02/03/5 Dated 13.09.2002.

Subject:- Court notice received from CAT.

As per telephonic discussion with you I would like to intimate you the following facts:-

That there is no any records available in this office regarding works performed by Syed Jainul Hoque.

However, the names of SDO phones, Noonmati with period given below for checking of their ACE-2 Account.

<u>Sl.No.</u>	<u>Name of SDO P</u>	<u>From</u>	<u>To</u>
1.	Sri K.K. Kakati	24.02.95	04-03-98
2.	Sri D.C. Barman	05-03-98	08-08-99
3.	Sri A.C. Baishya	09-08-99	17-10-00
4.	Sri K.Roychoudhury	18-10-00	17-03-01
5.	Sri G. Baruah	12-03-01	17-05-01
6.	Sri R.M. Das	18-05-01	12-10-01
7.	Sri M.C. Bania	10-10-01	till date.

Sd/- Illegible,  
Sub-Divisional Officer, Phone  
Noonmati, Guwahati-20.