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5
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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O.A/T.A No. 414/02

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Salta

5/02/17

(SEE RULE - 4)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI

ORDER SHEET

Original Application No.:

414/02

Misc. Petition No.

Contempt Petition No.

Review Application No.

Applicant(s):

Birbal Basfore

- Vs. -

Respondent(s):

H.O.T. Town

Advocate for the Applicant(s): Mr. S. Sarma, Mrs. U. Das

Advocate for the Respondent(s): Case.

Notes of the Registry

Date

Order of the Tribunal

This application is in
form but not in time
Condonation Petition is
filed / not filed C.F.
for Rs. 50/- deposited
vide IPO/B/No 26605147
Dated 19.12.02

24.1.03

Present : The Hon'ble Mr Justice
D.N.Chowdhury, Vice-Chair-
man.

Heard Mr S. Sarma, learned
counsel for the applicant.

Issue notice to show cause
as to why this application shall
not be admitted. Returnable by four
weeks.

List on 21.2.03 for filling
reply and admission.

Vice-Chairman

Notice prepared and sent to D/S
for giving the respondent No
1 to 5 by Regd. A/D.
31/1/03

pg
21.2.2003

Put up after service. List on
21.3.2003 for admission.

SD/No 191 W 195 dated 2/2/03

Vice-Chairman

bb

21.3.2003 Heard Mr.U.Bas, learned counsel appearing on behalf of Mr.S.Sarma, learned counsel for the applicant and also Mr. A.Deb Roy, learned Sr.C.G.S.C.

The application is admitted, call for the records.

List the case on 25.4.2003 for order.

Vice-Chairman

bb

25.4.2003 The respondents are yet to file written statement. Put up after four weeks enabling the respondents to file written statement. List the case on 23.5.2003.

The order is passed on the prayer made by Mr.A.Deb Roy, learned Sr.C.G.S.C.

Vice-Chairman

bb

23.5.2003 The respondents are yet to file written statement. Put up again on 20.6.2003 for written statement.

Vice-Chairman

mb

20.6.2003 Written statement has been filed. The case may now be listed for hearing on 27.6.2003. The applicant may file rejoinder, if any, within two weeks from today.

Vice-Chairman

mb

[Signature]

23.6.03
WPS submitted
in Respondent.

Notes of the Registry

Date

Orders of the Tribunal

9-7-2003

Heard counsel for the parties.

Hearing concluded. Judgment delivered in open Court, kept in separate sheets.

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

 Vice-Chairman

16.7.2003

Copy of the Judgment
 has been sent to the
 Secy. for hearing the
 same to the Appellate
 as well as to the Sr. C.G.S.C.
 for the Report.

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pg

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Notes of the Registry

Date

Orders of the Tribunal

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CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

O.A. / R.A. No. of 414 2002.

DATE OF DECISION 9-7-2003
..... OF 2003

Sri Birbal Basfore APPLICANT(S).

Sri S. Sarma 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 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 ?

Yes

Judgment delivered by Ho'ble Vice-Chairman

X

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No. 414 of 2002.

Date of Order : This the 9th Day of July, 2003.

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

Sri Birbal Basfore,
Son of late Manshi Basfore,
Safaiwala in the office of the
Central Telegraph Office,
Panbazar, Guwahati-1.

...Applicant

By advocate Sri S.Sarma.

- Versus -

1. Union of India,
represenbted by the Secretary to the
Government of India, Ministry of Communication,
Sansar Bhawan, New Delhi-1.
2. The Chief General Manager, Telecom,
N.E.Telcom Circle,
Shillong, Meghalaya.
3. The General Manager, Telecom,
Kamrup, Ulubari, Guwahati-7.
4. The Area Manager Telecom,
Panbazar Telephone Exchange Building,
Guwahati-1.
5. The Chief Superintendent,
Central Telegraph Office,
Panbazar, Guwahati-1.

...Respondents

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

O R D E R (ORAL)

CHOWDHURY J.(V.C)

This application under Section 19 of the
Administrative Tribunals Act 1985 has arisen and is
directed against the order No.GMT/EST-179/TSM/00-01/186
dated 26.11.2001 passed by the respondents declining to
accord the benefit of temporary status to the applicant on
the score that the applicant was not under any engagement
as on 1.8.1998 as a casual labour. This is the second round
of litigation. The applicant moved this Tribunal by way of
an O.A. which was numbered and registered as
O.A. 220/2000. The said O.A. was taken up for

consideration alongwith O.A.216/2000 and O.A.222/2000. In the said O.A the department also took the plea that the applicant was not engaged after 30.9.1998 and he was in fact retrenched from the afternoon of 30.9.1998 and never engaged after that date. The Tribunal after considering all the rival contentions found that all those applicants who were engaged prior to August 1998 and therefore they were entitled for grant of temporary status in the light of the scheme and accordingly directed the applicants to submit individual representation for being considered by the respondents. Pursuant thereto vide the impugned order the respondents rejected the claim of the applicant. There is no dispute as to the engagement of the applicant as a casual labour from March 1993 and he continued to work as such till he was retrenched on 30.9.97 vide order No.STA-51/CL/96-97/18 dated 30.9.97. Admittedly the applicant was engaged from March 1993 to 1997 continuously and on their own showing the applicant completed 240 days or more. The respondents however declaimed to give the benefit to the applicant only on the score that he was not employed or engaged by the respondents as on 1.9.98. Referring to the communication No.269-13/99-STN-II dated 1.9.99 the respondents contended that temporary status was to be granted to the casual labourers eligible as on 1.8.98. Mr A.Deb Roy, learned Sr.C.G.S.C also stated that the aforementioned communication is a pointer to the effect that temporary status was to be conferred on persons who are or were in service as on 1.8.98 and they were considered for regularisation with temporary status as on 31.3.97. The meaning sought to be given by the respondents is not discernible from their scheme introduced by the

department pursuant to the decision rendered by the Hon'ble Supreme Court in Ram Gopal and others vs. Union of India & ors. rendered on 17.4.90 in Writ Petition(C) No.1280 of 1989. Keeping in mind the precarious condition of service the said decision was rendered by the Supreme Court and directed the authorities to prepare a scheme for absorption of casual labourers those who continuously worked for more than one year in Telecom Department. Telecom Department accordingly prepared the scheme known as "Casual Labourers (Grant of Temporary Status and Regularisation) Scheme 1989. The scheme was finalised by communication dated 7.11.89 and the said scheme came into force with effect from 1.10.1989 onwards. The letter No.269-4/93-STN-II dated 12.2.99 as well as the communication No.269-13/99-STN-II dated 12.2.99 was pertaining to the regularisation and grant of temporary status to casual labourers. The said communication itself indicated that for grant of temporary status one was to be eligible as on 1.8.98. That means to get the benefit a person must attain eligibility as on 1.8.98. It thereby insisted that one must attain the eligibility on the prescribed date and not that he was to be in service on 1.8.98 which was clarified by this Bench in the judgment passed in O.A.289/2001, 364/2001, 366/2001, 372/2001, 403/2001, 109/2002 and 160/2002 etc. Dandi Ram Gayan & ors. vs. Union of India & Ors.. In the instant case the respondents authority faltered in its decision making process by ignoring the relevant considerations and taking into consideration the extraneous consideration as in the own showing of the respondents the applicant completed 240 days prior to his termination on 30.9.97 and he earned for conferment of temporary status before his termination. By the order passed by this Bench on 16.6.2000 in O.A.220/2000 accordingly directed the authorities to scrutinise and

examine each case with records and thereafter pass a reasoned order within the time specified. In para 4 of the judgment this Bench observed that the applicant of O.A.220/2000 claimed to have been initially appointed in the year 1993. Thus all the applicants of the three O.As were appointed prior to 1998. Consequently cases of the applicants were required to be considered in the light of the scheme for grant of temporary status. The said judgment attained finality, therefore there was no justification for not giving the benefit of the scheme to the applicant on the score that applicant was not in service on 1.8.98. Accordingly the impugned order dated 26.11.2001 (Annexure-7) is set aside and quashed and the respondents are directed to consider the case of the applicant for conferment of temporary status in the light of the observation made above and pass appropriate order thereon with utmost expedition, preferably within one month from the date of receipt copy of this order.

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

D.N.CHOWDHURY)
VICE CHAIRMAN

संकेत नं २००२
केन्द्रीय नियन्त्रित न्यायालय
31/07/2002
गुवाहाटी बैच
Guwahati Bench

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Title of the case :

414
O.A. No. of 2002

BETWEEN

Shri Birbal Basfore Applicant.

AND

Union of India & ors. Respondents.

I N D E X

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Filed by : *Alsha Das.*

Regn.No. :

File : C:\WS7\BIRBAL

Date :

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Filed by
the applicant through
Alsha Das
Advocate
23/12/02

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH : GUWAHATI

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

O.A. No. 414 of 2002

Between

Sri Birbal Basfore,
Son of late Manshi Basfore,
Safaiwala, in the Office of the
Central Telegraph Office,
Panbazar, Guwahati-1.

... Applicant.

- AND -

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, Telecom , N.E.Telcom Circle Shillong, Meghalaya.
3. The General Manager Telecom Kamrup , Ulubari, Guwahati -7.Assam.
4. The Area Manager Telecom Panbazar Telephone Exchange Building. Ghy-1.
5. The chief Superintendent,, Central Telegraph Office, Panbazar, Guwahati-1.

... Respondents

DETAILS OF THE APPLICATION.

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

The present application is directed against the order bearing no.GMT/EST-179/TSM/00-01/186 dated.26.11.2001 issued by the General Manager, Telecom, Kamrup Telecom District, Guwahati-7 by which the representation preferred by the Applicant in terms of judgment an order dated 16.6.2000 passed in O.A. No.220/2000 was rejected. The Applicant through this application prays for an appropriate direction to the respondents to extend the

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benefit of the scheme as well as its subsequent clarifications by granting temporary status and subsequent regularisation.

2.

JURISDICTION OF THE TRIBUNAL

That the Applicant declares that the subject matter of the present application is well within the Jurisdiction of this Hon'ble Tribunal.

3.

LIMITATION

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

4.

FACTS OF THE CASE

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

4.2. That the applicant initially got his appointment as a casual worker (Safaiwala) in the in the year 1993 in the office of the Chief Supdt Central Telegraph Office . Prior to his such appointment he was appointed as Muster Roll worker in the year 1992. After his aforesaid appointment as Casual Worker, he was allotted the work of Safaiwala. The applicant although has been appointed as casual worker (Safaiwala) but in fact he has been treated as regular Gr-D staff in all respect and the post he is holding is a sanctioned post and till date no one has been appointed in the said post on regular basis. It is noteworthy to mention here that the applicant initially was getting the pay in the pre-revised scale but in the year 1997 he got an arrear of Rs 14,072/- after the recommendation of 5th Central Pay Commission.

4.3. That the applicant initially appointed as a Muster Roll worker in the year 1992 and their services were put under the casual establishment in the year 1993 and as such he is entitled to get the benefit of the scheme prepared pursuant to a verdict of Hon'ble Supreme Court. The applicant begs to state that since 1992, each year he has been continuously working for more than 240 days and as such he fulfills all the required qualifications as described in the scheme and its subsequent clarifications issued from time to time. Till date he has been working as casual worker (Safaiwala) but the respondents have not yet granted him temporary status and other benefits as described in the scheme as well as its subsequent clarifications.

4.4. That the applicant begs to state that some of the casual workers of the Department of Post had approached this Hon'ble Supreme Court and the Hon'ble Supreme Court after hearing the parties was pleased to issue a direction to the official Respondents thereto to prepare a scheme. Claiming similar benefit another set of casual workers working in the Telecommunication department also approached the Hon'ble Supreme Court seeking a similar direction and the said matter was also disposed of by a similar order and direction has been issued to the Respondents to prepare a scheme on rational basis for the casual workers who has been working continuously for one year and who have completed 240 days of continuous service.

A copy of the order of the Hon'ble Supreme Court is annexed herewith and marked as Annexure-1.

4.5. That the applicant begs to state that the respondents thereafter issued an order vide No. 269-10/89-STN dated 7.11.89 by which a scheme in the name and style "casual labourers" (grant

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of temporary status and regularisation scheme 1989) has been communicated to all heads of Departments. As per the said scheme certain benefit have been granted to the casual workers such as conferment of temporary status, wages and daily rates etc.

A copy of the order dated 7.11.89 is annexed herewith and marked as Annexure-2.

4.6. That the Applicant states that as per the direction contained in Annexure-1 judgment of the Hon'ble Supreme Court and Annexure-2 schemes he is entitled to take a benefit including temporary status and subsequent regularisation. The Applicant fulfills all the required qualifications mentioned in the said judgment and as such is entitled to all the benefits as described in the aforesaid scheme.

4.7. That the applicant begs to state that after issuance of Annexure-2 schemes dated 7.11.89 the respondents issued an order vide No. 269-4/93-STN-II dated 17.12.93 by which the benefit conferred to the casual workers by the said scheme has been clarified.

4.8. That the applicant begs to state that of the respondents thereafter have issued various orders by which modification/clarifications has been made in the aforesaid Annexure-2 scheme dated 7.11.89. By the aforesaid clarifications the Respondents have made the scheme applicable to almost all the casual workers who have completed 240 days continuous service in a year. To that effect mention may be made order dated 1.9.99 issued by the Government of India Department of Telecommunication by which the benefit of the scheme has been extended the recruiters up to 1.8.98.

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

4.9. That the applicant begs to state that some of the similarly situated employees like that of the Applicant had approached this Hon'ble Tribunal by way of filing OA No. 299/96 and 302/96 and the Hon'ble Tribunal was pleased to passed an order dated 13.8.97 directing the Respondent to extend the benefit of the said scheme.

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

4.10. That the applicant being aggrieved by the said action submitted numbers of representations to the concerned authority i.e. respondent No. 2 for grant of temporary status and regularisation but till date nothing has been done so far in this matter. The applicant instead of annexing all the representations begs to produce all the representations at the time of hearing of the case.

4.11. That the applicant begs to state that under similar facts situation numbers of casual workers had approached this Hon'ble Tribunal by way of filing various OAs and the Hon'ble Tribunal after hearing the parties to the proceeding was pleased to dispose of the said OAs by a common judgment and order dated 31.8.99 directing to the Respondents to consider their cases in the light of Hon'ble Apex Court verdict as well as the scheme and its subsequent clarifications issued from time to time.

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

4.12. That the applicant begs to state that his case is covered by the aforesaid judgment of this Hon'ble Tribunal. It is stated that pursuant to the aforesaid judgment and order dated 31.8.99 the respondents have initiated a large scale proceeding for fill up at least 900 posts of DRM under Assam Circle. However, the respondents have only taken into consideration those casual labourers who had approached this Hon'ble Tribunal and in whose favour the Hon'ble Tribunal has given the direction. The applicant has been pursuing the matter before the respondents but the respondents have shown their helplessness in absence of any order of this Hon'ble Tribunal. The Applicant having no other alternative approached the Hon'ble Tribunal by way of filling O.A.No.220/2000 before this Hon'ble Tribunal. The Hon'ble Tribunal after hearing the parties to the proceeding was pleased to dispose of the said O.A. directing the respondents to consider the case of the Applicant.

A Copy of the said judgment dated 16.6.2000 is annexed herewith and marked as Annexure-6.

4.13. That the applicant as per the direction of the Hon'ble Tribunal submitted representation dated 20.7.2000 enclosing a copy of the judgment to the Chief General Manager, Telecom, Assam Circle, Guwahati and to the Chief Superintendent Central Telegraph Office, Panbazar, Guwahati. In the said representation the Applicant made a prayer for consideration of his case for grant of temporary status as per the scheme as has been granted to others similarly situated employees. The respondents in response to the representation submitted by the Applicant issued the impugned communication dated 26.11.2001 by which his aforesaid prayer made in the representation has been rejected.

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A copy of the impugned communication dated 26.11.2001 is annexed herewith and marked as Annexure-7.

4.14. That the applicant begs to state that the impugned communication 26.11.2001 is not in conformity with the scheme of 1989 as well as same is violating of the direction contained in the Ampex Court judgment pursuant to which the scheme was introduced. In the enclosed minutes/findings of the verification committee indicates the reason for not considering the case of the Applicant. The reasons indicates the fact that the Applicant has completed 240 days or more in the particular year but he was retrenched by the Respondents w.e.f.30.9.97 and was never engaged thereafter. In fact so far as retrenchment is concerned the Respondents never issued any formal order and after such retrenchment the mode of employment of the Applicant has been converted to contractual one and he is still continuing as such without there being any change in his duties and responsibilities. It is therefore the Applicant was under the bonafide belief that his service has not been terminated or retrenched as he continued in his service without any break. The Applicant being ignorant about the legal niceties did not agitated such action of the Respondent in converting him to a contractual labour since it did not effect his payment of wages.

4.15. That the applicant begs to state that the reasons mentioned in the impugned order are not sustainable as same are contrary to the Ampex Court judgment as well as the scheme prepared pursuant to the said judgment. Admittedly the Applicant has completed 240 days of continuous work in the Department of Telecommunication under the Respondents and as such he is entitled to get the benefit of the said scheme from the date when he completed 240 days in a particular year. The scheme as well as the Ampex Court

judgment is very clear that as and when a person complete 240 days of continuous work in a particular year is entitled to the benefit of the scheme and there cannot be any deviation from such consideration in the name of retrenchment. It is further stated that even the retrenched employee are entitled to reemployment with regularisation immediately. This position of law has been laid down by this Hon'ble Tribunal in number of cases and in subsequent proceeding it has been upheld by the Hon'ble High Court in number of cases.

A Copy of the judgment and order dated 7.6.2001 passed by the Hon'ble High Court confirming the Hon'ble Tribunal's judgment is annexed herewith and marked as Annexure-8.

5. GROUNDS WITH LEGAL PROPROVISIONS

5.1. For that the entire action on the part of the respondents in not granting the temporary status to the applicant by issuing the impugned order dated 26.11.2001, violating the provisions contained in the Annexure-1 judgment and order passed by the Hon'ble Apex Court is illegal and arbitrary and same are liable to be set aside and quashed.

5.2. For that action of the respondents in treating the applicant not at per with the other similarly situated employees to whom the benefit of the scheme has already been granted is violative of Article 14 and 16 of the Constitution of India. The respondents being a model employer should have extended the said benefit to the applicant without requiring him to approach this Hon'ble Tribunal, more so whereas themselves have allowed the said benefit to one set of their employees. In any case the respondents cannot differentiate their employees in regard to

employment as has been done in the instant case. Hence the entire action of the Respondents is illegal and not sustainable in the eye of law.

5.3. For that the respondents have acted illegally in not considering the case of the applicant for grant of temporary status in view of order dated 1.9.99 as well as judgment and order dated 31.8.99 passed in similar matters and hence same is liable to set aside and quashed with a further direction to the Respondents to extend the benefits of the said scheme to the applicant including all other consequential benefits.

5.4. For that the Respondents have acted illegally in converting the mode of employment of the Applicant to a contractual one and by retrenching him from his earlier casual employment and as such the said action on the part of the Respondents is liable to set aside and quash.

5.5. For that in any view of the matter the action on the part of the Respondents is not sustainable in the eye of law and liable to be set aside and quashed.

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

6. DETAILS OF THE REMEDIES EXHAUSTED.

That the applicant declares that he has exhausted all the possible departmental remedies towards the redressal of the grievances in regard to which the present application has been made and presently he has got no other alternative than to approached this Hon'ble Tribunal.

7.

MATTER PENDING WITH ANY OTHER COURTS

That the applicant declares that the matter regarding this application is not pending in any other Court of Law or any other authority or any other branch of the Hon'ble Tribunal.

8.

RELIEF SOUGHT:

Under the facts and circumstances stand above the applicant prays that the instant application be admitted, records be call for and upon hearing the parties on the cause or causes that may be shown and on perusal of records be pleased to grant the following reliefs.

8.1 To set aside and quash the impugned order dated 26.11.2001 and to direct the Respondents to extend the benefit of the scheme and to grant him temporary status as has been granted to the other similarly situated employees like that of him with retrospective effect with all consequential service benefits including arrear salary and seniority etc.

8.2. To direct the respondents to allow the applicant to continue in his present post after granting temporary status and regularisation.

8.3. To extent the all the benefit of retrenched employee as enumerated in the judgment and order dated 7.6.2001 and to offer suitable job the present Applicant within a stipulated time frame with all consequential service benefit including seniority etc.

8.4. Cost of the application.

8.5. Any other relief/reliefs to which the present Applicant is entitled to under the facts and circumstances of the case and as may be deemed fit and proper by the Hon'ble Tribunal.

✓
✓
9. INTERIM ORDER PRAYED FOR:

Under the facts and circumstances of the case the applicant
prays for interim order directing the respondents not to
disengage him from his current employment and to allow him to
continue in service pending disposal of this application.

10. THE APPLICATION IS FILED THROUGH ADVOCATE:

11. PARTICULARS OF THE POSTAL ORDER :

(i) I.P.O. No.: 76 605147 (ii) Date: 19/12/02
(iii) payable at Guwahati

12. LIST OF ENCLOSURES : As stated in the Index.



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VERIFICATION

I, Shri Birbal Basfore, S/o Late Mansi Basfore, aged about 30 years, presently working as casual worker (Safaiwala) under chief Supdt Central Telegraph Office, Panbazar, Guwahati-1 do here by solemnly affirm and state that the statement made in this petition from paragraph 23, 41, 41c, 5 to 12 are true to my knowledge and those made in paragraphs 1, 42, 43-49, 411-415 are matters records of records informations derived therefrom which I believe to be true and the rest are my humble submission before this Hon'ble Tribunal.

And I sign this verification on 23 ~~nd~~ day of November 2002.



L.T.I of the Deponent

ANNEXURE

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 than 10 minutes for appearance of counsel for the Union of India.

The principal allegation in these petitions under Art 32 of the Constitution on behalf of the petitioners is that they are working under the Telecom Department of the Union of India as Casual Labourers and one of them was in employment for more than four years while the others have served for two or three years. Instead of regularising them in employment their services have been terminated on 30th September 1988. It is contended that the principle of the decision of this Court in Daily Rated Casual Labour Vs. Union of India & ors. 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 :

Arif Ali
V.P.Das
Advocates

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/-

(Ranganath Mishra) J.

New Delhi

April 17, 1990.

Sd/-

(Kuldeep Singh) J.

Advocate
Udas

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.

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.

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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.

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ASSISTANT DIRECTOR GENERAL (STN).

MDS
10/10/89

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ANNEXURE

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

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

2. This scheme will come in force with effect from 1.10.89. onwards.

3. This scheme is applicable to the casual labourers employed by the Department of Telecommunications.

4. The provisions in the scheme would be as under.

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

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

Temporary Status.

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

ii) Such conferment of temporary status would be without reference to the creation / availability of regular Gr, D posts.

iii) Conferment of temporary status on a casual labourers would not involve any change in his duties and responsibilities. The engagement will be on daily rates of pay on a need basis. He may be deployed any where within the recruitment unit/territorial circles on the basis of availability of work.

iv) Such casual labourers who acquire temporary status will not, however be brought on to the permanent establishment unless they are selected through regular selection process for Gr. posts.

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.

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

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

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

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

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

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

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

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

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

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ANNEXURE - 3

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1.8.98
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 Mazdoor eligible as
on 31.3.97, this order will be effected w.e.f. 1.4.97.

Yours faithfully

8.98
(HARDAS SINGH)
ASSISTANT DIRECTOR GENERAL (STN)

All recognised Unions/Federations/Associations.

(HARDAS SINGH)
ASSISTANT DIRECTOR GENERAL (STN)

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ANNEXURE-14.

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No.299 of 1996.

and

302 of 1996.

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

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

O.A.No.299 of 1996

All India Telecom Employees Union,

Line Staff and Group-D,

Assam Circle, Guwahati & Others. Applicants.

- Versus -

Union of India & Ors. Respondents.

O.A. No.302 of 1996.

All India Telecom Employees Union,

Line Staff and Group-D

Assam Circle, Guwahati & Others. Applicants.

- Versus -

Union of India & Ors. Respondents.

Advocate for the applicants : Shri B.K. Sharma

Shri B. Sharma

Advocate for the respondents : Shri A.K. Choudhury

Addl.C.G.S.C.

ORDER

BARUAH J. (V.C.)

Both the applications involve common question of law and similar facts. In both the applications the applicants have prayed for a direction to the respondents to

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Cetras
Advocate

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

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

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

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the Tribunal dated 13.3.1995 passed in O.A.No.750/94 . Pursuant to that judgment, the Govt. of India issued a letter dated 1.11.95 conferring the benefit of Temporary Status to the casual labourers. The present applicants being employees under the Telecom Department under the Ministry of Communication also urged before the concerned authorities that they should also be given same benefit. In this connection the casual employees submitted a representation dated 29.12.1995 before the Chairman , Telecom Commission, New Delhi but to the knowledge of the applicant the said representation has not been disposed of. Hence the present application.

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

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

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

Sd/- Vice Chairman.

Arrested
Vedas
Advocate.

ANNEXURE-5

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.Sanglyine, Administrative Member.

1. O.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. O.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. O.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. O.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. O.A.No.120/1998
Shri Kamala Kanta Das and 6 others Applicant.
By Advocates Mr. J.L. Sarkar, Mr.M.Chanda
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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.Malakar.

- 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.

12. O.A.No. 192/1998

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.

O R D E R

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

Advocate
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Advocate

application were filed by the 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 (Grnt 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 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 16.9.93 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. Nos. 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.A.s.

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10/10/2008

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 not given effect to and the authority remained silent.

5. The contention of the respondents in all the above O.A.s 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.A.s 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

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Advocate

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 into 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 against the order of the Tribunal dated 13.8.1997 passed in O.A. No.302 and 229 of 1996. The applicants do 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 counse 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 direction 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, therefore, feel that the 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 scrutinise 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)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application Nos. 216/2000, 220/2000 and 222/2000.

Date of decision : This the 16th day of June, 2000.

Hon'ble Sri D.C.Verma, Member (J).

O.A. No. 216/2000

Sri Animesh Deka & 2 Ors.

O.A. No. 220/2000

Shri Birbal Prasad

O.A. No. 222/2000

Shri Visheto Sumi and 65 Ors.

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

.....Applicant

-versus-

The Union of India and others

.....Respondent

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

.....

O R D E R (ORAL)

D.C. VERMA (JUDICIAL MEMBER)

As all the three O.A.s involve common questions of law and facts, a common order is being passed.

2. The three applicants in O.A.No.216/2000 have claimed the benefit of the scheme for grant of temporary status as has been granted to the other similarly situated employees in other departments. In support of the claim, the applicants have filed earlier orders of the Tribunal which are annexed with the O.A. The copy of orders passed by the Hon'ble Supreme Court in Writ Petition No.1280/89 has also been filed. Accordingly, as per direction of the Apex Court a Scheme has been framed by the respondents. The present applicants belong to

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Attested
H.Das
Advocate.

Telecom Civil Sub-division.

The applicant in O.A. No. 220/2000 is of Central Telegraph Office, Guwahati and he has also claimed the benefit of the scheme for grant of temporary status.

In O.A. No. 222/2000 the applicant No.1 is a casual worker under the Nagaland SSA, Kohima. The applicant No.2 is All India Telecom Employees Union, Line Staff and Group-D, Nagaland Division and in this O.A. he represents the interests of 66 casual workers reflected in Annexure-A to the O.A.

3. The submission of the learned counsel for the applicants in all the three OAs is that similar O.A.s have already been decided by this Bench of the Tribunal namely in O.A. No. 200/2000. Copy of the order dated 8.6.2000 has been produced for perusal. The submission of the learned counsel for the applicants is that present applicants are similarly situated and are covered by the scheme. The benefit of the scheme has already been given to the similarly situated workers of the Department of telecommunication. He further submits that casual workers of the Department of Posts who were employed on 29.11.89 were found eligible to be conferred temporary status on satisfying other eligibility conditions. The stipulated date i.e. 29.11.89 was extended upto 10.9.1993 prusuant to a judgement of the Ernakulam Bench of the Tribunal delivered on 13.3.1995 in O.A. No. 750/94. The Govt. of India, in pursuance to the said judgement of the Ernakulam Bench issued letter on 1.11.1995 by which the benefit of conferring temporary status to the casual labourers were extended upto 1993. As regard the cut off date the learned counsel has submitted that the same has been further extended vide order dated 1.9.1999, Annexure 8 to the O.A. No. 222/2000. Annexure-8 provides, on the subject of regularisation and grant of temporary status

Contd.

Amritsar
W.D.
Advocate

to casual workers of the department of Telecommunication, for granting of temporary status to the casual labourers eligible as on 1.8.1998.

4. The three applicants of O.A. No. 216/2000 claimed to have been initially appointed in the year 1995. The applicant of O.A. No. 220/2000 claimed to have been appointed in the year 1993 and all the applicants in O.A. No. 222/2000 reflected in Annexure-A to the O.A. have been appointed between 1.2.1994 and February 1998. Thus, applicants of all the three OAs were appointed prior to August, 1998. Consequently cases of the applicants is required to be considered in the light of the scheme, for grant of temporary status as the case may be.

5. In view of the above, all the three OAs are decided as per the direction given below :

all the applicants including those reflected in Annexure-A to the O.A. No. 222/2000 shall individually make representation to the respondents giving date of their engagement and details of their working and other relevant details required for the purpose within a period of one month from the date of this order, to the respondents. The respondents are directed to scrutinise and examine each individual case, with the records of the department and thereafter pass a reasoned and speaking order on merits of each case within a period of six months from the date of receipt of the representation. The order passed on the representations shall be communicated to each applicant separately.

6. The O.A. stands disposed of as per the direction given above. No order as to costs.

TRUE COPY
क्रिएटिव

Sd/ MEMBER(j)

Deputy Registrar (d)
Central Administrative Tribunal
Guwahati Bench

18/20/6/2005

RECORDED
W.D.A.
12/12/2005

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

NO. GMT/EST-179/TX/1/00-01/186
 To

Dated at Guwahati, the 26-11-2001.

**Shri Birbal Basfore, S/O Late Manshi Basfore,
 CTO Compound, Qtr. No. 22, Type-I, Panbazar,
 Guwahati- 781 001, Dist - Kamrup(Assam).**

As you are aware that as per direction given by Hon'ble CAT, Guwahati Bench, Guwahati in OA No.220/2000, the department constituted verification committee for this SSA 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 yourself. The committee verified all the documentary/as well other proof from the various units/ offices and also personally interviewed you on 09-10-2001. In our case, the committee comprised of three members namely (1) Shri S. Pad, DE(Admin) O/O the GM(TS), Guwahati (2) Shri N. K. Das, C.A. O (Cash), O/O the GM(TS), Guwahati (3) Mrs. G. C. Sengupta, ADT (Legal), O/O CGMT/ Guwahati.

The information committee submitted its report to the Department detailing all about their finding / proof against casual laborer including you. The detail of such scrutiny report is enclosed and furnished herewith as an 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 also not been in engagement under the Department since 30.09.1997 and have never been re-engaged thereafter.

This is issued in accordance with the Hon'ble Tribunal's order/direction.

Head of SSA Unit-2001
 O/O G.M. Telecom
 Kamrup Telecom District
 Guwahati-781007.

Copy to :

1. The GM(TS) - Circle, Guwahati
 for issuance of TSM/Regularisation to his office letter No. STES-21/312/20
 Dtd. 23-10-2001.
2. The DE/ GM, Panbazar, Guwahati-1.
3. The DE(Opn), O/O the GM(BSNL)/GH-7.

S/
 For GM(BSNL)/GH-7.

Attested
 as
 Advocate

ANNEXURE

Details of findings by the Verification Committee Of Kamrup Telecom.
District/Guwahati (Name of SSA/ Unit) in case of Shri Birbal Basfore in DE.CTO.GH.

Date of engagement	Authority of engagement	No. of days engaged, year wise/month wise	Proof of engagement (documentarily)	Name & Designation of members of verification committee	Reasons in brief as found	Remarks.
March 93	DE.CTO GH	(A) (B)	Payment register	1. Sri S. Taid, DE (Admin.) 2. Sri B. P. Basfore CAO, 3. Sri G.C.Sarma, ADT(Legal)	Though Completed 240 days or more in calendar year, he had also been retrenched by DE/CTO/GH w.e.fom A/N of 30.09.97 vide his letter No. STA- 51/CL/96- 97/18 Dtd. 30.09.97 and he has never been re-engaged by the Deptt. for any works thereafter.	Not recommended by the committee

15862

Signature of Engineers (A.G.B)
Designation O/O G.M. Telecom
Seal, Etc. *Guwahati Telecom Engineers*
Guwahati, Assam

Altested
under
advocate

30.9.97

THE GAUHATI HIGH COURT

WRT OF ASSAM, NAGALAND, MEGHALAYA, MANIPUR, TRIPURA,

MIZORAM AND ARUNACHAL PRADESH)

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

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

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

-Versus-

Petitioners.

Oinam Indramani Singh,
 Imphal, Manipur.

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

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

-Versus-

Petitioners

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

Attested
 Md. Sam
 Adv.

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

(6) In WP(C) No. 2536/2001 : - Respondent.

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

-Versus-

..... Petitioners.

Th. Basanta Singh,
of Bishnupur, Imphal.

(7) In WP(C) No. 2537/2001 : - Respondent.

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

-Versus-

..... Petitioners

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

..... Respondent.

PRESENT :

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

THE HON'BLE MR. JUSTICE D. BISWAS

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

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

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

JUDGMENT AND ORDER (ORAL)

MONGIA, C.J. (ACTING) :-

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

Attested
S. D.
Advocate

Attested
V. K. S.
Advocate

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

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

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

"20.1.2000.

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

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

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

counsel

Arrested
Under
Affidavit

Arrested
Under
Affidavit

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

The application is accordingly disposed of."

Order dated 11.1.2001 on Review Applications :-

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

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

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

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

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

Attested
R. Ven.
Advocate.

Attested
R. Ven.
Advocate.

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

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

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

be

Attested
R. Ven
Advocate

Attested
V. Ven
Adv.

13

~~22~~

- 42 -

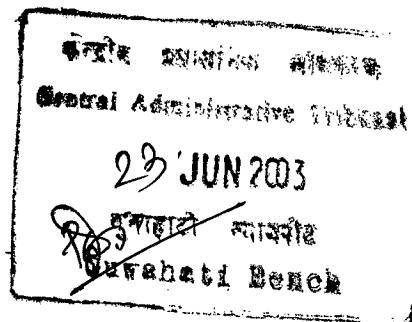
- 6 -

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

Copy of this order, attested by the
Bench ^{Advocate} ~~Secretary~~, be given to the counsel for the
parties.

Attested
V. S. Rao

Attested
C. S. Rao
Advocate.



Filed by

1209 6/03
(A. D. DEBROY)
Sr. C. C. C.
C. A. T. Guwahati Bench

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH :::: GUWAHATI

O.A. No. 414 OF 2002

Shri Birbal Basfore.

- Vs - Applicant.

Union of India & Ors.

..... Respondents.

- And -

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 para 4.1, of the application, the respondents beg to offer no comments.
2. That with regard to the statement made in para 4.2, of the application the respondents beg to state that no appointment order was issued to the applicant. But the applicant was engaged during December 1993 and paid on daily rates basis. The said applicant was never worked as Master Roll worker and not treated as Group-D staff.
3. That with regard to the statement made in para 4.3, of the application the respondents beg to state that the applicant did not fulfill the ~~eligibility~~ criteria as laid down in the scheme for conferment of Temporary Status.

-2-

4. That with regard to the statement made in para 4.4, of the application the respondents beg to state that the applicant is not similarly situated with the casual labourers of Department of post as he was not in engagement during August 1998 though completed 240 days in any calender year.
5. That with regard to the statement made in para 4.5, of the application the respondents beg to state that the Regularisation scheme applicable to those applicants who fulfill the eligible criteria.
6. That with regard to the statement made in para 4.6, of the application the respondents beg to state that the applicant is not entitled for Temporary Status as he was not in engagement during August/1998.
7. That with regard to para 4.7 and 4.8, of the application the respondents beg to offer no comments.
8. That with regard to the statement made in para 4.9, of the application the respondents beg to state that the Department took initiative in compliance to the Judgement of various cases of Mazdoors and considered leniently all the cases of Mazdoors engaged by the Department from time to time.
9. That with regard to the statement made in para 4.10, of the application the respondents beg to state that the applicant was not submitted such type of Representation and not entitled for Temporary Status.

-3-

10. That with regard to the statement made in para 4.11, of the application the respondents beg to state that the Department is fully agree with consideration of Hon'ble CAT/Guwahati and with a view to give justice and reasonable opportunity to the applicants those who fulfills the eligible criteria as laid down in the scheme.

11. That with regard to the statement made in para 4.12, of the application the respondents beg to state that the case of the applicant was taken up alongwith the cases of other Mazdoors. A committee for verification, of engagement particulars of all the mazdoors, who worked under Kamrup Telecom District was set up which functioned April/2000 to August/2000. The committee after care-ful examination of the records available with the applicant as well as with the Department found that the applicant though have completed 240 days in any calendar year but he was not in engagement during August 1998. As such the applicant is not entitled for Temporary Status. The Department has tried to comply the CAT. Order and the above actions of the Department reflects clear intention and desire to settle the claims.

12. That with regard to the statement made in para 4.13, of the application the respondents beg to state that the case of the applicant has been rejected on the ground that he had been retrenched from engagement since 30.09.1997 and never been re-engaged for any departmental work thereafter though completed 240 days in any calendar year prior to 01.08.1998.

13. That with regard to the statement made in para 4.14, of the application the respondents beg to state that the applicant was retrenched & communicated vide this office ltr. no. STA-51/CL/96-97/18 dtd. 30.9.97 (copy enclosed as Annex. I) and thereafter the applicant was not converted to contractual workers.

-4-

14. That with regard to the statement made in para 4.15, of the application the respondents beg to state that the applicant is not entitled for Temporary Status due to non-fulfillment of eligible criteria as mentioned in para 4.13. The Verification Committee of GMT/ Kamrup had rejected the above OA applicant for conferment of TSM/Regularisation.

A copy of the Verification Committee findings and D.E. Administration of GM(K) report are enclosed as Annexure-II.

Under the above circumstances the applicant is not entitled for any relief.

Verification.....

-5-

VERIFICATION

I, Shri Kamakhya Ranjan Das., presently working as S.D.F./Legal of G.M.T./Kamrup., being duly authorised and competent to sign this verification, do hereby solemnly affirm and state that the statements made in para _____ 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 fact.

And I sign this verification on this _____ th day of 2003, at Guwahati.

Kamakhya Ranjan Das.
Deponent.

S.D.F./Legal.
of the G.M.T./Kamrup.
Boraservice.
Guwahati-7

Govt. of India,
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 CGMT, Assam Circle, Guwahati letter No. Vig/Assam/30(D)/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 Labours working in CTO/TOs & T/Cs of Telegraph Activity Area under GMT/Guwahati are hereby retrenched ~~from 30-09-97~~ with effect from the afternoon of 30-09-97. 30/9

- 1) Sri Dhaniram Deka -
- 2) " Champak Talukdar -
- 3) " Sachin Das -
- 4) " Kulen Das -
- 5) " Subhash Barman -
- 6) " Niranjan 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 N. /
- 17) Sri Romani Medhi -
- 18) " Nayan Jyoti Dutta -
- 19) " Pankaj Bora -
- 20) " Kusal Medhi -
- 21) " Khargeswar Kalita -
- 22) " Madan Ch: Boro -

30/9
(S. TAID)
Divisional Engineer,
C.T.O. Guwahati-781001.

Copy for information & necessary action to:-

o/c

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

30/9
(M.H. Ansari)
Sub-Divisional Engineer (G),
C.T.O. Guwahati-781001.

Kamalendu Deka

(A. K. Nabi)

11/9
mdu 30/9/97

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-'01/186 *Dated at Guwahati, the 26-11-2001.*
To

**Shri Birbal Basfore, S/O Late Manshi Basfore,
 CTO Compound, Qtr. No. 22, Type-I, Panbazar,
 Guwahati- 781 001, Dist - Kamrup(Assam).**

As you are aware that as per direction given by Hon'ble CAT, Guwahati Bench, Guwahati in OA No.220/2000, the department constituted verification committee for this SSA 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 yourself. The committee verified all the documentary/as well other proof from the various units/ offices and also personally interviewed you on 09-10-2001. In our office / SSA, the committee comprised of three members namely (1) Shri S.Taid, 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, ADT (Legal), O/O CGMT/ Guwahati.

The aforesaid committee submitted its report to the Department detailing all about their finding / proof against casual laborer including you. The detail of such scrutiny report is enclosed and furnished herewith as an 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 also not been in engagement under the Department since 30.09.1997 and have never been re-engaged thereafter.

This is done in accordance with the Hon'ble Tribunal's order/direction.

Sd/-
 Civilian Engineer (Admn)
 Head of SSA/Unit
 Kamrup Telecom District
 Guwahati-7

Copy to :

**The C.G.M.T., Assam Circle, Guwahati
 for favour of information w.r.to his office letter No.STES-21/312/20
 Dtd. 23.11.2001.**

**2. The DE, CTO, Panbazar, Guwahati-1.
 3. The DE(Opn.), O/O the GM(BSNL)/GH-7.**

AN 27/11/01
 For GM(BSNL)/GH-7.

*SDS/legal
 26/11/01*

27/11/2001

(56)

b1

ANNEXURE

Details of findings by the Verification Committee Of Kamrup Telecom.
District/Guwahati.(Name of SSA/ Unit) in case of Shri Birbal Basfore in DE.CTO.GH.

Date of engagement	Authority of engagement	No. of days engaged, year wise/ month wise	Proof of engagement (documentary)	Name & Designation of members of verification committee	Reasons in brief as found	Remarks.
		(A) (B)				
March,93	DE.CTO. GH.	03/93 - 23.00 04/93 - 22.50 05/93 - 23.00 06/93 - 22.50 07/93 - 23.00 08/93 - 23.00 09/93 - 22.50 10/93 - 23.00 11/93 - 22.50 12/93 - 23.00 01/94 - 23.00 02/94 - 21.00 03/94 - 09.00 04/94 - 11.00 05/94 - 17.00 06/94 - 06.00 07/94 - 15.50 08/94 - 13.50 03/95 - 20.00 04/95 - 19.00 07/95 - 09.50 08/95 - 15.00 09/95 - 17.00 10/95 - 17.00 11/95 - 15.60 12/95 - 18.00 01/96 - 22.50 02/96 - 18.00 03/96 - 22.00 04/96 - 19.00 05/96 - 22.00 06/96 - 22.00 07/96 - 22.00 08/96 - 26.00 09/96 - 27.50 10/96 - 27.00 11/96 - 30.00 12/96 - 29.00 01/97 - 30.00 02/97 - 24.00 03/97 - 30.00 04/97 - 29.00 05/97 - 27.00 06/97 - 27.00 07/97 - 31.00 08/97 - 31.00 09/97 - 30.00	Payment register.	1. Sri S.Taid, DE (Admn.) 2. Sri N.K.Das, CAO, 3. Sri G.C.Sarma, ADT(Legal)	Though Completed 240 days or more in a calendar year, he had also been retrenched by DE/CTO/GH w.e.from A/N of 30.09.97 vide his letter No. STA-51/CL/96-97/18 Dtd. 30.09.97 and he has never been re-engaged by the Deptt. for any works thereafter.	Not recommended by the committee

Date

Signature *[Signature]* **Divisional Engineer (Admn)**
 Designation **O/O/ O.M. Telecom**
 Seal. Etc. **Kamrup Telecom District**
Guwahati-7.

27/11/2001