

30/100

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

(DESTRUCTION OF RECORD RULES, 1990)

**INDEX**

6

O.A/T.A No. 96/02

R.A/C.P No.

E.P/M.A No.

1. Orders Sheet. OA-96/2002 .....Pg. 1 .....to 15 .....
2. Judgment/Order dtd. 03/06/2003 .....Pg. No separate order dismissed .....to .....
3. Judgment & Order dtd. ....Received from H.C/Supreme Court
4. O.A. ....96/02 .....Pg. 1 .....to 45 .....
5. E.P/M.P. ....Pg. ....to .....
6. R.A/C.P. ....Pg. ....to .....
7. W.S. ....Respondents .....Pg. 1 .....to 101 .....
8. Rejoinder. ....Pg. ....to .....
9. Reply. ....Pg. ....to .....
10. Any other Papers. ....Pg. ....to .....
11. Memo of Appearance. ....
12. Additional Affidavit. ....
13. Written Arguments. ....
14. Amendment Reply by Respondents. ....
15. Amendment Reply filed by the Applicant. ....
16. Counter Reply. ....

SECTION OFFICER (Judl.)

FORM NO. 4  
(See Rule 42 )  
CENTRAL ADMINISTRATIVE TRIBUNAL : GUWAHATI BENCH.  
GUWAHATI.

ORDER SHEET

Original No. 96/2002  
Misc. Petition No.             
Contempt Petition No.             
Review Application No.           

Applicant(s) S. K. Das & Others

Respondent(s) H. O. I. Joms

Advocate for Applicant(s) M. Chanda, Mrs. N. D. Goswami  
G. N. Chakraborty

Advocate for Respondent(s) SV. Case  
Mr. A. S. Roy, C

Notes of the Registry	Date	ORDER OF THE TRIBUNAL
<p>C. F. f. 76.550.919</p> <p>Dated 7.2.2002</p> <p>NS 20/3/02</p> <p>Steps taken exem money deposited.</p> <p>NS 20/3/02</p> <p>No deposit Receipt is enclosed with case records.</p> <p>NS 20/3/02</p> <p>R/No 676 dtd 4/4/02</p>	<p>3.4.02</p> <p>mb</p> <p>1.5.2002</p> <p>bb</p>	<p>Heard Mr. M. Chanda, learned counsel for the applicant.</p> <p>Issue notice of motion.</p> <p>List on 1.5.2002 for admission.</p> <p>Member</p> <p>No return so far filed. Admit, call and for the records. Four weeks time is granted to the respondents to file written statement.</p> <p>List the case for order on 31.5.2002.</p> <p>Vice-Chairman</p>

(2)

Notice prepared and  
sent to D/S for filing  
the Respondent No. 1  
to 9 by Regd A/O.

8/4/02

DINo 1119 to 1127  
Dtd 11/4/02

No written statement  
has been filed

30.5.02

No written statement  
has been filed

18.7.02

No A/S has been  
filed.

13  
11/8/02

No W/S has been  
filed

19.9.02

No W/S has been  
filed

7.11.02

No W/S has been  
filed

12.12.02

31.5.02 List again on 5.7.2002 to enable  
the respondents to file written  
statement.

Vice-Chairman

mb

5-7 Due to circuit sitting at Agartala,  
the cases adjourned to 19.7.02,  
ms  
A/S for

19.7.02 Written statement has not been  
filed. List on 16.8.02 for filing of  
written statement and further orders.  
In the meantime the applicant may file  
rejoinder if any, within two weeks.

Member

lm

16.8.02 Mr. A. Deb Roy, Sr. C.G.S.C. prays  
for four weeks time to file written state-  
ment. Prayer is allowed. List on 29.9.02  
for orders.

Member

lm

20.9.02 On the prayer of Mr. A. Deb Roy,  
learned Sr. C.G.S.C. for the respondents  
further four weeks time is allowed to the  
respondents to file written statement.  
List on 8.11.2002 for orders.

Vice-Chairman

mb

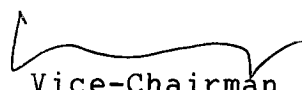
8.11.02 List on 13.12.2002 to enable the  
respondents to file written statement, if  
any.

Vice-Chairman

mb

13.12.2002

On the prayer of Mr A. Deb Roy, learned Sr. C.G.S.C. four weeks time allowed for filing of written statement. List for orders on 17.1.2003.

  
Vice-Chairman

nkm

17.1.2003, There is no hearing today. The case is adjourned to 31.1.2003.

Mrs

Anu

No written statement has been filed.

31.1.2003

Earlier the respondents obtained time for filing written statement. Today when the matter came up before the Tribunal, Mr B.C. Pathak, learned Addl. C.G.S.C. placed before us an order dated 21.12.2001 in W.P.C. No.0677/2001 wherein an interim order has been passed by the High Court staying the Judgement and Order of the Tribunal dated 30.3.2001 passed in O.A.No.408/2000. The applicants in the O.A. assailed a series of order passed by the respondents on 26.9.2001 indicating that in compliance to the direction contained in the Judgment dated 30.3.2001 passed by the Tribunal in O.A.No.408/2000, the case of those applicants were taken up for consideration and on verification of facts turned down the case of the applicants for conformation of temporary status. Seemingly, the respondents have given effect to the order of the Tribunal dated 30.3.2001 passed in O.A.No.408/2000 on 26.9.2001 and thereafter obtained the stay order from the High Court on 21.12.2001, though the order of the Tribunal was, in fact given effect to. When this aspect was brought to my attention by the learned




30.1.03



31.1.2003

counsel for the applicant the matter was confronted to the learned Addl. C.G.S.C., who at that stage prayed for time to verify the position and obtain necessary instructions. Accordingly the case is adjourned for four weeks. The respondents may file their written statement, if so advised.

List it on 28.2.2003 for further orders.

  
Vice-Chairman


nkm

3.3.03

28.2.2003

Written statement has been filed.

The case may now be listed for hearing on 25.4.2003. The applicant may file rejoinder, if any, within two weeks from today

  
Vice-Chairman

bb

25.4.2003


On the prayer of Mr.G.K.Chakraborty, learned counsel appearing for the applicant the case is adjourned and listed for hearing again on 12.5.2003 along with O.A. 105/2002 & O.A.229/2002.

  
Vice-Chairman


bb

12/5/03

The Case is adjourned to 18/7/03.

  
By order.


No written statement  
has been filed.

  
27.2.03


W.S. Submitted  
by the Respondents.



No rejoinder has  
been filed.

  
24.4.03

No rejoinder has  
been filed.

  
2002

O.A. No. 96/2002.

3-6-2003 : Present : The Hon'ble Mr Justice D.N. Chowdhury, Vice-Chairman.

When the matter was called upon none appeared for the applicant to press the application. Mr M.Chanda, learned counsel stated that he is no longer in this case and brief was returned to the parties.

I have also perused the order passed by the High Court dated 21.12.2001 in W.P.C.No.8677/2001. The High Court by the above mentioned order also stayed the order passed by the Tribunal in O.A.408/2000 dated 30.3.2001. It thus appear that the decision rendered by the Tribunal in O.A.408/2000 dated 30.3.2001 is still under examination before the High Court. The applicant sought for relief on the strength of the decision rendered by the Tribunal in O.A.408/2000 dated 30.3.2001 which is under scrutiny of the High Court. In the circumstances the O.A. stands dismissed. The matter shall however be subject to the out come of the decision of the High Court.

9.6.2003

Copy of the order  
has been sent to the  
Office for issuing  
the order to the applicant  
as well as to the  
Addl. C.S.C.

HS

Aug 11/6/03

  
Vice-Chairman

19 MAR 2002

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
GUWAHATI BENCH

(An Application under Section 19 of the Administrative Tribunals Act,  
1985)

Title of the case : O.A. No. 96 /2002

Sri Sashanka Kumar Das & Others : Applicant

- Versus -

Union of India & Others : Respondents.

INDEX

SL. No.	Annexure	Particulars	Page No.
01.	----	Application	1-20
02.	----	Verification	21
03.	1. (Series)	Orders dated 22.12.1997 and 29.12.1997 granting temporary status	22-24
04.	2 (Series)	Order dated 29.6.1998 cancelling the temporary status	25-30
05.	3	Hon'ble Tribunal's order dated 2.7.1998	31
06.	4 (Series)	Impugned order dated 26.9.2000	32-35
07.	5	Judgment & Order 30.3.2001	36-39
08.	6 (Series)	26.9.2001	40-45

Filed by



Advocate

Date : 15.3.2002

Sashanka Kumar Das

Filed by the applicant  
through advocate Sri  
G. N. Chakraborty on  
15.3.2002

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH : GUWAHATI

(An Application under Section 19 of the Administrative Tribunals Act,  
1985)

O.A. No. 96 /2002

BETWEEN

1. Sashanka Kumar Das  
Son of Sri Suresh Chandra Das  
Village - Katigorah, P.O.- Kartigorah  
District - Cachar (Assam).
2. Sri Amaresh Das,  
Son of Sri Harmohan Das,  
Village - Bakrihawar Part VII  
P.O. Kalinagar, P.S. Algapur  
District - Hailakandi, (Assam).
3. Md. Sahabuddin Mazarbhuiya  
Son of Late Masaf Ali Mazarbhuiya  
Village - Lattimara, District-Cachar, (Assam).
4. Md. Shamsul Haque  
Son of Late Rajendra Nath  
Village - Katirail, P.O. Katirail  
District - Cachar, (Assam).
5. Sri Dilip Nath  
Son of Late Rajendra Nath  
Village - Katirail, District-Cachar (Assam).

*Sashanka Kumar Das,*

6. Sri Nripendra Chandra Das  
Son of Late Ganesh Chandra Das  
Village - Bakrihawar Part VII  
P.O. Kalinagar, P.S. Algapur  
District Hailakandi, (Assam).

.....Applicants

-AND-

1. The Union of India,  
Through the Secretary to the Govt. of India,  
Ministry of Communication, Department of Telecommunication,  
New Delhi.
2. The Chief General Manager, Assam Circle,  
Department of Telecommunication, Govt. of India  
Ulubari, Guwahati
3. The General Manager, Telecom, Silchar SSA,  
Department of Telecommunications, Silchar, Assam.
4. Sub-Divisional Engineer, Telecom  
Department of Telecommunications, Hailakandi
5. Sub Divisional Officer, Telecom  
Department of Telecommunication, Karimganj
6. Sri Shrihari Roy,  
General Manager, Telecom, Silchar SSA,  
Department of Telecommunications, Silchar.
7. Sri Indrajit Pal  
Divisional Engineer (P & A)  
Office of the General Manager,  
B.S.N.L., Silchar.
8. Sri S.P.Chakraborty  
Human Resource Officer  
Office of the General Manager,  
Silchar.

9. Divisional Engineer (P & A)  
Office of the General Manager  
Bharat Sanchar Nigam Limited,  
Silhcar.

..... Respondents.

DETAILS OF THE APPLICATION

1. Particulars of order against which this application is made.

This application is made praying for a direction to the respondents for grant of benefit and facilities of Temporary Status sanctioned under the Scheme named as Casual Labourers (Grant of Temporary Status and Regularisation) Scheme of the Department of Telecommunication 1989, and for setting aside the impugned order issued under letter Nos. CAT/GH.OA.408/2000/27 dated 26.9.2001 arbitrarily rejecting their prayer to grant the benefit of Temporary Status in terms of the Order of the Hon'ble Tribunal dated 30.3.2001 in O.A. No. 408 of 2000.

2. Jurisdiction of the Tribunal.

The applicants declare that the subject matter of this application is well within the jurisdiction of this Hon'ble Tribunal.

3. Limitation.

The applicants further declare that this application is filed within the limitation prescribed under section-21 of the Administrative Tribunals Act, 1985.

4. Facts of the case.

- 4.1 That the applicants are citizens of India and as such they are entitled to all the rights, protections and privileges as guaranteed under the Constitution of India.
- 4.2 That the applicants state that since they have similar grievance and pray for similar relief, the Hon'ble Tribunal be pleased to

*Sushanka Jha Das,*

allow them to join in a single application under the provisions of Rule 4(5)(a) of the Central Administrative Tribunal (Procedure) Rules, 1987.

- 4.3 That the applicants beg to state that they were appointed as casual workers under SDO(T), Silchar, SDO, SDE, Patharkandi on different dates on daily wages basis. The detail particulars of engagement are stated below :-

Sl. No.	Name	Date of engagement as Casual Labour
1.	Sri Sashanka Kr. Das	01.01.1988
2.	Sri Amaresh Das	01.01.1988
3.	Sri Sahabuddin Mazarbuiya	23.12.1987
4.	Sri Samsul Haque	23.12.1987
5.	Sri Dilip Nath	01.01.1988
6.	Sri Nripendra Ch. Das	01.01.1988

The fact of their engagement is also evident from the order of Temporary Status granted vide letter No.E/119/TSN/CM/998/33 dated 22.12.1997 and letter no.E/34/97-98 dated 29.12.1997. Since thereafter, all the applicants have been working continuously with effect from their date of initial engagement without any break.

Copy of the order granting Temporary Status dated 22.12.1997 and 29.12.1997 are annexed as **Annexure - 1 series.**

- 4.4 That most surprisingly, the benefit of temporary status which was granted to the applicants considering their long casual services, had been arbitrarily cancelled by the respondents without providing any opportunity to them or without assigning any reason therefor and also in total violation of provision laid down in the relevant scheme for grant of Temporary Status and regularisation 1989. The detail particulars of the above mentioned orders are given below:-

Letter bearing numbers-(i)E-115/98-99/46 dated 29.6.98; (ii)E-115/98-99/45 dated 29.6.98; (iii)E-63/T and P/10 dated 29.6.98; (iv)E-119/TSM/CM/98-99/10 dated 29.6.98; (v)E-

*Sashanka Kr Das.*

119/TSM/CM/98-99/9 dated 29.6.98; (vi)E-63/TNP/CM/98-99/10 dated 29.6.98

Copies of above mentioned orders dated 29.6.1998 are annexed as **Annexure - 2 series.**

- 4.5 That it is stated that as per the provision laid down in the scheme for grant of temporary status and regularisation 1989, the benefit of temporary status once conferred upon the casual employee could not be cancelled or terminated without serving statutory notice of one month. But in the instant case, no such notice had been served upon the applicants before issuance of the order of cancellation of Temporary Status granted to them.
- 4.6 That the applicants beg to state that after issuance of the impugned order of cancellation of Temporary Status, they finding no other alternative had approached the Hon'ble Tribunal through their recognised Union namely, All India Telecom Employees Union Group D in O.A. No. 141/98. The said O.A. came up for admission before the Hon'ble Tribunal on 2.7.1998 when the Tribunal after hearing the parties had been pleased to admit the said O.A. on 2.7.98 and issued notice on the respondents to show cause as to why the interim order as prayed for should not be granted and as an ad interim measure. The Hon'ble Tribunal was also pleased to direct the respondents not to disengage the service of the applicants. The Tribunal further directed the respondents to allow the applicants to continue in their services. The relevant portion of the order passed in O.A. No. 141/98 dated 2.7.1998 is quoted below:

" Heard Mr. B. K. Sharma, learned counsel appearing on behalf of the applicant and Mr. S. Ali, learned Sr. C.G.S.C. for the respondents.

Application is admitted. Mr. B. K. Sharma prays for an interim order not to discontinue the services

*Sashanka Jha Das.*



of the applicants. Mr. S. Ali, has no instructions in the matter.

Issue notice to show cause why interim order as prayed for shall not be granted. Notice is returnable by 4 weeks.

Meanwhile, the casual workers shall not be disengaged and the applicants shall be allowed to continue in their services."

The applicants immediately after obtaining the interim order, had approached the respondents repeatedly for reinstatement in service and also submitted the order of the Hon'ble Tribunal passed in O.A. No.141/98 but surprisingly the respondents did not take any action in spite of the clear order passed by the Hon'ble Tribunal, which amounts to contempt of court. It is also pertinent to mention here that the above order had been passed in presence of Sr. C.G.S.C. who had also communicated the order of the Hon'ble Tribunal and notices were also duly served upon the respondents by the Registry of the Hon'ble Tribunal. Therefore, inaction of the respondents in the instant case amounts to violation of the order of the Hon'ble Tribunal dated 2.7.1998 referred to above.

A copy of the order-dated 2.7.1998 is annexed ~~Annexure~~ -

3.

- 4.7 That it is stated that the benefit of Temporary Status had been granted to the applicants after detail scrutiny of their service records and after finding them eligible/suitable for grant of temporary status. Therefore, they are covered by the terms and conditions laid down in the scheme to grant temporary status and regularisation. It is pertinent to mention here that the conferment of temporary status had also been approved in the minutes of LGCM held on 4.3.1996 in the Chamber of Telecom District Manager, Silchar. The said meeting was held on 4.3.1996, 13.6.1996, 29.8.1996, 14.2.1997, 27.6.1997, 22.7.1997, 22.9.1997 and 24.12.1997 and only thereafter the order of conferment of

Sashanka Jha Das.

Temporary Status was passed by the Respondents in respect of the present applicants.

4.8 That the applicants beg to state that they had approached the authorities frequently and also attended office regularly but no work was allotted to them after passing of the impugned order of cancellation of Temporary status dated 29.6.1998 referred above.

4.9 That applicants beg to state that the O.A. No.141/98 the Respondents duly contested before the Hon'ble Tribunal and the Hon'ble Tribunal decided the same on 31.8.1999 with the following directions:

"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 scrutinize and examine each case in consultation with the records and thereafter pass a reasoned order on merits of each case within a period of six months thereafter. The interim order passed in any of the cases shall remain in force till the disposal of the representations.

9. No order as to costs."

In terms of the above judgment and order of the Hon'ble Tribunal the applicants submitted representations along with the copy of the judgment and order passed in O.A. No.141/98 on 25.10.1999 i.e. within the time limit fixed by the Hon'ble Tribunal. In the said representation the applicants, inter alia, prayed for consideration of their case in the light of the judgment and order passed by the Hon'ble Tribunal referred to above.

*Sashanka K. Das.*

The applicants crave leave of this Tribunal to refer to and rely upon the said judgment and order dated 31.8.1999 and representations referred to above at the time of hearing, if need be.

- 4.10 That the applicants state that it is relevant to mention here that after passing of the interim order dated 2.7.1998 the entire matter had been referred before the Directorate of Telecommunication, New Delhi by the office of the CGMT, Assam Circle and opinion was also sought regarding implementation of the Interim Order passed by the Hon'ble Tribunal in different cases of similar nature including the case of the present applicants in O.A. No. 141/98. However, it would be evident from the order of the respondent no. 2 issued under letter No. STES-21/160/26 dated 16.10.1998. It is stated in the said order that it would be appropriate and beneficial to DOT that the labourers might be re-engaged and in case DOT wishes to dispense with their services then procedure under Section 25F of the Industrial Disputes Act might be adopted after reengaging the casual labourers. It is relevant to mention here that the applicants came to know from a reliable source that the local authorities sent compliance report to the Directorate of the Telecommunication in terms of the order dated 16.10.1998 but in fact the order of the Hon'ble Tribunal passed on 2.7.1998 directing the respondents to allow the applicants to continue in service had not been complied with in spite of the instruction passed by the Directorate of Telecommunication. Therefore, action of the respondents amounts to contempt of court. The Hon'ble Tribunal may, therefore, be pleased to declare that the applicants are still in service in terms of the Interim order passed on 2.7.1998 in O.A. No.141/98 and also in terms of the judgment and order passed by the Hon'ble Tribunal on 31.8.1999 wherein it was categorically ordered that interim order passed in any of the case should remain in force till the disposal of the representation of the applicants. It is categorically stated that although the applicants submitted their representation

*Sabhanika Jha Das.*

on 25.10.1999 in terms of the order dated 31.8.1999 but for a long time no communication were received, from the respondents regarding consideration of their cases for grant of temporary status. However, vide order dated 26.9.2000 the case of the applicants for grant of temporary status has been rejected. The respondents are, therefore, liable to pay wages for the period with effect from 30.6.1998 till the formal order of reinstatement is passed by the respondents or till the date of disposal of their representations.

- 4.11 That it is stated that all the applicants had been directed by the Member Scrutinising Committee i.e. Divisional Engineer (P&A), office of the GMT, Silchar to appear before the scrutinising committee with all records of casual Mazdoor on 3.5.2000 vide letter No.E-20/Scrutiny/CM/2000-2001/03 dated 26.4.2000 and it was further instructed that they should also bring their initial engagement particulars as Casual Mazdoor, appointment order/sponsorship of employment exchange in possession (2) all documents i.e. working particulars, payment particulars till last working day if any, available with the applicants, age proof certificate and copy of recent passport size photographs. It is relevant to mention here that although the applicants carried all the documents available with them as directed, but the screening committee did not look into the documents except the age proof certificate and copy of passport size photograph. It is pertinent to mention here that the applicants also had shown their order relating to grant of temporary status passed by the respondents earlier and the subsequent orders of cancellation of the same. In spite of all that no communication was received immediately thereafter regarding grant of temporary status or regarding disposal of their representations as per the direction given by the Hon'ble Tribunal in its judgment and order dated 31.8.1999 in O.A. No. 141/98. It is also relevant to mention here that in the judgment and order dated 31.8.1999 it was categorically directed that the respondents should dispose of the representation of the

*Sashanka Kr Das.*

applicants within a period of six months from the date of receipt of the representation, but the respondents did not take any steps in terms of the judgment.

It is stated that in most of the districts, the list with regard to grant of benefit of temporary status had been published by the respondents but for the Karimganj district no such list had been published by the respondents except in some case of compassionate appointments.

4.12 That it is stated that the applicants had not been paid their due wage and salaries in spite of the interim order passed and the applicants are facing hardships as they have no other alternative source of income. Mention has to be made here that they have no scope for any alternate Govt. job as because they have crossed the age limit while serving the department of Telecommunication since 1987/88.

Non-sanction of benefit of temporary status even after rendering services for a long period of 13 years on the part of the respondents is highly arbitrary, illegal and unfair.

4.13 That it is stated that the Government of India, Ministry of Communication, Department of Telecommunication Services, New Delhi vide their letter bearing No.2694/93-STM-II(Pt) dated 9.2.2000 sanctioned 672 posts for grant of temporary status amongst the existing casual workers and it is also stated in the said letter dated 9.2.2000 that all other condition stipulated in the letter dated 12.2.1989 remain unchanged. In this connection it is relevant to mention here that after receipt of the sanction letter from the department of Telecommunication Services the Chief General Manager, Telecom, Assam Circle distributed some of the posts for grant of temporary status among the various divisions/circles under the CGMT, Assam Telecom Services and the applicants came to know that still some more sanction posts are available with the respondents for conferring benefit of temporary.

*Sashanka Jha Das,*

status. It is relevant to mention here that benefit of temporary status has already been granted to the applicants as stated above but the same has been subsequently cancelled in total violation of the provisions laid down in the relevant scheme for grant of temporary status and regularisation. As such it should be presumed that by operation of law the applicants have acquired the temporary status sanctioned under the 1989 scheme. Therefore, Hon'ble Tribunal be pleased to declare that the present applicants are temporary status casual Mazdoor and further be pleased to direct the respondents to grant the benefit sanctioned under the scheme for grant of temporary status and regularisation with immediate effect along with back wages or till the formal order reinstatement is passed.

The applicants crave leave of this Tribunal to refer to and rely upon the sanction order dated 9.2.2000 and the scheme for grant of temporary status and regularisation scheme 1989 at the time of hearing.

4.14 That your applicants beg to state that most surprisingly vide order dated 26.9.2000 the General Manager, Telecom, Silchar, SSA, Silchar declared the applicants not illegible for conferment of temporary status Mazdoor under any scheme or order of D.O.T. including one time relaxation given by Telecom Commission on the basis of engagement records and it was further alleged that they did not fulfill the minimum eligibility criteria i.e. 240 days work in the Department of telecom in any calendar year preceding 1.8.1998 and it was also alleged that they were not in engagement as on 1.8.1998. The applicants again challenged the aforesaid decision of the General Manager, Telecom, Silchar, SSA, Silchar in O.A. No.408/2000 on the grounds, amongst others that the aforesaid impugned order rejecting the claim of the applicants had been passed without application of mind and also without reconciling the individual records of the applicants. In such compelling circumstances the applicants finding no other alternative

*Sashanka Mr Das,*

approached this Hon'ble Tribunal against the impugned order dated 26.9.2000 and also prayed for a direction upon the respondents for grant of temporary status. The said Original Application was registered as O.A. 408/2000 (Sashanka Das & others Vs. Union of India & Ors.).

Copy of the impugned order dated 26.9.2000 are enclosed as **Annexure 4 Series.**

4.15 That the said O.A. No.408/2000 was decided by this Hon'ble Tribunal on 30.3.2001 in presence of the counsel for the Respondents. The Hon'ble Tribunal held that the ground cited in the order dated 26.9.2000 could not be accepted in view of the order dated 2.7.1998 in O.A. No. 141/98 and moreover in view of the fact that the said order was neither modified nor vacated. In that circumstance, the Hon'ble Tribunal rejected the contention of the respondents that the applicants were not in engagement on or after 1.1.1998 and accordingly set aside the order dated 26.9.2000 refusing to grant temporary status to the applicants. The Hon'ble Tribunal also directed the respondents to re-consider the case of the applicants for grant of temporary status and regularisation as per law in the light of the observations made by the Tribunal in the said O.A. It is relevant to mention here that it is held by the Hon'ble Tribunal that that the statements of the applicants that they had worked more than 240 days all the calendar years remains unrebutted and therefore it will be presumed to be admitted.

It is further submitted that when the matter for grant of temporary status has been settled by this Hon'ble tribunal vide judgment and order dated 30.3.2001 holding that the all the applicants rendered 240 days service as required under the rules as such the respondents have no scope to reopen the same by passing the order dated 30.3.2001 and as such the impugned order dated 26.9.2001 is liable to be set aside and quashed imposing heavy cost upon the respondent nos. 6,7, and 8 as all of them have

*Sashanka Mr Das,*

acted deliberately contrary to the order dated 30.3.2001 passed in O.A. No. 408/2001 and again forced these applicants to approach this Hon'ble Tribunal once again.

It is relevant to mention here that the judgment and dated 30.3.2001 the respondents particularly Divisional Engineer ( P.& A.) directed the applicants vide letter bearing No. CAT/GH OA 408/2000/21 dated 24.7.2001 to appear before the Verification Committee on 27.7.2001. It is relevant to mention here that all the applicants accordingly appeared and submitted the relevant documents to the Part A, Silchar but surprisingly the Committee without looking into the order of the Hon'ble Tribunal mechanically passed the impugned order bearing No. CAT/GH OA 408/2000/21 dated 24.07.2001, No. CAT/GH OA 408/2000/27 dated 26.09.2001, No. CAT/GH OA-408/2000/27 dated 26.09.2001, No. CAT/GH OA-408/2000/27 dated 26.09.2001, No. CAT/GH OA-408/2000/27 dated 26.09.2001, No. CAT/GH OA408/2000/27 dated 26.09.2001, But most surprisingly the verification committee took a decision contrary to the order passed by this Hon'ble Tribunal rejecting the prayer for grant of temporary status to the applicants by the impugned order dated 26.9.2001.

Copy of the judgment and order dated 30.3.2001 is annexed as **Annexure-5** and impugned order dated 26.9.2001 are annexed as **Annexure- 6 series.**

4.16 That in this connection, it is relevant to mention here that all the applicants have rendered more than 240 days work in almost all the calendar years since their initial date of engagement and this has been duly certified by the concerned SDO(T), SDE while granting temporary status to the applicants vide order issued under letter dated 15.12.1997, 22.12.1997. Moreover, records of the applicants have been duly verified by the LJCM Meeting held on 4.5.96, 13.6.96, 29.8.96, 14.2.1997, 27.6.97, 27.7.97 and 21.12.97 which were constituted with the high officials of the establishment of the Respondents, Union of India. It is categorically stated that all the applicants have fulfilled all

*Sashanka Chkr Das.*



the criteria required for grant of temporary status. It is stated that the temporary status was earlier granted to the applicants by the respondents after being prima facie satisfied with the conditions laid down in the scheme. It is categorically and stoutly stated that they have rendered 240 days individually in each calendar year as such they acquired legal right for grant of temporary status.

4.17 That the applicants state that after passing of the aforesaid order dated 30.3.2001 by this Hon'ble Tribunal they were called by the respondents vide letter dated 24.7.2001 to appear before a Verification Committee on 27.7.2001. Accordingly they appeared before the said Committee on that day. But surprisingly, the respondents in a very whimsical and arbitrary manner rejected the prayer of the applicants for grant of Temporary Status vide order dated 26.9.2001 without taking into consideration the spirit of the Order of the Tribunal passed in O.A. No. 408/2000.

4.18 That it is stated that the respondents, particularly the respondent nos. 6, 7, and 8 have acted with a mala fide intention and with an ill motive to harass the applicants without any reason. The facts and circumstances of the case narrated above, is nothing but exhibition of the vindictive attitude of the respondents towards the applicants. The chain of events clearly indicates that the action of the respondents are very much arbitrary and unreasonable. The applicants state that as per the direction of this Tribunal passed earlier it was imperative upon the respondents to consider the case of the applicants in the light of the observations made by this Tribunal regarding grant of the benefit of Temporary status to them. But the respondents, appear to have, taken an approach that such consideration is to be based on their Executive whims and fancy with least regard to the judicial directions. They have given a complete go bye to the directions of this Tribunal and consequently have acted without

*Sahanka Jhr Das.*

jurisdiction in passing the impugned order. The said order is therefore liable to be declared illegal and inoperative and the same is liable to be set aside.

4.19 That the applicants state that the mala fide intention and vindictive attitude of the respondents are writ large in the instant case. The respondents have driven the poor applicants to litigation on frivolous and flimsy grounds without taking into consideration the order of the Tribunal and thereby have caused undue hardship to them. The Hon'ble Tribunal may, therefore be pleased to impose heavy cost upon the respondents, more particularly the persons, namely, the respondent nos 7,8 and 10 are responsible for such arbitrary and whimsical action.

4.20 That it is stated that all the applicants have already completed 240 days of service in a particular calendar year as required under the rule and this Hon'ble Tribunal in its judgment and order dated 30.03.01 in O.A. No. 408 of 2000 has affirmed the same. Therefore, the said period of working for 240 days cannot be questioned at this stage. It is further submitted that from the date of passing interim order in O.A. 141/98 the applicants again completed 240 days of service as required under the scheme by virtue of operation of law. Therefore the applicants have fulfilled all the criteria for grant of temporary status.

4.21 That the applicants beg to state that since by operation of law they are in service as casual worker, they are entitled to wages with effect from 1.7.98 till the date of actual payment.

4.21 That this application is made bona fide and for the cause of justice.

5. Grounds for relief(s) with legal provisions.

5.1 For that the impugned letter rejecting the claim of temporary status of the applicants have been issued without taking into

Sashanka Kher Das.

consideration the spirit of the direction of this Hon'ble Tribunal in O.A. No. 408/2000 and without application of mind.

- 5.2 For that the impugned decision of the respondents not to grant temporary status is contrary to the rule and law and order of the Hon'ble Tribunal in the facts and circumstance of the case of the applicants.
- 5.3 For that the applicants have acquired a valuable and legal right for grant of temporary status in terms of casual labourers (Grant of Temporary status and Regularisation Scheme of the Department of Telecommunication, 1989).
- 5.2 For that all the applicants have fulfilled the criterion laid down in paragraph 5 (i) of the provision laid down in casual labourers (Grant of temporary status and Regularisation) Scheme, 1989.
- 5.3 For that the applicants have completed the requisite number of days in terms of provisions laid down in paragraph 5(i) of the casual labourers (for grant of temporary status and rgularisation) Scheme 1989.
- 5.4 For that the applicants have continuously worked since 1987/1988 without any break and performed works of permanent nature.
- 5.5 For that the present applicants were entrusted with the similar nature of works that are being performed by the regular Mazdoor of the department of Telecommunications.
- 5.6 For that the impugned order dated 26.9.2001 declaring the applicants ineligible for grant of temporary status is contrary to the findings of this Hon'ble Tribunal given earlier in O.A. No. 408/2000 as well as the records of the respondents and also contrary to the findings given earlier by the scrutinising committee constituted by the department of telecommunication itself as well as to the certificates relating working period issued in respect of the respective applicant countersigned by the competent authority of the department of Telecommunication.

Sashanka Mr Das.

- 5.7 For that the decision communicated through the impugned letter dated 26.9.2001 is contrary to the order of the Hon'ble Tribunal.
- 5.8 For that the applicants were in engagement as on 1.8.1998 in terms of the interim order dated 2.7.1998 passed by the Hon'ble Tribunal passed in O.A. No. 141 of 1998, as such the impugned order dated 26.9.2001 is liable to be set aside and quashed.
- 5.9 For that the benefit of temporary status granted to the applicants vide letter dated 15.12.1997, 16.12.1997 and 22.12.1997 can not be taken away by the respondents without following the procedure established by law.
- 5.10 For that no opportunity or notice as contemplated under the scheme has been provided to the applicants before passing the impugned orders of cancellation of temporary status.
- 5.9 For that applicants have acquired temporary status by operation of law as they have fulfilled all the required conditions laid down in the relevant scheme for grant of temporary status and under the amended scheme.
- 5.10 For that the Interim order passed by the Hon'ble Tribunal on 2.7.1998 in O.A. No.141/98 is still in force but even then the applicants have not been allotted any work even after repeated approach before the competent authority by them.
- 5.11 For that the respondents have willfully restrained the applicants from discharging their duties and as such they are entitled to full back wages with effect from 30.6.1998 till the date of actual reinstatement.
- 5.12 For that the local authority did not allow the applicants to discharge their duties although the CGMT and Directorate of Telecommunication directed the local authority allow the applicants to discharge their duties in terms of the Interim order dated 2.7.1998 in O.A. No.141/98 of the Hon'ble Tribunal.

Sashanka Jha Das.

5.13 For that the instant impugned order has been passed on the same set of grounds, which were earlier taken by the respondents in O.A. No. 408/2000 but stood rejected by the Hon'ble Tribunal in the judgment and order dated 30.3.2001 and as such the impugned is arbitrary, unreasonable and without any basis.

6. Details of remedies exhausted.

That the applicants state that they have no other alternative and efficacious remedy than to file this application.

7. Matters not previously filed or pending with any other court.

The applicants further declare that they had previously filed an application before the Hon'ble Tribunal which was registered as O.A. No.141/98 and 408/2000 the same was finally decided on 31.8.1999 dated 30.3.2001, with a specific direction to the respondents to consider the case of the present applicants for grant of temporary status in the light of the scheme as stated above. But the case for grant of temporary status has been rejected vide order dated 26.9.2001 and the applicants further declare that no Writ Petition or Suit regarding the matter in respect of which this application is pending before any court or any other authority or any other Bench of the Tribunal nor any such application.

8. Reliefs sought for :

Under the facts and circumstances stated above, the applicant humbly prays that your Lordships be pleased to issue notice to the respondents to show cause as to why the reliefs sought for by the applicant shall not be granted, call for the records of the case and on perusal of the records and after hearing the parties on the cause or causes that may be shown, be pleased to grant the following reliefs :

*Sashanka Jee Das.*

- 8.1 That the Hon'ble Tribunal be pleased to set aside the impugned order of cancellation of temporary status issued under letter dated 26.9.2001. (Annexure-6 series)
- 8.2 That the applicants be declared entitled to grant of Temporary Status and regularisation and the respondents be accordingly directed to grant them the benefit of the scheme named as Casual Labourers (Grant of temporary Status and regularisation) Scheme of the Department of Telecommunication, 1989 with effect from the date as had been granted to them vide letter dated 15.12.1997, 16.12.1997 and 22.12.1997.
- 8.3 That the respondents be directed to grant temporary status to the applicants in terms of the judgment and order dated 30.03.2001 passed in O.A. No. 408/2000 with immediate effect.
- 8.4 That the respondents be directed to allow the applicants to continue in service in terms of the interim order passed by the Hon'ble Tribunal on 2.7.1998 and in terms of the judgment and order 31.8.1999 and 30.3.2001 passed in O.A. No. 141/98 and in O.A. No. 408/2000 respectively till the benefit of temporary status and regularisation are granted to them in terms of the order dated 15.12.1997, 16.12.1997 and 22.12.1997 with retrospective effect.
- 8.5 That the Hon'ble Tribunal be pleased to declare that the applicants are entitled to full back wages with effect from 30.6.1998 till the date of actual reinstatement.
- 8.6 Costs of the application.
- 8.7 Any other relief or reliefs to which the applicant is entitled to, as the Hon'ble Tribunal may deem fit and proper.

9. Interim order prayed for.

- 9.1 Pending disposal of this application the respondents be directed to allow the applicant to discharge their duties considering the

Sashanka Kr. Das,

interim order dated 2.7.97 and the judgment and order dated 31.8.1999 passed in O.A. No.141/98.

10. This application is filed through Advocates.

11. Particulars of the I.P.O.

- i) I.P.O. No. : 76550919
- ii) Date of issue : 7.2.2002
- iii) Issued from : G.P.O., Guwahati.
- iv) Payable at : G.P.O., Guwahati.

12. List of enclosures.

As stated in the index.

Sashanka Mr Das.

VERIFICATION

I, ShriSashanka Kumar Das, S/o Sri Suresh Chandra Das, Village Kartigorha, P.O. Kartigorha, District Cachar, Assam, one of the applicants of Original Application do hereby verify that the statements made in Paragraph 1 to 4 and 6 to 12 are true to my knowledge and those made in Paragraph 5 are true to my legal advice and I have not suppressed any material fact. I have also been authorised by the other applicants to sign this verification on behalf of them.

And I sign this the 15th day of March, 2002.

Sashanka Kumar Das.



## Annexure-1 (Series)

Govt. of India  
Department of Telecommunications  
Office of the Sub-Divisional Officer Telegraphs  
Hailakandi

To

1. Sri Sashanka Kumar Das,  
S/o Sri Suresh Ch. Das,  
P.O. & Vill - Katigorah  
Dist. Cachar.
2. Sri Amaresh Das,  
S/o late Hormohan Das  
Vill. Bokrihawar, Part -VII  
Dist. Hailakandi.
3. Sri Shim Roy,  
S/o Sri Atul Ch. Roy  
Vill Matijuri  
P.O. - Tempur,  
District-Hailakandi
4. Sri Arabinda Das  
S/o Sri Arun Das  
Vill. Sripur  
P.O. Fulbari  
Dist. Cachar

No. E-22/Rectt/14

Dated Hailakandi the 22nd Dec '97

Sub : Casual labours (Grant of Temporary Status and regularisation Scheme) 1989 engaged after 30.3.85.

With reference to the Telecom District Manager, Silchar, letter No. E-20/Grp.D/Rectt./99 dated 9.12.1997, you have been approved by Telecom District Manager, Silchar for granting of temporary status of casual Mazdoor subject to acceptance of the following certificates/records after verification, you are hereby directed to submit the following original certificates/documents along with an attested copy on or before 19.12.97 to this office positively.

1. Age proof certificate
2. Educational Qualification certificate
3. Work experience certificate
4. SC/ST certificate if any.
5. Two nos. of character certificate from Gazetted officer
6. Health Certificate
7. Employment Registration Card.

Sd/- Illegible  
(J.C. Bhattacharjee)  
Sub Divisional Officer Telegraphs  
Hailakandi

Copy to :

The Telecom District Manager, Silchar, 788001 for favour of his kind information.

Sd/-  
Sub Divisional Officer Telegraphs  
Hailakandi

*Attested  
for  
Sashanka*

*Sashanka Kumar Das*

## Annexure-1 (Series)

Department of Telecommunications  
Office of the Sub-Divisional Officer Telegraphs  
Karimganj-788710

No. E-119/TSM/34

Dated at Karimganj the 22nd Dec'97

Sub : Casual Labours (Grant of Temporary status and regularisation scheme) 1989 engaged after 30.3.85 upto 22.6.88)

In pursuance of TDM/Silchar letter No. 20/Gr.D/Recruit/98 dtd. 9.12.97 the following casual labours are hereby conferred temporary status status Mazdoor provisionally approved by the TDM/Silchar.

They are directed to report for duty to the JTO (T) Karimganj temporarily. Their final place of posting will be decided by the TDM/Silchar and on receipt of the same further posting order will be issued for the interest of service.

1. Sri Nirpendra Ch. Das
2. Sri Samsul Haque
3. Sri Manindra Ch. Nath
4. Sri Sahabudding Mazarbhyan
5. Sri Niranjan Ch. Das
6. Sri Hirendra Das
7. Sri Dhirendra Sarkar
8. Sri Dilip Kr. Nath
9. Sri Mohit Roy

Terms and conditions for granting of temporary status

1. The granting of temporary status is purely on temporary and may be terminated at any time by giving one month notice in writing by appointing authority without assigning reasons thereof.
2. The granting of temporary status carried with its liability for transfer within the S.S.A.
3. The Granting of temporary status shall also liable to field service within India during war/emergences.
4. The service condition will be Govern by the relevant Rules in force from time to time.

Sd/-  
Sub-divisional Officer  
Telegraphs Karimganj-788710

Copy to :

1. The TDM/Silchar w.r.to his letter No. mentioned above. He is requested kindly to issue necessary instruction for their place of posting as desired by him.
2. The A.O. Cash, O/o the TDM/Silchar.
3. The dE (E&A), O/o the TDM/Silchar.
4. The SDE, O/o the TDM/Silchar.
- 5-13. Official concerned.
14. E-119(T&P) file.

Sd/-  
Sub-divisional Officer  
Telegraphs Karimganj-788710

*Attested  
Jee.  
Savabi*

*Sashanka Kr Das.*

## Annexure-1(series)

Govt. of India  
 Department of Telecommunications  
 Office of the Sub-Divisional Officer Telegraphs  
 Hailakandi

Memo No. E-22/Rectt/14 A Dated at Hailakandi the 29th Dec '97

In accordance with Telecom District Manager, Silchar letter No. 8-20/Gr.D/Rectt/98 dated 9.12.97 the following ..... casual labourers for granting of temporary status are .... under J.T.O (Phoes), Dhalipurghat as TSM wef 30.12.97. They are instructed to report to JOT(T) BDS, immediately.

1. Sri Sashanka Kumar Das
2. Sri Amaresh Das
3. Sri Ashim Roy
4. Sri Arabinda Das

The final place of posting order will be issued by the Telecom District Manager, Silchar.

Sd/-  
 J.R.Bhattacharjee  
 Sub-Divisional Officer Telephones  
 Hailakandi

Copy to :

1. The Telecom District Manager, Silchar 788001 for information and necessary action.
2. The Sr. Accounts Officer (Cash), O/o the Telecom District Manager, Silchar.
3. The J.T.O., for information and necessary action.
4. Sri Sashanka Kumar Das, S/o Sri Suresh Ch. Das, Vill & P.O. Katigorah, Dist. Cachar.
5. Sri Amaresh das, S/o late Harmohan Das, Vill : Bokrihowar, Part-VII, P.O. Kalinagar..
6. Sri Ashim Roy/Son of Sri Atul Ch. Roy, vill-Matijuri, Hailakandi.
7. Sri Arabinda Das, S/o Sri Arun Das, Vill- Sripur, Cachar.

Sd/-  
 Sub-Divisional Officer Telephones  
 Hailakandi

*Attested  
 Secy  
 Sd/- Sashi*

*Sashanka Kumar Das.*

## Annexure-2(Series)

Govt. of India  
Department of Telecommunications

No. E-115/98-99/46

Da. 29.6.98

Sri Sashanka Kr. Das  
T.S.M.  
Silchar

Sub : Casual labourers (Grant of temporary status and Regularisation scheme) 1998 engaged after 30.3.85 dated 22.6.88.

Ref : TDM Silchar Memo No. X-11/TDM-SC/CM-Rectt/(8-99/ dated 27.6.98

The provisional temporary status conferred on you vide TDM Silchar letter No. E-20/Grp-D/Rectt/98 dated at Silchar, 9.12.97 has been cancelled by TDM Silchar vide his letter No. X-11/TDM-SC/CM-Rectt/98-99/ dated 27.6.98 as you have not qualified for TSM as per your previous engagement records.

The undersigned has been directed not to engage you anymore and as such your services are not longer required with effect from the forenoon of 29.6.98.

Sd/- Illegible  
S.D.O. Telegraph  
Silchar

Copy to :

1. TDM Silchar for favour of kind information pl.
2. CAO O/O TM Silchar for information pl.
3. DE (P&A) O/o TDM Silchar for information.
4. J.T.O. HQ I for information pl.

Sd/- Illegible  
S.D.O. Telegraph  
Silchar

*Attended  
J. Das  
Advocate*

*Sashanka Kr Das*

## Annexure-2(Series)

Govt. of India  
Department of Telecommunications

No. E-115/98-99/46

Dt. 29.6.98

Sri Amaresh Das  
T.S.M.  
Silchar

Sub : Casual labourers (Grant of temporary status and Regularisation scheme) 1998 engaged after 30.3.85 dated 22.6.88.

Ref : TDM Silchar Memo No. X-11/TDM-SC/CM-Rectt/98-99/ dated 27.6.98

The provisional temporary status conferred on you vide TDM Silchar letter No. E-20/Grp-D/Rectt/98 dated at Silchar, 9.12.97 has been cancelled by TDM Silchar vide his letter No. X-11/TDM-SC/CM-Rectt/98-99/ dated 27.6.98 as you have not qualified for TSM aseep your previous engagement records.

The undersigned has been directed not to engage you anymore and as such your services are not longer required with effect from the forenoon of 29.6.98.

Sd/- Illegible  
S.D.O. Telegraph  
Silchar

Copy to :

1. TDM Silchar for favour of kind information pl.
2. CAO O/O TM Silchar for information pl.
3. DE (P&A) O/o TDM Silchar for information.
4. J.T.O. HQ I for information pl.

Sd/- Illegible  
S.D.O. Telegraph  
Silchar

*Attested  
for  
Advocate*

*Sashanka Pr Das.*

## Annexure-2(Series)

Govt. of India  
Department of Telecommunications

No. E-115/98-99/46

Dt. 29.6.98

Sri Sahabuddin Mazarbhuiyan  
Telephone Exchange,  
Karimganj.

Sub : Casual labourers (Grant of temporary status and  
Regularisation scheme) 1998 engaged after 30.3.85 dated  
22.6.88.

Ref : TDM Silchar Memo No. X-11/TDM-SC/CM-Rectt/98-99/213 dated  
27.6.98

The provisional temporary status conferred on you vide TDM Silchar letter No. E-20/Grp-D/Rectt/98 dated at Silchar, 9.12.97 has been cancelled by TDM Silchar vide his letter No. X-11/TDM-SC/CM-Rectt/98-99/213 dated 27.6.98 as you have not qualified for TSM as per your previous engagement records.

The undersigned has been directed not to engage you anymore and as such your services are not longer required with effect from the forenoon of 29.6.98.

Sd/- Illegible  
29.6.98  
S.D.O. Phones  
Karimganj

Copy to :

1. TDM Silchar for favour of kind information pl.
2. CAO O/O TDM Silchar for information pl.
3. DE (P&A) O/o TDM Silchar for information.

Sd/- Illegible  
S.D.O. Phones  
Karimganj

*Attest  
Jee  
Advocate*

*Sashanka Jee Das.*

## Annexure-2(Series)

Govt. of India  
Department of Telecommunications

No. E-115/98-99/46

Da. 29.6.98

Sri Samsul Haque  
Fakirabazar Telephone Exchange

Sub : Casual labourers (Grant of temporary status and  
Regularisation scheme) 1998 engaged after 30.3.85 dated  
22.6.88.

Ref : TDM Silchar Memo No. X-11/TDM-SC/CM-Rectt/(8-99/ dated  
27.6.98

The provisional temporary status conferred on you vide TDM Silchar letter No. E-20/Grp-D/Rectt/98 dated at Silchar, 9.12.97 has been cancelled by TDM Silchar vide his letter No. X-11/TDM-SC/CM-Rectt/98-99/208 dated 27.6.98 as you have not qualified for TSM as per your previous engagement records.

The undersigned has been directed not to engage you anymore and as such your services are not longer required with effect from the forenoon of 29.6.98.

Sd/- Illegible  
S.D.O. Telegraph  
Karimganj

Copy to :

1. TDM Silchar for favour of kind information pl.
2. CAO O/O TM Silchar for information pl.
3. DE (P&A) O/o TDM Silchar for information.

Sd/- Illegible  
S.D.O. Telegraph  
Karimganj

*Attested  
J. K. Das  
Advocate.*

*Sashanka K. Das.*

## Annexure-2(Series)

Govt. of India  
Department of Telecommunications

No. E-115/98-99/46

Dt. 29.6.98

Sri Dilip Nath  
Nilambazar Telephone Exchange.

Sub : Casual labourers (Grant of temporary status and Regularisation scheme) 1998 engaged after 30.3.85 dated 22.6.88.

Ref : TDM Silchar Memo No. X11/TDM-SC/CM-Rectt/98-99/208 dated 27.6.98.

The provisional temporary status conferred on you vide TDM Silchar letter No. E-20/Grp-D/Rectt/98 dated at Silchar, 9.12.97 has been cancelled by TDM Silchar vide his letter No. X-11/TDM-SC/CM-Rectt/98-99/208 dated 27.6.98 as you have not qualified for TSM as per your previous engagement records.

The undersigned has been directed not to engage you anymore and as such your services are not longer required with effect from the forenoon of 29.6.98.

Sd/- Illegible  
S.D.O. Telegraph  
Karimganj

Copy to :

1. TDM Silchar for favour of kind information pl.
2. CAO O/O TM Silchar for information pl.
3. DE (P&A) O/o TDM Silchar for information.

Sd/- Illegible  
S.D.O. Telegraph  
Karimganj

*Allesha  
Joshi  
Advocate*

*Sashanka Jha Das.*



## Annexure-2(Series)

Govt. of India  
Department of Telecommunications

No. E-115/98-99/46

Dt. 29.6.98

Sri Nripendra Ch. Das  
Telephone Exchange,  
Karimganj

Sub : Casual labourers (Grant of temporary status and  
Regularisation scheme) 1998 engaged after 30.3.85 dated  
22.6.88.

Ref : TDM Silchar Memo No. X-11/TDM-SC/CM-Rectt/98-99/ dated  
27.6.98

The provisional temporary status conferred on you vide TDM Silchar letter No. E-20/Grp-D/Rectt/98 dated at Silchar, 9.12.97 has been cancelled by TDM Silchar vide his letter No. X-11/TDM-SC/CM-Rectt/98-99/208 dated 27.6.98 as you have not qualified for TSM as per your previous engagement records.

The undersigned has been directed not to engage you anymore and as such your services are not longer required with effect from the forenoon of 29.6.98.

Sd/- Illegible 29.6.98  
S.D.O. Phones  
Karimganj

Copy to :

1. TDM Silchar for favour of kind information pl.
2. CAO O/O TM Silchar for information pl.
3. DE (P&A) O/o TDM Silchar for information.

Sd/- Illegible  
S.D.O. Telegraph  
Karimganj

*Attested  
for  
Advocate*

*Sashanka Ch Das. E*

Annexure-3

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH : GUWAHATI

ORDER SHEET

Original Application No. 141 of 1998

Applicant (s) : All India Telecom Employees Union & Another  
Vs.

Respondent (s) : U.O.I & Ors.

Advocate for Applicant (s) : B.K.Sharma, Mr. S.Sarma & Mr.  
U.K.Nair.

Advocate for Respondent(s) : C.G.S.C.

Notes of the Registry  
the Tribunal

Date

Order of

2.7.98

Heard Mr. B.K.Sharma learned counsel appearing on behalf of the applicant and Mr. S.Ali, learned Sr. C.G.S.C. for the respondents.

Application is admitted. Mr. B.K.Sharma prays for an interim order not to discontinue the services of the applicants. Mr. S.Ali has no instructions in this matter.

Issue notice to show cause why interim order as prayed for shall not be granted. Notice is returnable by 4 weeks.

Meanwhile, the casual workers shall not be disengaged and the applicants shall be allowed to continue in their services.

List it on 31.7.1998 for orders.

Member

Vice-Chairman

*Placed  
for  
Advocate*

## Annexure-4 (series)

Govt. of India  
Department of Telecommunications  
Office of the General Manager Telecom Silchar  
Silchar SSA : Silchar

No. E-20/TSM/Regularisation/SC/04

Dated at Silchar the 26.09.2000

To

Sri Sashanka Kr. Das  
Son of Sri Suresh Ch. Das  
Vill. & P.O. Kaligorah  
District-Cachar

Sub : Grant of Temporary Status Mazdoor.

Ref : Hon'ble CAT/Guwahati order dated 31.8.99 in O.A. No. 141/98

With reference to the above, you are hereby intimated that as per the instructions of the Hon'ble CAT/Guwahati in the case in O.A. No. referred above, your engagement particulars were thoroughly scrutinized and examined by a committee in consultation with the records. The committee was formed in this SSA as per the instructions of CGMT, Assam Circle, Guwahati vide Memo No. Estt-9/12/PART-1/23 dated the 28.03.2000.

The committee after through scrutiny and examination of records submitted its report to the undersigned.

As per the said committee report, you were not found eligible for conferment of Temporary Status Mazdoor under any scheme or order of DOT, including one time relaxation given by Telecom Commission vide order dt. 12.02.1999, on the basis of your engagement records, as you did not fulfill the minimum eligibility criteria i.e.

- In
1. You did not complete 240 days work in department of Telecom. any calendar year preceding 01.08.1998.
  2. You were not in engagement as on 01.08.1998.

The committee did not recommend your name for conferment of Temporary Status Mazdoor.

Under the circumstances stated above, your request for granting Temporary Status Mazdoor cannot be acceded to and as such your representation stands, disposed of.

Sd/- Illegible  
General Manager Telecom  
Silchar SSA : Silchar  
General Manager Telecom  
Silchar

*Attested  
for  
Silchar*

To

Sri Amaresh Das  
 Son of Harmohan Das  
 Vill. Bakrihawar P.VII  
 P.O. Kalinagar  
 District-Hailakandi

Sub : Grant of Temporary Status Mazdoor.

Ref : Hon'ble CAT/Guwahati order dated 31.8.99 in O.A. No. 141/98

With reference to the above, you are hereby intimated that as per the instructions of the Hon'ble CAT/Guwahati in the case in O.A. No. referred above, your engagement particulars were thoroughly scrutinized and examined by a committee in consultation with the records. The committee was formed in this SSA as per the instructions of CGMT, Assam Circle, Guwahati vide Memo No. Estt-9/12/PART-1/23 dated the 28.03.2000.

The committee after through scrutiny and examination of records submitted its report to the undersigned.

As per the said committee report, you were not found eligible for conferment of Temporary Status Mazdoor under any scheme or order of DOT, including one time relaxation given by Telecom Commission vide order dt. 12.02.1999, on the basis of your engagement records, as you did not fulfill the minimum eligibility criteria i.e.

1. You did not complete 240 days work in department of Telecom.  
In any calendar year preceding 01.08.1998.
2. You were not in engagement as on 01.08.1998.

The committee did not recommend your name for conferment of Temporary Status Mazdoor.

Under the circumstances stated above, your request for granting Temporary Status Mazdoor cannot be acceded to and as such your representation stands, disposed of.

Sd/- Illegible  
 General Manager Telecom  
 Silchar SSA : Silchar  
 General Manager Telecom  
 Silchar

*Attested  
 by  
 Advocate*

To .

Sri Md. Sahabuddin Mazarbhuiyan  
Son of Md. Mosaraf Ali Mazarbhuiyan  
Vill. & P.O. Latimara  
District-Cachar

Sub : Grant of Temporary Status Mazdoor.

Ref : Hon'ble CAT/Guwahati order dated 31.8.99 in O.A. No. 141/98

With reference to the above, you are hereby intimated that as per the instructions of the Hon'ble CAT/Guwahati in the case in O.A. No. referred above, your engagement particulars were thoroughly scrutinized and examined by a committee in consultation with the records. The committee was formed in this SSA as per the instructions of CGMT, Assam Circle, Guwahati vide Memo No. Estt-9/12/PART-1/23 dated the 28.03.2000.

The committee after through scrutiny and examination of records submitted its report to the undersigned.

As per the said committee report, you were not found eligible for conferment of Temporary Status Mazdoor under any scheme or order of DOT, including one time relaxation given by Telecom Commission vide order dt. 12.02.1999, on the basis of your engagement records, as you did not fulfill the minimum eligibility criteria i.e.

1. You did not complete 240 days work in department of Telecom.  
In any calendar year preceding 01.08.1998.
2. You were not in engagement as on 01.08.1998.

The committee did not recommend your name for conferment of Temporary Status Mazdoor.

Under the circumstances stated above, your request for granting Temporary Status Mazdoor cannot be acceded to and as such your representation stands, disposed of.

Sd/- Illegible  
General Manager Telecom  
Silchar SSA : Silchar  
General Manager Telecom  
Silchar

*Attested  
for  
Advocate*

To

Sri Samsul Haque  
Son of Md. Motiur Rahman  
Vill. & Lattimara, Po.O. Lattimara  
District-Cachar

Sub : Grant of Temporary Status Mazdoor.

Ref : Hon'ble CAT/Guwahati order dated 31.8.99 in O.A. No. 141/98

With reference to the above, you are hereby intimated that as per the instructions of the Hon'ble CAT/Guwahati in the case in O.A. No. referred above, you engagement particulars were thoroughly scrutinized and examined by a committee in consultation with the records. The committee was formed in this SSA as per the instructions of CGMT, Assam Circle, Guwahati vide Memo No. Estt-9/12/PART-1/23 dated the 28.03.2000.

The committee after through scrutiny and examination of records submitted its report to the undersigned.

As per the said committee report, you were not found eligible for conferment of Temporary Status Mazdoor under any scheme or order of DOT, including one time relaxation given by Telecom Commission vide order dt. 12.02.1999, on the basis of your engagement records, as you did not fulfill the minimum eligibility criteria i.e.

- In
1. You did not complete 240 days work in department of Telecom. any calendar year preceding 01.08.1998.
  2. You were not in engagement as on 01.08.1998.

The committee did not recommend your name for conferment of Temporary Status Mazdoor.

Under the circumstances stated above, your request for granting Temporary Status Mazdoor cannot be acceded to and as such your representation stands, disposed of.

Sd/- Illegible  
General Manager Telecom  
Silchar SSA : Silchar  
General Manager Telecom  
Silchar

*Attested  
by  
Sd/-*

Annexure-5

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

Original Application No. 408 of 2000

Date of order : This the 30th day of March 2001.

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

Sashanka Kumar Das  
Son of Sri Suresh Chandra Das  
Village - Katigorah, P.O. - Kartigorah  
District - Cachar (Assam) & 5 Ors.

...Applicants

By Advocate Mr. M.Chanda

-versus-

1. The Union of India,  
Through the Secretary to the  
Govt. of India,  
Ministry of Communication,  
Department of Telecommunication,  
New Delhi.
2. The Chief General Manager,  
Assam Circle,  
Department of Telecommunication,  
Govt. of India  
Ulubari, Guwahati
3. The General Manager,  
Telecom, Silchar SSA,  
Department of Telecommunications,  
Silchar, Assam.
4. The General Manager,  
Telecom Department,  
Silchar SSA,  
Government of India,  
Department of Telecommunication  
Silchar, Assam.
5. Sub-Divisional Engineer, Telecom  
Department of Telecommunications,  
Hailakandi
6. Sub Divisional Officer, Telecom  
Department of Telecommunication,  
Karimganj

...Respondents

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

*Attested  
by  
Advocate*

ORDERCHOWDHURY J (V.C.)

Granting benefit of Temporary Status and Regularisation under the Scheme of the Department of Telecommunication 1989 is the issue raised in this application under Section 19 of the Administrative Tribunals Act, 1985. The case of the applicants was espoused by the All India Telecom Employees Union Group D by submitting an application before this Tribunal which was registered as O.A. No. 41 of 1998. The said application along with series of like cases was finally disposed of on 31.8.1999 directing the respondents to examine the cases of the applicants in consultation with the records and thereafter pass a reasoned order. The respondents called these six applicants to appear before the scrutinising committee along with documents. The applicants stated that they appeared before the scrutinising committee and produced the relevant records. The applicants were informed that their cases could not be recommended for conferment of temporary status on the ground that they did not complete 240 days work in the department in any calendar year preceding 01.08.1998. Hence this application assailing the legality and validity of the impugned communication dated 26.9.2000 as arbitrary and discriminatory. The applicants also sought for a direction for taking up their cases for grant of temporary status as per the policy.

The six applicants were appointed as casual labour under SDOT, Silchar, SDO, SDE, Patharkandi on different dates on daily wages basis. The detail particulars of engagement is mentioned below :

Sl. No.	Name	Date of engagement as casual labour
1	Sri Sashanka Kr. Das	1.1.1988
2	Sri Amaresh Das	1.1.1998
3	Mr. Sahabuddin Mazabhuiya	23.12.1987
4	Md. Samsul Haque	23.12.1987
5	Sri Dilip Nath	1.1.1998

*Attested  
by  
Sh. K. C. Ali*



6	Sri Nripendra Ch. Das	1.1.1988
---	-----------------------	----------

These applicants along with others were granted Temporary Status by the department of Telecom vide orders dated 22.12.1997, 22.12.1997 and 29.12.1997. Subsequently the granted temporary status were withdrawn by the concerned authority by its order dated 29.6.1998 issued to the applicants separately. The application was disposed of directing the respondents to consider their respective cases. The withdrawal of the temporary status by order dated 29.6.1998 was not dealt, with by the Tribunal might be because the same was not specifically raised. Subsequently their cases were considered by the respondents and turned down which now assailing by the applicants by filing this instant application.

2. No written statement was filed by the respondents. The applicants in the application specifically stated that since 1987 they are/were rendering their services to the department and all of them individually rendered 240 days in its calendar year and for that purpose the applicants amongst others referred to Annexure-11 that was annexed to the application which contained the particulars of the casual labourers. The aforementioned records contained the services rendered from 1984-1995. Annexures of Sashanka Kr. Das, Amaresh Das and Samsul Haque were once granted temporary status and the same was arbitrarily withdrawn. The aforesaid cancellation was patently made in violation of the principles of natural justice and the procedure as well as the established norms followed by the department.

4. Mr. B.C.Pathak, learned Addl. C.G.S.C., however, submitted that since the applicant did not question the order dated 29.6.1998 at the appropriate time the claim of the applicants has now hit by waiver and estoppel. Be that as it may,, the claim of the applicants for grant of temporary status cannot be defected on the plea of waiver or estoppel. The statement of the applicants that they worked more than 240 days in all the calendar years remained unrebutted and therefore legally it will be presumed to be admitted. That apart the materials on records including Annexure-11 ..... points out that applicants worked more than

*Attested  
learn  
Advocate*

240 days. The ground cited in the order dated 29.6.98 that these applicants were not in engagement as on 1.1.1998 could not be accepted in view of the order rendered by the Tribunal on 2.7.1998 in O.A. No. 141/98. In the aforementioned there was a specific order to the following extent :

"Meanwhile, the casual workers shall not be disengaged and the applicants shall be allowed to continue in their services."

The aforesaid order was not vacated or modified. The O.A. was finally disposed of on 31.8.1999 directing the respondents to consider the case of the applicants. It was also ordered upon the respondents to scrutinize and examine each case in consulting with the records and thereafter to pass a reasoned order on merits on each case within a period of six months and the interim order passed in any of those cases was to remain in force till disposal of the representation.

In the circumstances the reasoning assigned by the General Manager, Telecom, Silchar SSA-Silchar that the applicants were not in engagement as on 1.1.1998 cannot be accepted and the same is not sustainable in law. Accordingly the order dated 26.9.2000 refusing to grant temporary status to the applicants are set aside and the respondents are directed to reconsider the case of the six applicants for grant of temporary status and regularisation as per law in the light of the observation made above. The respondents are also ordered to complete the aforesaid exercise within six months from the date of receipt of a certified copy of this order.

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

Sd/- Vice Chairman.

*Attested  
Law  
Advocate*

## Annexure-6(Series)

**BHARAT SANCHAR NIGAM LTD. (BSNL)**  
**(A. Govt. of India Enterprise)**  
**OFFICE OF THE GENERAL MANGER**  
**SILCHAR SSA : DILCHAR**

No. CAT/GH OA 408/2000/27

Dated at Silchar, the 26.09.2001

In compliance to the direction contained in Judgments order dated 30.3.2000 passed by the Hon'ble Administrative Tribunal, Guwahati in O.A. No. 408/2000 the case of Shri MD. Samsul Haque was taken up for re-examination. For this purpose, a Verification Committee was constituted to scrutinise all available records to work out the engagement particulars for determining his eligibility for the benefit of the departmental scheme.

The Committee scrutinized all Paid Vouchers/Muster rolls to ascertain the number of days that Shri Samsul Haque was put on duty from time to time beginning from 01.03.1991. The Committee also examined the records/certificates produced by Shri/Md. Samsul Haque including the controversial report of SDO Karimganj dated 08.12.1995 and cross examined the same with the issuing officers in order to establish the validity and correctness of these records.

It emerged from the examination of records as well as the author(s) that the report dated 08.12.1995 was issued on the basis of information furnished by the line staff without verifying the correctness of the information. The same is not substantiated by any authenticated/reliable records. The Paid Vouchers/Muster Rolls for corresponding period reveal that Shri Md. Samsul Haque was not engaged for any departmental work for the period shown in the report dated 8.12.1995 save and except the numbers of days shown in the annexure. The said report is, therefore, factually incorrect and cannot be relied upon.

The above exercise has clearly revealed that Shri Md. Samsul Haque was occasionally and intermittently engaged as casual labourer for performance of work for which regular post is not justified. The number of days that Shri Md. Samsul Haque was engaged in each year is as follows:

Calendar year	No. days
1991	86
1992	43
1993	21
1994	51
1995	33
1996	32
1997	03
1998	179

(Month-wise details are available in Annexure)

It is also established by records that Shri Md. Samsul Haque has not been engaged for any work after 28.06.1998.

The length of the casual service rendered by Shri Md. Samsul Haque as summarised above, indicate that he did not complete 240 days in any year and does not fulfil the essential condition for grant of Temporary Status under Departmental Scheme. He is therefore not eligible for the benefit of Temporary Status. Accordingly the claim of Shri Md. Samsul Haque for grant of Temporary Status and other benefit of the scheme is rejected.

Sd/- Illegible 26.9.01  
 (Shrihari Roy)  
 General Manager, BSNL  
 Silchar SSA : Silchar

Copy together with the annexure is forwarded to:

1. Shri Shri Md. Samsul Haque, S/o Md. Matiur Rahman, P.O. & Vill. Lathimara, District-Cachar(Assam).

*Alleged  
 New  
 Advocate*

**BHARAT SANCHAR NIGAM LTD. (BSNL)**  
**(A. Govt. of India Enterprise)**  
**OFFICE OF THE GENERAL MANGER**  
**SILCHAR SSA : DILCHAR**

No. CAT/GH OA 408/2000/27

Dated at Silchar, the 26.09.2001

In compliance to the direction contained in Judgments order dated 30.3.2000 passed by the Hon'ble Administrative Tribunal, Guwahati in O.A. No. 408/2000 the case of **Shri Nripendra Chandra Das** was taken up for re-examination. For this purpose, a Verification Committee was constituted to scrutinise all available records to work out the engagement particulars for determining his eligibility for the benefit of the departmental scheme.

The Committee scrutinized all Paid Vouchers/Muster rolls to ascertain the number of days that **Shri Nripendra Chandra Das** was put on duty from time to time beginning from 17.09.86. The Committee also examined the records/certificates produced by **Shri Nripendra Chandra Das** including the controversial report of SDO Karimganj dated 08.12.1995 and cross examined the same with the issuing officers in order to establish the validity and correctness of these records.

It emerged from the examination of records as well as the author(s) that the report dated 08.12.1995 was issued on the basis of information furnished by the line staff without verifying the correctness of the information. The same is not substantiated by any authenticated/reliable records. The Paid Vouchers/Muster Rolls for corresponding period reveal that **Shri Nripendra Chandra Das** was not engaged for any departmental work for the period shown in the report dated 8.12.1995 save and except the numbers of days shown in the annexure. The said report is, therefore, factually incorrect and cannot be relied upon.

The above exercise has clearly revealed that **Shri Nripendra Chandra Das** was occasionally and intermittently engaged as casual labourer for performance of work for which regular post is not justified. The number of days that **Shri Nripendra Chandra Das** was engaged in each year is as follows:

Calendar year	No. days
1986	01
1987	77
1988	39
1993	32
1994	86
1995	21
1997	06
1998	179

(Month-wise details are available in Annexure)

It is also established by records that **Shri Nripendra Chandra Das** has not been engaged for any work after 28.06.1998.

The length of the casual service rendered by **Shri Nripendra Chandra Das** as summarised above, indicate that he did not complete 240 days in any year and does not fulfil the essential condition for grant of Temporary Status under Departmental Scheme. He is therefore not eligible for the benefit of Temporary Status. Accordingly the claim of **Shri Nripendra Chandra Das** for grant of Temporary Status and other benefit of the scheme is rejected.

Sd/- Illegible 26.9.01  
 (Shrihari Roy)  
 General Manager, BSNL  
 Silchar SSA : Silchar

Copy together with the annexure is forwarded to:

1. **Shri Nripendra Chandra Das**, s/o Late Ganesh Chandra Das, Vill Bakrihawar, P.O. Kalinagar, Dist. Hailakandi.

*Illegible*  
*from*  
*Shrihari Roy*

## Annexure-6(Series contd.)

**BHARAT SANCHAR NIGAM LTD. (BSNL)**  
**(A. Govt. of India Enterprise)**  
**OFFICE OF THE GENERAL MANGER**  
**SILCHAR SSA : DILCHAR**

No. CAT/GH OA 408/200027

Dated at Silchar, the 26.09.2001

In compliance to the direction contained in Judgments order dated 30.3.2000 passed by the Hon'ble Administrative Tribunal, Guwahati in O.A. No. 408/2000 the case of **Shri Dilip Nath** was taken up for re examination. For this purpose, a Verification Committee was constituted to scrutinise all available records to work out the engagement particulars for determining his eligibility for the benefit of the departmental scheme.

The Committee scrutinized all Paid Vouchers/Muster rolls to ascertain the number of days that **Shri Shri Dilip Nath** was put on duty from time to time beginning from 01.12.1988. The Committee also examined the records/certificates produced by **Shri Shri Dilip Nath** including the controversial report of SDO Karimganj dated 10.07.1995 and cross examined the same with the issuing officers in order to establish the validity and correctness of these records.

It emerged from the examination of records as well as the author(s) that the report dated 08.12.1995 was issued on the basis of information furnished by the line staff without verifying the correctness of the information. The same is not substantiated by any authenticated/reliable records. The Paid Vouchers/Muster Rolls for corresponding period reveal that **Shri Shri Dilip Nath** was not engaged for any departmental work for the period shown in the report dated 8.12.1995 save and except the numbers of days shown in the annexure. The said report is, therefore, factually incorrect and cannot be relied upon.

The above exercise has clearly revealed that **Shri Shri Dilip Nath** was occasionally and intermittently engaged as casual labourer for performance of work for which regular post is not justified. The number of days that **Shri Shri Dilip Nath** was engaged in each year is as follows:

Calendar year	No. days
1988	30
1989	107
1991	110
1992	88
1993	94
1994	178
1995	93
1996	57
1997	07
1998	179

(Month-wise details are available in Annexure)

It is also established by records that **Shri Dilip Nath** has not been engaged for any work after 28.06.1998.

The length of the casual service rendered by **Shri Dilip Nath** as summarised above, indicate that he did not complete 240 days in any year and does not fulfil the essential condition for grant of Temporary Status under Departmental Scheme. He is therefore not eligible for the benefit of Temporary Status. Accordingly the claim of **Shri Dilip Nath** for grant of Temporary Status and other benefit of the scheme is rejected.

Sd/- Illegible 26.09/01  
 (Shrihari Roy)

General Manager, BSNLSilchar SSA : Silchar

Copy together with the annexure is forwarded to:

1. **Shri Shri Dilip Nath, S/o Late Rajendra Chandra Nath, Village Mohanpur, P.O.Katigora, District Cachar.**

*Noted  
 for  
 Advoca*

## Annexure-6(Series contd.)

**BHARAT SANCHAR NIGAM LTD. (BSNL)**  
**(A. Govt. of India Enterprise)**  
**OFFICE OF THE GENERAL MANGER**  
**SILCHAR SSA : DILCHAR**

No. CAT/GH OA 408/2000/27

Dated at Silchar, the 26.09.2001

In compliance to the direction contained in Judgments order dated 30.3.2000 passed by the Hon'ble Administrative Tribunal, Guwahati in O.A. No. 408/2000 the case of **Shri Amaresh Das** was taken up for re-examination. For this purpose, a Verification Committee was constituted to scrutinise all available records to work out the engagement particulars for determining his eligibility for the benefit of the departmental scheme.

The Committee scrutinized all Paid Vouchers/Muster rolls to ascertain the number of days that **Shri Amaresh Das** was put on duty from time to time beginning from 23.09.1991. The Committee also examined the records/certificates produced by **Shri Amaresh Das** including the controversial report of SDO Hailakandi dated 14.8.1995 and cross examined the same with the issuing officers in order to establish the validity and correctness of these records.

It emerged from the examination of records as well as the author(s) that the report dated 23.09.1991 was issued on the basis of information furnished by the line staff without verifying the correctness of the information. The same is not substantiated by any authenticated/reliable records. The Paid Vouchers/Muster Rolls for corresponding period reveal that **Shri Amaresh Das** was not engaged for any departmental work for the period shown in the report dated 14.8.1995 save and except the numbers of days shown in the annexure. The said report is, therefore, factually incorrect and cannot be relied upon.

The above exercise has clearly revealed that **Shri Amaresh Das** was occasionally and intermittently engaged as casual labourer for performance of work for which regular post is not justified. The number of days that **Shri Amaresh Das** was engaged in each year is as follows:

Calendar year	No. days
1991	06
1995	22
1996	44
1997	29
1998	179

(Month-wise details are available in Annexure)

It is also established by records that **Shri Amaresh Das** has not been engaged for any work after 28.06.1998.

The length of the casual service rendered by **Shri Amaresh Das Haque** as summarised above, indicate that he did not complete 240 days in any year and does not fulfil the essential condition for grant of Temporary Status under Departmental Scheme. He is therefore not eligible for the benefit of Temporary Status. Accordingly the claim of **Shri Amaresh Das** for grant of Temporary Status and other benefit of the scheme is rejected.

Sd/- Illegible 26.9.01  
 (Shrihari Roy)  
 General Manager, BSNL  
 Silchar SSA : Silchar

Copy together with the annexure is forwarded to:

1. **Shri Amaresh Das S/o** Late Harmohan Das Village Bokrihawar, Part-VIII District-Hailakandi.

*Attested  
 from  
 Advocate*

## Annexure-6(Series contd.)

**BHARAT SANCHAR NIGAM LTD. (BSNL)**  
**(A. Govt. of India Enterprise)**  
**OFFICE OF THE GENERAL MANAGER**  
**SILCHAR SSA : DILCHAR**

No. CAT/GH OA 408/2000/27

Dated at Silchar, the 26.09.2001

In compliance to the direction contained in Judgments order dated 30.3.2000 passed by the Hon'ble Administrative Tribunal, Guwahati in O.A. No. 408/2000 the case of **Shri Sashanka Kumar Das** was taken up for re-examination. For this purpose, a Verification Committee was constituted to scrutinise all available records to work out the engagement particulars for determining his eligibility for the benefit of the departmental scheme.

The Committee scrutinized all Paid Vouchers/Muster rolls to ascertain the number of days that **Shri Sashanka Kumar Das** was put on duty from time to time beginning from 0.11.1987. The Committee also examined the records/certificates produced by **Shri Sashanka Kumar Das** including the controversial report of SDO Karimganj dated 14.08.95 and cross examined the same with the issuing officers in order to establish the validity and correctness of these records.

It emerged from the examination of records as well as the author(s) that the report dated 08.12.1995 was issued on the basis of information furnished by the line staff without verifying the correctness of the information. The same is not substantiated by any authenticated/reliable records. The Paid Vouchers/Muster Rolls for corresponding period reveal that **Shri Sashanka Kumar Das** was not engaged for any departmental work for the period shown in the report dated 14.08.1995 save and except the numbers of days shown in the annexure. The said report is, therefore, factually incorrect and cannot be relied upon.

The above exercise has clearly revealed that **Shri Sashanka Kumar Das** was occasionally and intermittently engaged as casual labourer for performance of work for which regular post is not justified. The number of days that **Shri Sashanka Kumar Das** was engaged in each year is as follows:

Calendar year	No. days
1987	28
1989	31
1992	76
1994	25
1995	11
1996	22
1997	10
1998	179

(Month-wise details are available in Annexure)

It is also established by records that **Shri Sashanka Kumar Das** has not been engaged for any work after 28.06.1998.

The length of the casual service rendered by **Shri Sashanka Kumar Das** as summarised above, indicate that he did not complete 240 days in any year and does not fulfil the essential condition for grant of Temporary Status under Departmental Scheme. He is therefore not eligible for the benefit of Temporary Status. Accordingly the claim of **Shri Sashanka Kumar Das** for grant of Temporary Status and other benefit of the scheme is rejected.

Sd/- Illegible 26.9.01  
 (Shrihari Roy)  
 General Manager, BSNL  
 Silchar SSA : Silchar

Copy together with the annexure is forwarded to:

1. **Shri Sashanka Kumar Das**, S/o Shri Suresh chandra Das, P.O. & Vill Katigorah, Dist.Cachar.

*Shrihari Roy*  
*Advocate*

## Annexure-6(Series contd.)

**BHARAT SANCHAR NIGAM LTD. (BSNL)**  
**(A. Govt. of India Enterprise)**  
**OFFICE OF THE GENERAL MANGER**  
**SILCHAR SSA : DILCHAR**

No. CAT/GH OA 408/2000/27

Dated at Silchar, the 26.09.2001

In compliance to the direction contained in Judgments order dated 30.3.2000 passed by the Hon'ble Administrative Tribunal, Guwahati in O.A. No. 408/2000 the case of **Md. Sahabuddin Mazarbhuya** was taken up for re-examination. For this purpose, a Verification Committee was constituted to scrutinise all available records to work out the engagement particulars for determining his eligibility for the benefit of the departmental scheme.

The Committee scrutinized all Paid Vouchers/Muster rolls to ascertain the number of days that **Md. Sahabuddin Mazarbhuya** was put on duty from time to time beginning from 08.12.1995. The Committee also examined the records/certificates produced by **Md. Sahabuddin Mazarbhuya** including the controversial report of SDO Karimganj dated 08.12.1995 and cross examined the same with the issuing officers in order to establish the validity and correctness of these records.

It emerged from the examination of records as well as the author(s) that the report dated 08.12.1995 was issued on the basis of information furnished by the line staff without verifying the correctness of the information. The same is not substantiated by any authenticated/reliable records. The Paid Vouchers/Muster Rolls for corresponding period reveal that **Md. Sahabuddin Mazarbhuya** was not engaged for any departmental work for the period shown in the report dated 8.12.1995 save and except the numbers of days shown in the annexure. The said report is, therefore, factually incorrect and cannot be relied upon.

The above exercise has clearly revealed that **Md. Sahabuddin Mazarbhuya** was occasionally and intermittently engaged as casual labourer for performance of work for which regular post is not justified. The number of days that **Md. Sahabuddin Mazarbhuya** was engaged in each year is as follows:

Calendar year	No. days
1991	15
1992	65
1993	15
1994	58
1995	11
1996	23
1998	179

(Month-wise details are available in Annexure)

It is also established by records that **Md. Sahabuddin Mazarbhuya** has not been engaged for any work after 28.06.1998.

The length of the casual service rendered by **Md. Sahabuddin Mazarbhuya** as summarised above, indicate that he did not complete 240 days in any year and does not fulfil the essential condition for grant of Temporary Status under Departmental Scheme. He is therefore not eligible for the benefit of Temporary Status. Accordingly the claim of **Md. Sahabuddin Mazarbhuya** for grant of Temporary Status and other benefit of the scheme is rejected.

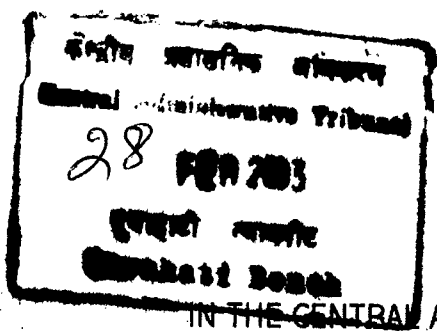
Sd/- Illegible 26.9.01  
 (Shrihari Roy)  
 General Manager, BSNL  
 Silchar SSA : Silchar

Copy together with the annexure is forwarded to:

1. **Md. Sahabuddin Mazarbhuya**, S/o Late Masaraf Ali Mazarbhuya, P.O. & Village Lathiara, District-cachar(Assam.)

*Noted  
 Secy  
 Advocate*





(46)

Filed by: *[Signature]*  
28/2/03  
(B. C. Pathak)  
Addl. Central Govt. Standing Counsel  
Central Administrative Tribunal  
Guwahati Bench : Guwahati

1  
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH : GUWAHATI

IN O.A. No. 96/2002

Sri Sashanka Kumar Das & Others

... Applicants

-Vs-

Union of India & Others

... Respondents

The written statements of the respondents are as follows :

1. That the copy of the O.A. No. 96/2002 (referred to as the "Application") has been served in the respondents. The respondents 2 to 9 are the official respondents of the Bharat Sanchar Nigam Limited and the respondent No.1 is the Union of India. In this case the Bharat Sanchar Nigam Ltd. is representing all the respondent No. 2 to 9 and also representing the respondent No.1 as the assign and successor in interest. The respondents have gone through the same and understood the contents thereof.

2. That the statements made in the application, which are not specifically admitted by the deponent, are hereby denied by the respondents.

3. That before traversing the various statements made in the application, the respondents beg to give a brief resume to the facts and circumstances of the case as under :

(A) That the moot question that arose for consideration and decision before the learned Tribunal is whether the respondents are entitled to conferment of Temporary Status under the "Casual Labourers (Grant of

Temporary Status and Regularisation) Scheme, 1989" (hereinafter referred to as the "Scheme") or not. The said scheme, inter alia, provides that a casual labourer who has completed at-least 240 days in engagement as casual labourer in the department in twelve calendar months and had been in continuous engagement as on 1.10.1989 would be entitled to conferment of temporary status under the said scheme. The said scheme was circulated through the Govt. of India, Department of Telecom. Circular No.269-10/89-STN dt. 7.11.1989. By the said circular, it was made clear about the applicability of the scheme to a particular class of casual labourer as an one-time scheme. After some time, certain anomaly again came up regarding the applicability of the scheme for which the Govt. of India, Department of Telecom. Vide circular No.269-4/93-STN.II dt.12.2.99 issued some clarifications to the respective circle offices. According to those clarifications, a casual labourer who have already been conferred with temporary status and completed 10 years of services were to be regularized as per vacancies as in the Annexure 'A' appended thereto. By the said circular, it was also clarified that those casual labourers who were engaged by the department in spite of the ban order were to be given temporary status strictly only against the places and vacancies as indicated in Annexure 'B' as appended thereto. In this case, the Annexure 'B' was relevant for the present respondents, but so far the Assam Circle is concerned, there was no vacancies shown under the said circular to accommodate the respondents. Hence, the present applicants does not come within the scope of consideration under these provisions also.

Thereafter, again some anomaly came up with regard to the dates from which the benefit should be effected to as indicated in the earlier circular dt. 12.2.99. The Govt. of India, Department of Telecom vide circular No. 269-13/99-STN.II dt. 1.9.99, issued further clarification and clarified that the date for conferment of such class of casual labourers would be

effected from the date of issued of the said circular, i.e. 1.9.99 and for the regularization of temporary status casual labourers would be from 1.4.97.

A copy of the Scheme, circulars dt. 12.2.99 and 1.9.99 are annexed as the ANNEXURE-1,2 and 3 respectively.

(B) The Govt. of India, Ministry of Communication, Department of Telecom, as a matter of government policy decision, brought some changes whereby the status of the petitioners were completely changed/alterd giving rise to various legal complications/ implications. In pursuance to the New Telecom Policy,1999, Govt. of India with a view to corporatise the provisions, functions of the Department of Telecommunications ( DoT) formed a company named and styled as the " Bharat Sanchar Nigam Limited" (hereinafter referred to as the "BSNL") with its detailed Memorandum of Association and the Articles of Association. The said company was registered with the Registrar of Companies under the Companies Act,1956 on 15.9.2000. The necessary Certificate of Incorporation and the Certificate of Commencement of Business were also duly issued by the authorities. Thereafter, when the BSNL came into existence as a separate, distinct legal entity having its Board of Directors as the absolute and supreme authority to regulate the affairs of the said BSNL, the Govt. of India, Ministry of Communications, Deptt. Of Telecom. Services, brought out the Office Memorandum No. 2-31/2000-Resig dt.30.9.2000. By this O.M. the Govt. of India has transferred and assigned all the assets and liabilities and all the existing and subsisting contracts, agreements and Memoranda of Understanding of the Deptt. Of Telecommunications, Deptt. of Telecom. Services and the Deptt. Of Telecom. Operations to the said BSNL with effect from 1.10.2000. By the said O.M. the Govt. of India also made it clear that they have retained the function of policy formulation. licensing, wireless spectrum management, administrative control of PSUs, Standardization and Validation of equipment and P & D etc. By the said

O.M. it was also made clear that the BSNL would be solely responsible for such contracts or agreements etc. and shall sue or be sued in such cases. The O.M. also made it clear that the BSNL shall conduct all such court cases as assign or successor in interest of the Government/ Deptt. Of Telecommunications and also implement such judgments, orders etc. in accordance with rules, regulations, directions of statutes. By the said O.M. it has also been made clear that in respect of matter relating to personnel (Govt. servants) pending before various Administrative Tribunals, High Courts and Supreme Court, the BSNL will defend as assigns or successor in interest as per existing rules till the time employees are on deemed deputation with the Company. This O.M. however, does not speak anything about the cases of the Casual labourers. A casual labourer is not a civil servant within the meaning of Article 310 and 311 of the Constitution of India or under rule 2(b) of the Central Civil Services (Pension) Rules, 1972.

The copies of the Certificate of Incorporation, Certificate of commencement of business, O.M. dt.30.9.2000 are annexed as ANNEXURE-4,5 and 6 respectively.

(C) That the management of BSNL being duly authorized by the Board of Directors, resolved to settle some proposals as recorded in the minutes of the meeting held between the management and the trade unions vide No.BSNL/4/SR/2000 dt.2.1.2001. One of such proposal was relating to the absorption of Casual Labourers. By that resolution, the BSNL decided to settle the pending cases in accordance with the erstwhile Order No. 269-94/98-STN.II dt. 29.9.2000. By that order, the Govt. of India made it clear that the number of casual labourers that were to be regularized were indicated in the Annexure appended thereto and only those casual labourers were to be regularized. It was also made clear that those left out cases, if any, after such regularization, should be referred to the Headquarter of the Department of Telecom services. The Annexure

appended to the said circular dt 29.9.2000 shows no left out cases of casual labourer whereas the said Annexure shows some part-time casual labourers who have been converted into full time. Hence, under this circumstances also the applicants could not be considered for conferment of temporary status. At present, the Department of Telecom services does not exist as the same has been transferred and merged with the BSNL. Moreover, the BSNL also does not have any such provision in its Memorandum or Articles of Association to accommodate such pre-incorporation cases as a rule to follow after the incorporation.

The copies of the said resolution dt.2.1.2001 and the circular dt 29.9.2000(with annexure) are annexed as ANNEXURE-7 and 8 respectively.

(D) That the Deptt. Of Telecommunications vide their letter No.5-1/2001-ADG(STL)/46 dt.13.5.2002 wrote to the various circles of the BSNL and wanted to have reconciliation of the pending cases in the court and indicated that such cases are now to be handled by the BSNL only and not by the Department of Telecom, Govt. of India.

The copy of the said letter dt. 13.5.2002 is annexed as ANNEXURE-9.

(E) That the BSNL is a State within the meaning of the Article 12 of the Constitution of India as it is an instrumentality/agency of the Govt. of India having deep and pervasive control over it. Unless the Govt. of India by issuing notification under section 14 (2) of the Central Administrative Tribunal Act,1985 brings BSNL within the jurisdiction of the Central Administrative Tribunal, the Tribunal shall not have jurisdiction to try such matter related to conditions of service of employees of the BSNL from

1.10.2000 onwards. The Tribunal also can not exercise its power under section 14 (2) and (3) automatically.

It is indicative from the facts that the Govt. of India has conferred jurisdiction on the Tribunal by subsequent notifications to bring some societies like Kendriya Vidyalay Sangathan and autonomous bodies/corporations like University Grants Commission, ESIC etc. The writ petitioners crave the leave of this Hon'ble Court to allow them to place such records and rules at the time of hearing of the case. Some Benches of the Tribunal has already taken such views in such matter and held that the Tribunal shall have no jurisdiction over the BSNL. In cases ( O.A. No.198/2001 and O.A 289/2001 (series)), the Calcutta and this Hon'ble Bench of the Tribunal has held that the Tribunal has no jurisdiction over the BSNL .

A copy of the order dt.1.3.2001 and 3.9.2002 passed in the O.A.No.198/2001 and 289/2001 are annexed as ANNEXURE-10 and 11 respectively.

4. That with regard to the statements made in paragraphs 1 to 4.2, the respondents state that as indicated above, the applicants have filed the application without any cause of action and the same is liable to be dismissed with cost.

5. That with regard to the statements made in paragraphs 4.3, the respondents state that the casual labourers were never appointed as they are not a part of regular establishment. They used to be engaged casually and intermittently for temporary works. The date of engagement shown by the applicants are not correct.

It is not a fact that the applicants have been working continuously since their date of initial engagement without any break. They are not in engagement w.e.f. 29.06.1998.

6. That with regard to the statements made in paragraph 4.4, the respondents state that it is not a fact the benefit of temporary status conferred to the applicants were cancelled arbitrarily by the respondent authority. The fact and circumstances behind the cancellation of provisional Temporary Status by the then TDM/Silchar are stated below :

- (i) Some Sis/Lis(Line Staff) issued certificates to the applicants of having served more than 240 days in a year even though they are not authorized persons to do so. Neither they maintain any office nor any such engagement record. The controlling officers i.e. SDOs/SDEs forwarded those certificates to the then TDM/Silchar.
- (ii) Taking advantage of those certificates issued by the Line Staff, the service unions started mounting pressure on the then TDM/Silchar for conferment of TSM Status to the said casual mazdoors. The applicants in this O.A. were included amongst those casual mazdoors pleaded by the Union(s)/LJCM.
- (iii) The then TDM/Silchar under tremendous threat and duress of the LJCM agreed to confer TSM status to those casual labourers provisionally subject to verification of the authenticity of engagement particulars received from the field units. The compelling situation created by union is recorded in Note Sheet No.11 of E-20/Grp-D/Rectt file. Photocopy of the Note Sheet 11, 12,13, & 14 are annexed herewith and marked as Annexure-12 (series).

Photocopy of approval letter of the then TDM/Silchar vide no. E-20/Grp-D/Rectt/97, 98 & 99 are enclosed herewith and marked as Annexure 13 (Series). In the order it is clearly specified that the approval was provisional.

The engagement records were verified with reference to account vouchers by SDE Vigilance, Silchar. As per Vigilance report, none of the applicant casual mazdoors worked 240 days in any year, thus failed to qualify for the benefit of Temporary Status mazdoor. The applicants in the O.A. were included in the verification process conducted by Vigilance in respect of 23 casual labourers, cited above.

- (iv) The certificates issued by the line staff were found false and not based on actual engagement. The Provisional Approval was cancelled forthwith to avoid continuation in service based on false certificates and the mazdoors were disengaged w.e.f. 29.06.1998.

7. That with regard to the statements made in paragraph 4.5, the respondents state that the provisional approval was given in an exceptional compelling situation under duress from Union/LCM. The certificates were found false and not based on authentic engagement records and thus the provisional approval was liable for cancellation. The action of the then TDM/Silchar being done under duress and not under any legal provisions, can not confer any right on the applicants.

8. That with regard to the statements made in paragraph 4.6, the respondents state that on the basis of ineligibility as indicated above, the applicants were disengaged w.e.f. 29.06.1998 and they are still in disengagement. However, the Hon'ble Tribunal passed the interim order, on 02.07.1998: "Meanwhile, the casual workers shall not be disengaged and



the applicants shall be allowed to continue their services". As the applicants were disengaged prior to the order passed by this Hon'ble Tribunal and there was no order for re-engagement, the status quo was maintained accordingly. In view of the above facts, there has not been any violation of the Hon'ble Tribunal's order dated 2.7.98.

Copy of the order dated 02.07.1998 is annexed herewith and marked as Annexure-14.

9. That with regard to the statements made in paragraph 4.7, the respondents state that it is not a fact that the benefit of the Temporary Status had been granted to the applicants after detailed scrutiny of their service records and after finding them eligible/suitable for the grant of Temporary Status. The facts and circumstances of their provisional conferment of Temporary Status has been clearly and elaborately explained herein above.

The Unions have no right to represent or espouse the cause of Casual Labour in the LCM. In this connection a copy of the relevant portion Constitution of LCM and Rulings on Membership is enclosed herewith and marked as Annexure-15.

The Casual Mazdoors are not Departmental Staff and not categorized in any Group of employees for the purpose of forming Service unions/associations.

A photocopy of the O.M. No.13-1/85-SRT(Vol), dated 15.2.1995 from SWYAMY'S-ESTABLISHMENT AND ADMINISTRATION is annexed herewith and marked as Annexure-16.

10. That with regard to the statements made in the paragraph 4.8 and 4.9, the respondents state that the applicants were disengaged w.e.f. 29.06.1998. The case was pending before the Hon'ble Tribunal after the disengagement. The respondents authorities sincerely acted upon the directions passed by the Hon'ble CAT/GH in its order dated 31.08.1999 in O.A. No. 141/98 (series).

A copy of the Hon'ble CAT/GH order dated 31.08.1999 is annexed herewith and marked as Annexure-17.

11. That with regard to the statements made in paragraph 4.10, the respondents state that in accordance with the direction of the Hon'ble Tribunal dated 31.08.1999, CGMT, Assam Telecom Circle/Guwahati directed to constitute a committee vide CGMT/GH D.O. No. Estt-9/12/PART-1/23 dated the 28<sup>th</sup> March, 2000, (Copy enclosed and marked as Annexure-18) for detailed scrutiny and verification of engagement records of each applicant on receipt of their application. One such committee was formed for Silchar SSA vide No. E-20/Scrutiny/CM/O2 dated at Silchar, the 12.04.2000, a copy of which is annexed herewith and marked as Annexure-19.

The committee thoroughly scrutinized and examined the engagement records since 1986 to 98 of each applicant mazdoors from paid account vouchers. Whosoever is engaged in the District in whatever place, his engagement record will be available in the A/C vouchers which are the most authentic documents to determine the actual engagement. The scrutinisation process was elaborate and exhaustive. The committee thoroughly scrutinized all A/C vouchers, recorded the engagement particulars of individual applicants and submitted its report to the

GMTD/Silchar on 09.06.2000 as per the direction and guidelines in CGMT/GH D.O. & GMTD/Silchar order referred above.

On the basis of the said verification committee report also none of the applicant mazdoors in CAT/GH O.A. No.141/98 completed 240 days service in any calendar year. As per the conditions laid down in the Scheme and direction before the committee none of the applicant mazdoors in O.A. No.141/98 was considered eligible for the conferment of Temporary Status on the basis of their previous engagement records.

Moreover, 240 days engagement in a year is prerequisite for conferment of TSM Status as per DOT/ND scheme 1989. None of the applicant in O.A. 141/98 were recommended by the committee. The applicants in this O.A. 96/2002 were involved in O.A. No.141/98. Their engagement particulars were also scrutinized by the said committee. Their actual engagement particulars in the department as per committee report are annexed herewith and marked as Annexure-20..

On the basis of the recommendation of the committee and direction of the Hon'ble Tribunal, in its order dated 31.08.1999, GMTD/Silchar disposed of the representation of every individual applicant mazdoors including those involved 141/98 by passing reasoned order vide No. E-20/TSM Regularisation/SC/04 dated at Silchar, the 26.09.2000. The copies of disposal order in respect of 6(Six) applicants in this O.A. 96/02 are annexed herewith and marked as Annexure-21. The applicant mazdoors were not in engagement since 29.06.1998 till the final disposal of their representations on 26.09.2000 in terms of the order dtd. 31.8.1999. Under the facts and circumstances, the applicants are not entitled to any wages w.e.f. 30.6.98.

SD

65

12. That with regard to the statements made in paragraph 4.11, the respondents state that the committee examined all relevant documents produced by the applicants. The engagement particulars were verified on the basis of authentic payment vouchers in the accounts and not on the basis of certificates given by LI/SI etc. The certificates were found not based on actual payment vouchers. Whatsoever is engaged in the Department his engagement particulars will be available in the payment voucher. But the payment vouchers did not support their engagement. Thus the certificates produced by the Line Staff and forwarded to Divisional Office were false and not based on official records of payment vouchers and can not be relied upon.

13. That with regard to the statements made in paragraph 4.12, the respondents state that the applicants have been paid upto the period of their engagement. They are not in engagement since 29.06.98.

14. That with regard to the statements made in paragraph 4.13, the respondents state that Provisional Temporary Status were granted subject to verification of authentic engagement records. Since the engagement records do not justify the Status under DOT Scheme 1989 they can not be granted the said benefit.

15. That with regard to the statements made in paragraph 4.14 and 4.15, the respondents state that the applicants did not fulfill the basic eligibility criteria for conferment of Temporary Status i.e. minimum 240 days engagement in a calendar year. The engagement on 01.08.1998 is the factor coming into consideration afterwards, if someone qualifies the 1<sup>st</sup> basic criteria. The conditions of the Scheme has been misinterpreted before the Hon'ble Tribunal by the applicants. The judgment and order dated 30.03.2001 of the Hon'ble Tribunal in O.A. No. 408/2000 has been stayed

vide order dated 21.12.2001 of the High Court, Guwahati in W.P.C. No.8766/2001.

A copy of the order dated 21.12.2001 is annexed herewith and marked Annexure-22.

16. That with regard to the statements made in paragraph 4.16, the respondents state that it is not a fact that the concerned SDO(T) certified the initial date of engagement as authentic. The follow up order of the SDOs/SDEs also reiterated the stand of provisional conferment. A copy of such order by SDO(T)/KRM vide No. E-119/TSM/CM/97-98/33 did at Karimganj, the 15.12.1997 is annexed herewith and marked as Annexure-23.

The limitation of LCM in respect of Casual Mazdoor has been shown herein above. The Temporary Status was granted earlier provisionally in an embarrassing situation created by the unions in LCM. They pleaded on behalf of the labourers on the basis of certificates given by the Line Staff. But the certificates were found false on actual verification of engagement records of account vouchers.

The applicant did not render 240 days service in any year. They have no legal or more right to claim for the Temporary Status.

17. That with regard to the statements made in paragraphs 4.17 to 4.22, the respondents state that the Verification Committee thoroughly and sincerely examined the applicants and documents and given its decision taking into account the order of the Hon'ble Tribunal in O.A. No. 408/2000. The arguments and allegations of the applicants are unjustified and not based on facts. The respondents have conferred temporary status to all who are found eligible under the scheme and not otherwise. The allegations

made against the respondents are baseless as the applicants did not fulfil the essential criteria as required for the purpose.

18. That with regard to the statements made in paragraphs 5.1 to 5.17, the respondents state that under the facts and circumstances of the case and provisions of law, the grounds shown by the applicants are not tenable in law and the application is liable to be dismissed.

19. That the respondents have no comments to offer to the statements made in paragraphs 6 and 7.

20. That with regard to the statements made in paragraphs 8.1 to 8.7, the respondents state that in view of the above facts and circumstances, the applicants are not entitled to get any relief, whatsoever as prayed for and the application is liable to be dismissed with cost.

In the premises aforesaid, it is, therefore, prayed that Your Lordships would be pleased to hear the parties, peruse the records and after hearing the parties and perusing the records, shall also be pleased to dismiss the application with cost.

## VERIFICATION

I, Shri Shankar Chandra Das, at present working as Asstt. Director Telecom (Legal) in the office of the Chief General Manager Telecom, Assam circle, being competent and duly authorized, do hereby solemnly affirm and state that the statements made in para 1, 2, 4, 5, 7, 12 to 14, 16 to 19 and 20 are true to my knowledge and belief, those made in para 3, 6, 8, to 11 and 15 — being the matter of records, are true to my information in derived therefrom and the rest are my humble submission made before this Hon'ble Court. I have not suppressed any material fact.

And I sign this affidavit on this 26 th day of February, 2003 at Guwahati.

Shankar Chandra Das  
26/2/03

DEPONENT.

सहायक निदेशक टेलीकॉम  
Assistant Director Telecom  
कार्यालय, मुख्य मंत्रि सचिवालय परिसर,  
Old The Chief General Manager Telecom,  
असम दूरसंचार परिमण्डल, गुवाहाटी-७  
Assam Telecom Circle, Guwahati

9. Casual labourers recruited after 29-11-1989 and up to 1-9-1993 are also to be conferred 'Temporary Status'.— According to the orders on the scheme issued vide Letters No. 45-95/87-SPB. I, dated 12-4-1991 and No. 66-9/91-SPB. I, dated 30-11-1992 [ Orders (5) above ], full time casual labourers who were in employment as on 29-11-1989 were eligible to be conferred 'Temporary Status' on satisfying other eligibility conditions.

The question of extending the benefits of the scheme to those full time casual labourers who were engaged/recruited after 29-11-1989 has been considered in this office in the light of the judgment of the CAT, Ernakulam Bench, Ernakulam delivered on 13-3-1995 in O.A. No. 750 of 1994.

It has been decided that full time casual labourers recruited after 29-11-1989 and up to 1-9-1993 may also be considered for the grant of benefits under the scheme.

This issues with the approval of IS and FA vide Dy. No. 2423 of 1995, dated 9-10-1995.

[ G.I., Dept. of Post, Letter No. 66-52/92-SPB. I, dated the 1st November, 1995 as amended by Letter, dated 8th November, 1995. ]

#### IN THE DEPARTMENT OF TELECOMMUNICATIONS

1. Regularization of Casual Labourers of Department of Telecom and conferment of temporary status.— 1. 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 be taken to confer temporary status on all eligible casual labourers in accordance with the above Scheme.

3.1. 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 30-3-1985, in Project and Electrification Circles only for specific works and on completion of the work the casual labourers so engaged were required to be retrenched. According to the instructions subsequently issued, fresh recruitment of casual labourers even for specific works for 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 30-3-1985, would be available for consideration for conferring temporary status. In the unlikely event of there being any cases of casual labourers engaged after 30-3-1985, 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 authorization/approval the irregular engagement/non-retrenchment was resorted to.

3.3. No casual labourer who has been recruited after 30-3-1985, should be granted temporary status without specific approval from this office.

4. The Scheme furnished in the Annexure has the concurrence of Member (Finance) of the Telecom Commission, vide No. SMF/78/89, dated 27-9-1989.

[ G.I., Dept. of Telecom. Circular No. 269-10/89-STN, dated the 7th November, 1989. ]

#### ANNEXURE

##### Casual Labourers (Grant of Temporary Status and Regularization) Scheme

1. This Scheme shall be called "Casual Labourers (Grant of Temporary Status and Regularization) Scheme of the Department of Telecommunications, 1989".

2. This Scheme will come into force with effect from 1-10-1989 onwards.

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

#### PROVISIONS

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 regularization of casual labourers and no outsiders would be appointed to the cadre except in the case of appointments on compassionate grounds, till the absorption of all existing casual labourers fulfilling the eligibility conditions including the educational qualifications prescribed in the relevant Recruitment Rules.

However, regular Group 'D' staff rendered surplus for any reason will have prior claim for absorption against existing/future vacancies.

In the case of illiterate Casual Labourers, the regularization 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 casual labour for the purposes of the age-limits prescribed for appointment to the Group 'D' cadre, if required.

Outside recruitment for filling up the vacancies in Group '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.



## 5. Temporary Status

- (i) Temporary Status would be conferred on all the casual labourers currently employed and who have rendered a continuous service of at least one year, out of which they must have been engaged on work for a period of 240 days (206 days in the case of offices observing five days 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 Group 'D' posts.

## No change of duties

- (iii) Conferment of temporary status on a casual labourer 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 anywhere 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 Group 'D' posts.

## ENTITLEMENT

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 for a regular Group 'D' official including DA, HRA and CCA.
- (ii) Benefits in respect of increments in pay scale will be admissible for every one year of service subject to performance of duty for at least 240 days (206 days in administrative offices observing 5 days week) in the year.
- (iii) Leave entitlement will be on pro rata basis, one day for every 10 days of work. Casual leave or any other kind of leave will not be admissible. They will also be allowed to carry forward the leave at their credit on their regularization. They will not be entitled to the benefit of encashment 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 benefits after their regularization.
- (v) After rendering three years continuous service on attainment of Temporary status, the casual labourers would be treated on par with temporary Group 'D' employees for the purpose of contribution to General Provident Fund and would also further be eligible for the grant of Festival Advance/Flood Advance on the same conditions

as are applicable to temporary Group 'D' employees, provided they furnish two sureties from permanent Government servants of this Department.

- (vi) Until they are regularized, they would be entitled to Productivity-Linked Bonus only at rates as applicable to casual labour.

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

## TERMINATION OF SERVICE

8. Despite conferment of temporary status, the services of a casual labourer may be dispensed with in accordance with the relevant provisions of the Industrial Disputes Act, 1947, on the ground of non-availability of work. A casual labourer with temporary status can quit service by giving one month's notice.

9. If a labourer with temporary status commits a misconduct and the same is proved in the enquiry after giving him reasonable opportunity, his services will be dispensed with. They will not be entitled to the benefits of encashment 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 detail within the framework of the Scheme.

*Clarifications.*— Clarifications in respect of certain points raised are given below—

✓ *Point (1).*— *Continuous service.*— How to reckon continuous service of "at least one year" for the purpose of determining the eligibility for grant of temporary status in respect of the casual labourers who did not fulfil the condition on 1-10-1989?

✓ *Clarification.*— Any casual labourer who had been engaged prior to 30-3-1985 and did not qualify for temporary status in accordance with Para. 5.1 of the Casual Labourers (Grant of Temporary Status and Regularizations) Scheme on 1-10-1989, 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 1-10-1989. Further break in service after 30-3-1985, if any, should have been duly condoned in accordance with the rules.

*Point (2).*— *Age-limit.*— Will casual labourers initially engaged after crossing the upper age-limit prescribed for recruitment be eligible for grant of temporary status?

3. As regards conversion of the day of bandh, curfew, etc., as "paid weekly off", it may be stated that the facility of paid weekly off is admissible only after a casual employee (including the one granted temporary status) has put in six days of continuous work. The continuity is broken when a casual employee does not attend to his duties on account of any reason whatsoever it may be. The shifting of the weekly off would not be within the guidelines on the subject.

[ G.I., Dept. of Telecom, No. 269-10/89-STN, dated the 20th August, 1991. ]

3. Casual employment to the wards of deceased temporary status casual mazdoors.— It has been decided that in the cases of "temporary status casual mazdoors" who die in harness leaving behind their family in indigent condition, the wards (i.e., son, daughter or wife) of such deceased may be given casual employment in relaxation of the ban imposed. This will be subject to the condition that none in the family (son, daughter or wife) is employed in whatsoever capacity. The Casual Labourer so appointed will be eligible for conferment of temporary status and regularization against Group 'D' posts as per "Casual Labourers — Grant of Temporary Status and Regularization Scheme" and orders issued from time to time.

All such cases may be decided with the specific approval of Chief General Managers.

[ G.I., Dept. of Telecom, Lr. No. 268-365/88-STN, dated the 7th May, 1991. ]

4. Approach to be adopted while reinstatement of daily-rated Mazdoors/Casual Labourers on the directions of CAT judgments.— The question of bringing in uniformity on the subject issue has been under the consideration of the Department for some time in the past and after careful consideration, it has now been decided that the following approach is to be adopted:—

- (i) Wherever an OA has been filed by the retrenched DRMs/Casual Labourers, in the defence to be taken by the Department, the following would invariably be brought out:—
  - (a) Department of Telecom is not an industry because it is run by General Government and it is a Ministry of Union of India where employees hold office during the pleasure of the President of India.
  - (b) It has not yet been decided that the Department of Telecom is an industry [ *State of Orissa v. Advait Charan Mohanty*, JT 1995 (2) SC 6 at 13 ].
- (ii) Notwithstanding, what has been said at (i) above, wherever a DRM/Casual Labourer is to be retrenched, instructions of this office provided in the Letter No. 269-53/87-STN, dated the 22nd September, 1989, would be followed scrupulously.
- (iii) Wherever the directions from Hon'ble Administrative Tribunals and other Labour Courts have been in regard to the reinstatement of the applicant labourers without any consequential benefits and time

being short, the matter may be referred to headquarters by FAX for a decision about filing of an appeal.

- (iv) Normally CAT, etc., give three months for implementation of a verdict. Whenever a direction from CAT and other Labour Courts is received, the same should be referred to the Directorate within a week with all relevant documents. It should also be properly followed up with the Directorate so that the case not be lost on technical grounds. If there is a delay of over 15 days in forwarding the case to the Directorate, responsibility is to be fixed by the Head of Circle. In the event of a delay which goes to work to the detriment of the Department, an entry will have to be made in the ACR of the officer/official.

Where the CAT/Labour Courts direct implementation within a very short time, urgent action should be taken immediately for obtaining reasonable time and the same pursued with the Court. In all Court cases, there should be priority follow-up action by the circle with the time targets.

The Head of Circle may nominate a responsible official who will monitor Court verdicts and time-bound action on applications filed. He may kindly be set time targets for the disposal of and pursuit on a case.

- (v) Directions emanating from the Hon'ble Tribunals/Labour Courts providing for payment of back-wages and consequential benefits such as conferment of temporary status to the case have also to be sent to the headquarters immediately on receipt of a copy of the directions from the Court.

[ G.I., Dept. of Telecom, Lr. No. 271-55/95-STN, dated the 4th March, 1996. ]

✓ Powers of all DoT officers to engage casual labourers withdrawn.—

1. The undersigned is directed to refer to Para. 193 of P & T Manual, Vol. X which permits engaging of Labour on daily or monthly wages either direct or through contractor. The Department of Telecommunication has imposed a ban on recruitment/engagement of Casual Labourers vide letter No. 269-4/93-STN-II, dated 22-6-1988.

2. After issue of letter, dated 22-6-1988, a need was felt for amending the Para. 193 of P & T Manual, Vol. X. Accordingly, the issue was examined in detail. It has been decided to delete Para. 193 of P & T Manual, Vol. X with immediate effect. Paras. 150 to 177 of FHB, Vol. III, Part-I, Chapter 6, dealing with payment to casual labourers engaged on muster roll are also deleted.

3. Consequently the powers of all DoT officers to engage casual labourers, either on daily or monthly wages, direct or through contractors as well as the authority of the Accounts Officers for making payments to the labourers engaged on daily or monthly wages, either direct or through contractor are hereby withdrawn with immediate effect.

4. The instructions contained in this O.M. will not, however, apply to hiring labourers for works of contingent nature lasting not more than fifteen days during exigencies and natural calamities. Payments to labourers hired during such contingencies should be made under Rule 331 of P & T FHB, Vol. I. The maximum period for which an individual labourer can be hired during a year should not exceed sixty days.

5. This issues with the concurrence of Internal Finance *vide* their Diary No. 47/FA-I-98, dated 13-1-1998.

[ G.I., Dept. of Telecom., O.M. No. 269-4/93-STN-II (Pt.), dated the 12th February, 1999. ]

**Sanction of posts of Regular Mazdoors for regularization of Temporary Status Casual Mazdoors.**— I am directed to refer to this office letter No. 269-10/89-STN, dated 7-11-1989 wherein the scheme called "Casual Labourers (Grant of Temporary Status and Regularization) Scheme, 1989" was communicated. As per the said scheme, casual labourers who were engaged before 30-3-1985 and had completed 10 years of service, were made eligible for regularization. Based on the above, instructions were issued *vide* this office letter No. 5-1/92-TE-II, dated 17-3-1992, 6-7-1993, 20-5-1994, 8-5-1995 and 30-9-1996.

Even though there is a complete ban on recruitment of casual labourers, it has come to light that many circles, defying the ban orders, had recruited casual labourers even after the ban orders. Since, these casual labourers have completed 10 years of service, Employees Unions are pressing for the regularization of the remaining casual labourers who were recruited after 30-3-1985 and completed 10 years of service, on the analogy of earlier decision of Supreme Court on the subject.

Under these circumstances, the matter has once again been examined and it has been decided by the Telecom. Commission as a one time measure, on special consideration, to further delegate powers to all the Heads of Circles/Metro Districts, Chief General Managers, MTNL, New Delhi and Mumbai and Heads of Administrative Units to create posts of Regular Mazdoors for regularizing the Casual Labourers (Grant of Temporary Status and Regularization) Scheme, 1989, who have completed 10 years of service as on 31-3-1997 to the extent of the numbers indicated in Annexure 'A' which has been compiled based on the information received from the Circles/Units. The post are to be created within the prescribed ceiling as on 31-3-1991. The other conditions stipulated in the letter, dated 17-3-1992 remain unchanged.

Approval of Telecom. Commission is also conveyed for delegation of powers to grant temporary status to casual labourers to the extent of number indicated against the respective circles in Annexure 'B' which also has been compiled based upon the information furnished by the Circles/Units concerned.

As the numbers indicated in the Annexures 'A' and 'B' are furnished by the Circles/Units concerned, there should not be any variation in the figures. In case, there is a change, Heads of Circles should refer the cases to TCHQ explaining the reasons therefor.

Recruitment of casual labourers was completely banned with effect from 22-6-1988 and instructions were issued time and again for identifying the officers/officials responsible for engaging casual labourers inspite of the ban orders. The non-compliance of the instructions issued by this office in true letter and spirit led to the Department having to bear a huge avoidable financial burden. This is a serious lapse. It is observed that circles are hesitating to identify and fix responsibility on the errant officers/officials. Therefore, Heads of Circles/Units are once again requested to initiate necessary action against the officers/officials concerned and intimate the action taken against them to this office by 28-2-1999 as directed by the Chairman, Telecom Commission.

This issues with the concurrence of Internal Finance *vide* their Dy. No. 47/FA-I/98, dated 13-1-1998.

[ G.I., Dept. of Telecom., No. 269-4/93-STN. II, dated the 12th February, 1999. ]

#### Annexure 'A'

**TSMs eligible for regularization as on 31-3-1997  
(Engaged between 1-4-1986 and 31-3-1987)**

CIRCLE	TSMs to be regularized	MTNL BY	
		NCES	11
ALTTC	0	NE	0
A & N	0	NETF	24
AP	329	NTP	31
AS	77	NTR	179
BH	48	OR	108
BRBRAITT	0	PB	5
CHENNAI TD	82	QA	27
CTD	97	RAJ	0
DNW	0	RE NAGPUR	48
ETP	0	STP	0
ETR	0	STR	5
GUJ	151	T & D JBP	0
HP	0	TN	37
HR	7	TS CA	0
J & K	4	UPE	106
KRL	26	UPW	15
KTK	102	WB	3
MH	238	WTP	189
MP	21	WTR	72
MTNL DI	39	TOTAL	2081

## Annexure 'B'

**ANNEXURE : 3****Casual labourers to be given Temporary Status as on 1-8-98**

CIRCLE	CLs to be granted Temporary Status	MTNL BY	
		NCES	23
ALTTC	0	NE	0
A & N	0	NETF	350
AP	NA	NTP	249
AS	NA	NTR	50
BH	347	OR	NA
BRBRAITT	0	PB	16
CHENNAI TD	4	QA	12
CTD	450	RAJ	0
DNW	1	RE NAGPUR	56
ETP	318	STP	105
ETR	229	STR	6
GUJ	177	T & D JBP	29
HP	790	TN	0
HR	25	TS CA	160
J & K	27	UPE	0
KRL	24	UPW	200
KTK	188	WB	NA
MH	NA	WTP	50
MP	NA	WTR	119
MTNL DI	15	TOTAL	26
			4046

Grant of temporary status from 12-2-1999 to the Telecom casual labourers who are eligible as on 1-8-1998, and regularization of eligible TSMs with effect from 1-4-1997.— I am directed to refer to letter No. 269-4/93-STN. II, dated 12-2-1999 circulated with letter No. 269-13/99-STN. II, dated 12-2-1999 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 1-8-1998 and another on regularization of casual labourers with temporary status who are eligible as on 31-3-1997.

Some doubts have been raised regarding date of effect of these decisions. It is, therefore, clarified that in case of grant of temporary status to the casual labourers, the order, dated 12-2-1999 will be effected with effect from the date of issue of this order and in case of regularization to the temporary status Mazdoors eligible as on 31-3-1997, this order will be effected with effect from 1-4-1997.

[ G.I., Dept. of Telecom., No. 269-13/99-STN. II, dated the 1st September, 1999. ]

**CHAPTER 23****MEDICAL EXAMINATION ON FIRST APPOINTMENT**

**Production of Medical Certificate of Fitness at the time of appointment in a pensionable establishment.**— To ensure that only persons, as are physically as well as mentally sound in health, are admitted to Government service, every candidate for appointment to a post (including appointment on part-time basis) under Government is required to produce a medical certificate of fitness from the appropriate Medical Authority except in cases where the appointment is made specifically for a period not exceeding three months in a non-pensionable establishment, when no medical certificate will be necessary unless it is decided later to extend the appointment beyond three months.

In view of the admissibility of family pension to the families of those Government servants who die before completion of one year of continuous service (provided the deceased Government servant immediately prior to his appointment to the service or post was examined by the appropriate medical authority and declared fit by that authority for Government service), in no case should a person be allowed to join Government service in a pensionable establishment without having been medically examined and found fit.

[ G.I., M.F., O.M. No. 45 (1)-E. V/54, dated the 24th March, 1954; 5/6/54-RPS, dated the 28th September, 1956 and D.P., A.R., O.M. No. 15015/1/79-Estt. (D), dated the 26th June, 1979. ]

**Appropriate medical authority for conducting the medical examination.**— The examining medical authority will be—

1. *For appointment to a Gazetted post.*— A Medical Board consisting of three Group 'A' Medical Officers of the status of specialists, namely, a Physician, a Surgeon and an Ophthalmologist. When a woman candidate is to be examined by a Medical Board, there should be on the Board a woman Doctor possessing a medical qualification in one of the first, second or Part-II of the Third Schedule, to the Indian Medical Council Act, 1956 (102 of 1956). As far as possible the members of the Board should be comparable in status to each other and not ordinarily be officers immediately subordinate to one another.

2. *For appointment to a non-gazetted (other than Group 'D') post.*— In the case of male candidates, a Civil Surgeon or a District Medical Officer or a Medical Officer of equivalent status.

In the case of female candidate appointed to a post (i) in Delhi, the Assistant Surgeon, Grade I (Woman), under the Central Government Health Scheme, and (ii) in any other place, a registered female medical practitioner possessing a medical qualification included in one of the Schedules to the

(66) 21

ANNEXURE: 4



सत्यमेव जयते

प्रारूप एक  
Form 1

निगमन का प्रमाण पत्र  
Certificate of Incorporation

सं० 55-107739 शक 19 22

No. 55-107739 of 2000-2001

मैं एतद् द्वारा प्रमाणित करता हूँ कि आज भारत संचार निगम लिमिटेड

कम्पनी अधिनियम 1956 (1956 का 1) के अधीन निगमित की गई है और यह कम्पनी परिसीमित है।

I hereby Certify that BHARAT SANCHAR NIGAM LIMITED

is this day incorporated under the Companies Act, 1956 (No. 1 of 1956) and that the Company is limited.

मेरे हस्ताक्षर से आज ता० 24 भाद्रपद, 1922 को दिया गया।

Given under my hand at NEW DELHI this FIFTEENTH

day of SEPTEMBER Two Thousand

(राकेश चन्द्रा)

कम्पनी रजिस्ट्रार

Registrar of Companies

रा. रा. क्षेत्र दिल्ली एवं हरियाणा

N.C.T. of Delhi & Haryana

COMPANY NO. 55-107739



सत्यमेव जयते

## Certificate for Commencement of Business

व्यापार प्रारम्भ करने का प्रमाण-पत्र

Pursuant to section 149 (3) of the Companies Act. 1956

कम्पनी अधिनियम 1956 की धारा 149 (3) के अनुसरण में

I hereby certify that the ..... BHARAT SANCHAR NIGAM LIMITED

में एतद् द्वारा प्रमाणित करता हूँ कि..... भारत संचार निगम लिमिटेड

which was incorporated under the Companies Act. 1956 on

जो कि कम्पनी अधिनियम, 1956 के अन्तर्गत पंजीकृत की गई थी दिनांक ..... 24 भाद्रपद, 1922

the..... FIFTEENTH..... day of..... SEPTEMBER..... 2000.....

and which has filed duly verified declaration in the

और जिस ने कि यथावत् निर्धारित प्रपत्र में सत्यापित घोषणा पत्र प्रस्तुत

prescribed form that the conditions of section

कर दिया है कि उस ने धारा 149 (2) (क) से (ग)

149 (2) (a) to (c) of the said Act. have been complied with is entitled

को सभी शर्तों को अनुपालन कर दिया है, अतः व्यापार आरम्भ करने का

to commence business

अधिकारी है।

Given under my hand at NEW DELHI

मेरे हस्ताक्षर से आज दिनांक..... 28 भाद्रपद, 1922

this..... NINETEENTH..... day of..... SEPTEMBER

TWO THOUSAND.....

को जारी किया गया।

(टी.पी. शर्मा)

उप कम्पनी रजिस्ट्रार

Dy. Registrar of Companies

रा. रा. क्षेत्र दिल्ली एवं हरियाणा

N.C.T. of Delhi & Haryana



- 23 -

No. 2-51/2000-Resig.

Government of India

Ministry of Communications

Department of Telecommunication Services

ANNEXURE

New Delhi, the 30<sup>th</sup> September, 2000.OFFICE MEMORANDUM

Subject:- Transfer and assigning of existing and subsisting contracts, agreements and Memoranda of Understanding of the Department of Telecommunications, Department of Telecom. Services and Department of Telecom. Operations to Bharat Sanchar Nigam Limited.

In pursuance of New Telecom Policy 1999, the Government of India has decided to corporatise the service provision, functions of Department of Telecommunications (DoT). Accordingly, the undersigned is directed to state that the Government of India has decided to transfer the business of providing telecom services in the country currently run and entrusted with the Department of Telecom Services (DTS) and the Department of Telecom Operations (DTO) as was provided earlier by the Department of Telecommunications to the newly formed Company viz., Bharat Sanchar Nigam Limited (the Company) with effect from 1<sup>st</sup> October 2000. The Company has been incorporated as a company with limited liability by shares under the Companies Act, 1956 with its registered and corporate office in New Delhi.

2. The Department of Telecom. Services and Department of Telecom. Operations concerned with providing telecom services in the country and maintaining the telecom network/telecom factories were separated and carved out of the Department of Telecommunications as a precursor to corporatisation. It is proposed to transfer the business of providing telecom. services and running the telecom factories to the newly set up Company, viz., Bharat Sanchar Nigam Limited w.e.f. 1<sup>st</sup> October 2000. The Government has decided to retain the functions of policy formulation, licensing, wireless spectrum management, administrative control of PSUs, standardisation & validation of equipment and R & D etc. These would be responsibility of Department of Telecommunications (DoT) and Telecom Commission.

3. Government of India has decided to transfer all assets and liabilities, (except certain assets which will be retained by Department of Telecommunications required for the units and offices under control of DoT, to be worked out later on), to the Company with effect from 1<sup>st</sup> October 2000. All the existing contracts, agreements and MoUs entered into by Department of Telecommunications, Department of Telecom Services and the Department of Telecom Operations with various suppliers, contractors, vendors, companies and

-24- (16) 69 (2) 77

individuals in respect of supply of apparatus and plants, materials, purchase of land and buildings and supply of services, subsisting on date of transfer of business and/or required for operations of the Company and with subscribers of all types of services to be provided by the Company, will also stand transferred and assigned to the Company with effect from 1<sup>st</sup> October, 2000. The Company will be solely responsible for honouring these contracts, agreements and MoUs for their due performance and in case of disputes to sue and be sued as the successor/assignee under the contract, agreement and MoU.

\* 4. The Company, Bharat Sanchar Nigam Limited will file suitable required appearances/memos in all pending cases before the Courts, Tribunals, Arbitrators, Adjudicators in all matters except issues of licensing; and policymaking which are with the Department of Telecommunications. The Company may get substituted or become an additional party as the case may be, or just conduct the cases as assigns or successor in interest of the Government/Department of Telecommunications, as permissible. This may, in so far practicable, be completed by 31<sup>st</sup> December 2000.

5. In respect of matters relating to personnel (Government servants) pending before various Administrative Tribunals, High Courts and Supreme Court the Company will defend as assigns or successor in interest as per existing rules till the time employees are on deemed deputation with the Company.

6. Any judgement/order/award delivered by an Authority/Tribunal/Court/Arbitrator in respect of all the matters described there shall be implemented in letter and spirit by the Company, in accordance with rules, regulations, directions and statutes.

7. These instructions will come into force with effect from 1<sup>st</sup> October 2000.

  
(VINOD VAISH)

Secretary to the Government of India

To

To

1. The Secretary DoT and Chairman Telecom Commission.
2. The Secretary, DTS.
3. The Secretary, DTO and Member(Prodn.) Telecom Commission.
4. Member(Finance) Telecom Commission.
5. Member(Services) Telecom Commission.
6. Member(Technology), Telecom Commission.
7. Additional Secretary(T) and Secretary Telecom Commission
8. Joint Secretary(T), DoT.



9. Joint Secretary(A), DoT.
10. OSD Corporatisation (DoT) with request to bring it to the notice of the Board of Directors of Bharat Sanchar Nigam Limited.
11. All Chief General Managers of Telecom Circles, Metro Districts, Project Circles, Maintenance Regions, Telecom Stores, Railway Electrification Projects with request to communicate these orders to all units working under their administrative control.
12. All Principal Chief Engineers / Chief Engineers - Civil and Electrical Wings, with request to communicate these orders to all units working under their administrative control.
13. Chief Architects - Chennai, Calcutta and Mumbai, with request to communicate these orders to all units working under their administrative control.
14. All Chief General Managers - Telecom Factories, with request to communicate these orders to all units working under their administrative control.
15. Sr.DDG(TEC)
16. Sr.DDsG- (BW)/(ARCH.)/(ELECT.)
17. Sr.DDG(ML) - with request to communicate these orders to all PSUs working under their administrative control.
18. Sr.DDG(IC & A)
19. Executive Director, C-DOT.
20. Sr.DDG(Vigilance), DoT
20. DDG(Pers.)

Copy to:-

1. PS to Minister of Communications
2. PS to Minister of State for Communications
3. All Advisers, DoT.

Copy also to:-

1. ~~Bharat~~ Sanchar Nigam Limited

DOCUMENT - 2

F.3 79  
(4) (4)  
ANNEXURE : 7  
A-7Bharat Sanchar Nigam Limited,  
(A Government of India Enterprise)

No.BSNL/4/5R/2000

Dated the 2<sup>nd</sup> January, 2001

Suo:- Record of discussions held on 2.1.2001 in the meeting with the three Federations presided by CMD, BSNL regarding terms and conditions for absorption of Group C & D staff in BSNL.

In connection with the absorption of Group C & D staff working in BSNL, preliminary meetings were held with the three Federation(s). The decisions taken were discussed in the BSNL Board meeting held on 09.11.2000, which empowered the Management to negotiate with Unions. Accordingly, a meeting was held with the three Federations on 2.1.2001 and the following proposals were approved.

1. IMPLEMENTATION OF STANDING ORDERS OF THE INDUSTRIAL EMPLOYMENT ACT, 1946:

BSNL service rules are to be finalized after discussion with the recognized union formed by the optees of BSNL and the standing orders of Industrial Employment Act, 1946.

2. SERVICE RULES

In the meantime, it was agreed that Government will continue to apply existing rules / regulations. This is in line as per the provision of Rule 13B of Standing Orders of Industrial Employment Act, 1946. However, certain provisional terms and conditions for absorption are enclosed at Annexure I.

3. ABSORPTION OF CASUAL LABOURS

\* Orders have been issued by DoT for regularizing Ayahs & all casual labourers including part time casual labourers. Left out cases, if any, will be settled by BSNL in accordance with order No.269-94/98-STN-II dated 29.9.2000.

4. OPTION OF STAFF FOR ABSORPTION IN BSNL

The BSNL will absorb the optees on as is where is basis. A list of optees will be made available to the three federations/unions.

27

(72)

(5)

## 5. OPTIONS OF STAFF FACING DISCIPLINARY CASES

It was agreed that the employees with on-going disciplinary cases can also opt for absorption in BSNL but their absorption will be subject to the outcome of the vigilance case. Their pending cases will be expedited on a fast track mode by DOT. The appeal / petition cases for these employees will also be decided by DOT authorities.

## 6. PROMOTIONAL AVENUES

After absorption there will be negotiations with the newly formed recognized union regarding promotional avenues. Pending adoption of Standing Orders on promotional policy, the present OTBP/BCR/ACP (whichever is applicable) etc. will continue to be followed by BSNL.

## 7. CHANGE OVER TO IDA PAY SCALES

The pay scales and fitment formula will also be adopted through Standing Orders after negotiations with the recognized union in respect of non-executives. After detailed discussions, it was mutually agreed that pending fitment in the IDA pay scales, the Group C & D optees will continue in the Central Government (CDA) pay scales. In addition to this, they will also be paid an adhoc amount of Rs.1000/- per month w.e.f. 1.10.2000 which will be adjusted from their IDA emoluments, perks and benefits on fixation of the same in revised IDA scales. The revised negotiated IDA pay scales will be applicable from the date of absorption i.e. 1.10.2000.

## 8. TIME FRAME FOR VARIOUS POST ABSORPTION ACTIVITIES

It was agreed that the options will be called in January, 2001 providing about one month time to the employees to give their options and the entire activity is expected to be completed by the end of 28<sup>th</sup> Feb. 2001. A list of optees of BSNL will be exhibited to rectify inaccuracies, if any.

The existing system of informal meetings with applicant Unions, as on 30.9.2000 and formal meetings with the three Federations shall continue.


9. The employees who opt for permanent absorption in BSNL would be governed by the provisions of Rule 37-A of CCS Pension Rules, notification for which was issued by the Department of Pension & Pensioners Welfare on 30.9.2000. For the purpose of reckoning emoluments for calculation of pension and pensionary benefits, the emoluments as defined in CCS(Pension)Rules, in PSU in the IDA pay scales shall be treated as emoluments.

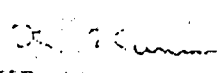
10. DoT has already clarified that the word "formula" mentioned in clause 8 of Rule 37-A means payment of pension as per Government Rules in force at that time. It has also been clarified by the DoT that BSNL will not dismiss / remove an absorbed employee without prior review by the Administrative Ministry / Department.

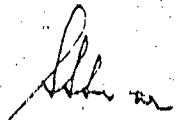
11. The Group C & D employees who appear for any promotional examination whether direct or departmental and qualify in such examinations / outsiders coming through direct recruitment process, would rank junior to all the other employees in the promotional cadre who had already been qualified in earlier examinations even though they get absorbed in BSNL subsequently.

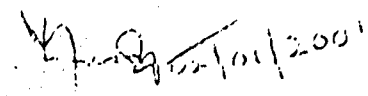
The above modalities have been worked out in consultation with the following three federations for termination of the deemed deputation status in BSNL and the parties have put their signatures in token of their consent and agreement on this date 02.01.2001.

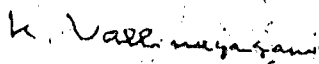
The Proforma for exercising the option is enclosed.

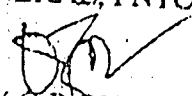
  
(DR. J. S. SETH)  
CMD, BSNL

  
(KRANTI KUMAR)  
DIRECTOR (HRD) BSNL

  
(S. P. WAR)  
DIRECTOR (FIN.) BSNL

  
(MALLIKARJUN)  
SECRETARY GENERAL, BTEF

  
(K. VALLINAYAGAM)  
SECRETARY GENERAL, FNTD

  
(O. P. GUPTA)  
SECRETARY GENERAL, NFTE

(74)

-29-

(7)

ANNEXURE I

PROVISIONAL TERMS AND CONDITIONS

1. Residential Quarters:

The DoT staff who are allottee of BSNL quarters, will continue to occupy the same on as is where is basis even after permanent absorption in BSNL. Those staff who do not opt for BSNL would not be entitled to BSNL quarters.

2. Age of Superannuation:

Age of superannuation for all the non-Board level employees in BSNL will be regulated in accordance with Government rules.

3. Seniority :

The existing seniority in DoT will be maintained in BSNL after absorption. The service rendered by the staff in the DoT, as on date of permanent absorption in BSNL, will be counted. Their existing inter-se seniority in the concerned gradation list will be maintained.

4. Leave encashment:

The Government leave rules will be applicable in BSNL after absorption.

5. Para 38 transfers:

The para-38 transfers would continue to be applicable to the BSNL staff as in the DoT even after absorption.

6. Bonus:

The existing Productivity Linked Bonus scheme would continue to apply till BSNL decides its own scheme.

-30-

(75)

(8)

#### 7. Compassionate appointment :

The DoT policy regarding compassionate appointments would continue in BSNL also.

#### 8. Pending HRD issues:

The HRD issues referred to BSNL by DoT would be discussed with the three federations and decided at the earliest.

#### 9. Medical benefits:

The existing DoT medical benefits would continue in BSNL till alternative arrangements are made in BSNL.

-31-

76

9

To

The Secretary to the Government of India,  
Ministry of Communications,  
Deptt of Telecom., New Delhi

(THROUGH PROPER CHANNEL)

OPTION FORM FOR ABSORPTION IN BSNL RETENTION OF  
GOVERNMENT STATUS

(TO BE FILLED IN TRIPLICATE)

(FOR DTS / DTO / DOT STAFF INCLUDING DIRECTORATE STAFF)

In accordance with the Government decision to convert the DTS / DTO into BSNL w.e.f. 1.10.2000, as communicated under DTS Memo No. 2-29/2000-Restg. dated 30.9.2000. I give my declaration as under :

1. I hereby agree to be absorbed in BSNL w.e.f. 1.10.2000.

OR

I do not agree for absorption in BSNL and want to revert back to Government service.

(strike out whichever is not applicable)

2. I understand that the option exercised by me is final.

3. I understand that on absorption in BSNL, I shall be governed by the Rules and Regulations of BSNL.

4. In case of my option for Government service, I understand that I would be re-deployed through the Surplus Cell of the Government.

SIGNATURE \_\_\_\_\_

NAME OF THE EMPLOYEE \_\_\_\_\_

(IN BLOCK LETTERS)

STAFF NUMBER \_\_\_\_\_

PLACE OF POSTING \_\_\_\_\_

FOR OFFICE USE

ACCEPTED BY (SIGNATURE) \_\_\_\_\_

NAME & DESIGNATION OF THE OFFICER \_\_\_\_\_

OPTEE

NON-O TEE

(Strike out whichever is not applicable)

No. 269-94/98-STN-II

Department of Telecom. Services  
Sanchar Bhawan, 20, Ashoka Road, New Delhi.  
(STN-II Section)

A-8  
ANNEXURE : 8

Dated: 29.09.2000

All CGMs, Telecom Circles,  
All CGMs, Telephone Districts,  
All Heads of Other Administrative Offices,  
All the IFA's in Telecom Circles/Districts and other Administrative Units

Sub: Regularisation of Casual Labourers

Sir,

The employees unions are demanding regularisation of all the casual labourers. This issue was under consideration for quite some time. It has been decided to regularise all the casual labourers working in the Department, including those who have been granted temporary status, with effect from 01.10.2000, in the following order -

- (1) All casual labourers who have been granted temporary status upto the issuance of Orders No. 269-4/93-STN-II dated 12.2.99, circulated vide letter No. 269-13/99-STN-II dated 12.2.99 and further vide letter No. 269-13/99-STN-II dated 9.6.2000.
- (2) All full time casual labourers as indicated in the Annexure...
- (3) All part time casual labourers who were working for four or more hours per day and converted into full time casual labourers vide letter No. 269-13/99-STN-II dated 16.9.99...
- (4) All part time casual labourers who were working for less than four hours per day and were converted into full time casual labourers vide letter No. 269-13/99-STN-II dated 25.8.2000.
- (5) All Ayas and Supervisors converted into full time casual labourers as per order No. 269-10/97-STN-II dated 29.9.2000.

The number of casual labourers to be regularised in categories (2) to (5) above is given in the Annexure enclosed. The figures given in the Annexure are based on information received from the Circles.

The casual labourers indicated from (1) to (5) above are to be Adjusted against available vacancies of Regular Mazdoors. However, Chief General Managers are also authorised to create posts of Regular Mazdoors as per the prescribed norms, and to that extent, the prescribed ceiling for the Circle will stand enhanced.

As per this office letter No. 269-4/93-STN-II dated 12.2.99, vide which temporary status was granted to casual labourers eligible on 1.8.98, no casual labourers were to be engaged after this date and all casual labourers not eligible for temporary status on 1.8.98 were to be disengaged forthwith. Therefore, there should be no casual labourers left without temporary status after 1.8.98 [ Other than those indicated in serial nos. (2) to (5) above ]. However, if there is still any case of casual labourers left out due to any reasons, that may be referred to the Headquarters separately.



--- 2 ---

This issues with the concurrence of Telecom Finance vide the  
Diary No. 3536/2000/FA-I Dated 29.09.2000.

Yours faithfully,

(HARDAS SINGH)

ASSISTANT DIRECTOR GENERAL (STN)

Tel No. : 371 6723 / 303 2531

Copy to :-

- 1) PS to MOC/ MOS(C)
- 2) Advisor (HRD)
- 3) DDG(Pers.) / (E) / (EF) / (SR)
- 4) Dir.(ST-I) / (F-I)
- 5) All recognised Associations/ Unions/ Federations
- 6) TE-II/ STN-II/ SR/ SCT/ Sections
- 7) Guard file.

(Vinod Kumar Sharma)  
Section Officer (STN-II)

## Annexure

## Regularisation of Casual Labourers

Sl.No.	Name of Circle	C.Ls (left out	Part-Time Converted into full time C.Ls.		Ayas
			< 4 Hrs.	> 4 Hrs.	
1.	ALITC Ghaziabad		Nil	Nil	
2.	Andaman & Nicobar		01	3	
3.	Andhra Pradesh		770	317	22
4.	Assam		20	30	
5.	Bihar		53	152	
6.	BRBRATT		Nil	Nil	
7.	Calcutta TD	27	Nil	1	
8.	DNW, Noida		Nil	Nil	
9.	Gujarat		550	67	3
10.	Haryana		257	51	5
11.	Himachal Pradesh		271	10	
12.	Jammu & Kashmir		3	0	
13.	Karnataka		163	48	17
14.	Kerala		7	11	16
15.	Maharashtra		119	95	5
16.	Madhya Pradesh		30	42	5
17.	Chennai TD		Nil	Nil	
18.	MTCE, Calcutta		Nil	76	
19.	MTCE, Delhi		Nil	6	
20.	MTCE, Mumbai		Nil	Nil	
21.	MTCE, Chennai		1	2	
22.	NCES, Delhi		Nil	Nil	
23.	North East	440	7	2	
24.	North East TF		9	7	
25.	Orissa		29	20	
26.	Project Calcutta	227	Nil	Nil	
27.	Project Delhi		0	1	
28.	Project Mumbai		Nil	Nil	
29.	Project Chennai		3	1	
30.	Punjab		226	80	
31.	QA Bangalore		Nil	Nil	
32.	Rajasthan		303	26	2
33.	R.E. Nagpur		Nil	Nil	
34.	T&ID Jabalpur		Nil	Nil	14
35.	Tamil Nadu		Nil	Nil	
36.	Telecom Stores Cal.		169	61	
37.	U.P. (West)		160	53	
38.	U.P. (East)		79	83	
39.	West Bengal				12
40.	MTNL Mumbai				9
41.	Delhi				
	Total	702	3254	1259	110

5-1/2001-ADG(STL)/46

Department of Telecommunications

613, Sanchar Bhawan

20, Ashoka Road, New Delhi-110001

New Delhi, the 13 May 2002

ANNEXURE : 19

To

The Chief General manager.


Assam Telecom CircleGUWAHATI

Sub: Reconciliation of Court cases between Establishment Branch of DoT and various Telecom Circles

A large number of Court Cases in various CATs/ High Courts and also in the Supreme Court are being dealt in the Establishment Branch of Department of Telecommunications on references from various Telecom Circles.

Now there is a change in the setup after the formation of BSNL.  
It may be possible that after the formation of BSNL a good number of Court cases might have already come to an end. So there is a need to reconcile the pending Court Cases.

It is proposed to conduct an exercise to identify all such cases which have come to an end or no longer active or required to be handled by BSNL. It is, therefore, requested to kindly indicate the latest status of the court cases in the list enclosed. All the CGMs are also requested to kindly pay their personal attention for reducing the pendency of the existing cases.

  
(H.K. GUPTA)  
DDG(Estt.), DoT

Encl: Copy of list of Court Cases

CENTRAL ADMINISTRATIVE TRIBUNAL  
CALCUTTA BENCH

No. O.A. 198 of 2001

Present : Hon'ble Justice R.H. Roy, Vice-Chairman  
Hon'ble Mr. S.P. Singh, Administrative Member

BISWANATH BANERJEE

VS.

UNION OF INDIA & ORS.

For the applicant : Mr. B.K. Mahdal, counsel

For the respondents : Mr. M.S. Banerjee, counsel

Heard on : 1.3.2001

Order on : 1.3.2001

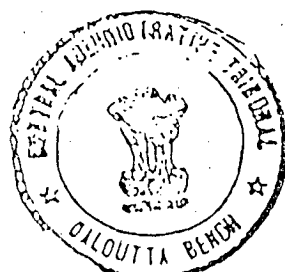
ORDER

R.N. Roy, V.C.

Ld. counsel for both sides are present. This case is relating to the Department of Telecom which has now become a corporate body. Bharat Sanchar Nigam Limited is definitely a corporate body under the Government of India within the meaning of Article 12 of the Constitution. But that has not been notified till today and therefore, this court has no jurisdiction to entertain such petition.

2. Accordingly, the O.A. is disposed of <sup>at the stage of admission</sup> as 'not maintainable'. The applicant may approach the appropriate forum in respect of his grievances made in this O.A. No order as to costs.

MEMBER(A)



VICE-CHAIRMAN

1003/2001  
11/3/2001  
RECEIVED  
BY THE SECRETARY  
TO THE GOVT.  
OF WEST BENGAL  
11/3/2001

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Applications No. 289/2001, 364/2001, 366/2001, 372/2001, 403/2001, 109/2002 and 160/2002.

Date of Order : This the 3rd Day of September, 2002.

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

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

O.A. 289 of 2001

1. Sri Dondi Ram Gayan,
2. Sri Gobir Nath,
3. Sri Joy Nopal Das,
4. Sri Kandeswar Konwar.
5. Md Abdul Gafar Choudhury,
6. Sri Thanu Ram Jha,
7. Md. Abul Kalam and
8. Sri Anup Bera

By Advocate Sri S.Sarma.

- Versus -

Union of India & Crs.

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

... Applicants

... Respondents

O.A. 354 of 2001

Sri Deo Kumar Rai

By Advocate Sri S.Sarma.

- Versus -

Union of India & Ors.

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

... Applicant

... Respondents.

O.A. 366 of 2001

Sri Jun Das,

By Advocate Sri S.Sarma.

- Versus -

Union of India & Crs.

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

... Applicant

... Respondents

O.A. 372 of 2001

Sri Khitish Deb Nath

By Advocate Sri S.Sarma

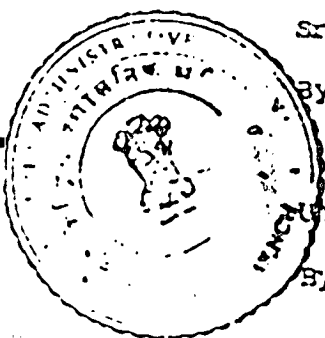
- Versus -

Union of India & Ors.

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

... Applicant,

... Respondents



83

- 3 - 38 -

O.A. 403 of 2001

1. Md Nurmahammad Ali,
  2. Md Sahabu'ddin Ahmed,
  3. Md Alamid Choudhury,
  4. Md Harimurraman Ali,
  5. Sri Benudhar Das and
  6. Md. Tafik Ali
- By Advocate Sri B. Malakar

... Applicants

- Versus -

Union of India & Ors.

... Respondents.

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

O.A. 109 of 2002

Sri Dilip Kumar Tante  
By Advocate Sri N. Borah.

... Applicant

Versus -

Union of India & Ors.

... Respondents.

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

C.A. 160 of 2002

1. Th. Subendra Singh
2. All India Telecom Employees Union  
Line Staff and Group-D,  
Manipur Division, Imphal  
represented by Divisional Secretary,  
Sri M. Kulla Singh

... Applicants

By Advocate Sri S. Sarma.

- Versus -

Union of India & Ors.

... Respondents.

By Sri B.C. Patra, Adl.C.G.S.C.

ORDER

CHANDHURY J. (V.C)

The issue involved in these cases pertains to conferment of temporary status in the light of the scheme prepared by the Telecom Department pursuant to the decision of the Supreme Court in Ram Gopal and others vs. Union of India and others dated 17.4.90 in writ petition (C) No. 1280 of 1989. Keeping in mind the plight of the casual

contd...3

84

-39-

labourers the Supreme Court in the above mentioned case directed the authority to prepare a scheme on rational basis for those who continuously worked for more than one year in the telecom department. The department of Telecom also followed the suit and prepared a scheme of conferment of temporary status on casual labourers who were employed and have rendered continuous service for more than one year in the telecom department. Accordingly the scheme known as "Casual Labourers (Grant of Temporary Status and Regularisation) Scheme 1989" was prepared. By order dated 1.9.99 the Government of India, Department of Telecommunications mentioned about its approval on grant of temporary status to the casual labourers who were eligible as on 31.3.97. By the said communication it was clarified that the grant of temporary status to the casual labourers order dated 12.2.99 would be affective with effect from 1.4.97. By the said communication it was also clarified that the persons would be eligible for conferment of temporary status who were eligible as on 1.8.98. It may be mentioned that the said communication was issued to the authorities for judging the eligibility on 1.8.98 and did not naturally mean that one was to be in service on the date prescribed. on 1.8.98, what was insisted was to attain the eligibility/

Numerous applications were filed before us for conferment of temporary status in the light of the scheme. In some of the cases we directed the authority to consider the cases and to pass appropriate order. In some of the cases the authority passed orders rejecting their claim. Against which the aggrieved person moved this Tribunal by way of these applications. In some of the applications written

-40-

stated that the records were also annexed.  
 In view of documents it appears that there was no  
 conformity with the findings reached by the authority  
 alongwith the records produced regarding their engagements.  
 In some cases records indicated that they were engaged  
 for more than 240 days, whereas in the finding they were  
 shown that they did not served for 240 days. In our  
 opinion the matters requires a fresh re-consideration  
 by a responsible authority so that cases of eligible  
 casual labourers are fairly considered. To cite example  
 with the case of O.A.372/2001 the Verification Committee  
 report dated 12.3.02 was shown to us. The Committee  
 consisting of S.C.Tapadar, D.E.(Admn), N.K.Das, C.A.O  
 (Finance) and G.C.Sharma, ADT(Legal) verified and mentioned  
 that the applicant did not complete 240 days in a calendar  
 year, whereas again column No. of days yearwise/monthwise  
 in the Annexure is authority referred to his engagement  
 from August 97 to August 98 which comes around 240 days  
 on arithmetical calculation. By another verification  
 committee meeting dated 12.3.2002 consisting of M.C.Pator,  
 D.E(Admn), N.K.Das, C.A.O(Finance) and G.C.Das, ADT(Legal)  
 Circle Office, Guwahati. The committee stated that the  
 applicant completed 45 days in 1994, 20 days in 1995, 24  
 days in 1996, 15 days in 1997 and one day in April, 1998.  
 The documents contradict itself. We are of the opinion  
 that such type of enquiry or verification committee does  
 not inspire confidence, it was seemingly done in sloven  
 and slip shod fashion. On the other hand it should be  
 entrusted to a responsible authority who would not rationally  
 and responsively. After all it involves to the livelihood  
 of persons concerned and the commitments of the Government.



to have perused

background story of the scheme which itself reflected the approval of the authority for absorption of those people for giving the benefit of Government of India at the instance of the Supreme Court. The counsel for the respondents however pointed out that there is a big <sup>set up</sup> change in the administrative <sup>of</sup> the Telecom department. Referring to the new telecom policy of the Government of India 1999, whereby it decided to corporatise the Telecom department <sup>through</sup> Bharat Sanchar Nigam Limited and stated that the matters are now within the domain of the BSNL. We are basically concerned in these applications as to the absorption of those casual labourers who were worked under the telecom department as on 1.8.98 and who were eligible for grant of temporary status as on that day. The office memorandum No.269 94/98 STN.II dated 29.9.2000 itself indicated the commitment of the authority for regularisation of the casual labourers. It also appears from the communication issued by the department of Telecommunication dated <sup>13/5/2002</sup> 3.9.2002 which expressed its concern for resolving the situation. Mr B.C.Pathak, learned Addl.C.G.S.C sought to raise a question of maintainability in some of the cases where BSNL is a party. BSNL since not notified under Section 14(2), the Tribunal has no jurisdiction to entertain the matter. In these applications the real issue is absorption of the casual labourers those who worked under the telecom department from 1.8.98. The respondents, more particularly, Telecom department committed to its policy for regularisation of such employees. In the circumstances we are of the opinion it will be a fit case to issue appropriate direction to the department of Telecom and the Chief General Manager, Assam Telecom Circle, Guwahati to take appropriate steps for considering the case of these applicants afresh by constituting a responsible committee to go through it for once for <sup>all</sup> and

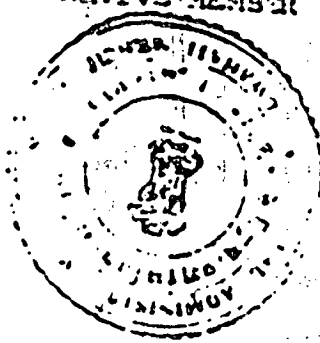
87

42

scan their records and if in the end it found these people really fulfilled the requirement it will issue appropriate direction to the concerned authority for conferment of temporary status and their absorption as per the scheme. It is expected that the authority shall take appropriate steps after verifying the records and pass appropriate order by notifying these persons concerned. This exercise shall not be confined only to the applicants and the authority shall also deal with the cases left out from the process and examine their case independently. The matters are of one therefore we expect that the authority shall act with utmost expedition and complete the exercise as early as possible preferably within four months from the date of receipt of this order.

With these the applications stand disposed of. There shall, however, be no order as to costs.

Sd/-  
( K.K. SHARMA )  
ADMINISTRATIVE MEMBER



Sd/-  
D.M. CHENCHURY )  
VICE CHAIRMAN

Certified to be true Copy  
[Signature]

[Signature] 1.10.02  
Section Officer (A)  
Joint Secretary (Higher Education)  
Central Administrative Tribunal  
New Delhi  
15/10/02

As per Agenda 5 of 22nd LUCM meeting minute, held on 22.8.97 in the Chamber of TDM/sc it was decided that action will be taken regarding conferring TSM status of 23 nos. of pending cases ~~of casual~~ by the end of Sept. after verifying Circular No. 20P No. 49014/11/90-Est. (c) dt. 8.4.91 from Circle office. In the meantime AITEU Line Staff & Grp-D served notice to TDM/sc vide their No. SDB/Est Gr. corr/97-98 dt. 27.10.97 that Administration is regarding this have generated lot of grievance among them and they gave an ultimatum that if necessary order to confer Temporary Status to the eligible DRMs are not issued within 10.11.97, they will start Trade Union Action.

And on 25.11.97 before the office of TDM since morning with all their staff <sup>demonstrat</sup> & ultimat. they were dispersed from Chamber of TDM/sc office with assurance that the case of confer Temporary Status Megdoors to the eligible will be taken up on urgent basis by 4.12.97 & final decision regarding this will be conveyed to them.

As per your in (TDM/sc) instruction we have gone through the whole files regarding regularisation of casual labour to TSM & it is observed in the following cases

- ① E-20/Grp-D/Rectt/16 dt. 19.8.94
- ② E-20/Grp-D/Rectt/25 dt. 24.12.94
- ③ E-20/Grp-D/Rectt/77 dt. 18.10.95

TSM status has been conferred to casual Megdoors on the basis of Certificate issued by concerned SDO/SDEs in accordance with DOT No. 269-4/93-STN-II dated 17.12.93 CGMT/GH No. Rectt-3/10/Part-II dated 4.1.94. These lists are few instances but not exhaustive one.

-44-12/N

89

97

Also as per letter no. E-20/Regulation/3 dt. 15.9.97 the then TDM/SC has intimated to Sri M. Biswas AD (SR) Circle Office/GH the cases of 39 Casual Magdoores are under scrutiny to warda confinement of Temp. St Magdoores. Out of which 29 cases ~~are under~~ for engagement by concerned SDO/SDEs, viz. this letter Nos. (i) E-27/95-96 dt. 26.10.95 from SDE/PTKN 263/cr (ii) E-119/PT-11/95-96 dt. 8.12.95 from SDO/HRM (iii) E-119/PT-12/94-95 dt. 16.7.95 from SDO/HRM (iv) E-22/Rat/95-96 dt. 14.8.95 from SDO/HLK-1 & E-27/95-96/PT-11 dt. 8.11.95 from SDE/PTKN & E-115/CM/95-96/118 dt. 27.12.96 from SDO/SC-286. The details of the Magdoores are given below.

(i) SDE/PTKN (Name of Officer - D. Das)	Date of birth	Date of Engage-
1. Sri Debendra Kr. Sinha	31.12.1964	1.1.1986
2. Sri Sukumar Sinha	31.8.1967	1.4.86
3. Sri Sujit Kr. Sharma	1.1.1970	6.3.88
4. Sri Nabendu Kr. Malakar	26.8.64	1.1.88
5. Sri Azizur Rahman	4.1.68	1.3.88
6. Sri Nihar Day	1.11.84	1.1.88
(ii) SDO/HRM (Name of Officer - Sri D. Das)		
1. Sri Nripendra Ch. Das	31.1.66	1.2.87
2. Sri Samsul Hoque	12.3.68	1.7.87
3. Sri Manindra Ch. Nath	1.11.63	1.3.88
4. Sri Bahabuddin Mozahbiyan	5.6.68	1.7.87
5. Sri Niranjan Ch. Das	28.2.70	7.3.88
(iii) SDO/HRM (Name of Officer - Sri N. K. Roy)		
1. Sri Birendra Das	31.6.65	1.3.87
2. Sri Dharendra Sarkar	1-1-68	1.6.88
3. Sri Dilip Nath	30.11.69	1.1.88
4. Sri Mohit Roy	31.12.69	2.3.88
(iv) SDO/Hailakandi:-(Sri N. K. Roy)		
1. Sri Sankar Kr. Das	30.9.68	1.1.88
2. Sri Amarash Das	1.1.65	1-1-88
3. Sri Asim Roy	9.2.70	1-4-88

Q SDE Parkkali (Name of Officer - Sri D. Das)

Sl.	Name	Date of Birth	Date of Engagement
-----	------	---------------	--------------------

1. Sri Ratnashankar Naik. 1.1.70 - 1.2.88 ✓
2. Sri Pritu Bhawan Roy. 31.3.69 - 1.1.88 ✓
3. Sri Montu Ch. Das. 1.1.66 - 1.2.88 ✓

E-SDOT/SC  
vide 281/c Sri P.K. Roy SDOT/SC

Here it can be observed that the TDM/SC Mr. U.B. Choudhury has informed to DGM (Admin) c/o the CGMT/SH vide his letter no. E-20/Group-D/Rec.H/Rg/60 dt 11.9.96 that as per the report of SDO/SDEs that no casual labour are directly engaged in the SSA as on 11.9.96. As per the Certificate furnished by concerned SDO/SDEs the above referred TSM status may perhaps be conferred to them provisionally subject to verification of the engagement document from the concerned SDO/SDEs.

The financial implication can be looked into by CAO of the TDM/SC put up for perusal & necessary action.

DA (PFA)

Dip D

CAO

TDM

5/12/97

Sri Montu ch Das as per sl no 3 of SDE/PTK Report he is not having any no of day worked in the year 1988. His Case may perhaps be not considered now.

Dip D

5/12/97

CAO

TDM

Reg. Financial Implication total 23 nos  
Basic 2551.12/DM-332+Average NRA=160  
=3042 x 23 = 69966 x 12 = 8,39,592 =  
say Rs. 8,40,000/- is reqd. annually &  
may be added placed in Fy. NEBE for

MS/11

-46-

91

check put up a draft following the previous  
norm by which the concerned SDO/SDOT will be  
instructed to take up the these 22 matters  
as TSM. provisionally mixed to the verification of  
their document. Also please ensure that the  
the pay amounts ~~are deducted~~ from the concerned  
SDO/SDOT maintenance fund is ~~deducted~~ reduced  
by an amount of the salary of way of the  
TSM.

*[Signature]*  
9/12/97

~~DE SDA~~

Pl put up draft.

*[Signature]*  
9/14/97

SDE(HRD)

DE(PHA)

As per instruction typed copies of dft is  
put up ~~for~~ TDM/SC for sig. phr at  
DE(PHA) 97/c, 98/c & 99/c.

checked and found correct.

*[Signature]*

DE(PHA)

9/14/97

*[Signature]*  
TDM 10/10/97

- 100/c → E-119/TSM/35 d. 24/12/97. from SDO/HR
- 101/c → E-119/TSM/34 d. 22/12/97 from SDO/HRM  
confering off. Terminal 110, dom on TSM
- 102/c → E-119/TSM/37 d. 27.12.97. from SDO,  
104/c } joining report of TSM
- 105/c → E-22/Rec4/14A d. 29.12.97 from SDO/HL  
confering & CM as TSM.
- 106/c → E-27/97-98/5 d. 22.12.97 from SDE/PTN  
confering & as TSM.
- 107/c → E-27/97-98 d. 29.12.97 from SDE/PTN  
joining report of TSM.
- 108/c → E-27/97-98 d. 31.12.97 from SDE/PTN.  
Revision of TSM.

As instructed, dft for place of posting  
TSM is put up at 109/c, 110/c, 111 & 112/c

-47-

(92) 13 (Series) 100

Annexure - 2

ST

GOVERNMENT OF INDIA  
DEPARTMENT OF TELECOMMUNICATIONS  
OFFICE OF THE TELECOM DISTRICT MANAGER  
SILCHAR

No. E-20/Grp-D/Rectt/97

Dated at Silchar, 09-12-97.

To

The S.D.E. Patharkandi  
Patharkandi.

Sub : Casual labours (Grant of temporary status and regularisation scheme) 1989 engaged after 30-3-85 upto 22-6-88)

In pursuance of the DOT New Delhi letter No. 269-4/93-STN-II dated 17-12-93 and CGMT/Guwahati letter No. Rectt-3/10/Part-II dated 4-01-94, the following nine casual mazdoors in your Sub-Division are approved for granting of temporary status on the basis of particulars furnished by you vide your letter No. E-27/95-96 dt. 26-10-95 & 8-11-95. 8.11.95

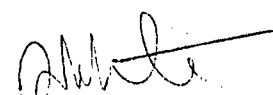
You are directed to take further action after verification of their eligibility once again on the points mentioned below :-

- (1) Age at the time of engagement.
- (2) Educational qualification upto VIII standard.
- (3) No of days worked yearwise.

After conferring the provisional approval for granting of temporary status w.e.f. 9-12-97 to the casual mazdoors mentioned below, intimation is to be given to TDM/Silchar for their place of posting which will be decided by TDM/Silchar.

List of Mazdoors approved for TSM :-

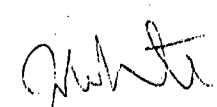
1. Sri Debendra Kr. Sinha, S/O Sri Paye Sinha, Vill-Guramanjee
2. Sri Sukumar Sinha, S/O Late Kalaraja Sinha, Vill\_Krishnanagar
3. Sri Sujit Kumar Sharma, S/O Late Kanti Bn. Sharma, Vill-Gojalghat
4. Sri Nobendra Kr. Malakar, S/O Sri Nripendra Malakar, Vill-Iswarsree
5. Md. Azizur Rohman, S/O Md. Surman Ali, Vill-Hatkala
6. Sri Nihar Dey, S/O Sri Nripendra Dey, Vill-Patharkandi
7. Sri Luthfur Rahaman, S/O Md. Akadas Ali, Vill-Hapania
8. Sri Ratneshwar Nath, S/O Kamashwar Nath, Vill-Narainpur
9. Sri Pritu Bhusan Roy, S/O Sri Purna Chandra Roy, C/O Prasanna Choudhury P.O. Girishganj.



(S.K. Samanta)  
Telecom. District Manager  
Silchar.

Copy to :-

The A.O. Cash, O/O TDM/Silchar.



-48-

(93) 101

GOVERNMENT OF INDIA  
DEPARTMENT OF TELECOMMUNICATIONS  
OFFICE OF THE TELECOM DISTRICT MANAGER  
SILCHAR

No.E-20/Grp-D/Rectt/98

Dated at Silchar, 09-12-97.

To

The S.D.O. Telegraphs.  
Karimganj Telegraphs Sub-Division,  
Karimganj.

Sub : Casual labours (Grant of temporary status and regularisation scheme) 1989 engaged after 30-3-85 upto 22-6-88)

In pursuance of the DOT New Delhi letter No. 269-4/93-STN-II dated 17-12-93 and CGMT/Guwahati letter No. Rectt-3/10/Part-II dated 4-01-94, the following nine casual mazdoors in your Sub-Division are approved for granting of temporary status on the basis of particulars furnished by you vide your letter No.E-119/Pt.II/95-96 dt.8-12-95 & 10-7-95.

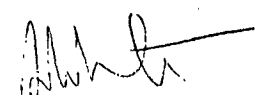
You are directed to take further action after verification of their eligibility once again on the points mentioned below :-

- (1) Age at the time of engagement.
- (2) Educational qualification upto VIII standard.
- (3) No of days worked yearwise.

After conferring the provisional approval for granting of temporary status w.e.f. 9-12-97 to the casual mazdoors mentioned below, intimation is to be given to TDM/Silchar for their place of posting which will be decided by TDM/Silchar.

List of Mazdoors approved for TSM :-


1. Sri Nripendra Ch. Das, S/O Sri Ganesh Ch. Das, Vill-Bakrihawar.
2. Sri Samsul Haque, S/O Sri Matiur Rahaman, Vill-Lattimara.
3. Sri Manindra Ch. Nath, S/O Sri Mahendra Ch. Nath, Vill-Kankalash.
4. Sri Sahabuddin Mazarbhuyan, S/O Md. Mosaraf Ali, Vill-Latimara.
5. Sri Niranjana Ch. Das, S/O Sri Sujit Ram Das, Vill-Paterakandi.
6. Sri Birendra Das, S/O Sri Kiran Ch. Das, Vill-Dakshingram.
7. Sri Dharendra Sarkar, S/O Late Raychand Sarkar, Vill-Shyamnagar.
8. Sri Dilip Nath, S/O Late Rajendra Ch. Nath, Vill-Katirail.
9. Sri Mohit Roy, S/O Late Ramcharan Roy, Vill-Umapati.

  
(S.K. Samanta)

7c Telecom. District Manager  
Silchar.

Copy to :-

The A.O. Cash, O/O TDM/Silchar.

A.A.A. 



-49- 94 102

GOVERNMENT OF INDIA  
DEPARTMENT OF TELECOMMUNICATIONS  
OFFICE OF THE TELECOM DISTRICT MANAGER  
SILCHAR

No.E-20/Grp-D/Rectt/99

Dated at Silchar, 09-12-97.

To

The S.D.O. Telegraphs.  
Hailakandi Telegraphs Sub-Division,  
Hailakandi.

Sub : Casual labours (Grant of temporary status and regularisation scheme) 1989 engaged after 30-3-85 upto 22-6-88)

In pursuance of the DOT New Delhi letter No. 269-4/93-STN-II dated 17-12-93 and CGMT/Guwahati letter No. Rectt-3/10/Part-II dated 4-01-94, the following four casual mazdoors in your Sub-Division are approved for granting of temporary status on the basis of particulars furnished by you vide your letter No.E-22/Rectt/95-96 dt.14-8-95.

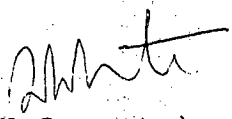
You are directed to take further action after verification of their eligibility once again on the points mentioned below :-

- (1) Age at the time of engagement.
- (2) Educational qualification upto VIII standard.
- (3) No of days worked yearwise.

After conferring the provisional approval for granting of temporary status w.e.f. 9-12-97 to the casual mazdoors mentioned below, intimation is to be given to TDM/Silchar for their place of posting which will be decided by TDM/Silchar.

List of Mazdoors approved for TSM :-

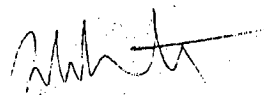
1. Sri Sashanka Kumar Das, S/O Sri Suresh Ch. Das, Vill-Katigorah.
2. Sri Amaresh Das, S/O Late Hormohan Das, Vill-Bakrihawar.
3. Sri Ashim Roy, S/O Sri Atul Ch. Roy, Vill-Matijuri.
4. Sri Arobindo Das, S/O Sri Arun Das, Vill-Sripur.

  
(S.K. Samanta)

7c Telecom. District Manager  
Silchar.

Copy to :-

The A.O. Cash, O/O TDM/Silchar.

  
Telecom. District Manager

ANNEXURE : 14

Annexure-13

CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH : GUWAHATI

ORDER SHEET

Original Application No. 141 of 1998

Applicant (s) : All India Telecom Employees Union & Another  
Vs.

Respondent (s) : U.O.I & Ors.

Advocate for Applicant (s) : B.K.Sharma, Mr. S.Sarma & Mr.  
U.K.Nair.

Advocate for Respondent(s) : C.G.S.C.

Notes of the Registry  
the Tribunal

Date

Order of

2.7.98

Heard Mr. B.K.Sharma learned counsel appearing on behalf of the applicant and Mr. S.Ali, learned Sr. C.G.S.C. for the respondents.

Application is admitted. Mr. B.K.Sharma prays for an interim order not to discontinue the services of the applicants. Mr. S.Ali has no instructions in this matter.

Issue notice to show cause why interim order as prayed for shall not be granted. Notice is returnable by 4 weeks.

Meanwhile, the casual workers shall not be disengaged and the applicants shall be allowed to continue in their services.

List it on 31.7.1998 for orders.

Member

Vice-

Chairman

4. No action is to be taken on direct reference from branch unions except when specifically ordered by Minister/Deputy Minister/Chairman, Telecom. Board/Member of the Telecom. Board.  
16-2/65-SR dated 3-8-86

5. On behalf of Unions/Associations, their General Secretaries or the holders of corresponding office or the President only should normally address the Administration. The Assistant Secretaries/Deputy General Secretaries wherever specifically authorised by their General Secretaries, may also address communications to the Administration but the references made by them should contain a clear indication that the same are being made under the authority of the General Secretary concerned.  
31-1/64-SR dated 5-4-1969

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

7. The Unions/Associations shall not espouse or support the cause of individual government servants relating to service matters. When such references are received, the Unions/Associations may be informed that they are precluded from taking up individual cases with the Administration and as such their references are being filed.  
16-2/72-SR dated 7-7-72

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

9. Creation and abolition of posts is purely an administrative matter and it is not a subject which the Union can discuss with the Administration. It is for the Department to decide whether a parti-

cular post is justified or not and it is not the function of the Union to determine the justification or otherwise of the post. Views of the Union may, however, be considered when the question is examined on merits. No correspondence will be entertained with the Union regarding creation of individual posts. The question of fixation of standards for creation of posts is a different matter and does not fall in the above category.  
16-6/65-SR dated 31-3-1965

### III. Office Bearers

1. Honourably retired Telecom. officials of any arm of service are eligible to hold office in Associations/Unions.  
17-9/59-SR dated 23-2-60 and 33-7/77-SR dated 26-12-77

2. Telecom. employees are permitted to hold office in Unions/Associations of their own arm of service and their own Circle/Division and All India Union concerned only. A class III employee can become an office bearer of a Union/Association of Class IV employees subject to the conditions that (a) the official belongs to the same arm of service and the same circle in the case of Circle Union and same Division in the case of Branch Union below Circle level and (b) the constitution of the Union of Class IV employees provides for membership of Class III employees. There is no objection to an employee holding office simultaneously in two or more branch Unions at Division/Circle and All India level provided the branches belong to his own arm of service, Circle and Division. The above restrictions shall not however apply in case of employees holding office of President/Vice President.  
17-23/73-SR dated 8-1-75

3. Prescribed facilities should not be extended to branches of Unions/Associations where any of the office bearers are non-employees (outsiders).  
17-7/74-SR dated 17-1-75 and 17-28/84-SR dated 9-10-84

### IV. Rulings on Membership

1. The right of the Unions to represent casual labour has not been conceded. But, if any grievances of casual labour covered by the recommendations of the Pay Commission are brought to notice by the Federation or Unions affiliated to it, this will be examined. However, no reply in respect of such grievances would be sent to the Federation or Unions affiliated to it.  
32-1/64-SR dated 11-8-64

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

# Trade Union Facilities

## Compilation of instructions

DOT No. 10-12/87-SRT dated 5-5-87

A compilation of instructions on trade union facilities was circulated in this office letter No. 10-7/72-SR dated the 3th June 1978. Some of the instructions have since been modified and some fresh instructions have also been issued. A need was therefore felt to make the compilation upto date to make it handy and convenient for the use of all administrative authorities. The compilation now made upto date incorporating all instructions issued up to 31st March 1987 is enclosed. Efforts have been made to incorporate all the instructions but if still omissions are there, these may be brought to the notice of the Directorate.

### I. Recognition

1. Request for recognition for Unions/Associations should be forwarded to Deptt. of Telecom for consideration.

2. As a general rule, Unions/Associations are granted recognition on All India basis i.e., the All India body is recognised. The All India Union so recognised may form branches at Circle, Divisional and local levels as provided in their constitutions. The branches so formed are entitled to get trade union facilities. No separate recognition orders are required from the Directorate for each newly opened branch.

3. If a new circle branch is formed, the concerned All India Union will inform the Directorate which will advise the Circle Head for extension of trade union facilities.

14-1/86-SRT dated 6.3.1987

4. If a new branch is formed, below circle level, the concerned circle union will intimate the fact to the circle head who will advise his divisional head/local officer incharge of the branch for extension of trade union facilities.

5. When a new branch is formed, it may not be possible for a variety of trade union reasons to send notices etc. in advance to the Administration or to publish any notice about the meeting. In such cases even if a formal notice is not issued for convening a meeting of the prospective members for forming a new branch and elections of office bearers, the intention to hold such a meeting should be communicated confidentially, if necessary, to the head of Circle/Division as the case may be. This should be done by the Circle Secretary in the case of formation of a Divisional branch and by the General Secretary in the case of Circle Branch.

6. The trade union facilities herein mentioned are admissible to the recognised Unions only.

7. The terms and conditions under which the Unions/Associations are recognised are reproduced at Annexure-I.

8. A list of recognised Unions/Associations as on 1.4.1987 is reproduced at Annexure-II. (Not published)

9. The Unions/Associations have their branches at the Circle and Divisional levels and correspondence is exchanged with these branches by the heads of Circles and Divisional officers respectively. The Federation is an All India body and it does not have branches at Circle or lower levels. Only the Federation at the Central level is authorised to coordinate the activities of Central Unions. No other coordinating committee at any other level is recognised by the Department. (21-7/67-SR dated 6-2-68 - 13-8/77-SR dated 22.12.77)

### II. Channel of Communications

1. While Government servants are free to join any Associations subject to the condition laid down in the CCS (Conduct) Rules, 1964, the Government is not supposed to enter into correspondence with the Association on their service grievances unless they have been granted recognition by the Government for this purpose. Therefore, as a rule, no correspondence should be entered into with any unrecognised Unions/Associations nor copies of their letters, etc. should be forwarded to any subordinate unit for action.

2. The All India Unions have their branches at Circle, Divisional and local levels. The Central Unions and their branches should correspond directly only with the authorities incharge of the unit they represent, i.e. a local Union should correspond only with the local authority, a Divisional Union with the Divisional authority, a Circle Union with the Head of the Circle and the Central Unions with the D.G. or the Government through the D.G.

3. Representations of the Unions are limited to the matters concerning the unit they represent, i.e. a Divisional Union should take up matter concerning the Division as a whole, the Circle Union, matters concerning the Circle as a whole and the Central Unions matters of All India interest. If a Branch Union is not satisfied with the decision or reply given by its accredited authority, the next higher branch Union may take up such matters with its accredited authorities and while doing so, the Union should clearly state that the matter was taken up initially with the lower authorities concerned and state the replies or decision received from that authority. If Central Union intends to take up the matter concerning a particular circle, it may submit a representation to the Director General but should bring about in the representation the fact that the Circle Branch Union took up the matter with the Head of the Circle and also state the reference of the same.

(STB-150-19/52-SRT dt. 28.10.52)



Besides the Chairman there shall be not more than five members on the official side to be nominated by the Chairman.

**(c) Representatives on the staff side.**

There shall not be more than 14 members on the staff side nominated by the Associations/Unions/Federations recognised for the purpose of representation on the Departmental Council.

**Note 1:** Where there are two or more Federations/Unions/Associations representing different categories of staff the Chairman shall distribute the total permissible representation of the council on the basis of the respective numerical strengths of the categories concerned.

**Note 2:** Where there are two or more Associations/Unions representing the same categories of staff, the total permissible representation shall be distributed by the Chairman on the basis of the respective membership of each Union/Association.

**Note 3:** If there has been change in the membership of the Association/Union proportional representation given could only be changed after verification of membership to be done in the manner as prescribed by the Government.

**Note 4:** Distribution of seats may also be done by the Chairman in consultation with the Associations/Unions in any other manner acceptable to Associations/Unions.

**Note 5:** For the purpose of nomination on the staff side, only those Federations/Associations/Unions will be recognised which have enjoyed recognition in the past, and which represent broadly and adequately all the categories of employees of a Department. However, in the case of a Department where there has been no recognised Federation/Association/Union in the past or where the existing Federation/Association/Union does not represent all the categories adequately, another Federation/Association/Union may be recognised.

(2) No person who is not an employee or an honourably retired employee of the Central Government shall be a member of a joint Council.

**Note:** Government may permit an ex-employee to be member of a Council after examining the merits of each individual case.

**(d) Secretaries**

The official and staff sides may each appoint its Secretary or Secretaries from amongst its representatives.

**(e) Leader**

The staff side shall elect by simple majority, one of its members as its leader, who shall hold that office for a period of one year but shall be eligible for re-election; a vacancy caused by death, retirement, resignation transfer, etc. will be filled for the unexpired term.

**6. Nomination of representatives on the staff side by recognised employees' organisations.**

(1) At the commencement of the constitution, and thereafter when occasions arise, each recognised employees' organisation which term shall include a Federation, a Confederation, an Association and a Union eligible for representation on the Council shall be intimated in form 'A' the number of members it may nominate on the Council.

(2) On receipt of intimation as in Clause (1), a recognised employees' organisation may intimate in form 'B' the names of its representatives nominated by its Executive Committee.

(3) In the event of retirement, resignation, death etc of a representative of an employees' organisation, such organisation may nominate or, in the case of retirement, re-nominate its representative in form 'C'.

(4) On receipt of intimation under Clause (2) or (3) above, as the case may be, the Chairman of the Council shall consider whether the nomination is in accordance with provisions of the scheme and inform the employees' organisation concerned.

**7. Term of Membership**

The Associations will nominate their representatives for a term of 3 years; but there will be no bar to renomination; vacancies caused by death, retirement, resignation, transfer etc. will be filled for the unexpired term.

**Note:** An Association may replace on the Council such of its representatives as have ceased to be its office bearers at annual election or by exigencies such as a vote of no confidence.

**8. Appointment of Committees**

The Council may appoint Committees from amongst its members to study and report on any matter falling within its scope.

## Local Councils

DOT No. 28-47/87-SRT dt 8-10-87

In continuation of this office letter No. 28-55/86-SRT dated the 28th August, 1987 on the above subject I am to clarify as under:-

- 1) The Staff Side will comprise of representatives of unions affiliated to NFTE and FNTD in the ratio of 5:2. Since the maximum number of Staff Side members will be 14, there shall be 10 representatives of NFTE and 4 of FNTD.
- 2) The unions concerned shall obtain the nominations to the Staff Side from the respective Federations in the form prescribed.

### Local Councils (Telegraph)

DOT No. 28-55/86-SRT dt 21-10-87

In continuation of this office letter of even No. dated the 28th August, 1987 on the above subject, it is clarified that Local Councils will be set up in all Telegraph Traffic Divisions also.

### Integration of Civil Wing

DOT No. 28-7/86-SRT dt 26-5-87

In continuation of this office letter of even No. dated the 6th March 1987, the question of increasing the number of seats in the Regional Councils in Telecom Circle due to merger of Civil Wing was under consideration. It has now been decided that the number of seats on the staff side in all Circles may be increased to 14 so as to give adequate representation to the Unions functioning in the Civil Wing. This total number of 14 seats will not be further increased on account of formation of new telephone districts or upgradation of minor districts into major districts.

### Official Side representation

DOT No. 28-7/86-SRT dt 13-10-87

A reference is invited to this office letter of even No. dated the 6th March 1987 on the above subject wherein the decision was conveyed that on the official side, the Chief Engineer concerned shall be included as a Member of the Regional Council.

2. Some circles have reported practical difficulties in getting Chief Engineers to attend the meetings of the Regional Councils. The whole matter has therefore been re-examined and it has now been decided that neither the Chief Engineer nor the Superintending Engineer on behalf of the Chief Engineer may be included as a Member of the Regional Council. The General Manager Telecom, being the administrative head, he will represent the Civil Wing staff also.

## Local Councils

### Model Constitution

Constitution of Local Councils of Telecom Board in the Department of Telecommunications under the scheme of Joint Consultative Machinery.

#### 1. Short Title

This Constitution may be called the constitution of the Local Council of District/Division/SSA/S.E. under Telecom Circle of Telecom Board in the Department of Telecommunications under the Scheme for Joint Consultative Machinery and Compulsory Arbitration for Central Government Employees.

#### 2. Application

This Constitution shall cover all the regular civil employees of the Central Government for whom the Scheme is applicable in the Telecom Board of the Department of Telecommunications and all subordinate offices and establishments under it.

#### 3. Objects

The object of the Council is to promote harmonious relations and secure the greatest measure of cooperation between the Central Government in its capacity as employer, and the general body of its employees in matters of common concern and further to increase the efficiency of the public services combined with the well being of those employed.

#### 4. Scope and Functions

The scope of the Council will include all local matters relating to conditions of service and work, welfare of the employees, and improvement of efficiency and standard of work with particular reference to local conditions.

The subjects to be discussed at the local councils should be limited to matters within the competence of the Head of Distt./Division/SSA. Individual cases will be outside the panel of the Local Council.

#### 5. Members of the Council

- (1) The Council shall consist of:
  - (a) Chairman: Head of Distt./Division
  - (b) Representatives on the official side.

categorization and submit fresh application in case continuation/applications submitted earlier are not in accordance with the above instructions.

(10) The employees working in MTNL (excluding the corporate employees) are at present DoT employees and their service conditions are governed by CCS (Conduct) Rules. They will be taken as a part of DoT employees for forming the unions.

15

Letter No. 13-1/85-SRT (Vol. II), dated 30-5-1994

### Clarifications for forming service Unions/Associations under CCS (Recognition of Service Associations) Rules, 1993

I am directed to invite your kind attention to DoT, OM of even number, dated 19-4-1994, (vide *Sl. No. 14 above*) in which the various employees of the Department have been categorized for the purpose of forming service unions/associations.

2. References have been received from some of the units as also the service unions seeking clarification on some of the points regarding categorization referred to above. The same are clarified as under for your information, guidance and necessary action.

**Point 1.**—Whether the CCS (RSA) Rules, 1993, apply to industrial workers of Telecom Factories/Telecom Stores, etc.

**Clarification.**—No. The CCS (RSA) Rules do not apply to the industrial employees of Telecom Factories/Telecom Stores, etc. However, these rules apply to the non-industrial employees of these units and such employees are entitled to form a union along with Telecom Group 'C'/'D' employees referred to in items 6 (1) and 6 (2) of this office OM, dated 19-4-1994, cited above.

**Point 2.**—Whether the Stenographers can form a separate union exclusively in terms of the OM, dated 19-4-1994.

**Clarification.**—No. The Stenographers posted in the SSA Units/Telegraph Traffic Divisions are eligible to form a union along with Telecom Grade 'C' employees referred to in item 6 (2) of the OM, dated 19-4-1994. Stenographers/PAs including Senior PAs posted in Circle Headquarters Offices of the Telecom Circles can form a union along with administrative office employees referred to in item 6 (4) of the OM. The Stenographers/PAs working in the Civil Wing/WPC Wing would form a union along with the Civil Wing/WPC employees referred to in items 6 (5) and 6 (7) of the OM.

**Point 3.**—Whether all the employees working in the Telecom Circle Headquarters Office would form a union of administrative office employees referred to in item 6 (4).

**Clarification.**—Yes. However, this will exclude JTOs, ASTTs and other employees of the Civil Wing, etc., who are frequently transferable from the

Annexure

Circle Headquarters Office and will include Telecom Accounts Clerks posted in these offices.

16

O.M. No. 13-1/85-SRT (Vol. IV), dated 15-2-1995

### Categorization of Group 'C'/Group 'D' employees for the purpose of forming service unions/associations under CCS (RSA) Rules, 1993, in Department of Telecom

A few staff federations and the service unions had desired that the issue of categorization of employees vide this office OM of even number, dated 19-4-1994 (*copy enclosed*) may be reconsidered.

2. Taking note of the demand of the service unions, to mention a few, All India Telecom Stenographers Association, National Union of Telecom Engineering Employees, Line Staff and Group 'D' Bhartiya Telecom Technicians' Union, Telecom Accounts Association, NFTE, the above issue has been reconsidered by this office. It has been observed that the categorization as decided vide OM, dated 19-4-1994, and the clarificatory orders issued by this office subsequent thereto is in order and does not require any further modification. The proposal of forming an exclusive union by the Stenographers/PAs and Telecom Technicians has not been agreed to. As already clarified vide this Office Letter No. 36-4/94-SRT, dated 14-9-1994, the Stenographers working in Telecom Circles including Senior PAs would form the union along with the Administrative Office employees referred to as item 4 of Para. 6 of the OM, dated 19-4-1994. The Telecom Technicians would form the service union along with the other Group 'C' employees referred to under item 2 of Para. 6 of the OM, dated 19-4-1994.

3. Taking the above aspects into account, the list of categories and the details of employees covered by each category is enclosed for information of all concerned. The recognition of applicant service unions whose applications have been received within the stipulated date, viz., 21-1-1995, would be considered as per this categorization.

### LIST OF CATEGORIES CONSTITUTED

Sl. No.	Name of category	Details of employees covered in the category
1.	Line Staff and Group 'D' employees	Line Staff such as Linemen, SIs, LIs, Regular Mazdoors and Group 'D' employees of Telecom Engineering, non-industrial Group 'D' employees of Telecom Factories, Telegraph Traffic, Accounts Wings of the Department excluding the Group 'D' employees working in Circle Headquarters Offices, Civil Wing and WPC/Monitoring Organization who are since included in other categories, viz., category Nos. 4, 5 and 7 respectively.
2.	Telecom Group 'C' employees	All Group 'C' employees of the Telecom Engineering, Telecom Factories (non-industrial employees), Telegraph Traffic and the Telecom Accounts Wings excluding



**Clarification.**— No. The Stenographers posted in the SSA Units/Telegraph Traffic Divisions are eligible to form a union along with Telecom Grade 'C' employees referred to in Item 6 (2) of the OM, dated 19-4-1994. Stenographers/PAs including Senior PAs posted in Circle Headquarters Offices of the Telecom Circles can form a union along with administrative office employees referred to in Item 6 (4) of the OM. The Stenographers/PAs working in the Civil Wing/WPC Wing would form a union along with the Civil Wing/WPC employees referred to in Items 6 (5) and 6 (7) of the OM.

**Point 3.**— Whether all the employees working in the Telecom Circle Headquarters Office would form a union of administrative office employees referred to in Item 6 (4).

**Clarification.**— Yes. However, this will exclude JTOs, ASTTs and other employees of the Civil Wing, etc., who are frequently transferable from the Circle Headquarters Office and will include Telecom Accounts Clerks posted in these offices.

O.M. No. 13-1/85-SRT (Vol. IV), dated 15-2-1995.

#### Categorization of Group 'C'/Group 'D' employees for the purpose of forming service unions/associations under CCS (RSA) Rules, 1993, in Department of Telecom

A few staff federations and the service unions had desired that the issue of categorization of employees *vide* this office OM of even number, dated 19-4-1994 (copy enclosed) may be reconsidered.

2. Taking note of the demand of the service unions, to mention a few, All India Telecom Stenographers Association, National Union of Telecom Engineering Employees, Line Staff and Group 'D' Bharatiya Telecom Technicians' Union, Telecom Accounts Association, NFTE, the above issue has been re-considered by this office. It has been observed that the categorization as decided *vide* OM, dated 19-4-1994, and the clarificatory orders issued by this office subsequent thereto is in order and does not require any further modification. The proposal of forming an exclusive union by the Stenographers/PAs and Telecom Technicians has not been agreed to. As already clarified *vide* this Office Letter No. 36-4/94-SRT, dated 14-9-1994, the Stenographers working in Telecom Circles including Senior PAs would form the union along with the Administrative Office employees referred to as Item 4 of Para. 6 of the OM, dated 19-4-1994. The Telecom Technicians would form the service union along with the other Group 'C' employees referred to under Item 2 of Para. 6 of the OM, dated 19-4-1994.

3. Taking the above aspects into account, the list of categories and the details of employees covered by each category is enclosed for information of

all concerned. The recognition of applicant service unions whose applications have been received within the stipulated date, viz., 21-1-1995, would be considered as per this categorization.

#### LIST OF CATEGORIES CONSTITUTED

Sl. No.	Name of category	Details of employees covered in the category
1.	Line Staff and Group 'D' employees	Line Staff such as Linemen, SIs, LIs, Regular Mazdoors and Group 'D' employees of Telecom Engineering, non-Industrial Group 'D' employees of Telecom Factories, Telegraph Traffic, Accounts Wings of the Department excluding the Group 'D' employees working in Circle Headquarters Offices, Civil Wing and WPC/Monitoring Organization who are since included in other categories, viz., category Nos. 4, 5 and 7 respectively.
2.	Telecom Group 'C' employees	All Group 'C' employees of the Telecom Engineering, Telecom Factories (non-industrial employees), Telegraph Traffic and the Telecom Accounts Wings excluding Group 'C' employees working in the Circle Headquarters Offices, JTOs, JEs, (Civil), Group 'C' employees of the Civil Wing and WPC/Monitoring Organization who are since covered under category Nos. 4, 3, 5, 6 and 7 respectively. Junior Accounts Officers are also excluded. They are categorized with Group 'B' Officers of the Accounts Officers Association.
3.	JTOs	JTOs including Telegraph Assistant Superintendents of Telegraph Traffic who have since been merged with JTOs.
4.	Administrative Office employees	Group 'C'/'D' employees posted in the Circle Headquarters who are not transferable outside the Circle Headquarters. This category would also include Senior PAs/PAs/Stenographers posted in the SSAs and the Circle Headquarters Offices.
5.	Telecom Civil Wing Non-Gazetted Staff	All Group 'C'/'D' employees of the Civil Wing (Electrical, Civil, Architect Disciplines) excluding JEs who are since covered under category No. 6.



Sl. No.	Name of category	Details of employees covered in the category
6.	JEs of Civil Wing	This category would cover JEs in all the 3 disciplines of the Civil Wing, i.e., Civil, Electrical, Architect.
7.	Non-Gazetted Staff of WPC and Monitoring Organization	All Group 'C'/'D' employees of the WPC and Monitoring Organization of the Department.

## ENCLOSURE

G.I., Dept. of Telecom, O.M. No. 13-1/85-SRT (Vol. II), dated 19-4-1994

Not reproduced — See Sl. No. 15 above

18

Letter No. 6-1/97-SR (Pt.), dated 22-7-1997

### Categorization of employees for forming Service Unions in Administrative Employees' Union

Attention of Service Unions and others concerned is invited to this Office Memo No. 13-1/85-SRT (Vol. IV), dated 15-2-1995 and No. 6-1/97-SR, dated 3-6-1997 on the subject noted above.

2. A question has now been raised whether (i) the Telecom Accounts Clerks working as Precheckers in SSAs are part of Circle Office staff for the purpose of forming Unions in the category of Administrative Employees' Union and to be included in the Administrative Offices Employees' Union category.

(ii) Whether the Telecom Accounts Clerks posted in Telecom Circle Headquarters Office would form a Union in the category of Administrative Office Employees' Unions.

3. The matter has been examined and after a careful consideration, it is clarified that both the categories of staff mentioned at (i) and (ii) of the preceding paras. above would be eligible for forming service Unions in the category of Administrative-Office Employees' Union. Consequently, the wording Group 'C' employees posted in Circle Headquarters who are not transferable outside the Circle Headquarters mentioned against Item 4 of this office Letter No. 13-1/85 SR (Vol. IV), dated 15-2-1995 (Serial No. 17 above) reiterated vide Letter No. 6-1/97 SR, dated 3-6-1997 would include the Telecom Accounts Clerk posted in Telecom Circle Headquarters and who are not transferable outside the Circle Headquarters.

## E. ORDERS FROM DEPARTMENT OF POSTS

19

Letter No. 13-1/93-SR, dated 10-8-1994

### Defining categories of employees for the purpose of CCS (Recognition of Service Associations) Rules

The undersigned is directed to refer to Postal Directorate's letter of even number, dated 25-2-1994, on the above subject and to say that the issue to define distinct categories of employees for the purpose of forming Service Associations has been under consideration for some time and it has now been decided to define the categories of employees as under—

(a) *Group 'C' Staff.*— It has been decided that all the Group 'C' staff of Postal and Circle Administrative Offices may be brought under this category. After the introduction of TBOP/BCR in the Circle Offices, the services of Postal Staff and Administrative Staff have been made interchangeable and, therefore, it is suggested to make one Category of Postal and Administration Wings of the Department.

(b) *Group 'C' (RMS).*— The Group 'C' staff working in RMS will be under this category.

(c) *Group 'D' Postal and Administrative Staff.*— This group will include all Group 'D' employees including Postmen and Group 'D' employees of Administrative Wing of the Department.

(d) *Group 'D' (RMS).*— This group will include all the Group 'D' employees of the RMS Wing of the Department.

(e) *IPO/IRM Association.*— This group will include IPOs/ASPOs and IRMs/ASRMs.

(f) *Postal Civil Wing, Non-Gazetted staff.*— This group shall cover both Groups 'C' and 'D' employees of the Civil Wing (Electrical, Civil, Architects) including the Juniors Engineers.

(g) *Postal Accounts Employees.*— This group shall cover all the employees posted in the Postal Accounts Wing, Department of Posts. Hitherto these employees were allowed to become members of Administrative unions. As it has been decided not to allow separate Associations for Administrative Staff, the Postal Accounts Employees' Association may represent this category of staff and they would not be allowed to become members of Group 'C' Association.

It may be added that presently there is no separate Association for JAOs and they can become member of Postal Accounts Employees' Association. They will continue to be covered under this group.

\* See also letter, dated 29-11-1995 — Sl. No. 22.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH

Original Application No.107 of 1998 and others

Date of decision: This the 31st day of August 1999

The Hon'ble Mr 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 Advocates 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-

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

SL



5. O.A.No.120/1998

Shri Kamala Kanta Das and 6 others

.....Applicant

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 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.  
O.A.No.135/98

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.  
.....

*SL*

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, 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. C.G.S.C.

.....

Collected from 644/64  
from the C.A.T./64  
on 22/10/99.  
W.S.

SL

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, Mr S. Sarma  
and Mr D.K. Sarma.

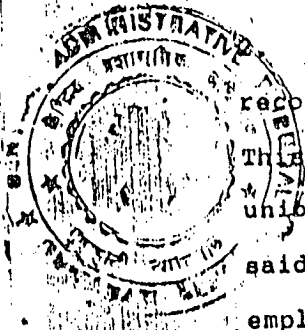
-versus-

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

.....  
O R D E R

BARUAH.J. (V.C.)

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



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 applications were submitted by the said union, namely, the Line Staff and Group 'D' employees and some other applications 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

883

benefits of the Scheme, namely, Casual Labourers (Grant of Temporary Status and Regularisation) Scheme of 7.11.1989, to the casual Mazdoors concerned. Of the aforesaid 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 service 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 in their service in different offices of the Department of Telecommunication under Assam Circle and N.E. Circle. The Government 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 7.11.1989 and it came into operation with effect from 1.10.1989. Certain casual employees had been given benefit 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 DA 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, these casual labourers who were engaged as on 29.11.1989 were granted the benefit of temporary status on satisfying the eligibility criteria. The benefits were further extended



82

-63-

to the casual labourers of the Department of Posts as on 10.9.1993 pursuant to the judgment of the En. Kulam Bench of the Tribunal passed on 13.3.1995 in O. No.750/1994. The present applicants claim that the benefit 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 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.

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

Xb

-64-7:

1085

114

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 servants are not eligible to become members or office bearers of 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 into 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 entitled to re-engagement or regularisation and they cannot 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



and conditions made therein



-65-

Tribunal dated 13.8.1997 passed in O.A.Nos.302 and 229 on 13.8.1997. The applicants does not dispute the fact that against the order of the Tribunal dated 13.8.1997 passed in O.A.Nos.302 and 229 of 1996 the respondents have filed writ applications 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 Addl. 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 upto 1989 and then extended upto 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 counsel for the applicants also submit that the respondents cannot 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



66-

: 9 :

definite conclusion. We, therefore, feel that the matter should be re-examined by the respondents themselves taking into 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 scrutinize and examine each case in consultation with the records and thereafter pass a reasoned order on merits of each case within a period of six months thereafter. The interim order passed in any of the cases shall remain in force till the disposal of the representations.



9. No order as to costs.

BY/- [Signature]  
SD/- [Signature]

TRUE COPY

অসিদ্ধ

[Signature]  
22/10/99

Section Officer (A)  
Central Administrative Tribunal  
Guwahati Bench, Guwahati-6  
Assam

[Signature]  
22/10/99

-67-

(I/C) 108 116

D.O.No.Estt-9/12/PART-1/23

Government of India,  
Deptt.of Telecommunications  
O/O the Chief General Manager,  
Assam Telecom.Circle,  
Guwahati- 781007.

Dated the 28th March, 2000.

My dear Sir,

A list of casual Mazdoors working as on 1.8.98 was forwarded by your office for granting temporary status as per scheme pronounced by Telecom.Directorate in its letter no.269-10/9-STN dated 7.11.89 (copy enclosed). The names of casual mazdoors recommended by your SSA are given in Annexure "A". However, it is observed that apart from these names, additional numbers of Casual Mazdoors have approached Hon'ble CAT from your SSA for granting of Temporary Status to them. (As enclosed Annexure B).

2. The Hon'ble CAT has directed that the matter be sorted out by making detailed scrutiny and examination in consultation with the records and a speaking order be passed in every case individually. For this purpose, it is required that a committee comprising 3 members be constituted by you out of which one member shall be a nominee of Circle Office while 2nd member would be DE(P&A) of your SSA and 3rd member should be Accounts Officer from Finance side of your SSA. Mr. Sanwar Das, SDE(RRC)..... of Circle Office is hereby nominated as member for the aforeside committee for your SSA. The above mentioned committee should be constituted immediately so that it completes its task by 30.4.2000 positively.

3. Broad Terms of reference of the committee should be as under.

i) The committee shall interview all casual labourers appearing in Annexure A and B above and obtain their photograph (duly attested by the committee) as well as signatures.

ii) The engagement/payment record of each labourer shall be verified on the basis of payment particulars and signatures of labourers.

iii) A list of Mazdoors eligible for grant of Temporary Status should be prepared on the basis of guidelines for granting temporary status to Casual Mazdoors issued by Deptt.of Telecom vide letter no.269-10/89-STN dtd.7.11.89 and subsequent letter no.269-4/93-STN II dtd.17.12.93 and also 269-4/93-STN II dtd.12.02.99 and 269-4/93-STN II(Pt) dt.13.2.2000 (copy enclosed).

Contd...P/2..

By hand Through  
Asst. Malakian S.4.2000  
5/4/2000

iv) Further Directorate vide letter no. 271-85/97-STN-  
 dt. 17.2.1998 (copy attached) observed that no casual labourer  
 were being engaged on the basis of false certificates for attend-  
 ance. Needless to mention the verification of records by the  
 committee should be done strictly on the basis of authentic  
 documents. The committee should verify the number of casual la-  
 bourers without temporary status who have completed 240 days in  
 any preceding year and were in service as on 01.08.1998 as per  
 following details.

Period of Recruitment

- A. upto 30.3.1985
- B. Between 31.3.1985 to 22.06.88
- C. From 23.06.1988 to 01.08.1998.

The details of each casual labourer should be recorded  
 separately in the format attached herewith as Annexure C (Page-1  
 and Page-2). More sheets can be attached if needed but recording  
 of details has to be individually for each casual labourer.

vi) The committee shall submit the report to the SSA Head  
 declaring TSM to eligible Mazdoor subject to number authorised by  
 Directorate. In respect of non-eligible mazdoors and the ones who  
 have gone to the court, the speaking orders in their disengage-  
 ment/non-commitment of TSM status should be passed by each SSA  
 head and delivered to him through Registered letter/under re-  
 ceipt.

In this connection please note that any delay in decid-  
 ing the representations of each individual labourer may attract  
 contempt of the court's proceedings.

vii) The above instructions and term of reference are being  
 issued with the specific approval of CGMT Assam Telecom circle.

It is requested that the necessary action may kindly be  
 initiated so as to complete the task positively before 30.4.2000.  
 In case of any queries please write to and call the  
 under-signed on 540167(0) / 524524(R).

With kind regards

Shri. G. B. Mohi  
 General Manager,  
 Telecom District Manager,  
 Dy. General Manager (Admn)  
 (Majesh Shukla)

contd...P/3...

-69-

109

117

Copy to:

1. CGMT(Task Force),GH
2. Director( Mtce ),ETR,GH.
3. S.E.(Civil),HQ,Guwahati.

! They are also requested to  
! constitute committees for  
! verifying the records of each  
! casual labourer as above and  
! prepare list of eligible C/M  
! for conferment of TSM. The list  
! duly recommended may be for-  
! warded to the respective head  
! of SSA for conferment of TSM.

! He is requested to forward  
! the verification finding  
! report to C.O.,Guwahati for  
! conferment of TSM.

for C.G.M.T.Assam Circle.  
Guwahati-781 007.



*For kind attn of DGM(A)*  
GOVERNMENT OF INDIA  
DEPARTMENT OF TELECOMMUNICATIONS  
OFFICE OF THE GENERAL MANAGER TELECOM  
SILCHAR SSA :: SILCHAR

110 118  
Annexure-19

No. E-20/Scrutiny/CM/02

70  
Dated at Silchar, the 12-04-2000

A committee comprising of the following members has been constituted in accordance with the instruction contained in D.O. No. Estt-9/12/PART-1/23 dated, the 28<sup>th</sup> March'2000 from DGM (Admn), O/O the CGMT, Assam Circle, Guwahati, for detailed scrutiny of records of Casual Mazdoors working as on 01-08-98 recommended by SSA & those who approached to Hon'ble CAT/Guwahati in various Court Cases for granting temporary status.

- |   |   |         |
|---|---|---------|
| 1. Sri I.R. Paul, DE (P&A), O/O the GMT/Silchar             | - | Member. |
| 2. Sri M.R. Choudhury, Sr. A.O. (Cash), O/O the GMT/Silchar | - | Member. |
| 3. Sri Sankar Das, SDE (RRC), O/O the CGMT/Guwahati         | - | Member. |

With a view to completing the task by 30-04-2000 all the members are requested to coordinate each other and proceed with the task expeditiously.

*DSB*  
12/4/00  
(Daya Shankar)  
Deputy General Manager (O&P)  
O/O the General Manager Telecom  
Silchar SSA : Silchar.

Copy to: -

1. CGMT, Assam Circle, Guwahati.
2. Sri Mahesh Sukla, DGM (Admn), O/O the CGMT/GH. He is requested to arrange release of Sri Sankar Das, SDE (RRC) immediately.
3. Sri I.R. Paul, DE (P&A), O/O the GMT/Silchar.
4. CAO, O/O the GMT/Silchar.
5. Sri M.R. Choudhury, Sr. A.O. (Cash), O/O the GMT/Silchar.
6. Sri Sankar Das, SDE (RRC), O/O the CGMT/Guwahati.
7. Office Copy.

*DSB*  
12/4/00  
(Daya Shankar)  
Deputy General Manager (O&P)  
O/O the General Manager Telecom  
Silchar SSA : Silchar.

(11)

PHOTO  
TO BE S  
BY THE C  
MAZDOO  
PRESENT  
TH  
C



71  
Verification of records of Casual Labourers in Assam Telecom Circle.

Ref: Hon'ble CAT Guwahati bench decision dtd. 31-08-99.

1. NAME OF THE APPLICANT  
CASUAL MAZDOOR
2. O/A NO. IF THE LABOURER HAS  
GONE TO COURT
3. FATHER'S NAME AND ADDRESS
4. DATE OF BIRTH
5. AGE AS ON 01-08-1998
6. DATE OF INITIAL ENGAGEMENT  
MODE OF SELECTION (THROUGH  
EMPLOYMENT EXCHANGE OR  
ANY OTHER  
METHOD
7. NATURE OF DUTY PERFORMED
8. PRESENT STATUS OF THE  
MAZDOOR
9. SPECIMEN SIGNATURE OF THE  
MAZDOOR
10. ENGAGEMENT PARTICULARS  
FROM THE DATE OF INITIAL  
ENGAGEMENT (as per  
attached sheet) TILL 01-08-98
11. RECOMMENDATION OF THE  
COMMITTEE WHETHER CASUAL  
LABOUR SHOULD BE GRANTED  
TEMPORARY STATUS OR NOT  
KEEPING IN VIEW GIDE LINE
12. RECOMMENDATION OF THE SSA  
HEAD/UNIT

SRI SASHANKA KR. DAS

141198

O/o the G.M.  
SILCHAR-7A

SM. Suresh ch. Das  
P.O. 2 NIKH - Kati'gorah  
Mkt - Cachin

- 30 - 09 - 1968

29 yrs. 10 months 02 days

03 - 11 - 1987

Engaged locally

Helper to the line staff for anti  
construction of telecom. outdoor,  
Not in work.

Sashanka K. Das.

Separate sheet attached.

Not recommended for grant  
Temporary status

Not recommended

*[Signature]*

General Manager Telecom  
SILCHAR

12/6

9/6/2000  
RVE/RN/22/414  
Circle Office member

manually  
On AO/SSA  
(cash) 9/6/2000

Shan  
9/6  
DE (P&A)/SSA  
DE (P&A)

SASHANKA KUMAR DAS

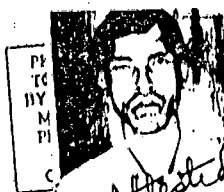
SIGNATURE OF THE COMMITTEE MEMBERS

M. R. Choudhury 9/6/21  
(M.R. Choudhury)  
A. C. Cash

Sup D.  
(I.R. Paul)  
D.E. (P&A)  
P.O. Box 671715







(114)  
122

don of records of Casual Labourers in Assam Telecom Circle.  
Hon'ble CAT Guwahati bench decision dtd. 31-08-99.

(43)

1. NAME OF THE APPLICANT  
CASUAL MAZDOOR
2. O/A NO. IF THE LABOURER HAS  
GONE TO COURT
3. FATHER'S NAME AND ADDRESS
4. DATE OF BIRTH
5. AGE AS ON 01-08-1998
6. DATE OF INITIAL ENGAGEMENT  
MODE OF SELECTION (THROUGH  
EMPLOYMENT EXCHANGE OR  
ANY OTHER  
METHOD
7. NATURE OF DUTY PERFORMED
8. PRESENT STATUS OF THE  
MAZDOOR
9. SPECIMEN SIGNATURE OF THE  
MAZDOOR
10. ENGAGEMENT PARTICULARS  
FROM THE DATE OF INITIAL  
ENGAGEMENT (as per  
attached sheet) TILL 01-08-98
11. RECOMMENDATION OF THE  
COMMITTEE WHETHER CASUAL  
LABOUR SHOULD BE GRANTED  
TEMPORARY STATUS OR NOT  
KEEPING IN VIEW GIDE LINE
12. RECOMMENDATION OF THE SSA  
HEAD/UNIT

SRI AMORESH DAS.

141/98

late Itarmahar Das  
Vill - Belini Itanwar Ph-7  
PO - Kalingpur, PS - Nagaon  
Mkt - Cachin

01-01-1965

33 yrs. 7 months - day.  
23-09-1991

Engaged locally.

Helper to the linestaff for Constr  
and maintenance of Telework

Not in work.

Amresh Das

Separate sheet attached.

Not recommended for grant  
temporary status.

Not recommended

From 13/6

General Manager Telecom  
SILCHAR

Signature of Circle Office member  
8/8/98/418  
Circle Office member

Signature of AO/SSA  
(copy) 9/6/98

Signature of DE (P&A)/SSA  
9/6/98



4-76-  
ANNEX

NAME OF THE APPLICANT: Sri AMARESH DAS  
NATURAL MAZDOOR

[illegible]

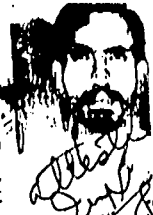
SIGNATURE OF THE COMMITTEE MEMBERS:

(M.R. Choudhury)  
 Sr. A.O. Cash  
 O/O the GMT/SC

*[Signature]*  
 (I.R. Paul) 9/6/61  
 D.E. (P&A)  
 O/O the GMT/Sc

30

PH  
TO  
BY  
MA  
PR  
CC



Ojo the G. H. T. H. R. S. T. SILCHAR

Verification of records of Casual Labourers in Assam Telecom Circle.

Ref: Hon'ble CAT Guwahati bench decision dtd. 31-08-99.

1. NAME OF THE APPLICANT CASUAL MAZDOOR
2. O/A NO. IF THE LABOURER HAS GONE TO COURT
3. FATHER'S NAME AND ADDRESS
4. DATE OF BIRTH
5. AGE AS ON 01-08-1998
6. DATE OF INITIAL ENGAGEMENT MODE OF SELECTION (THROUGH EMPLOYMENT EXCHANGE OR ANY OTHER METHOD)
7. NATURE OF DUTY PERFORMED
8. PRESENT STATUS OF THE MAZDOOR
9. SPECIMEN SIGNATURE OF THE MAZDOOR
10. ENGAGEMENT PARTICULARS FROM THE DATE OF INITIAL ENGAGEMENT (as per attached sheet) TILL 01-08-98
11. RECOMMENDATION OF THE COMMITTEE WHETHER CASUAL LABOUR SHOULD BE GRANTED TEMPORARY STATUS OR NOT KEEPING IN VIEW GIDE LINE
12. RECOMMENDATION OF THE SSA HEAD/UNIT

MD. SAHABUDDIN.  
(MAZAR B. HUIYA)

14/98

late Nazarat Ali Nazam Bhuiya  
PO & VILL - Lohimura, PS - Kakhora  
Ward - Cachin

05-05-1968

30 yrs. 02 months 27 days

01-04-1992

Engaged locally.

Helper to the line staff for  
construction of Telecom. outd  
plants.

→ Not in work.

- Sahabuddin Mazhar

Separate sheet attached.

Not recommended for permanent  
status.

Not recommended

13/6

General Manager Telecom  
SILCHAR

stetano  
2002/RR-2/14  
Circle Office member

manually  
10/SSA  
(cash) 11/6/24

DE (P&A)/SSA  
9

118

78 -

*David*  
P(R&A)/SSA

(Sankar Das)  
SDE(RRC/GH)

M.R. Choudhury  
Sr. A.O. Cash

*Eng. D.*  
~~(L.R. Paul)~~ 9/6/  
D.E. (P&A)

NAME OF THE APPLICANT: SAHAB UDDIN MAZAREHI  
CASUAL MAZDOOR

SSA

Ling D  
 (I.R. Phil)  
 D.E. (P&A)  
 O/O the CMT/Sc

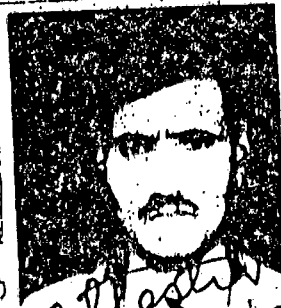
-80-

**ANNEXURE "C" (Page - 1)**

Location of records of Casual Labourers in Assam Telecom Circle.

Ref: Hon'ble CAT Guwahati bench decision dtd. 31-08-99.

PHC  
TO:  
BY T  
MA  
PRI  
CO



(29)

1. NAME OF THE APPLICANT CASUAL MAZDOOR : MD. SAMSUL HAQUE
2. O/A NO. IF THE LABOURER HAS GONE TO COURT : 141/98
3. FATHER'S NAME AND ADDRESS : Md. Motinur Rahimani  
por villa - Bahimara, PS - Katiqorah.  
Dist - Cachar
4. DATE OF BIRTH : 12-03-1968
5. AGE AS ON 01-08-1998 : 30 yrs. 4 months 20 days
6. DATE OF INITIAL ENGAGEMENT : 01-03-1991
- MODE OF SELECTION (THROUGH EMPLOYMENT EXCHANGE OR ANY OTHER METHOD) : Engaged locally
7. NATURE OF DUTY PERFORMED : Helper to the line staff for  
mtch & construction of telecom  
outdoor plants.
8. PRESENT STATUS OF THE MAZDOOR : Not in work.
9. SPECIMEN SIGNATURE OF THE MAZDOOR : *Samsul Haque*
10. ENGAGEMENT PARTICULARS FROM THE DATE OF INITIAL ENGAGEMENT (as per attached sheet) TILL 01-08-98 : Separate sheet attached.
11. RECOMMENDATION OF THE COMMITTEE WHETHER CASUAL LABOUR SHOULD BE GRANTED TEMPORARY STATUS OR NOT KEEPING IN VIEW GIDE LINE : Not recommended for granting temporary status.
12. RECOMMENDATION OF THE SSA HEAD/UNIT : Not recommended

*[Signature]*  
General Manager Telecom  
SILCHAR

*[Signature]*  
9/6/2000  
2003/2202/44  
Circle Office member

*[Signature]*  
AO/SSA  
9/6/2000

*[Signature]*  
9/6/2000  
DE (P&A)/SSA  
8/20



-8/-  
ANNEXURE "C" (Page-2)121  
129NAME OF THE APPLICANT : SAMSUL HAQUE  
CASUAL MAZDOOR

YEAR	Month	No of days	MODE OF PAYMENT I.e. MASTER ROLL / ACG-17. PARTICULARS I.e. VOUCHER NO3.	AMOUNT	ENGAGED BY WHOM	BILLING/ PASSING AUTHORITY	NAN A.O. HAS
1991	March	28	MR. <u>VR. 39</u> <u>A/C NO. 48</u>	1001.00	SDOT/KRM	DET/SC	A.O.G.
	April	18	MR. <u>VR. 14</u> <u>A/C NO. -</u>	644.00	"	"	"
	June	13	ACG-17 <u>VR. 5</u> <u>A/C NO. 13</u>	455.00	"	"	"
	June	12	ACG-17 <u>VR. 6</u> <u>A/C NO. 16</u>	420.00	"	"	"
	Oct.	15	M/R <u>VR. 4</u> <u>A/C NO. -</u>	566.00	"	"	"
1992	March	14	M/R <u>VR. 10</u> <u>A/C NO. -</u>	560.00	"	"	"
	May	1	ACG-17 <u>VR. 3</u> <u>A/C NO. 12</u>	35.00	"	"	"
	"	1	ACG-17 <u>VR. 7</u> <u>A/C NO. 12</u>	35.00	"	"	"
	June	9	ACG-17 <u>VR. 23</u> <u>A/C NO. 12</u>	360.00	"	"	"
	Dec.	18	ACG-17 <u>VR. 3(23)</u> <u>A/C NO. 36</u>	720.00	"	"	"
1993	Dec.	21	ACG-17 <u>VR. 42</u> <u>A/C NO. 35</u>	945.00	"	TDE/SC	"
1994	April	23	ACG-17 <u>VR. 19</u> <u>A/C NO. 4</u>	1035.00	"	"	"
1994	DEC.	28	ACG-17 <u>VR. 41</u> <u>A/C NO. 10</u>	1260.00	SDOP/KRM	"	"
1995	March	11	MR. 18385/3	550.00	SDOT/KRM	"	"
1995	Nov.	22	ACG-17 <u>VR. 28</u> <u>A/C NO. 12</u>	990.00	SDOP/KRM	"	"

SIGNATURE OF THE COMMITTEE MEMBERS:

Contd. to Page 2

Sup P  
(12/11/11) 9/16



123

-83-

9/6/2022  
Das)

M. R. Choudhury 9/6/2K  
(M.R. Choudhury)

(T.R. Paul)  
 D.H. (P&A) 91

Verification of records of Casual Labourers in Assam Telecom Circle.

Ref: Hon'ble CAT Guwahati bench decision dtd. 31-08-99.



D. N. Nath  
O/o the G.M. Telecom  
SILCHAR-788001.

1. NAME OF THE APPLICANT CASUAL MAZDOOR : SRI DILIP NATH.
2. O/A NO. IF THE LABOURER HAS GONE TO COURT : 141/98
3. FATHER'S NAME AND ADDRESS : Late. Rajendra Ch. Nath.  
Vill - Mahampur, PO - Ketigora  
Mkt - Cachar.
4. DATE OF BIRTH : 30-11-1969
5. AGE AS ON 01-08-1998 : 28 yrs. 8 months 02 days
6. DATE OF INITIAL ENGAGEMENT MODE OF SELECTION (THROUGH EMPLOYMENT EXCHANGE OR ANY OTHER METHOD : 01-12-1988  
Engaged locally.
7. NATURE OF DUTY PERFORMED : Helper to the line staffs for construction of Telecom. outdoors.
8. PRESENT STATUS OF THE MAZDOOR : Not in work.
9. SPECIMEN SIGNATURE OF THE MAZDOOR : - Dilip K. Nath
10. ENGAGEMENT PARTICULARS FROM THE DATE OF INITIAL ENGAGEMENT (as per attached sheet) TILL 01-08-98 : Separate sheet attached
11. RECOMMENDATION OF THE COMMITTEE WHETHER CASUAL LABOUR SHOULD BE GRANTED TEMPORARY STATUS OR NOT KEEPING IN VIEW GIDE LINE : Not recommended for temporary status.  
Not recommended
12. RECOMMENDATION OF THE SSA HEAD/UNIT :   
General Manager Telecom  
SILCHAR

Circle Office member

AO/SSA  
(any) 9/6/21

DE (P&A)/SSA

125  
13

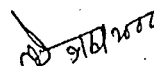
- 85 -  
ANNEXURE "C" (Page-2)  
ENGAGEMENT PARTICULARS FROM THE DATE OF INITIAL ENGAGEMENT

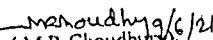
NAME OF THE APPLICANT : DILIP NATH  
CASUAL MAZDOOR

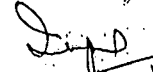
Page 1

YEAR	Month	No of days	MODE OF PAYMENT I.e. MASTER ROLL / AGO-17 PARTICULARS I.e. VOUCHER NOS.	AMOUNT	ENGAGED BY WHOM.	BILLING/ PASSING AUTHORITY	NAME OF A.O. WH HAS PAID
1988	Dec.	30	ACG-17 Vr. 29 A/c No. 36	972.00	S.D. T/ KRM	DE-7/SC	A.O. Choudhury
1989	Jan.	27	ACG-17 Vr. 27(9) A/c No. 42	830.25	"	"	"
	Feb.	24	ACG-17 Vr. 14 A/c No. 46	738.00	"	"	"
	March	26	ACG-17 Vr. 21(15) A/c No. 1	799.50	"	"	"
	July	30	ACG-17 Vr. 18 A/c No. 17	967.50	"	"	"
1991	May	14	ACG-17 Vr. No. 5	529.00	"	"	"
	June	13	ACG-17 Vr. 18 A/c No. 13	455.00	"	"	"
	"	12	ACG-17 Vr. 4 A/c No. 16	420.00	"	"	"
	July	12	ACG-17 Vr. 25 A/c No. 14	453.00	"	"	"
	"	13	ACG-17 Vr. 8 A/c No. 18	390.00	"	"	"
	Sept.	15	ACG-17 Vr. 16	566.00	"	"	"
	Oct.	15	ACG-17 Vr. 10 A/c No. 27	566.00	"	"	"
	Oct.	16	ACG-17 Vr. 32 A/c No. 27	640.00	"	"	"
1992	Feb.	78	ACG-17 Vr. 17 A/c No. 1	720.00	"	"	"
	March	18	ACG-17 Vr. 24	720.00	"	"	"
	April	2	ACG-17 Vr. 14 A/c No. 8	80.00	"	"	"
	Sept.	25	ACG-17 Vr. 6 A/c No. 26	1000.00	"	"	"
	Oct.	26	ACG-17 Vr. 24 A/c No. 27	1000.00	"	"	"

SIGNATURE OF THE COMMITTEE MEMBERS:

  
(Sankar Das)  
SDE(RRC/GH)

  
(M.R. Choudhury)  
Sr. A.O. Cash

  
(J.R. Das)  
D.E. (P&A) 91

Continued to Page

-86-  
ANNEXURE "C" (Page-2)

STATE PARTICULARS FROM THE DATE OF INITIAL ENGAGEMENT

NAME OF THE APPLICANT: DILIP NATH  
CAMP: MAZDOOR

Page 2

YEAR	Month	No of days	MODE OF PAYMENT I.e. MASTER ROLL / A/C-17. PARTICULARS I.e. VOUCHER NOS.	AMOUNT	ENGAGED BY WHOM	BILLING/ PASSING AUTHORITY	NAME: A.S. WH HAS PA
1993	January	1	ACH-17 Vr-17 A/C No. 31	40.00	S DOT/KRM	TDE/SC	A.S. WH
	"	15	" Vr-22 A/C No. 31	600.00	S DOT/KRM	"	"
	March	18	" Vr-11 A/C No. 47	720.00	"	"	"
	April	1	" Vr-25(10) A/C No. 4	40.00	"	"	"
	"	1	" Vr-25(10) A/C No. 4	40.00	"	"	"
	April	1	" Vr-9 A/C No. 8	40.00	"	"	"
	May	12	" Vr-52 A/C No. 8	480.00	"	"	"
	July	16	" Vr-5 A/C No. 18	1000.00	"	"	"
	"	2	" Vr-7 A/C No. 20	80.00	"	"	"
	"	7	" Vr-5 A/C No. 18	80.00	"	"	"
	Nov.	6	" Vr-6 A/C No. 31	240.00	"	"	"
	"	2	" Vr-12 A/C No. 35	80.00	"	"	"
	"	2	" Vr-20 A/C No. 35	80.00	"	"	"
	"	2	" Vr-21 A/C No. 35	80.00	"	"	"
	"	2	" Vr-26 A/C No. 35	80.00	"	"	"
	Dec.	6	" Vr-7 A/C No. 35	240.00	"	"	"
1994	Feb	26	" Vr-4 A/C No. 44	1170.00	"	"	"
	March	18	" Vr-11 A/C No. 48	720.00	"	"	"
	April	24	" Vr-3 A/C No. 4	1080.00	"	"	"
	June	19	" Vr-13 A/C No. 12	855.00	"	"	"

SIGNATURE OF THE COMMITTEE MEMBERS:

*(Sankar Das)*  
SDE(RRC/GH)  
(Circle Office Member)

*(M.R. Choudhury)*  
Sr. A.O. Cash  
O/O the GMT/SC

*(Dipak)*  
D.E. (P&A)  
O/O the GMT/SC

87

ANNEXURE "C" (Page-2)

128  
135

**ENGAGEMENT PARTICULARS FROM THE DATE OF INITIAL ENGAGEMENT**

NAME OF THE APPLICANT: DILIP NATH

Page 3

CASUAL MAZDOOR

YEAR	Month	No of days	MODE OF PAYMENT i.e. MASTER ROLL / ACG-17. PARTICULARS i.e. VOUCHER NOS.	AMOUNT	ENGAGED BY WHOM	BILLING/ PASSING AUTHORITY	NAME A.O. WORK HAS P/
1994	July	22	ACG-17. V-14 A/C NO. 18	990.00	SDOT/KRM	TDE/SC	A.C. NO.
	Sept.	20	" V-4 A/C NO. 21	900.00	"	"	"
	Oct.	24	" V-19 A/C NO. 31	1080.00	"	"	"
	Nov.	25	" V-18 A/C NO. 35	1230.00	"	"	"
1995	January	11	" V-20 A/C NO. 40	715.00	SDOT/KRM	"	"
	"	14	" V-7 A/C NO. 42	800.00	SDOT/KRM	"	"
	Feb	11	" V-28 A/C NO. 114	715.00	SDOT/KRM	"	"
	March	12	" V-45	600.00	"	"	"
	July	15	" V-12 A/C NO. 3	675.00	JTD(T)/KRM	"	"
	Aug.	10	" V-27(19) A/C NO. 20	450.00	SDOT/KRM	"	"
	Sept.	20	" V-21 A/C NO. 24	900.00	"	"	"
1996	January	20	" V-62 A/C NO. 40	900.00	"	TDM/SC	"
	April	2	" V-14 A/C NO. 2	100.00	"	"	"
	"	3	" V-4(1) A/C NO. 4	135.00	"	"	"
	"	2	" V-6(1) A/C NO. 4	90.00	"	"	"
	"	2	" V-13(1) A/C NO. 4	90.00	"	"	"
	"	2	" V-13(2) A/C NO. 4	90.00	"	"	"
	"	3	" V-17(1) A/C NO. 4	135.00	"	"	"
	"	2	" V-17(2) A/C NO. 11	90.00	"	"	"

SIGNATURE OF THE COMMITTEE MEMBERS:

Sankar Das  
(Sankar Das)  
SDE(RRC/GH)

M. R. Choudhury  
(M.R. Choudhury)  
Sr. A.O. Cash

Jyoti  
(Jyoti)  
D.E. (P&A)

ANNEXURE "C" (Page-2)  
ENGAGEMENT PARTICULARS FROM THE DATE OF INITIAL ENGAGEMENT.

NAME OF THE APPLICANT: DILIP NATH  
CASUAL MAZDOOR

Page 4

YEAR	Month	No of days	MODE OF PAYMENT I.e. MASTER ROLL / ACG-17. PARTICULARS I.e. VOUCHER NOS.	AMOUNT	ENGAGED BY WHOM	BILLING/ PASSING AUTHORITY	NAME C A.O. WH HAS PAI
1996	May	3	ACG-17 Vr. 5 A/c no. 6	135.00	SDOT/KRM	TAM/SC	A.G. Gosh
	"	2	" Vr. 10 A/c no. 6	90.00	"	"	"
	Oct.	2	" Vr. 75 A/c no. 24	140.00	"	"	"
	Oct.	2	" Vr. 71 A/c no. 27	140.00	"	"	"
	Nov.	2	" Vr. 59 A/c no. 32	140.00	"	"	"
	"	2	" Vr. 86 A/c no. 32	140.00	"	"	"
	"	2	" Vr. 76 A/c no. 32	140.00	"	"	"
	"	2	" Vr. 96 A/c no. 32	140.00	"	"	"
	"	2	" Vr. 90 A/c no. 32	140.00	"	"	"
	"	2	" Vr. 104 A/c no. 32	140.00	"	"	"
1997	Aug.	3	" Vr. 2 A/c no. 20	150.00	"	"	"
	Sept.	2	" Vr. 1 A/c no. 23	100.00	"	"	"
	"	2	" Vr. 1 A/c no. 24	100.00	"	"	"

SIGNATURE OF THE COMMITTEE MEMBERS:

(Sankar Das)

memorandum 9/6/24  
(M.R. Choudhury)  
Sr. A (1) Cash

*[Signature]*  
(J.C. Paul)  
D.E. (P&A)



129  
BX

[illegible]

(Sankar Das)  
SDE(NRC/GH)

M. R. Choudhury  
 Sr. A.O. Cash

*[Signature]*  
(I.B. Pruthi)  
D.E. (P&A) *[Initials]*

28

O/O the G. I. Tele. N.Y.  
STCHAR - 7401

SRI NRIPENDRA DAS.

141/98

Late Ganesha Chandra Das.  
vill. Bakriahwar P.O. Kalinagar  
Dist. Hailakandi.

31.01.1966

32 yrs. 6 months 01 day

17-69-1986

Engaged locally

Helper to the line staff for int  
construction of Telecom. outdoor  
Not in work.

Not in O work

-: Nripendra Ch. Das

Separate Sheet attached.

Not recommended for growth?  
Temporary status.

Not recommended

General Manager Telephon  
BILHAR

9/17/2000  
SP2/SP2/4#

Summery  
Sr AO/SSA C/21C  
(Cash)

DE (P&A)/SS  
DET (P&A)

11

**ANNEXURE "C" (Page-2)**  
**MENT PARTICULARS FROM THE DATE OF INITIAL ENGAGEMENT**

NAME OF THE APPLICANT: **NAIPENDRA DAS.**  
**CASUAL MAZDOOR**

YEAR	Month	No of days	MODE OF PAYMENT I.e. MASTER ROLL / ACG-17. PARTICULARS I.e. VOUCHER NOS.	AMOUNT	ENGAGED BY WHOM	BILLING/ PASSING AUTHORITY	NAME A.O. W HAS P.
1986	Sept.	1	ACG-17 $\frac{Vr-67(16)}{A/C No. 4}$	17.00	AEW/HFL	DET/SC.	Asst. Cash
1987	Oct.	16	ACG-17 A/c no 4	272.00	COT/SC	"	"
1987	Nov.	30	ACG-17 A/c no. 6	510.00	COT/SC.	"	"
"	DEC	31	ACG-17 A/c no. 8	527.00	SOT/SC.	"	"
1988	January	31	$\frac{Vr-4}{A/C No. 10}$	527.00	COT/SC.	"	"
1988	Feb.	8	ACG-17 $\frac{Vr-7}{A/C No. 12}$	136.00	SOT/SC	"	"
1993	Oct.	12	ACG-17 $\frac{Vr-10}{A/C No. 19}$	480.00	"	"	"
	Dec.	20	ACG-17 $\frac{Vr-18}{A/C No. 35}$	800.00	"	"	"
1994	Feb.	25	ACG-17 $\frac{Vr-13}{A/C No. 46}$	1125.00	SOT/KRM	"	"
	March	18	ACG-17 $\frac{Vr-5}{A/C No. 48}$	720.00	"	"	"
	May	19	ACG-17 $\frac{Vr-19}{A/C No. 7}$	855.00	"	"	"
	May	7	ACG-17 $\frac{Vr-7}{A/C No. 11}$	315.00	"	"	"
1994	June	17	ACG-17 $\frac{Vr-7}{A/C No. 11}$	765.00	"	"	"
1995	March	17	ACG-17 $\frac{Vr-48}{A/C No. 39}$	850.00	"	"	"
1995	NOV.	1	ACG-17 $\frac{Vr-8(1)}{A/C No. 39}$	40.00	"	"	"
1995	DEC.	1	ACG-17 $\frac{Vr-8(3)}{A/C No. 39}$	40.00	"	"	"

**SIGNATURE OF THE COMMITTEE MEMBERS:**

*(Sankar Das)*  
 SDE(RRC/GH)

*(M.R. Choudhury)*  
 Sr. A.O. Cash

*(I.B. Paul)*  
 D.E. (P&A)







-94-  
GOVERNMENT OF INDIA  
DEPARTMENT OF TELECOMMUNICATIONS  
OFFICE OF THE GENERAL MANAGER TELECOM SILCHAR  
SILCHAR SSA :: SILCHAR

ANNEXURE 21 (BY)  
(Series)

No. E-20/TSM Regularisation/SC/04

Dated at Silchar, the 26 - 09 - 2000

To

✓ Sri Sashanka Kr. Das.  
S/o Sri Suresh Ch. Das.  
✓ 111.2 P.O. Katigorah  
Dist. Cachar.

Sub: - Grant of Temporary Status Mazdoor.

Ref: - Hon'ble CAT/Guwahati order dtd. 31.8-99 in OA No. 141/98

With reference to the above, you are hereby intimated that as per the instructions of the Hon'ble CAT/Guwahati in the case in OA No. referred above, your engagement particulars were thoroughly scrutinized and examined by a committee in consultation with the records. The committee was formed in this SSA as per the instructions of CGMT, Assam Circle, Guwahati vide Memo No. Estt-9/12/PART-1/23 dtd. the 28-03-2000.

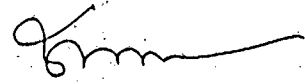
The committee after through scrutiny and examination of records submitted its report to the undersigned.

As per the said committee report, you were not found eligible for conferment of Temporary Status Mazdoor under any scheme or order of DOT, including one time relaxation given by Telecom Commission vide order dt. 12-02-1999, on the basis of your engagement records, as you did not fulfil the minimum eligibility criteria i.e.

- 1) You did not complete 240 days work in Department of Telecom. in any calendar year preceeding 01-08-1998.
- 2) You were not in engagement as on 01-08-1998.

The committee did not recommend your name for conferment of Temporary Status Mazdoor.

Under the circumstances stated above, your request for granting Temporary Status Mazdoor cannot be acceded to and as such your representation stands, disposed of.

  
General Manager Telecom  
Silchar SSA :: Silchar.

General Manager Telecom  
SILCHAR



- 95 -

1385

143

GOVERNMENT OF INDIA  
DEPARTMENT OF TELECOMMUNICATIONS  
OFFICE OF THE GENERAL MANAGER TELECOM SILCHAR  
SILCHAR SSA :: SILCHAR

No. E-20/TSM Regularisation/SC/04

Dated at Silchar, the 26-09-2000

To

Sri Amorish Das.

S/o Late Harmohan Das.

W.H. Bakrihawan Pt. VII

P.O. Kalinagar. Dist. Hailakandi

Sub: - Grant of Temporary Status Mazdoor.

Ref: - Hon'ble CAT/Guwahati order dtd. 31.8.99 in OA No. 141/98

With reference to the above, you are hereby intimated that as per the instructions of the Hon'ble CAT/Guwahati in the case in OA No. referred above, your engagement particulars were thoroughly scrutinized and examined by a committee in consultation with the records. The committee was formed in this SSA as per the instructions of CGMT, Assam Circle, Guwahati vide Memo No. Estt-9/12/PART-1/23 dtd. the 28-03-2000.

The committee after through scrutiny and examination of records submitted its report to the undersigned.

As per the said committee report, you were not found eligible for conferment of Temporary Status Mazdoor under any scheme or order of DOT, including one time relaxation given by Telecom Commission vide order dt. 12-02-1999, on the basis of your engagement records, as you did not fulfil the minimum eligibility criteria i.e.

- 1) You did not complete 240 days work in Department of Telecom. in any calendar year preceeding 01-08-1998.
- 2) You were not in engagement as on 01-08-1998.

The committee did not recommend your name for conferment of Temporary Status Mazdoor.

Under the circumstances stated above, your request for granting Temporary Status Mazdoor cannot be acceded to and as such your representation stands, disposed of.

General Manager Telecom  
Silchar SSA :: Silchar.

General Manager Telecom  
SILCHAR



96

136  
147

GOVERNMENT OF INDIA  
DEPARTMENT OF TELECOMMUNICATIONS  
OFFICE OF THE GENERAL MANAGER TELECOM SILCHAR  
SILCHAR SSA :: SILCHAR

No. E-20/TSM Regularisation/SC/04

Dated at Silchar, the 26-09

To

✓  
Sri Md. Sahab Uddin Mazar Bhuiyan.  
s/o Md. Mosaraf Ali Mazar Bhuiyan.  
vill. K.P.O. Latimara P.S. Katigorah.  
Dist. Cachar.

Sub: - Grant of Temporary Status Mazdoor.

Ref: - Hon'ble CAT/Guwahati order dtd. 31.8.99 in OA No. 141/98

With reference to the above, you are hereby intimated that as per the instruction of the Hon'ble CAT/Guwahati in the case in OA No. referred above, your engagement papers were thoroughly scrutinized and examined by a committee in consultation with the record committee was formed in this SSA as per the instructions of CGMT, Assam Circle, Guwahati. Memo No. Estt-9/12/PART-1/23 dtd. the 28-03-2000.

The committee after through scrutiny and examination of records submitted to the undersigned.

As per the said committee report, you were not found eligible for conferment of Temporary Status Mazdoor under any scheme or order of DOT, including one time relaxation by Telecom Commission vide order dt. 12-02-1999, on the basis of your engagement record you did not fulfil the minimum eligibility criteria i.e.

- 1) You did not complete 240 days work in Department of Telecom. in any calendar year preceeding 01-08-1998.
- 2) You were not in engagement as on 01-08-1998.

The committee did not recommend your name for conferment of Temporary Status Mazdoor.

Under the circumstances stated above, your request for granting Temporary Status Mazdoor cannot be acceded to and as such your representation stands, disposed of.

General Manager Telecom  
Silchar SSA :: Silchar





132  
145

- 97 -  
GOVERNMENT OF INDIA  
DEPARTMENT OF TELECOMMUNICATIONS  
OFFICE OF THE GENERAL MANAGER TELECOM SILCHAR  
SILCHAR SSA :: SILCHAR

No. E-20/TSM Regularisation/SC/04

Dated at Silchar, the 26 - 09

To

✓ Sri Samsul Haque  
s/o Md. Motiur Rahman  
vill - Lattimara P.O. Lattimara  
Dist. - Cachar

Sub: - Grant of Temporary Status Mazdoor.

Ref: - Hon'ble CAT/Guwahati order dtd. 31.8-99 in OA No. 141/98

With reference to the above, you are hereby intimated that as per the instruction the Hon'ble CAT/Guwahati in the case in OA No. referred above, your engagement part were thoroughly scrutinized and examined by a committee in consultation with the record committee was formed in this SSA as per the instructions of CGMT, Assam Circle, Guwahati Memo No. Estt-9/12/PART-1/23 dtd. the 28-03-2000.

The committee after through scrutiny and examination of records submitted its report to the undersigned.

As per the said committee report, you were not found eligible for conferment of Temporary Status Mazdoor under any scheme or order of DOT, including one time relaxation by Telecom Commission vide order dt. 12-02-1999, on the basis of your engagement record you did not fulfil the minimum eligibility criteria i.e.

- 1) You did not complete 240 days work in Department of Telecom. in any calendar year preceeding 01-08-1998.
- 2) You were not in engagement as on 01-08-1998.

The committee did not recommend your name for conferment of Temporary Status Mazdoor.

Under the circumstances stated above, your request for granting Temporary Status Mazdoor cannot be acceded to and as such your representation stands, disposed of.

*Gm*



98

138

146

GOVERNMENT OF INDIA  
DEPARTMENT OF TELECOMMUNICATIONS  
OFFICE OF THE GENERAL MANAGER TELECOM SILCHAR  
SILCHAR SSA :: SILCHAR

No. E-20/TSM Regularisation/SC/04

Dated at Silchar, the 26 - 09

To

✓ Sri Dilip Nath  
s/o Late Rajendra Chandra Nath  
Vill - Mohanpur P.O. Katirail  
Dist. Cachar

Sub: - Grant of Temporary Status Mazdoor.

Ref: - Hon'ble CAT/Guwahati order dtd. 31.8.99 in OA No. 141/98

With reference to the above, you are hereby intimated that as per the instruction the Hon'ble CAT/Guwahati in the case in OA No. referred above, your engagement par were thoroughly scrutinized and examined by a committee in consultation with the record committee was formed in this SSA as per the instructions of CGMT, Assam Circle, Guwahati Memo No. Estt-9/12/PART-1/23 dtd. the 28-03-2000.


The committee after through scrutiny and examination of records submitted it to the undersigned.

As per the said committee report, you were not found eligible for conferment of Temporary Status Mazdoor under any scheme or order of DOT, including one time relaxation by Telecom Commission vide order dt. 12-02-1999, on the basis of your engagement record you did not fulfil the minimum eligibility criteria i.e.

- 1) You did not complete 240 days work in Department of Telecom. in any calendar year preceeding 01-08-1998.
- 2) You were not in engagement as on 01-08-1998.

The committee did not recommend your name for conferment of Temporary Status Mazdoor.

Under the circumstances stated above, your request for granting Temporary Status Mazdoor cannot be acceded to and as such your representation stands, disposed of.

  
General Manager Telecom  
Silchar SSA :: Silchar



- 99 - 139 147

GOVERNMENT OF INDIA  
DEPARTMENT OF TELECOMMUNICATIONS  
OFFICE OF THE GENERAL MANAGER TELECOM SILCHAR  
SILCHAR SSA :: SILCHAR

No. E-20/TSM Regularisation/SC/04

Dated at Silchar, the 26 - 05

To

✓ Sri Nrisendra Das.  
S/o Late Ganesh Ch. Das.  
vill - Bakriharwar.  
P.O. - Kalinagar Dist. Hailakandi

Sub: - Grant of Temporary Status Mazdoor.

Ref: - Hon'ble CAT/Guwahati order dtd. 31.8.99 in OA No. 141/98

With reference to the above, you are hereby intimated that as per the instructions of the Hon'ble CAT/Guwahati in the case in OA No. referred above, your engagement papers were thoroughly scrutinized and examined by a committee in consultation with the records committee. A committee was formed in this SSA as per the instructions of CGMT, Assam Circle, Guwahati. Memo No. Estt-9/12/PART-1/23 dtd. the 28-03-2000.


The committee after thorough scrutiny and examination of records submitted its report to the undersigned.

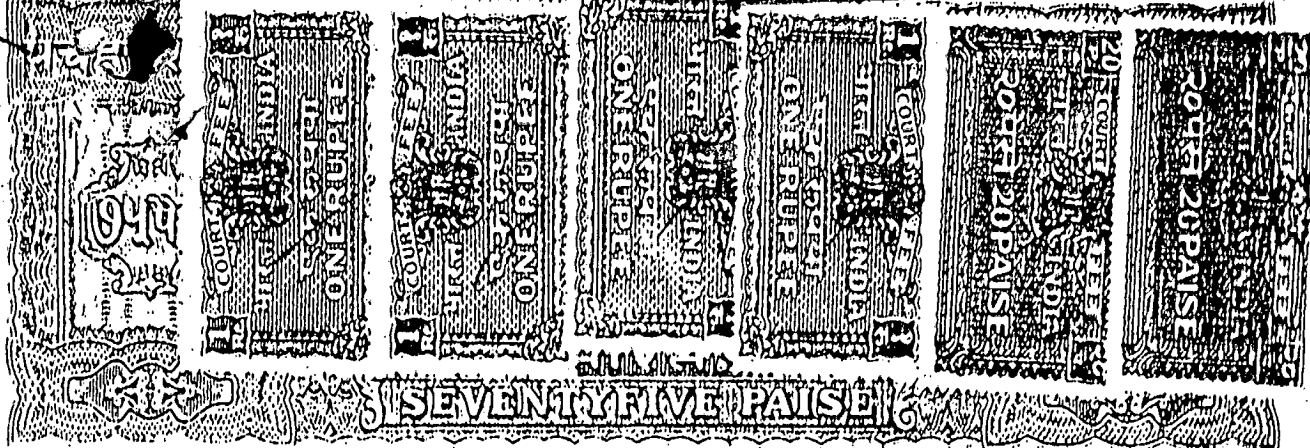
As per the said committee report, you were not found eligible for conferment of Temporary Status Mazdoor under any scheme or order of DOT, including one time relaxation by Telecom Commission vide order dt. 12-02-1999, on the basis of your engagement records you did not fulfil the minimum eligibility criteria i.e.

- 1) You did not complete 240 days work in Department of Telecom. in any calendar year preceeding 01-08-1998.
- 2) You were not in engagement as on 01-08-1998.

The committee did not recommend your name for conferment of Temporary Mazdoor.

Under the circumstances stated above, your request for granting Temporary Mazdoor cannot be acceded to and as such your representation stands, disposed of.

  
General Manager Telecom  
Silchar SSA :: Silchar.



मिति के लिए आवेदन की तारीख Date of application for the copy.	टाम्प और फोटो की उपस्थिति रखना चाहिए तारीख की तारीख Date fixed for notifying the requisite number of stamps and folio.	अपेक्षित टाम्प और फोटो की तारीख Date of delivery of the requisite stamps and folio.	तारीख, जबकि देने के लिए प्रतिलिपि तैयार थी Date on which the copy was ready for delivery.	आवेदन को प्रतिलिपि देने की तारीख Date of making over the copy to the applicant.
3.1.2002	4.1.2002	8.1.2002	9.1.2002	9.1.2002

IN THE GAUHATI HIGH COURT  
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM, MANIPUR, TRIPURA,  
MIZORAM AND ARUNACHAL PRADESH)  
W.P.C. NO. 9677/2001.

Bharat Sanchar Nigam Limited, through the Chief General Manager/ BSNL.  
.. Applicant.

-Vs-

- Shri Sachanka Kr. Das,  
son of Shri Suresh Ch Das, vill & P.O. Katigorah,  
Dist. Cachar.
- Shri Amaresh Das, son of Late Harmohan Das, vill- Bakrihawar  
Pt. VII, P.O. Kalinagar, Dist- Hailakandi.
- Md. Sahabuddin Mazabhuiya, son of Md. Mesaraf Ali  
Mazarbhuiya, vill & P.O. Latimara, P.S. Katigorah,  
Dist- Cachar.
- Md. Samsul Haque, son of Md. Motiur Rahman, vill- Latimara  
P.O. Lattimara, Dist- Cachar.
- Shri Dilip Nath, son of Late Rajendra Chandra Nath  
vill Mohanpur, P.O. Katirail, Dist- Cachar.
- Shri Nripendra Das, son of Late Ganesh Ch Das,  
vill Bakrihawar, P.O. Kalinagar, Dist- Hailakandi.

.. Respondents.

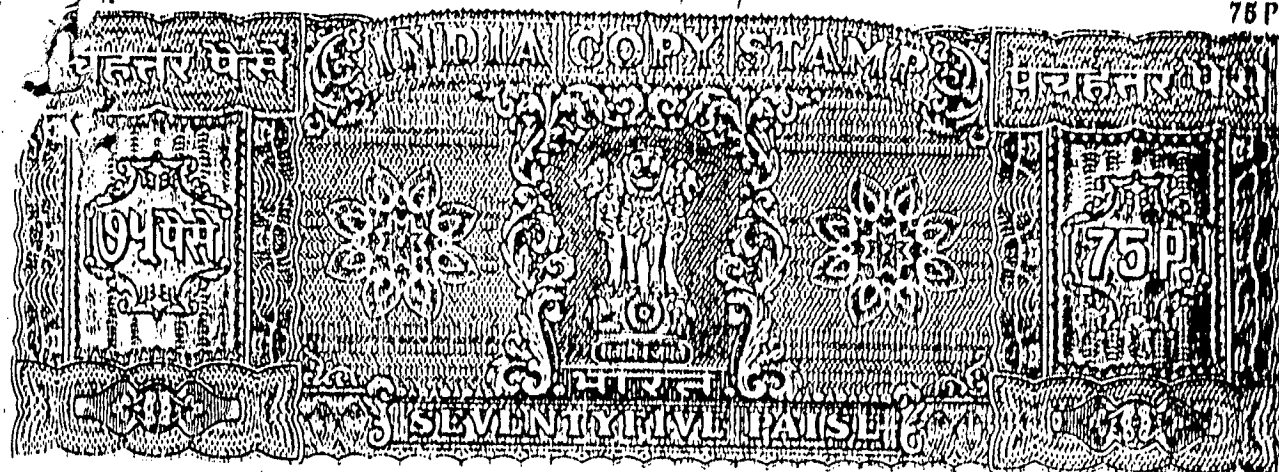
PRESENT:

THE HON'BLE MR. JUSTICE AK PATNAIK,  
THE HON'BLE MR. JUSTICE D. BISWAS,

For the petitioner :- Mr. Bipul Sarma, Addl. CGSC.  
For the respondents:-

Date: 21.12.2001. ORDER  
Heard Mr. B. Sarma, the learned Addl. CGSC. Contd..2/-

147  
149



प्रतिनिधि के लिए आवेदन की तारीख Date of application for the copy.	स्टाम्प और फोलियो की अपेक्षित संख्या सूचित करने की तिथि तारीख Date fixed for notifying the requisite number of stamps and folios.	अपेक्षित स्टाम्प और फोलियो देने की तारीख Date of delivery of the requisite stamps and folios.	तारीख, जबकि देने के लिए प्रतिनिधि तैयार थी Date on which the copy was ready for delivery.	आवेदक को प्रतिनिधि देने की तारीख Date of making over the copy to the applicant.

-2-

Mr. Sarma submitted that none of the respondents have put in 240 days of continuous service and for this reason their case for granting temporarily status was rejected by the order dated 26.9.2000 annexed with writ petition as Annexure-E Series and yet the Tribunal has held that the respondents have put in 240 days of continuous work.

Let a notice issue calling upon the respondents to show cause as to why a rule should not be issued as prayed for or why such other further orders should not be passed as to this court may deem fit and proper.

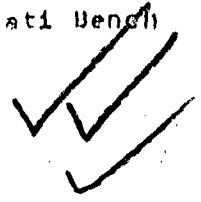
Notice is made returnable within one month. Steps by registered post within 7 days.

The prayer for interim relief shall be considered after notice.

In the meanwhile the impugned judgment and order dated 30.3.2001 of the Central Administrative Tribunal, Guwahati Bench in O.A. No. 408/2000 shall remain stayed.

Sd/-D. BISWAS,  
JUDGE.

Sd/-A.K. PATNAIK,  
JUDGE.



Received by	6/9/2002
Place	
Page	8/1
Case	

CERTIFIED TO BE TRUE COPY  
Date 11/9/2002  
Superintendent (Copying Section)  
Garhwal High Court  
Authorised U/s 76, Act I, 1872

11/9/2002