

30/100

b

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

(DESTRUCTION OF RECORD RULES, 1990)

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O.A/T.A No. 282/2002

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SECTION OFFICER (Judl.)

Gaita  
4.12.17

( SEE RULE - 4 )

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH  
GUWAHATI

ORDER SHEET

Original Application No : 382/02  
Misc. Petition No. \_\_\_\_\_  
Contempt Petition No. \_\_\_\_\_  
Review Application No. \_\_\_\_\_

Applicant(s): Madam Ch. Boro

- Vs. -

Respondent(s): N.O.I. Boro

Advocate for the Applicant(s): B. Malakar, Ratul Dey

Advocate for the Respondent(s): Case.

Notes of the Registry	Date	Order of the Tribunal
<p>This is application in form C. F. for Rs. 50/- deposited vide IP 7/02 <u>2.6.575.899</u> Dated ... 6.11.02 ... <i>Dy. Registrar</i></p> <p><i>Steps taken...</i></p> <p><i>Embro not supplied. Notice prepared and sent to D/S for owing the respondents No 1 &amp; 2 by Post.</i></p> <p><i>12/12/02</i></p> <p><i>D/No 3340 K 41</i></p> <p><i>S/d 12/12/02</i></p> <p><i>NO reply has been filed.</i></p> <p><i>NB</i></p> <p><i>14/2/03</i></p>	<p>5.12.02</p> <p>mb</p> <p>20.12.02</p> <p>mb</p> <p>20.1.2003</p> <p>mb</p>	<p>Heard Mr. B. Malakar, learned counsel for the applicant.</p> <p>Issue notice to show cause as to why the application shall not be admitted. Returnable by two weeks.</p> <p>List on 20.12.2002 for admission</p> <p><i>K. K. Sharma</i> Member</p> <p>Await service report. List again on 20.1.2002 for admission.</p> <p><i>K. K. Sharma</i> Member</p> <p><i>Vice-Chairman</i></p> <p>Put up again on 17.2.2003 to enable the respondents to file reply, if any.</p> <p><i>Sun</i> Member</p> <p><i>Vice-Chairman</i></p>

17.2.2003 Present : The Hon'ble Mr. Justice  
D.N. Chowdhury,  
Vice-Chairman.

The Hon'ble Mr. S. Biswas,  
Administrative Member.

No written statement is  
forthcoming. The application is admitted.  
No fresh notice need to be issued. The  
respondents may file written statement,  
if any.

List the matter on 17.3.2003  
for orders.

The applicant is directed  
to serve a copy of the application to  
Mr. A. Deb Roy, learned Sr. C.G.S.C. for  
the respondents.

Order dtd 17/2/03  
Communicated to the  
Parties Counsel by  
18/2/03

No written statement  
has been filed

S. Biswas  
Member

  
Vice-Chairman

mb

23  
13.3.03

17.3.2003 The respondents are yet to file  
written statement. Further four weeks  
time is allowed to the respondents to  
written statement on the prayer of Mr.  
A. Deb Roy, learned Sr. C.G.S.C. for the  
respondents. List on 21.4.2003 for  
orders.

No. W/S has been  
filed.

24  
17.4.03

  
Vice-Chairman

mb

No. W/S has been  
filed

25  
25.4.03

21/4 Court did not mt today. The  
Case is adjourned to 28/4/03.

26  
2

28.4.2003 List on 30.5.2003 to enable the  
respondents to file written statement,  
if any.

No. Written statement  
has been filed.

29  
29.5.03.

  
Vice-Chairman

mb

30.5.2003 No written statement so far  
filed by the respondents. Put up  
again on 27.6.2003 to enable the  
respondents to file written statement  
as a last chance.

No. written statement  
has been filed.

26.6.03

mb

  
Vice-Chairman

27.6.03 No written statement forthcoming.  
Further four weeks time is allowed to  
the respondents to file written  
statement on the prayer made by Mr  
A. Deb Roy, learned Sr.C.G.S.C.  
List on 25.7.03 for order.

  
Vice-Chairman

pg


25.7.2003 Present : The Hon'ble Mr. N.D. Dayal,  
Administrative Member.

No. written statement  
has been filed.

28.8.03

None appears for the applicant.  
Mr. A. Deb Roy, learned Sr. G.G.S.C for  
the respondents prays for time for filing  
written statement.

Prayer is allowed. List again on  
29.8.2003 for orders.

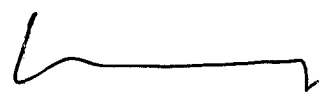
  
Member

mb

29.8.2003 None appears for the ~~xxx~~ applica-  
nt. List again on 31.10.2003 for orders.  
In the meantime, the respondents may file  
written statement, if any.

No. written statement  
has been filed.

30/10/03

  
Vice-Chairman

mb

31.10.2003

No written statement so far filed. On the prayer made by Mr.A.Deb Roy, learned Sr.C.G.S.C. further four weeks time is granted to the respondents to file written statement.

List the case on 9.12.2003 for order.

  
Vice-Chairman

bb

1.1.2004

List the case on 3.2.2004 for filing of written statement. A copy of the order may be served on the learned Sr.C.G.S.C. for the respondents.

23.2.04

*W/s. Submitted  
by the Respondents.*

bb

20.2.2004

The copy of the O.A. is to be served upon the learned Sr.C.G.S.C. for the respondents. List the case on 22.3.2004 for written statement.

  
Member

bb

22.3.2004


Written statement has been filed. List on 22.4.2004 for hearing.

  
Member (A)

mb

22.4.2004

None appears for the applicant. A copy of the O.A. is to be handed over to Mr.A.Deb Roy, learned Sr.C.G.S.C. Last chance is given to the applicant to present his case. List on 17.5.04 for hearing.

  
Member (A)

bb

Wks has been  
biked.

30  
8.6.04

17.5.2004

Since Mr. A. Deb Roy, learned  
Sr. C.G.S.C. is on leave, list  
the matter on 9.6.2004 for  
hearing.

  
Member (A)

mb

9.6.04

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

The application is disposed of in  
terms of the order. Noxx order as to  
costs.

  
Member (A)

pg

11.6.04.

Copy of the Judgt  
has been sent to the  
offce. for issuing  
the same to the applicant  
by post

st

Aug 11/6

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

O.A. / R.A. No. 382 . . . of 2002.

9-6-2004  
DATE OF DECISION . . . . .  
BY

Sri Madan Ch. Boro . . . . . APPLICANT(S).

Sri B. Malakar . . . . . ADVOCATE FOR THE  
APPLICANT(S).

- VERSUS -

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

Sri A. Deb Roy, Sr.C.G.S.C. . . . . ADVOCATE FOR THE  
RESPONDENT(S).

THE HON'BLE SHRI K.V.PRAHLADAN, ADMINISTRATIVE MEMBER

THE HON'BLE

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

Judgment delivered by Ho'ble Administrative Member

BS

4

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No. 382 of 2002.

Date of Order : This the 9th day of June, 2004.

The Hon'ble Shri K.V.Prahladan, Administrative Member.

Sri Madan Ch. Boro,  
Son of Sri Hataram Boro,  
Casual Mazdoor,  
Central Telegraph Office,  
Panbazar, Guwahati.

...Applicant

By Advocate Sri B.Malakar.

- Versus -

1. The Union of India,  
represented by the Chief General  
Manager, Telecom, Assam Circle,  
Ulubari, Guwahati-7.

2. The General Manager (Telephones)  
Kamrup, Guwahati-7.

...Respondents

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

O R D E R (ORAL)

K.V.PRAHLADAN, MEMBER(A)

bwp

The applicant was engaged as Casual Mazdoor under Divisional Engineer, CTO, Guwahati with effect from 7.10.1996 to 30.9.1997. By an order dated 30.9.1997 the applicant alongwith 22 others were retrenched with effect from 30.9.97. The applicant claims that this order was never implemented in his case. In O.A.112/98 in which the present applicant was a party this Tribunal passed an interim order dated 29.5.98 and directed the respondents not to remove the applicants. Same order was also passed in O.A.145/98. In O.A.107/98 this Tribunal directed the applicants to file representation and the respondents were also directed to examine each case in consultation with




records and pass a reasoned order depending upon the merits of the case.

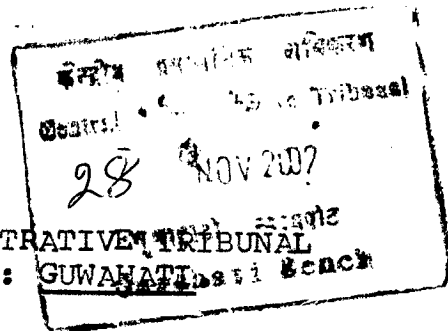
2. The respondents in their written statement stated that the applicant was worked only for 52 days from 7.10.96 to 31.12.96 and 206 days from 2.2.97 to 30.9.97. He was never engaged thereafter. The respondents also produced an order issued by the Divisional Engineer, CTO, Guwahati dated 11.9.98 whereby it is shown that the applicant was retrenched/terminated on 30.9.97.

3. Heard Mr B.Malakar, learned counsel for the applicant and Mr A.Deb Roy, learned Sr.C.G.S.C for the respondents at length. The letter of the respondents dated 27.12.2000 at Annexure-E shows that the applicant was retrenched from 30.9.97. It also shows that "the applicant was disengaged as Casual labourer with effect from 31.01.2001." The retrenchment order dated 11.9.98 shows that the applicant was retrenched from 30.9.97. The correct date of retrenchment could not be ascertained either from the O.A. or from the written statement. Therefore, the respondents are directed to scrutinise all the records available with them and alongwith any additional record produced by the applicant <sup>and</sup> / ~~considering~~ <sup>WP</sup> his case for TSM/regularisation as per the scheme and pass a reasoned order within six months from the date of receipt of this order.

The O.A. is accordingly disposed of. No order as to costs.

  
( K.V.PRAHLADAN )  
ADMINISTRATIVE MEMBER

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH : GUWAHATI Bench



Original Application No. 382 of 2002.

Sri Madan Chandra Boro

Vs.

... Applicant

Union of India & ors

... Respondents.

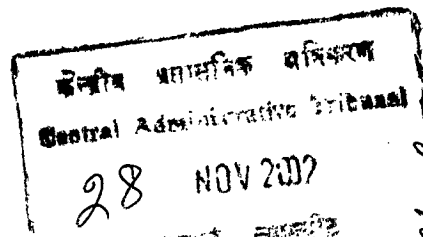
I N D E X

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Filed by -

Ratul Das

Ratul Das  
Advocate.



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH : GUWAHATI.

Filed by

Sri Madan Chandra Gogoi  
— Applicant

Through — Ratul Das  
Advocate

Application Under Section 19  
of the Central Administrative  
Tribunal Act, 1985.

Date of filing : 28.11.02

Registration No. O.A. <sup>382</sup> ~~378~~/02

Signature. (Assistant)

Dy. Registrar.

12

2.

1. PARTICULARS OF THE APPLICANT :

- i) Name Sri Madan Ch. Boro
- ii) Father's name Sri Hataram Boro
- iii) Designation and office which employed. Casual Mazdoor  
Central Telegraph Office,  
Panbazar, Guwahati.
- iv) Particulars for service of notice AS at (iii) above.

2. PARTICULARS OF THE RESPONDENTS :

- (i) Name and/or designation of the respondents.

- (a) The Union of India,  
Represented by the Chief General  
Manager, Telecom, Assam Circle  
S.R. Bora Lane, Ulubari, Guwahati.
- (b) The General Manager (Telephones)  
Kamrup, Guwahati,  
S.R. Bora Lane, Ulubari, Guwahati.

- (ii) Office address of the respondents :

AS above.

- (iii) Address for service of notice :

AS above.

3. Particulars of the Order against which this application is made.

Non-consideration of the case of the  
applicant for grant of temporary  
status.

M. Boro

3.

4. JURISDICTION OF THE TRIBUNAL

The applicant declares that the subject matter of the application is within the jurisdiction of this Tribunal.

5. LIMITATION

The applicant further declares that the application is within the limitation prescribed by Section 21 of the CAT Act, 1985.

6. FACTS OF THE CASE.

(i) The applicant was appointed as a casual mazdoor from October, 1996 under Divisional Engineer, CTO, Guwahati. There was no formal appointment order, but the applicant continued to work under the appointing authority.

(ii) That on 30.9.97 the Divisional Engineer, CTO, Guwahati vide his order in Memo No. STA-51/CL/96-97/18 terminated the engagement of 22 casual mazdoor working in CTO/TO's and T.Cs. It was stated in the order that the termination order came in the wake of the Vigilance Officer, Office of the CGMT's letter dated 10.9.97.

A copy of the said order is annexed herewith and marked Annexure - A to the application.

M. Boro

M

4.

(iii) That although the termination order was issued as aforesaid, the engagements of 16 mazdoors were not given effect to, except in case of Miss Kiran Kalita, who had challenged the termination order in the Central Administrative Tribunal, Guwahati Bench. In her order from the CAT, it was directed not to disengage her, if the order was not already given effect to. But the authority had maintained that Miss Kiran Kalita was already disengaged. Thus the applicant continued to work along with others.

(iv) That in May 1998 the other persons in engagement were verbally threatened with termination of their engagement when 12 of them filed an application under Section 19 of the CAT Act, 1985 before the Tribunal which was registered and numbered as OA 112/98. In this connection stay order was passed on 29.5.98 not to oust the applicants therein. This time also the respondent authority did not issue formal order of termination and the applicants continued to work.

A copy of the stay order is annexed herewith and marked Annexure - B to this application.

(v) That again in August, 1998, 12 applicants moved the Hon'ble Tribunal filing another application which was registered and numbered as OA 145/98. In this application stay order was passed on 20.8.98 directing the authority not to dis-engage the applicants and allow

M Boroo

them to continue their works. Since then the applicants continued in their respective engagements.

A copy of the stay order is annexed herewith and marked as Annexure - C to this application.

(vi) That the stay order being passed as aforesaid on 29.5.98 in OA 112/98 and again on 20.8.98 in OA 145/98 the applicants were not allowed to resume their duties and the order of the Tribunal was not implemented. OA 112/98 and OA 145/98 were finally disposed on 31.8.98 and in the final order it was directed that applicants will file individual representation stating their cases and the respondent authorities shall scrutinise and examine their applications in consultation with records and pass reasoned orders. It was further directed that until then the stay orders passed shall continue.

(vii) That thereafter, 12 casual mazdoors were allowed to resume their works vide order dated 18.11.98 on receipt of legal opinion from the Legal Adviser, DOT. The letter of re-engagement was issued by the Divisional Engineer, CTO, Guwahati vide Memo No. STA-51/CL/98-99/ LOOSE/05 dt 18.11.98.

A copy of the said letter is annexed herewith and marked Annexure - D to this application.

M. Boro

ix) That the applicant begs to state that in OA 112/98, he was one of the applicants and the Hon'ble Tribunal stayed the order of termination on 29.5.98. This OA was also disposed on 31.8.99 and stay~~ed~~ order was continued. The respondent authorities on the basis of legal opinion allowed some of the applicants with similar stay orders and similarly situated but such benefit was not extended to the applicant although his case was also covered by the same legal opinion.

x) That pursuant to the order of the Hon'ble Tribunal dated 31.8.99, the applicant had submitted representation on 30.11.99 to the respondent no. 1 through the respondent no. 2. This representation of the application was however not considered, but the respondent no. 1 vide Memo No. GMI/EST-179/TSM/00/102 dated 27.2.2000 informed the applicant by a stereo type order stating inter alia, that the applicant having failed to satisfy the illegibility criteria as laid down in the scheme for conferment of TSM, the case could not be considered favourably. It was further stated as under :

"Please take notice that you have not been in engagement under the department since 30.9.97 and you have been retrenched vide DE/CTO's letter No. STA-51/CL/96-97/18 dated 30.9.97. You have been ~~discharged~~ dis-engaged as casual labourer w.e.f. 31.1.2001 as the department is bound to consider only the cases of such illegible casual labourers for conferment of TSM against such vacancies/works. This is done

M Boro



in accordance with the Hon'ble Tribunal's order/ and also the stay/status-quo that was directed to be maintained."

A copy of the said order is annexed hereto and marked as Annexure - E to this application.

(xi) That from the above letter, it could not be ascertained as to the criteria which the applicant could not satisfy. The applicant was in engagement as casual labourer from October, 1996. On 30.9.97 he was stated to be terminated, but the termination was not given effect to. On 29.5.98, the Tribunal passed an order not to remove the applicant from service. On 18.11.98 some similarly situated mazdoors with similar stay orders from the Tribunal were re-engaged on receipt of legal opinion. There is therefore, no logic behind to treat the applicant as retrenched w.e.f. 30.9.97. In the order dated 27.12.2000 the applicant is shown to have been dis-engaged w.e.f. 31.1.2001. Under such circumstances, the applicant is entitled to the grant of temporary status as he has completed 240 days prior to 1.8.1998.

(xii) That the applicant humbly submits that the respondent authority has adopted discriminatory measures in conferring temporary status to the casual mazdoors who have actually rendered their services. The applicant is one of such mazdoors, who has been deprived of his means of livelihood.

M. B. S. S.

18  
8.

(xiii) That the applicant begs to state that for the purpose of granting temporary status to casual labourers under the Engineering Department of the Telecom the requirement of continuous service in a year is 206 days in case of 5 days and 240 days in case of 6 days working pattern.

A copy of the circular is annexed herewith and marked Annexure - F to this application.

7. LEGAL GROUNDS :

Tribunal passed stay order on 29.5.98 not to dis-engage the applicant. Such stay order was given effect by the same authority on receipt of legal advice. The applicant being a similarly situated employee, he cannot be denied similar benefit.

8. RELIEF SOUGHT :

Under the circumstances the applicant prays -

That the service of the applicant be regularised and he shall be given temporary status as he has fulfilled the ~~eligibility~~ criteria.

9. INTERIM RELIEF :

N i l.

10. REMEDIES EXHAUSTED :

The applicant declares that he has availed the remedies available.

M. Borco

11. SUBJECT MATTER NOT PENDING BEFORE ANY OTHER COURT :

That the subject matter regarding which this application has been made is not pending before any Court or any other authority.

12. PARTICULARS OF THE I P O.

- (i) Number of IPO :
- (ii) Name of issuing P.O.
- (iii) PO which payable.

13. DETAILED OF I N D E X :

An index in duplicate consisting of details of documents to be relied upon is enclosed.

14. LIST OF ENCLOSURES :

- (i) Termination order dt. 30.9.97
- (ii) Tribunal's order dated 29.5.98
- (iii) Tribunal's order dt. 20.8.98
- (iv) Re-engagement letter dt. 18.11.98
- (v) Order dated 27.12.2000.
- (vi) Circular.

M. Boro

# VERIFICATION

I, Shri Madan Boro son of Sri Hataram Boro the applicant above named do hereby verify that the statements made above in paragraphs 1, 2, 3, 4, 5, 6 (i), (ii), (iii), 7, 8, 9, 10, 11, 12, 13 & 14 in the application are true to my knowledge and those in paragraphs (xi), (xii), (xiii), (xiv), (xv), (xvi), (xvii), (xviii), (xix), (xx), (xxi) Being matters of records are true to my information derived there from which I believe to be true and the rest are my humble submissions.

Guwahati :

26.11.02

Date :

Madan Boro

Signature

ANNEXURE - A - 11-

Department of Telecommunications,  
Office of the Divisional Engineer, C.T.O. Guwahati.

.....

No. STA-51/CL/96-97/18 Dated at Guwahati, the 30-09-97

In pursuance of the Vigilance Officer, O/O the COMT, Assam Circle, Guwahati letter No. Vig/Assam/30(b)/10 dtd. 10-09-97 and the G.M. Telecom, Kamrup Telecom District, Guwahati letter No. GM/Kamrup/CON/96-97 dtd. 11-9-97, the following Casual Labourers working in CTO/TOS & T/Cs of Telegraph Activity Area under COMT/Guwahati are hereby retrenched ~~from the 30-09-97~~ with effect from the afternoon of 30-09-97.

- ✓1) Sri Dhanitram Deka
- ✓2) " Champak Talukdar
- ✓3) " Sachin Das
- ✓4) " Kulen Das
- ✓5) " Subhash Barman
- ✓6) " Hiranjan Malakar
- 7) " Sarju Basfore
- ✓8) " Santu Chakraborty
- ✓9) " Kameswar Kardong
- 10) " Birbal Basfore
- 11) " Kiran Ch: Boro
- ✓12) " Bijoy Boro
- 13) " Rabin Ch: Boro
- ✓14) Miss Kiran Kalita
- 15) Sri Sanjay Saw
- 16) Mrs. H. Das
- 17) Sri Romani Medhi
- 18) " Hayan Jyoti Dutta
- 19) " Pankaj Bora
- ✓20) " Kusal Medhi
- ✓21) " Khargeswar Kalita
- 22) " Madan Ch: Boro

Sd/-  
( S. TAW )  
Divisional Engineer,  
C.T.O. Guwahati-781001.

Copy for information & necessary action to:-

- 1) The G.M. Telecom, KTD, Ulubari, Guwahati-781007 for information w.r.t. his letter cited above.
- 2) ~~1) The G.M. Telecom, KTD, Ulubari, Guwahati-781007 for information w.r.t. his letter cited above.~~
- 3) ✓ All I/Cs of T.Os & T/Cs.
- 4) All SDEs, CTO, Guwahati.
- 5) The A.O., CTO, Guwahati.
- 6) The Chief Manager, Deptl. Canteen, CTO, Guwahati.
- 7) The Chief SS (Admin.), CTO, Guwahati.
- 8) The Chief (Acctt), CTO, Guwahati.
- 9) O/C

( H.H. Anand )  
Sub-Divisional Engineer (C),  
C.T.O. Guwahati-781001.

True Copy  
Ratul Das  
Advocate

FORM NO. 4  
(See Rule 42)

# In The Central Administrative Tribunal

GUWAHATI BENCH : GUWAHATI

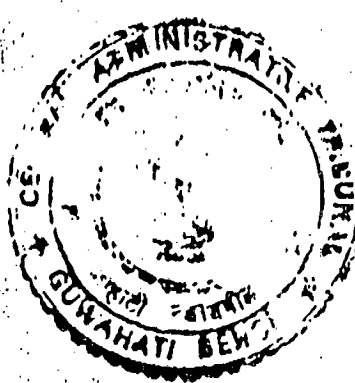
ORDER SHEET  
APPLICATION NO. OA. 112 OF 1998

Applicant(s) All India Telecom Employees Union & Ors.


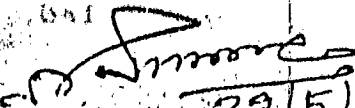
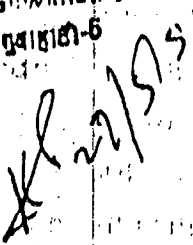
Respondent(s) Union of Gu. Sec. & Ors.

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

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

Notes of the Registry	Date	Order of the Tribunal
	29.5.98	<p>This application has been filed by the applicants challenging the Annexures 6 to 11 orders.</p> <p>Heard Mr B.K. Sharma, learned counsel for the applicants. Mr S. Ali, learned Sr. C.G.S.C. submits that he has no instructions. Mr Ali further submits that copy has been served on him only today and therefore, it is not possible for him to make any submission. Let this case be listed on 5.6.98.</p> <p>Mr B.K. Sharma further prays that the names mentioned in Annexure A, who are members of the applicant Union may not be removed from service. On this point also Mr Ali submits that he has no instructions. Let this matter be also taken up on 5.6.98. Meanwhile the names of the persons mentioned in</p>

True Copy  
Ratul Das  
Advocate

Notes of the Registry	Date	Order of the Tribunal
	29.5.98	Annexure A, who are members of applicant NO.1 (Union) shall not be removed from service.  SD/- VICE CHAIRMAN
<p>Certified to be true Copy प्रमाणित प्रतिलिपि</p> <p> 29/5/98 Section Officer कायुक्ता कलिकानी (स.प्र.प.प.) Central Administrative Tribunal केन्द्रीय प्रशासनिक न्यायालय Guwahati Bench, Guwahati-6 गुवाहाटी न्यायालय, गुवाहाटी-6</p> <p> 29/5/98</p>		

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH GUWAHATI

D.A.No.145/1998

Sri Dhaniram Deka &amp; Ors. ...

Applicants.

Versus

Union of India &amp; Ors. ...

Respondents.

- P R E S E N T -THE HON'BLE JUSTICE SHRI D.N.BARUAH, VICE-CHAIRMAN  
THE HON'BLE SHRI G.L.SANGLYINE, MEMBER (A)

For the Applicants : Mr. I. Hussain, Advocate.

For the Respondents: Mr. S. Ali, Sr. C.G.S.C.

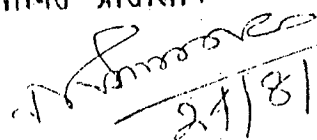
20.8.98

Mr I. Hussain, learned counsel appearing on behalf of the applicants prays for an interim order. The grievance of the applicants is that though they have not yet been terminated from their engagements they have not been provided with any work. Heard Mr S. Ali, learned Sr. C.G.S.C. for the respondents also. On hearing the counsel for the parties we direct the respondents not to disengage the applicants and allow them to continue their work.

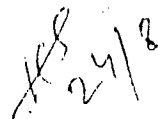
List on 7.9.98 for order.

Sd/- VICE-CHAIRMAN

Sd/- MEMBER (A)

Certified to be true Copy  
প্রমাণিত প্রতিলিপি
  
24/8/98

Secretary  
Central Administrative Tribunal  
Guwahati Bench  
Guwahati

  
24/8

True Copy  
Ratul Das  
Advocate



Govt. of India,  
Department of Telecommunications,  
Office of the Divisional Engineer, CTO, Guwahati

\*\*\*\*\*

NO. STA-51/CL/98-99/Lone/05 Dated at Guwahati, the  
18-11-98

Subj:- Re-engagement of Casual Labourers.

In accordance with the Legal Advisor (DST), New Delhi, letter No. 1130/LA/98 dtd. 09-10-98, CENT, Assam Circle, Guwahati No. STE-5-21/160/26 dtd. 16-10-98 and GMT, KTD, Guwahati No. GMT/EST-179/98-99 dtd. 13-11-98, the following Casual Labourers are engaged for performing casual nature of job w.e.f. 10-11-98 in the unit mentioned against serial

No.	Name	Unit of posting
01.	Sri Kamowar Kardong	CTO/Guwahati under SDE (Elec)
02.	Dhaniram Deka	Deptl. Contn. CTO, Guwahati.
03.	Kunal Ch: Roudi	- do -
04.	Bijoy Doro	CTO/Guwahati under A.O. TRA
05.	Niranjan Halakor	CTO/Guwahati
06.	Sachin Ch: Das	- do -
07.	Champak Lalukdar	- do -
08.	Sathesh Barman	T/C Rly. Station, Guwahati.
09.	Santa Chakraborty	T.O. Assam Sachivalaya.
10.	Kulan Ch: Das	T.O. Guwahati High Court.
11.	Khargoswar Kulita	T.O. Uluberi.
12.	Rabin Ch: Doro	T.O. Assam Sachivalaya.

(D.S. M.D)

Divisional Engineer,  
C.T.O. Guwahati-781001.

Copy to:-

- |     |   |   |
|-----|---|---|
| 01. | The D.E. (Adm), C/O the GMT/KTD, Guwahati-781001 w.r.t. his letter No. GMT/Court-Coco/Rico/Hexdono/98-99/7 dtd. 28-10-98. |   |
| 02. | The Sr. A.O., CTO, Guwahati.  | They are requested to maintain the record for C/L(a) work under them and ensure proper attendance particularly C/La may be fixed to the Sr. A.O. S. D. SS (Adm), CTO, Guwahati for every month. |
| 03. | The SDE (I/R), CTO, Guwahati.   |   |
| 04. | The SDE (Elec), CTO, Guwahati.  |   |
| 05. | The SDE (G), CTO, Guwahati.   |   |
| 06. | The JTO I/C, T.O. A.S.  |   |
| 07. | The I/C, T.O. Uluberi.  |   |
| 08. | The I/C, T/C GH Rly. Station  |   |
| 09. | The I/C, GH High Court.   |   |
| 10. | O/C   |   |

(D.U. DEB)

Divisional Engineer,  
C.T.O. Guwahati-781001.

\*\*\*\*\*

True Copy

Ratul Das

Advocate

ANNEXURE : E

-16-

28

By Regd. Post or  
Through Peon Book

**BHARAT SANCHAR NIGAM LIMITED**  
(A Govt. of India Enterprise)  
**OFFICE OF THE GENERAL MANAGER TELECOM**  
**KAMRUP TELECOM DISTRICT**  
**GUWAHATI-781007.**

NO. GMT/EST-179/TSM/00-01/102 Dated at Guwahati, the 27-12-2000.

To

Shri Madan Chandra Boro, C/O Shri Hata Ram Boro,  
Vill: Payranga, PO: Boko,  
Dist - Kamrup(Assam).

As you are aware that as per direction given by Hon'ble CAT, Guwahati Bench, Guwahati in OA Nos. 107/98, 112/98, 114/98, 118/98, 120/98, 131/98, 135/98, 136/98, 141/98, 142/98, 145/98, 192/98, 223/98, 269/98 and 293/98, the department constituted verification committees for different SSAs/ Units under the circle for conducting detailed verification /scrutiny about the no. of days of engagement year-wise in different units / offices and also to collect proof / evidence for such casual laborer 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 17-04-2000. In our office / SSA, the committee comprised of three members namely (1) Shri A. S. Choudhury, / Shri S.C. Tapadar, DE( Admn.) O/O the GMT/KTD/ Guwahati (2) Shri N. K. Das, C.A. O (Cash), O/O the GMT/KTD/ Guwahati (3) Shri G. C. Sharma, ADI (Legal), O/O CGMT/ Guwahati.

The aforesaid committee submitted its report to the Department detailing all about their finding / proof against each casual labourer including you. The detail of such scrutiny report is enclosed and furnished herewith as 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 30-09-1997 and you have been retrenched vide DE, CTO's letter No. STA-51/CL/96-97/18. Dtd. 30-09-1997/ you have been disengaged as casual labourer with effect from 31-01-2001 as 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 Tribunals order/ and also the stay / statusquo that was directed to be maintained.

Copy to :

The C.G.M.T., Assam Circle, Guwahati  
for favour of information w.r.to his office letter No. STES-21/160/74hati-7

Head of SSA/ Unit

Divisional Engineer (Admn.)  
O/O/ G.M. Telecom  
Kamrup Telecom District  
Guwahati-7

Divisional Engineer (Admn.)  
O/O/ G.M. Telecom  
Kamrup Telecom District  
Guwahati-7

True copy  
Ratul Das  
Advocate.

Government of India  
Department of Telecommunications  
STN Section

No. 259-10/89-STN

New Delhi 17<sup>th</sup> Dec. Dated 1990

To

The Chief General Managers Telecom. Circles,  
M.T.N.L. New Delhi/Bombay  
Metro Districts, Madras/Calcutta  
Heads of all other Administrative Units.

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

...

There have been references from Telecom. Circles,  
Districts seeking clarification on certain points relating  
to Grant of Temporary Status to casual labourers.

Clarifications in respect of the points raised  
in the above references are given below :-

Points raisedClarification

1. How to reckon  
continuous service of  
'at least one year' for  
the purpose of determin-  
ing the eligibility for  
grant of temporary status  
in respect of the casual  
labourers who did not  
fulfill the condition on  
1.10.89 ?

1. Any casual labourer who had  
been engaged prior to 30.3.85 and  
did not qualify for temporary  
status in accordance with para 5.1,  
of the casual labourers (Grant of  
Temporary Status and Regularisa-  
tion) Scheme on 1.10.89 will  
become eligible for grant of  
temporary status subsequently on  
completion of performance of duty  
of 240 days (206 days in the case  
of offices observing 5 days a  
week) during the preceding  
12 calendar months. Such  
temporary status could be granted  
with retrospective effect from the  
date the prescribed condition is  
fulfilled subject to the condition  
that the date of effect should not  
be earlier than 1.10.89. Further  
break in service after 30.3.85, if  
any should have been duly condoned  
in accordance with the rules.

.....2/-

True copy  
Ratul Das  
Advocate

Clarification

2. Will casual labourers engaged after crossing the upper age limit prescribed for recruitment be eligible for grant of temporary status ?  
2. Yes. No age limit has been prescribed for grant of temporary status. However, for the purpose of subsequent regularisation the conditions regarding age prescribed in the relevant Recruitment Rules will apply.
3. Will minor casual labourers engaged prior to 30.3.85, who attained majority after 30.3.85 be eligible for temporary status ?  
3. Yes. However, the period of service rendered before attaining the minimum age prescribed will not be counted for any purpose.
4. For the purpose of assessing leave entitlement how should qualifying period be reckoned ?  
4. Qualifying period should be reckoned with reference to actual No. of days duty performed ignoring days of weekly off, leave and absence etc. All days of duty will be counted irrespective of intervening spells of absence which do not constitute break in service.
5. Entitlement to Maternity Benefits in respect of female Casual Labourers/Temporary Mazdoors.  
5. Maternity benefits will be admissible to female casual labourers/temporary mazdoors in accordance with the provisions of the Maternity Benefit Act, 1961.
6. Frequency at which leave will be credited.  
6. Twice a year. On the 1st of January and 1st of July credit will be afforded for the preceding half year, without ignoring any fraction. However if on an occasion, when leave is applied for, sufficient leave is not at credit, leave entitlement may be computed till the date of application of leave and the admissibility decided accordingly.
7. Working hours.  
7. Working hours of a temporary mazdoor will be the same as prescribed for corresponding Gr. 'D' cadre.
8. Can temporary status be conferred on a part time employee ?  
8. No. They may, however, be brought on the strength of full time casual labourers, subject to availability of work and suitability. For this purpose work requirements of different types and at neighbouring units can be

29  
pooled. Subject to their completing 240 days or 206 days of work on full time basis as the case may be in the preceding twelve months they may be considered for grant of temporary status. However, part time casual labourers will be merged with full time casual labourers/ temporary mazdoors in a common single panel in accordance with the existing instructions for the purpose of regularisation of service.

9. When will a temporary mazdoor who does not complete 240/206 days as the case may be in a year become eligible for increment?

9. In the case of a temporary mazdoor who does not complete 240/206 days in a year, increment will be admissible from the first day of the month ; subsequent to the month in which the Temporary Mazdoor completes 240 (206) days. Grant of subsequent increments will also be regulated in the same manner.

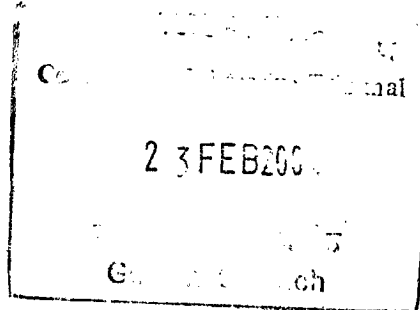
10. How the combined seniority will be fixed in respect of the casual labourers working in administrative offices having 5 days week and those working in operative offices having 6 days week.

10. The number of days of work performed by a casual labourer in an administrative office having 5 days week may be multiplied by the ratio 240/206 to bring them at par with those casual labourers working in operative offices having 6 days week and then fixing the combined seniority.

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

Copy to :- P.S. to MOS(C)  
P.S. to Chairman Telecom. Commission  
Member (S)/Adviser (HRD)/DDG (Est.)/DDG (LR)/DDG (Per)  
NOG/SEA/TE-II/TFS/Admn. I/CSE/PAT/SFB-I/SR Sections.  
All recognised Unions/Associations/Federations.

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



Filed by  
Dy 29/2/02  
G.C. 9.55

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

O.A. NO. 382 OF 2002

Shri Madan Ch. Boro.

- Vs - ..... Applicant.

Union of India & Ors.

..... Respondents.

In the matter of :

Written Statement submitted by  
the respondents.

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

1. That with regard to paras 1 to 5, of the application the respondents beg to offer no comments.
2. That with regard to the statement made in para 6(i), of the application the respondents beg to state that the applicant was engaged as DRM ( Daily rated Mazdoor ) w.e.f. 07.10.96 and was working upto 30.09.97.
3. That with regard to para 6(ii), of the application the respondents beg to offer no comments.

Contd.....

4. That with regard to the statement made in para 6(iii), of the application the respondents beg to state that as stated by the applicant, the very intension of the statement in this para is not correct. All the DRMs engaged under D.E., CTO/Guwahati exclusively terminated from engagement and no body was continued after the termination date i.e. 30.09.97. The case of Miss Kiran Kalita as stated by the applicant in this para stands in different footings.

5. That with regard to the statement made in paras 6(iv) & 6(v), of the application the respondents beg to offer no comments. As stated by the applicant in this para he was not at all engaged after initial disengagement/termination order issued on 30.09.97.

6. That with regard to paras 6(VI) & 6(vii), of the application the respondents beg to offer no comments.

7. That with regard to the statement made in para 6(ix), of the application the respondents beg to state that the case of the applicant cannot be covered by the legal opinion as he completed only 52 working days from 7.10.96 to 31.12.96 and 206 working days from 01.01.97 to 30.09.97.

Copy of working particulars is annexed herewith and marked as Annexure -1.

Contd.....

-3-

8. That with regard to para 6(x), of the application the respondents beg to offer no comments.
9. That with regard to paras 6(xi) & 6(xii), of the application the respondents beg to offer no comments. However, the whole case was dealt by the Legal Cell of G.M.F. Guwahati and disposed the same on its merits.
10. That with regard to paras 6(xiii) and 7 to 10 of the application the respondents beg to offer no comments.

Verification.....



VERIFICATION

I, *Shankar Chandra Das*

*Asst Director Telecom (Legal)*  
*O/o the CGMT Assam Circle, BSM Gunshedy,* being authorised  
do hereby solemnly affirm and declare that the statements  
made in this written statement are true to my knowledge and  
information and I have not suppressed any material fact.

And I sign this verification on this 20<sup>th</sup>  
day of February, 2004.

*Shankar Chandra Das*  
**Declarant.**

Assistant Director Telecom (Legal)  
O/o the Chief Engineer, Assam  
Assam Telecom Circle, Guwahati-7